

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 100 - 2005

A By-law Respecting Construction, Demolition and Change of Use Permits and Inspections

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, empowers Council to pass certain By-laws respecting construction, demolition, and change of use permits and inspections;

NOW THEREFORE the Council of The Corporation of the City of Kenora 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) **“as constructed plans”** means as constructed plans as defined in the Building Code.
- (c) **“architect”** means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act as defined in the 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) **“building”** means a building as defined in Section 1(1) of the Act.
- (f) **“Building Code”** means the regulations made under Section 34 of the Act.
- (g) **“Chief Building Official”** means the Chief Building Official appointed by the By-law of The Corporation of the City of Kenora for the purposes of enforcement of the Act.
- (h) **“Corporation”** means The Corporation of the City of Kenora
- (i) **“farm building”** means a farm building as defined in the Building Code.
- (j) **“owner”** means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- (k) **“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.
- (l) **“permit holder”** means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.

- (m) **“plumbing”** means plumbing as defined in Section 1(1) of the Act.
 - (n) **“professional engineer”** means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the Building Code.
 - (o) **“registered code agency”** means an agency registered in accordance with the Act and the Building Code.
 - (p) **“sewage system”** means a sewage system as defined in Section 1(1) of the Act.
- (2) Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

3. CLASSES OF PERMITS

- (1) Classes of permits with respect to the construction, demolition and change of use of 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 a prescribed form available from the Chief Building Official or from the Building Code Website 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 information:
- (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 Article 2.4.1.1B of the Building Code and as described in this By-law for the work to be covered by the permit;
 - (c) state the valuation of the proposed work including materials and labour and be accompanied by the required fee as calculated in accordance with Schedule “A” appended to and forming part of this By-law;
 - (d) when Section 2.3 of the 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 Section 2.3 of the 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 application is made for a **partial 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 2.4.1.1B of the Building Code and as described in 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 Schedule “A” appended to and forming part of this By-law.
- (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 2.4.1.1B of the Building Code and as described in this By-law for the work to be covered by the permit;
 - (c) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone, cable TV or other utilities and services; and
 - (d) be accompanied by the required fee as calculated in accordance with Schedule “A” appended to and forming part of this By-law;
- (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 2.4.1.1B of the Building Code and as described in 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 is not granted;
 - (d) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;

- (e) be accompanied by the required fee as calculated in accordance with Schedule “A” appended to and forming part of this By-law; 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 current and proposed occupancies of the building or part of a building for which the application is made;
 - (c) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code, including: floor plans; details of wall, 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 Schedule “A” appended to and forming part of this By-law;
 - (e) state the name, address and telephone 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 Building Code;
 - (c) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.
- (9) Where an application for a permit will require 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 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 therefore.

- (12) 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.
- (13) 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 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.

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 or not the proposed construction, demolition or change of use will conform with the Act, the 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, 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) 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) Plans produced by a person other than the owner of the property upon which the construction is proposed shall be by a designer registered or qualified as required by the Act and Building Code and where required by Part 2 of the 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 and, when required to demonstrate compliance with the Act, the 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) existing rights of way, easements and municipal services; and
 - (d) proposed fire access routes and existing fire hydrant locations.

8. PAYMENT OF FEES

- (1) The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" appended to and forming part of this 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 a floor area, floor area shall mean the total floor space of all storeys above grade and below grade measured as the horizontal area between the outside of the exterior walls of the building, 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 a floor area, floor area shall mean the total floor space of all storeys subject to the change of use measured as the horizontal area between the outside of the exterior walls of the building or to the outside of the walls separating the applicable floor area from other areas of the same storey.
- (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 shall issue a refund.
- (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) In the event that 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 Schedule “A” appended to and forming part of this By-law and the applicant shall pay such fees.

9. REFUNDS

- (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, the Chief Building Official shall determine the amount of paid permit fees, if any, that may be refunded to the applicant in accordance with Schedule “B” appended to and forming part of this By-law.
- (2) Subject to subsection 12(1)(b), there shall be no refund of permit fees where a permit has been revoked.

10. NOTICE REQUIREMENTS FOR INSPECTION

- (1) The owner or an authorized agent shall notify the Chief Building Official at least one business day prior to each stage of construction for which notice in advance is required under the Building Code.
- (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 Building Code shall be ground for 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 full working days excluding the day of notification have passed.

