

THE CORPORATION OF THE CITY OF DRYDEN

BY-LAW NUMBER 2025-1

A By-law Respecting Administration and Enforcement of the *Building Code Act*

Whereas Section 7 of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, empowers Council to pass By-laws respecting classes of permits for construction, demolition, occupancy, change of use and conditional permits and respecting inspections and the charging or refunding of permit fees and penalties;

And whereas, Section 35 of the *Building Code Act*, S.O. 1992, c.23, as amended, provides that the *Building Code Act*, 1992 and the Ontario Building Code supersede all municipal by-laws respecting the construction or demolition of buildings;

And whereas, Section 3(1) of the *Building Code Act*, S.O. 1992, c.23, as amended, provides that the Council of each municipality is responsible for the enforcement of the *Building Code Act*, 1992 in the municipality, except as otherwise provided in the *Act*;

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

And whereas, Section 391 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it, and for costs payable by it for service or activities provided or done by or on behalf of it, and that the costs included in a fee or charge may include costs incurred by the municipality related to administration and enforcement;

Now therefore the Council of The Corporation of the City of Dryden enacts as follows:

1. SHORT TITLE

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

2. DEFINITIONS AND WORD USAGE

In this By-law:

- (1) (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;
- (c) **"applicable law"** means applicable law as defined in the Ontario Building Code;
- (d) **"applicant"** means the owner of a building or property who applies for a permit or any person authorized in writing 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 authority of such person or corporation.
- (e) **"architect"** means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the Ontario Building Code;
- (f) **"as constructed plans"** means as constructed plans as defined in the Ontario Building Code;
- (g) **"building"** means a building as defined in Section 1(1) of the *Act*;
- (h) **"Chief Building Official"** means the Chief Building Official appointed by By-law of The Corporation of the City of Dryden for the purposes of enforcement of the *Act*;

- (i) **"construct"** means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning;
 - (j) **"Corporation"** means The Corporation of the City of Dryden;
 - (k) **"demolish"** means to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning;
 - (l) **"farm building"** means a farm building as defined in the Ontario Building Code;
 - (m) **"floor area"** means the space on any storey of a building between exterior walls and required firewalls including the space occupied by interior walls and partitions unless otherwise defined herein;
 - (n) **"gross floor area"** means the total floor area of all stories including stories below the first storey;
 - (o) **"Ontario Building Code"** means the regulations made under Section 34 of the *Act*.
 - (p) **"owner"** means the registered owner of the property, a lessee, tenant mortgagee in possession, or person otherwise in charge of the property and acting as the authorized agent of the owner;
 - (q) **"permit"** means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the *Act*, or to change the use of a building or part of a building or parts thereof as regulated by the *Act* and, in the case of an occupancy permit, to occupy any building or part thereof;
 - (r) **"permit holder"** means the owner who has been issued or, where the permit has been transferred, the transferee, and shall be the person who assumes the primary responsibility for complying with the *Act* and the Ontario Building Code;
 - (s) **"plumbing"** means plumbing as defined in Section 1(1) of the *Act*;
 - (t) **"professional engineer"** means a person who holds a license or a temporary license under the Professional Engineer's Act, as defined in the Ontario Building Code;
 - (u) **"project value"** means the value of the building project as shown on contract documents; the sum of the cost of all components of the proposed work, including labour, material, equipment, overhead and professional fees; or the value placed on the work by the Chief Building Official;
 - (v) **"registered code agency"** means an agency registered in accordance with the *Act* and the Ontario Building Code;
 - (w) **"sewage system"** means a sewage system as defined under the definition of "building" in Section 1(1) of the *Act*;
 - (x) **"storage garage"** means a building or part of a building that is intended for the storage or parking of motor vehicles and that contains no provision for the repair or servicing of motor vehicles.
 - (y) **"urban service boundary"** means areas where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are in place or are identified in the capital improvement plan.
- (2) Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the Ontario Building Code.

3. CLASSES OF PERMITS

- (1) Classes of permits with respect to the construction, demolition, conditional, change of use, structural signs and occupancy permits for buildings and permit fees shall be as set out in Schedule "A" appended to and forming part of this By-law.
- (2) Plumbing shall be considered as construction and unless performed separately shall be included as part of the applicable class of permit as set out in Schedule "A" appended to and forming part of this By-law.