11. PRESCRIBING FORMS

- (1) Forms not provincially prescribed but required by the municipality are prescribed as follows:
- (2) Application for a Change of Use of a building or part of a building is hereby attached as Schedule “D”;
- (3) Permission for Change of Use is hereby attached as Schedule “E”;
- (4) Application for the Use of an Equivalent is hereby attached as Schedule “F”;
- (5) Letter of Undertaking is hereby attached as Schedule “G”;
- (6) General Review Commitment Certificate is hereby attached as Schedule “H”;
- (7) Application for Occupancy is hereby attached as Schedule “I”; and
- (8) Occupancy Permit is hereby attached as Schedule “J”;

11. 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 “B” to this By-law unless otherwise specified by the Chief Building Official, or alternatively;
 - (a) at the discretion of the Chief Building Official may be produced in AutoCAD or Adobe Acrobat file format and submitted on standard compact disk(s); or,
 - (b) at the discretion of the Chief Building Official may be produced in AutoCAD or Adobe Acrobat file format and submitted as an attachment to E-mail to the account maintained by the municipality in the name 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.

13. 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, after 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.

Notice:

- (2) 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 his or her last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground 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 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 of revocation is subject to a fee in accordance with Schedule “A” appended to and forming part of this 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.
 - (b) A fee, as prescribed in Schedule “A” appended to and forming part of this By-law 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 Building Code.

14. CORPORATION USE OF A REGISTERED CODE AGENCY

The Corporation following recommendation by the 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 to 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.

15. 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.

16. REPEAL

By-law Number 11-2000 of the Corporation, as amended, is hereby repealed.

BY-LAW read a First & Second Time this 27th day of June 2005

BY-LAW read a Third & Final Time this 27th day of June 2005

THE CORPORATION OF THE CITY OF KENORA:

per _____ **D. Canfield - MAYOR**

SEAL

per _____ **P. Grouda – D/CLERK**

SCHEDULE "A" TO BY-LAW NUMBER 100- 2005

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 **Section 6 Permit Fees** for the class of construction involved and the appropriate measure of the gross floor area of the project in square feet. 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 \$7.00 for each \$1,000.00 value of the work proposed.
- (3) 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.
- (4) 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.
- (5) 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 unless noted otherwise.
- (6) 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.
- (7) Crawl spaces of a height of 5ft or less are not included in the gross area.
- (8) 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.
- (9) For signs, the area used for fees shall be the gross area of all sign faces.
- (10) New construction and additions include plumbing and all other regulated building services and components in the calculated fee.
- (11) 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.
- (12) 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 in this schedule, a minimum fee of \$30.00 shall be applied for all R1 and R2 zoned residential work and \$100.00 for all other zoned areas 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 on existing engineered locations. In all other situations tents designated in the 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 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, replacement hot water heaters, replacement oil or gas fired appliances, replacement shingling of roofs of R1 and R2 zoned buildings, replacement of same size doors and windows, construction of residential fences, construction or demolition of structures less than 108 ft² without plumbing, demolition of buildings destroyed by fire 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.

6. PERMIT FEES

Class of Permit, Occupancy and work description Construction – New Buildings, Additions, Mezzanines		FEE (\$/ft ²)	FEE (\$/lin ft)	FLAT FEE (\$)
Group A:	Assembly Buildings			
	Shell Building only	0.60		
	Finished Building with interior walls/rooms	0.70		
	Portable Classrooms per unit			75.00
	Outdoor Public Patio			50.00
	Outdoor Public Pool			200.00
Group B:	Institutional			
	Without detention/retention facilities	0.75		
	With detention/retention facilities	0.80		
Group C:	Residential			
	Detached, Semi, Row, Townhouse, Duplex	0.50		
	Attached/Detached Garage/Carport (per bay)			75.00
	Shed, Uncovered Deck, Porch	0.25		
	Private Swimming Pools above ground			40.00
	Private Swimming Pools in ground			60.00
	Apartment Building, Residential Care Facility	0.55		
	Hotel, Motel, Residential School	0.65		
Group D:	Business and Personal Services			
	Office Buildings Shell building only	0.50		
	Office Buildings with interior walls/rooms	0.60		
Group E:	Mercantile			
	Retail Stores Shell building only	0.45		
	Retail Stores with interior walls/rooms	0.55		

Class of Permit, Occupancy and work description Construction – New Buildings, Additions, Mezzanines	FEE (\$/ft ²)	FEE (\$/lin ft)	FLAT FEE (\$)
Group F: Industrial Warehouse/Factory shell building only	0.35		
Warehouse/Factory with interior walls/rooms	0.45		
Parking Garage (under or above ground/open air)	0.30		
Farm Building/greenhouse - low human occupancy	0.10		
Other Designated Structures: Air supported structures	0.20		
Retaining walls over 3 ft high		1.50	
Communications Tower			200.00
Demising wall or firewall		0.50	
Signs (other than painted on building)	0.30		
Storage tanks above ground/per tank			100.00
Storage tanks below ground/per tank			50.00
Staged Permit: Foundation to Grade Level Counts toward total permit fee	0.15		
Interior Finishes: All Classifications Interior finishes to previous unfinished areas	0.25		
Miscellaneous Categories: Building fabricated elsewhere and moved onto site (mobile/prefab homes)	0.35		
Fireplace/woodstove incl. outdoor (each)			50.00
Exterior ramps and stairways			45.00
Balcony Guard (replace)			30.00
Foundation repair or drain tile replacement (SFD)			50.00
Deck and stairways (replace same size)			30.00
Reclad exterior (siding per building storey)			40.00
Shore land structure for private dock	0.25		
Boathouse (single storey only)	0.35		
Dock, floating, pile or crib by length		1.50	
Elevator, Lift, Escalator			75.00
Pre-fabricated "Cover-All" Style Structures	0.20		
Temporary tents and buildings (max. 180 days)			30.00
Major demolition more than 1500 ft ²	0.05		
Change of use (no construction)			75.00
Barrier Free Access to SFD or semi-detached			50.00
Class of Permit, Occupancy and work description	(\$/ft²)	(\$/lin ft)	(\$)
Mechanical Work: independent of building permit HVAC per residential suite			40.00
HVAC per non-residential suite			50.00
Sprinkler system (N.F.P.A. 13)			150.00
Commercial kitchen, spray booth			75.00
Electrical Work: independent of building permit Fire alarm system			100.00
EMLD/hold open device (each)			5.00
Plumbing Work: independent of building permit Plumbing per fixture/drain (min. \$30.00)			10.00
Conversion from private to municipal service			50.00
Alterations and Renovations: All Classifications Partitions, washrooms, etc. less than 200 ft ²			40.00
Minor demolitions less than 1500 ft ²			40.00
Alterations to previous finished areas	0.20		
Replacement Roofing with structural work, built up roofing or metal roofing	0.15		

Class of Permit, Occupancy and work description	FEE (\$/ft²)	FEE (\$/lin ft)	FLAT FEE (\$)
Occupancy: All Buildings Prior to Final Completion Per suite or unit (excluding detached homes)			50.00
Change of Permit Holder: Property changes hands prior to completion			30.00
Deferred Inspection: Permit has been dormant 12 months or more			50.00
Plans Examination Deposit: Non-refundable, credited to final permit fee Plans Examination under 1,000 ft ² Plans Examination over 1,001 ft ² to 6,000ft ² Plans Examination over 6,001 ft ² to 25,000ft ² Plans Examination over 25,001 ft ²			Deposit 30.00 100.00 250.00 1,000.00
Special Charges: Application fee where a Registered Code Agency will perform the plans examination and inspection functions for the municipality Inspection requested outside normal hours Re-inspection if work not ready when called Re-inspection to verify Order complied with Where inspector is on location as work progresses Re-examination of plans after permit issued Special research of records request			Larger of 10% of normal fee or 200.00 Per hr 60.00 Per call 30.00 Per call 30.00 Per hr 60.00 Per hr 50.00 Per hr 50.00
Special Inspection Fees where work is started prior to a permit being issued: at commencement stage of: Footings, foundations or other work to grade Structural framing or any part above grade At substantial completion of: Building completed or occupied Demolition or partial demolition			Fee Increase 25% 50% 100% 100%

SCHEDULE "B" TO BY-LAW NUMBER 100 - 2005

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 of fees paid where the original fee was less than Fifty Dollars (\$50.00) or the calculated refund is less than Thirty Dollars (\$30.00).
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.