4. PERMITS

- (1) To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing the provincially prescribed form available from the Chief Building Official, City Hall, City of Dryden website or from the Ministry of Municipal Affairs website www.mah.gov.on.ca and shall supply any other information relating to the application as required by the Chief Building Official.
- (2) Every application for a permit shall be submitted to the Chief Building Official and contain the following general information, in order for said application to be considered as complete:
 - (a) Identify and describe in detail the work to be covered by the permit for which the application is made;
 - (b) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - (c) In the case of land in respect of which no accepted area or subdivision grading plan has been filed with the Municipality located within the urban service boundary, a lot grading plan bearing the signature and seal of a Professional Engineer, or a Landscape Architect or an Ontario Land Surveyor who certifies that the drainage scheme proposed will be compatible with the existing drainage patterns;
 - (d) Include complete plans and specifications as described in Schedule "C," for the work to be covered by the permit and show the occupancy of all parts of the building;
 - (e) State the project value of the proposed work in the field as required;
 - (f) State the names, addresses and contact information of the owner, Architect, Engineer or other designer or constructor as applicable;
 - (g) Be accompanied by a written acknowledgment of the Architect and/or Engineer(s) that they have been retained to carry out the field review of the construction where required by the Ontario Building Code, and;
 - (h) Be signed by the owner who shall certify the truth of the contents of the application.
- (3) Where the application is made for a **construction permit** under Subsection 8(1) of the *Act*, the application 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 Div C, Part 1, Section 1.3 of the Ontario Building Code and as described in Section 4.(2) and Schedule "C" of this By-law for the work to be covered by the permit and show the occupancy of all parts of the building;
 - (c) state the valuation of the proposed work including materials and labour and be accompanied by the required fee as calculated in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T;"

- (d) when Subsection 1.2.2. Division C of the Ontario Building Code applies, be accompanied by a signed acknowledgment of the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
 - (e) when Subsection 1.2.2 Division C of the Ontario Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Chief Building Official, undertaking to provide general review of the construction or demolition of the building;
 - (f) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranty Plan Act;
 - (g) include, where applicable, the municipal business license number(s) of the builder, plumber, electrician, gas fitter, sheet metal worker, chimney builder or heating, air conditioning and ventilation contractor;
 - (h) include, where applicable, copies of all other permits required by other authorities having jurisdiction; and
 - (i) be signed by the owner or his or her authorized agent who shall certify as to the truth of the content of the application.
- (4) Where a **partial permit** under Subsection 8(1) of the *Act* may be appropriate, in the sole discretion of the Chief Building Official, where the construction authorized by the permit complies with the *Act*, the Ontario Building Code and other applicable laws. The application 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 Article 1.3.1.3. Division C of the Ontario Building Code and as described in this Section 4.(2) and Schedule "C" of this By-law covering the portion of the work for which immediate approval is desired;
 - (c) contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
 - (d) state the time in which plans and specifications for the complete building will be filed with the Chief Building Official; and
 - (e) be accompanied by the fees applicable to the complete project as calculated in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T."
- (5) Where application is made for a **demolition permit** under Subsection 8(1) of the *Act*, the application 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 Article 1.3.1.3. Division C of the Ontario Building Code and as described in Section 4.(2) and Schedule "C" and "D" of this By-law for the work to be covered by the permit;
 - (c) be accompanied by satisfactory proof with the application that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone, cable or other utilities and services; and

- (d) be accompanied by the required fee as calculated in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T;"
- (6) Where application is made for a **conditional permit** under Section 8(3) of the *Act*, the application 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 Article 1.3.1.3. Division C of the Ontario Building Code and as described in this Section 4.(2) and Schedule "C" of this By-law for the work to be covered by the permit;
 - (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit were not granted;
 - (d) state necessary approvals which must be obtained in respect of the proposed building, the time in which such approvals will be obtained and;
 - (e) be accompanied by the required fees as applicable for the complete project as calculated in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T;" and
 - (f) state the time in which plans and specifications for the complete building will be filed with the Chief Building Official.
- (7) Where application is made for a **change of use permit** under Section 10(1) of the *Act*, the application shall:
- (a) describe the building or part thereof in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - (b) identify and describe in detail the previous or, if occupied, the current occupancies and the proposed occupancies of the building or part of a building for which the application is made, identifying if an increase in hazard results as may be determined under Division C Article 1.3.1.4. of the Ontario Building Code and Section 10.(1) of the *Act* even if no construction is proposed;
 - (c) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Ontario Building Code, including floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance rating and load bearing capacities, and details of the existing sewage system, if any;
 - (d) be accompanied by the required fee as calculated in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T;"
 - (e) state the name, address, and phone number of the owner; and;
 - (f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (8) Where an application for a permit or for authorization to make a material change to a plan, specification, document, or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the *Act* is requested, the following information shall be provided:
- (a) a description of the proposed material, system or building design for which authorization under Section 9 of the *Act* is requested;

- (b) any applicable provisions of the Ontario Building Code;
 - (c) evidence that the proposed material, system or building design will provide the level of performance required by Division B of the Ontario Building Code with respect to the objectives and the functional statement attributes in the Supplementary Standards;
 - (d) Documentation described in Division C, Part 2, Subsection 2.1.1. and such other information or documentation as may be required by the Chief Building Official.
- (9) Where an application for a permit requires a **sewage system** permit under Section 8 of the *Act*, the application shall include:
- (a) a copy of the sewage system permit as issued by the Northwestern Health Unit.
- (10) The Chief Building Official may, where conditions in Subsections 8.(3) to 8.(5) of the *Act* and subsection (6) above have been fulfilled, issue a conditional permit for a building subject to compliance with the *Act*, the Ontario Building Code, any applicable law, and the signing of an agreement by the applicant to restore the property to its original condition in the event that the imposed conditions are not met within the time limit set out in said agreement.
- (11) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under subsections (4) and (6) be under any obligation to grant any further permit or permits thereafter.
- (12) Where an application is made for a **structural sign permit** the application must contain and be in compliance with the structural requirements for signs contained in Section 3.15 of the Ontario Building Code.
- (13) Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.
- (14) Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and if so deemed, notice thereof shall be given to the applicant.

5. REVISION TO PERMIT

After the issuance of a permit under the *Act*, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without his or her written authorization. **Substantial changes may constitute a revised submission, and additional fees would be charged** in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T."

6. PLANS AND SPECIFICATIONS

- (1) Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use will conform with the *Act*, the Ontario Building Code, and any other applicable law.
- (2) Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two **(2) complete sets of plans, consisting of 1 hard copy and one digital copy**, specifications, documents, and other information required to be furnished with an application for permit having regard for the requirements of any *Act*, regulation or By-law respecting the examination or circulation of the application.
- (3) Hardcopy plans shall be drawn to scale upon paper or other suitable durable material, shall be legible and, without limiting the generality of the foregoing, shall include such

working drawings as set out in Schedule "C" to this By-law unless otherwise specified by the Chief Building Official.

- (4) The granting of a permit, the review of the drawings and specifications or inspections made by the Chief Building Official shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this bylaw and the Ontario Building Code, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of this bylaw and the Ontario Building Code.
- (5) Except where exempted under the Ontario Building Code, all plans upon which the construction is proposed shall be by a designer registered or qualified as required by the *Act* and the Ontario Building Code and where required by Div C, Part 3 of the Ontario Building Code the designer(s) shall be registered or qualified professional engineers and/or architects.

7. THE SITE PLAN

- (1) Site plans shall be referenced to an up-to-date plan of survey certified by a registered Ontario Land Surveyor wherever possible and, when required to demonstrate compliance with the *Act*, the Ontario Building Code or other applicable law, a copy of such survey shall be submitted to the Chief Building Official:
- (2) Site plans shall show:
 - (a) lot size and dimensions of property lines and setbacks to any existing or proposed buildings;
 - (b) existing and finished ground levels or grades;
 - (c) location of septic beds, connections, tanks, and associated equipment, as applicable;
 - (d) existing rights of way, easements, and municipal services; and
 - (e) proposed fire access routes and existing fire hydrant locations as applicable.