Stage of Permit Process or Site Work when Refund Requested	Portion of Fee Refundable
CBO unable to issue permit for any reason	90%
Deposit paid and plan examination in process or complete	No Refund of plans examination deposit
Refund requested after permit issued but prior to any site work	80% less any plans examination deposit
Refund requested after construction started (all construction to be removed from the property)	50% less an additional 5% per inspection made and less any plans examination deposit
Refund requested after construction started and abandoned before completion without removal of construction	No Refund of Fees
Conditional Permit at any stage following signing of agreement (the agreement will still be enforced)	Applicable stage refund less the conditional permit surcharge fee
Permit Revoked for any reason	No Refund of Fees

SCHEDULE "C" TO BY-LAW NUMBER 100 - 2005

LIST OF PLANS OR WORKING DRAWINGS
Two copies to accompany applications for permits

1. The Site Plan showing location of all structures and their separation distances and setback distances from lot lines.
2. 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.
3. Floor Plans showing the location and dimensions of all rooms and suites and their occupancy uses.
4. Framing Plans showing all dimensions, spacing and types of all materials including lamination details of all built up beams, headers and posts.
5. Roof Plans indicating all standard trusses, girder trusses, jack trusses, rafters, flat areas, hips, valleys and chimneys and roof pitch(s).
6. Reflected Ceiling Plans.
7. Sections and Details of all walls, floors and roofs.
8. Building Elevations and grade level.
9. Electrical Drawings showing the location of all panels, switches, fixtures, smoke alarms and CO detectors, emergency lights and exit signs.
10. Heating, Ventilation and Air Conditioning Drawings indicating location of all pumps, tanks, and ducts, and showing all duct, pipe and register sizes.
11. Mechanical plans for all fire protection standpipes and sprinklers indicating location of all hose stations, sprinkler heads and fire department connection.
12. Plumbing plans and schematic layout indicating all pipe sizes.

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 100 - 2005



**CITY OF KENORA
APPLICATION FOR
CHANGE OF USE**

Building Code Act, S.O. 1992, c. 23, s. 10, as amended

OFFICE OF THE CHIEF BUILDING OFFICIAL
60 Fourteenth St. N., 2nd Floor
Kenora, ONTARIO P9N 4M9

'Phone: (807) 467-2020
Fax (807) 467-2246

Applicant _____
Address of Applicant _____
Location of building _____
Type of property / description _____

TAKE NOTICE that upon the date of this application the building or part of the building described below had the following use(s):

Description of part of building or suite:

Application is hereby made to change the above use in the above building or part of the building to the following use(s):

Signature of Applicant

date of Application

Fee paid: \$ _____

Received by: _____

Personal information contained in this form is collected under the authority of section 7 of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official, 60 Fourteenth St. N., 2nd Floor, Kenora, P9N 4M9 (807) 467-2020, or, b) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing, 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 585-6666.

SCHEDULE "E" TO BY-LAW NUMBER 100 - 2005



**CITY OF KENORA
PERMISSION FOR
CHANGE OF USE**

Building Code Act, S.O. 1992, c. 23, s. 10, as amended

OFFICE OF THE CHIEF BUILDING OFFICIAL
60 Fourteenth St. N., 2nd Floor
Kenora, ONTARIO P9N 4M9

'Phone: (807) 467-2020
Fax (807) 467-2246

Applicant _____
Address of Applicant _____
Location of building _____
Type of property / description _____

TAKE NOTICE that upon the date of this permit the building or part of the building described below may have the following use(s) without requiring remedial construction:

Description of part of building or suite:

Conditions of use, if any:

Chief Building Official

Date

SCHEDULE "G" TO BY-LAW NUMBER 100 - 2005

LETTER OF UNDERTAKING

Standard Form as approved by: OBOA, APEO and OAA

TO THE CHIEF BUILDING OFFICIAL OF THE MUNICIPALITY OF: _____

ADDRESS: _____ TEL: _____

WHEREAS Sentences 2.3.1.1(1) of Ontario Regulation 403/97 as amended made under the authority of the *Building Code Act*, requires the building designated in table 2.3.1.1 to be designed by an Architect or Professional Engineer or both:

AND WHEREAS Subsection 2.3.2 of the said Regulations provides that, where a building has been designed by an Architect or Professional Engineer or both in accordance with Sentence 2.3.2.1(1), an Architect or Professional Engineer or both shall be responsible for the general review of the construction of the building in accordance with performance standards of the Ontario Association of Architects or the Association of Professional Engineers of Ontario, as applicable:

THEREFORE *the owner, being the person who intends to construct or have a building constructed, hereby warrants that an Architect(s)/Professional Engineer(s) are retained for the general review of the construction of the building as required by Section 2.3 of Regulation 403/97 and that:*