8. PAYMENT OF FEES

- (1) The Chief Building Official shall determine the required fees calculated in accordance with the City of Dryden Fees and Charges By-law for the work proposed and the applicant shall pay such fees. No permit shall be issued until the applicable fees thereof have been paid in full.
- (2) Where the 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 Section 8(3) of the *Act* are based on the gross floor area as defined in this By-law, provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- (3) Where fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of the *Act* are based on the gross floor area.
- (4) Where fees payable in respect of an application are based upon the cost of the proposed work the Chief Building Official may place a valuation on the cost of the proposed work for the purpose of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of the completion of the project, shall submit an audited statement of the actual costs, and where the audited costs are determined to be less than the valuation, the Chief Building Official may issue a partial refund that reflects the difference between the two amounts.

- (5) In the event that a cheque for payment of applicable fees is returned marked "Not Sufficient Funds", (N.S.F.) the permit shall be deemed to have not been issued and any work done pursuant to such permit shall cease forthwith and the permit shall only be re-issued upon receipt of applicable fees in cash or by certified cheque together with payment for any other cost incurred by the municipality as a result of such cheque being returned.
- (6) If work is found to be started before an application has been made or a permit has been issued, a special inspection fee shall be applied in addition to any other fees applicable and shall be calculated in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T", and the applicant shall pay such fees.

9. REFUND OF FEES

- (1) In the case of withdrawal of an application or abandonment of all or a portion of the work or the non-commencement of any project, or the refusal to issue, the Chief Building Official shall determine the amount of paid permit fees, if any, that may be refunded to the applicant if any, in accordance with the City of Dryden's Fees and Charges By-law, Schedule "T".
- (2) Subject to subsection 14 (1)(b), there shall be no refund of permit fees where a permit has been revoked.

10. ALTERNATIVE SOLUTIONS

- (1) Where a proposed material, system or building design differs from the 'acceptable solution' in Division B of the Ontario Building Code, an application for an alternative solution may be made. The following information shall be submitted to the Chief Building Official in support of the alternative solution.
 - (a) Description of the proposed material, system or building design for which an alternative solution is requested.
 - (b) Documentation that the alternative solution will achieve the level of performance required by the applicable acceptable solutions in Division B of the Ontario Building Code in respect to the objectives and functional statements to the applicable acceptable solutions in the Supplementary Standards.
 - (c) Documentation described in Division C, Part 2, Subsection 2.1.1. and such other information or documentation may be required by the Chief Building Official.
 - (d) Each application for consideration of an alternative solution that is applied for after permit issuance or where not associated with a permit application may have a non-refundable fee associated if listed in the City of Dryden's Fees and Charges By-law, Schedule "T."

11. NOTICE REQUIREMENTS FOR INSPECTION

- (1) The owner or an authorized agent shall notify the Chief Building Official at least two (2) complete business days prior to each stage of construction for which notice in advance is required under the Ontario Building Code Division C, Part 1, Clauses 1.3.5.1.(2) (a) to (p).
- (2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.
- (3) Failure to give notice for inspection of each stage of construction for which notice in advance is required under the Ontario Building Code shall be ground for the issuance of an order to uncover at the expense of the permit holder.
- (4) Where a mandatory inspection notice has been given to the Chief Building Official the work shall not be covered until the inspection has been performed or two (2) complete business days excluding the day of notification have passed.

12. FENCING OF CONSTRUCTION OR DEMOLITION

Where, in the opinion of the Chief Building Official, a construction or demolition site presents a hazard to the public, the Chief Building Official may require the owner to erect such fences as the Chief Building Official deems appropriate to the circumstances to prevent unauthorized entry to the site.

- (2) When required by the Chief Building Official a fence shall be erected and maintained enclosing the construction/demolition in accordance with the provisions of this by-law until the hazards are eliminated to the satisfaction of the Chief Building Official.
- (3) Notwithstanding any other by-law, the height of every fence erected in accordance with sentence (1) and this section shall be minimum 1.2 metres and a maximum of 2.4 metres, measured from the adjacent grade around the perimeter of the site.
- (4) Every fence required under this by-law shall be located on the perimeter of the construction/demolition site and shall be constructed as follows:
 - (a) If the fence is of chain link construction, the chain link shall be fastened to a 25mm diameter metal bar which is securely fastened to metal posts at not over 3.0 metres on centre and embedded into the ground to provide a rigid support;
 - (b) If the fence is of wood construction, the exterior face shall be 16mm exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The facing shall be supported by 89mm x 89mm posts spaced at not more than 2.4 metres on centre and embedded into the ground to provide rigid support;
 - (c) If the fence is a snow or plastic mesh type, the fencing shall be securely fastened to metal T-bar posts spaced no more than 1.8 metres on centre and embedded in the ground to provide rigid support;
 - (c) Notwithstanding any other by-law, other types of fencing shall meet the intent of this section and may be approved at the discretion of the Chief Building Official.
- (5) The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the construction/demolition site provided that these openings are closed when the site is unattended.
- (6) Where the Chief Building Official has directed a fence be erected under this section, the owner shall request a site inspection for the confirmation of fence erection, within 24 hours from the time the fence installation has been made; and
- (7) Where work is carried out adjacent to or above property, roads, sidewalks or access to buildings, adequate protection shall be constructed to protect the public and property from hazards or nuisance created by the work.

13. AS CONSTRUCTED PLANS

- (1) On completion of the construction of a building, the Chief Building Official may require a set of "as constructed" plans, including a plan of survey showing the location of the building.
- (2) As constructed plans shall be drawn to scale upon paper or other suitable durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "C" to this By-law unless otherwise specified by the Chief Building Official, or alternatively;
 - (a) at the discretion of the Chief Building Official the as constructed plans may be solely submitted digitally in pdf format via email; or,
 - (b) at the discretion of the Chief Building Official may also be required to be submitted in hardcopy to the attention of the Chief Building Official.

- (3) Plans and specifications furnished according to this By-law or otherwise required by the *Act* become the property of the municipality and shall be disposed of or retained in accordance with relevant legislation.

14. PERMIT REVOCATION, DEFERRAL OF REVOCATION, AND TRANSFER

- (1) Revocation of permit:

The Chief Building Official may revoke any permit:

- (a) If it was issued on mistaken, false, or incorrect information;
- (b) If, six 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 4 (10) has not been complied with.

- (2) Notice:

Prior to revoking a permit under Clause 13 (1)(b) and (c), the Chief Building Official shall give written notice of intention to revoke to the permit holder at the last known address of the applicant and, if on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

- (3) Deferral of Revocation:

- (a) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the Chief Building Official to defer the revocation of such permit.
- (b) 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.
- (c) Having considered the circumstances of the request and having determined that there have been no changes in the *Act* and the Ontario Building 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 permit holder.
- (d) A request for deferral or revocation is subject to a fee in accordance with City of Dryden Fees and Charges By-law.

- (4) Transfer of Permit to New Owner

- (a) Permits are transferable only upon the new owner completing a permit application to the requirements of Section 4, Permits.
- (b) A fee, as prescribed in the City of Dryden's Fees and Charges By-law, Schedule "T," shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the *Act* and the Ontario Building Code.

15. CODE OF CONDUCT FOR BUILDING OFFICIALS

Section 7.1 of the *Building Code Act* requires all municipalities to establish and enforce a Code of Conduct for the Chief Building Official and its inspectors. The Chief Building Official shall be governed by the Code of Conduct as set out in Schedule "E" of this by-law in addition to the provisions of relevant City of Dryden general Code of Conduct and Respect in the Workplace Policies as amended from time to time.

16. CORPORATION USE OF A REGISTERED CODE AGENCY

The Corporation following recommendation by the Chief Administrative Officer or Chief Building Official may appoint a Registered Code Agency pursuant to Subsection 4.1.(1) of the *Act* to provide plans examination and inspection services to the Corporation in circumstances wherein the required service cannot be provided by staff of the Corporation.

- (a) Where a Registered Code Agency is employed a reduced application fee will be levied by the Corporation.
- (b) Where a Registered Code Agency is employed, the applicant shall pay the agency such reasonable fees as are required by the agency in regard to the work to be performed.
- (c) The Corporation may delegate the authority to appoint a Registered Code Agency to the Chief Building Official.

17. SEVERABILITY

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.

18. INTERPRETATION

- (1) Words used in the present tense include the future, words in the singular include the plural, and the plural includes the singular, as applicable, unless used with a number modifying them.
- (2) Headings are inserted for convenience of reference purposes only and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
- (3) Any references to a statute, regulation, by-law or other legislation or statutory instrument in this by-law shall include any statute, regulation, by-law or other legislation or statutory instrument thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

19. REPEAL

By-law Number 3662-2009 of the Corporation, as amended, is hereby repealed.

20. EFFECTIVE DATE

This by-law shall come into force and effect as of the date of the final passing of the enabling by-law.

By-law read a First & Second Time this 13th day of January 2025

By-law read a Third & Final Time this 13th day of January 2025

THE CORPORATION OF THE CITY OF DRYDEN:

per  **Jack Harrison - MAYOR**

SEAL

per  **Allyson Euler - CLERK**

SCHEDULE "A" TO BY-LAW NUMBER 2025-1

RESPECTING CLASSES OF PERMITS AND PERMIT FEES

1. CALCULATION OF PERMIT FEES

- (1) Permit fees shall be the product of the fee multiplier prescribed in the City of Dryden's **Fees and Charges By-law, Schedule "T,"** for the class of construction involved and the appropriate measure of the gross floor area of the project in square feet or square metres as presented. For certain classes of construction, the fee shall be a flat rate. Where plans are metric, 1 sq. m. = 10.764 sq. ft. or 1 m. = 3.281 ft.
- (2) Where the work regulated by a permit cannot be calculated otherwise, an application fee shall be calculated as a percentage dollar value for each \$1,000.00 value of the work proposed as listed in the City of Dryden's Fees and Charges By-law, Schedule "T".
- (3) Any person or corporation who commences construction, demolition or changes the use of a building before submitting an application for permit or commences any work that would otherwise require a building permit in accordance with the *Act*, shall in addition to any other penalty imposed by a court of competent jurisdiction under the *Act*, Ontario Building Code, this By-law, or any other applicable legislation, pay an additional fee equal to 100% of the amount calculated as the regular permit fee.
- (4) Fees for major revisions, partial renovations, building reclassification, and for classes of permits or construction not described or included in this schedule shall be determined by the Chief Building Official who shall have regard to the complexity and amount of service required relative to the classes of construction described herein.
- (5) The Chief Building Official may impose the value of the construction where in his/her opinion the declared value does not reflect the true value of all proposed work including design, labour, and materials.
- (6) Floor area shall be the gross area of all floors whether above or below grade measured from the outer face of exterior walls to the centre of party walls or demising walls (excluding residential garages in houses as defined by the Ontario Building Code and linear townhouses).
- (7) Mezzanines, lofts, habitable attics, and occupied roof spaces shall be included in the gross floor area. Except for interconnected floor spaces and atriums above the first level there shall be no deduction from the gross floor area for openings such as stairs, elevators, shafts, etc.
- (8) Crawl spaces of a height of 5 ft (1.5m) or less are not included in the gross area.
- (9) Where the project does not have a floor or exterior walls, e.g., carports and pole barns, the greatest horizontal area of the roof structure shall be used to calculate gross area.
- (10) For signs, the area used for fees shall be the gross area of all sign faces.
- (11) New construction and additions include plumbing and all other regulated building services and components in the calculated fee.
- (12) Attached garages, decks and fireplaces are included in the permit fee for new single detached dwellings, semi-detached, duplexes and townhouses.
- (13) The fee for a conditional permit where granted shall be equal to the regular permit fee plus a surcharge of 15% of the regular permit fee to cover additional administration and agreement.

- (14) The fee for a staged permit shall be equal to the regular permit fee plus an additional surcharge of \$30.00 for each stage issued subsequent to the original first stage permit.

2. MINIMUM PERMIT FEES

- (1) Except where specifically noted otherwise, a minimum fee shall be applied for all permit issuances as listed in the City of Dryden's Fees and Charges By-law, Schedule "T," for all residential and other zoned areas of work.
- (2) Each separate structure shall require a separate application, fee and permit.
- (3) Revision or amendment to a permit or plans shall be at full cost recovery.
- (4) Tents on City property for civic functions shall be exempt from fees and permits provided that they have previously been professionally designed and are erected to meet the requirements of Section 3.14 of the Ontario Building Code, and any amendments thereof. In all other situations tents designated in the Ontario Building Code shall require application for a permit and payment of fees.

3. CLASSES OF PERMITS AND FEES

- (1) Buildings shall be classified according to the Major Occupancy based upon the Occupancy classifications in the Ontario Building Code.
- (2) For mixed occupancy floor areas, the permit fees for each of the applicable area classifications may be used, but only where such an area exceeds 10% of the gross floor area.
- (3) Temporary buildings are structures that will be installed or erected for less than 180 days; all other structures are considered permanent.

4. EXEMPTION FROM PERMIT AND FEES

- (1) Painting and decorating, replacement millwork and cabinets without plumbing, finish flooring, replacement hot water heaters, replacement oil or gas fired appliances, replacement shingling of roofs on residentially zoned buildings, replacement of same size doors and windows in same locations where no fire resistance rating is required, replacement of plumbing fixtures in same location, construction of residential fences not enclosing a pool, construction or demolition of structures less than 161 ft² (15m²) without plumbing and sheds or trailers required solely for the duration of construction projects are exempt from permits and fees.

5. VALIDITY OF PERMITS

- (1) Where a permit has been issued and the work is not completed two years from the date of issue a new application is required for completion of the remainder of the work.

SCHEDULE "B" TO BY-LAW NUMBER 2025-1

RESPECTING REFUND OF PERMIT FEES

REFUND OF FEES

1. Refund of fees paid must be made in writing to the Chief Building Official within one calendar year from the date of application for the original permit.
2. Notwithstanding any refund stated or calculated using this schedule there shall be no refund made of an amount less than the minimum permit fee as listed in the City of Dryden's Fees and Charges By-law, Schedule "T."
3. Refund of fees shall not be made where the permit has been signed off and occupancy inspection completed.
4. Refund shall be made to the person named on the original fee receipt unless that person makes a written request to release the refund to another named person.
5. Fees applicable for refund are listed in the City of Dryden's Fees and Charges By-law, Schedule "T."

SCHEDULE "C" TO BY-LAW NUMBER 2025-1

LIST OF PLANS OR WORKING DRAWINGS

One (1) hardcopy and One (1) digital copy to accompany all applications for permits.

1. The Site Plan showing location of all structures and their separation distances, setback distances from lot lines and fire route design as applicable.
2. Ontario Building Code Matrix/Summary
3. For single detached, duplex, triplex, semi-detached or row townhouse buildings, include a completed Energy Efficiency Design Summary form available from the Chief Building Official, City Hall or from the Ministry of Municipal Affairs website www.mah.gov.on.ca
4. Where Section 51 of the Planning *Act* applies, or where Site Plan Control approval would be required, a geotechnical report, signed and sealed by a Professional Engineer, confirming areas of imported (non-native) soils.
5. Foundation Plans indicating substrata and water table depth, size of footings, grade beams, piles, pile caps, type, and compaction of backfill, drainage tile and/or works.
6. Floor Plans showing the location and dimensions of all rooms and suites and their occupancy uses and fire separations both vertical and horizontal penetrations and travel distances as required.
7. Framing Plans showing all dimensions, spacing and types of all materials including lamination details of all built up beams, headers, and posts.
8. Roof Plans indicating all standard trusses, girder trusses, jack trusses, rafters, flat areas, hips, valleys and chimneys and roof pitch(s).
9. Reflected Ceiling Plans.
10. Sections and Details of all walls, floors, and roofs.
11. Building Elevations and grade level.
12. Electrical Drawings showing the location of all panels, switches, fixtures, smoke alarms and CO detectors, emergency lights and exit signs.
13. Heating, Ventilation and Air Conditioning Drawings indicating location of all pumps, tanks, and ducts, and showing all duct, pipe and register sizes. (SB-10 and/or SB-12 design as per type)
14. Mechanical plans for all fire protection standpipes and sprinklers indicating location of all hose stations, sprinkler heads and fire department connection.
15. Plumbing plans and schematic layout indicating all pipe sizes.
16. Include any supporting documentation or approvals as may be required under applicable law as defined in the Ontario Building Code which includes Northwestern Health Unit septic permits.
17. Specifications and all related Soil, Engineering and Architectural Reports.

NOTE: The Chief Building Official may specify that not all of the above-mentioned plans or details are required to accompany an application for a permit.

SCHEDULE "D" TO BY-LAW NUMBER 2025-1

DEMOLITION PROCEDURES

1. The Owner shall contact all utility companies for locations of pipes, ducts and wires and shall ensure that all services are disconnected and/or removed and provide written proof to the Municipality. www.ontarioonecall.ca
2. Prior to the issuance of a Demolition Permit, where demolition includes the disconnecting of a municipal water service pipe and/or sewer lateral, the owner shall:
 - a) Contact the Waterworks Department and have all decommissioned connections visually inspected during regular working hours by a member of the department. A minimum of 24 hours' notice is required;
 - b) Stake all decommissioned connections with appropriate length of 2x4;
 - c) Cut, cap, and stake all decommissioned services at or inside the property line.
3. The owner shall notify Public Works and the O.P.P. whenever the normal flow of traffic on a city street may be impeded while the demolition work is in progress.
4. Where applicable, the owner shall ensure the safety of pedestrians with the installation of proper barricades, fencing and hoarding etc.
5. All building materials shall be removed from the site and all waste materials shall be taken to an approved site for disposal in accordance with the provisions of the *Environmental Protection Act*. The applicant is required to indicate on the application what approved site they will be using.
6. Basement walls must be demolished to a depth of 18" below grade. The material may be left in the basement with the remaining filled with a pit run material.
7. After all building material and rubbish have been removed, the property must be graded in such a manner as to avoid uneven settling and ponding.
8. Upon request, the owner shall provide proof of adequate public liability and property damage insurance.
9. The owner, shall at the request of the Chief Building Official, provide a letter from a licensed pest control company stating that the building has been inspected and no evidence of vermin infestation has been found or that vermin control has been completed not more than seven (7) days prior to the date on which the demolition is to be commenced.

SCHEDULE "E" TO BY-LAW NUMBER 2025-1

CODE OF CONDUCT FOR BUILDING OFFICIALS

Purpose:

The purpose of this code is to promote appropriate standards of behaviour, enforcement actions, honesty and integrity among building officials and to prevent practices which may constitute an abuse of power including unethical or illegal practices by building officials in the exercise of their power or performance of their duties under the *Building Code Act* or the Ontario Building Code.

Code of Conduct:

In exercising powers and performing duties under the *Building Code Act*, all building officials shall:

- (1) Always act in the public interest, particularly with regard to the safety of building works and structures;
- (2) Apply all relevant building laws, regulations, and standards in an impartial, consistent, fair, and professional manner, independent of any external influence by interested parties and without regard to any personal interests;
- (3) Abide with the provisions of the *Building Code Act*, the Ontario Building Code and other Acts or Laws which regulate or govern building officials or their functions;
- (4) Not accept any personal benefit which may create a conflict with their duties; or perform duties where a personal interest may create a conflict;
- (5) Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency;
- (6) Act honestly, reasonably, and professionally in the discharge of their duties.

Enforcement Guidelines:

All allegations concerning a breach of this code shall be made in writing.

The Chief Building Official will review any allegation of breaches of this Code of Conduct made against building officials. Where the allegations are against the Chief Building Official, the Chief Administrative Officer of the Corporation will review the allegations.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the City of Dryden and the Chief Building Official is subject to relevant employment laws and standards.

The Building and Planning Department will advertise the Code of Conduct on an ongoing basis on the City website.