- a) the Architect who is retained to undertake the general review of the construction of the building is to do so in accordance with the Performance Standards of the Ontario Association of Architects. Ontario Regulation 517/84 as amended by Ontario Regulation 386/86. 50a: to wit Architects (including holders of a Certificate of Practice), with respect to the matters that are governed by the building code, shall,
 - i. make periodic visits to the site to determine whether the work is in general conformity with design documents that were prepared by a member or a holder;
 - ii. inform the client and contractor, in writing, as to the progress and quality of the work and as to any part of the work that the member or holder has observed during the visits to the site not to be in conformity with the design documents;
 - iii. review all changes to the design documents to determine whether the changes conform to the building code;
 - iv. review and comment on shop drawings and samples for general conformity with the design concept of the work; and
 - v. if the Architect is specifically engaged to coordinate the general review of the Professional Engineers and reports of the inspection and testing companies, coordinate the general review of the Professional Engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed and arrange for the distribution of such reports to the client and the contractor, or
 - vi. if the Architect is not engaged to perform any or all of the services listed in subparagraph v, cooperate with the Professional Engineer responsible for the coordination of the general review in order to assist the Professional Engineer in the carrying out of the functions described in that subparagraph.

NOTE: "design document" means a design or other document which formed the basis for the issuance of the building permit and includes all changes thereto that were authorized by the Chief Building Official as defined in the *Building Code Act*.

- b) each engineer who is retained to undertake the general review of the construction of the building is to do so in accordance with the Performance Standards of the Association of Professional Engineers of Ontario. Ontario Regulation 421/86. 91a: to wit Professional Engineers, with respect to matters that are governed by the building code, shall,
 - i. make periodic visits to the site to determine, on a rational basis, whether the work is in general conformity with the plans and specifications for the building;
 - ii. record deficiencies found during the site visits and provide the client, contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify the deficiencies;
 - iii. review the reports of independent inspection and testing companies called for in the plans and specifications and which pertain directly to the work being reviewed;
 - iv. interpret plans and specifications when requested to do so by the client, contractor or owner; and
 - v. review shop drawings and samples submitted by the contractor for consistency with the intent of the plans and specifications.

NOTE: "plans and specifications" means a plan or other document which formed the basis for the issuance of the building permit and includes all changes thereto that were authorized by the Chief Building Official as defined in the *Building Code Act*.

c) the owner, being the person who intends to construct or have a building constructed, agrees to have each of the retained Architect(s) and Professional Engineer(s) complete, properly authorize and return to the Chief Building Official, at the above noted address, the General Review Commitment Certificate(s) prior and as a condition precedent to permit issuance and hereby authorizes the retained Architect(s) and Professional Engineer(s) to forward directly to the Chief Building Official, forthwith upon their completion, all written reports arising out of the general review undertaken, pursuant to Section 2.3 of Ontario Regulation 403/97, by the retained Architect(s) and/or Professional Engineer(s).

Permit Application No.	Project Description
Location	
Name of Owner in full	Telephone No.
Address	Postal Code
Signature of the owner or a person authorized by said owner to commit the owner and to act as his agent in this matter: _____	
Date: _____	
If the name of the signee above is different from the owner, please print signee's name here: _____	
Tel No. _____	

IMPORTANT: Where any retained Architect or Professional Engineer ceases to provide the general review of the building during construction as required herein, another Architect/Professional Engineer shall be retained immediately so that the general review as described above will continue uninterrupted, and the registered owner shall forthwith, in writing, advise of such termination and submit the name of the new Architect/Professional Engineer to the Chief Building Official of this Municipality.

Every person who furnishes false information in any permit application under the *Building Code Act* or in any statement required to be furnished under this Act or a by-law passed pursuant to this Act, or pursuant to the Ontario Building Code, is, on conviction, liable to a fine.

WHITE - Return to: Chief Building Official

YELLOW – Owner

OBOA FORM 02B

Personal information contained in this form is collected under the authority of section 7 of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official, 60 Fourteenth St. N., 2nd Floor, Kenora, P9N 4M9 (807) 467-2020, or, b) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing, 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

SCHEDULE "H" TO BY-LAW NUMBER 100 - 2005

GENERAL REVIEW COMMITMENT CERTIFICATE

Standard Form as approved by OBOA, APEO and OAA

Permit Application
Number _____

Project
Location _____

This is to Certify that: _____
Name of Architect/Professional Engineer or Company (PLEASE PRINT)

is retained to undertake, as described in section 2.3 of the Ontario Building Code and in respect of the designated permit application number, the general review of the construction of the building in accordance with, if an architect, the performance standards of the Ontario Association of Architects (Section 50a of Ontario Regulation 368/86, amending Ontario Regulation 517/84) or, if a professional engineer, the performance standards of the Association of Professional Engineers of Ontario (Section 91a of Ontario Regulation 421/86, amending Ontario Regulation 538/84), to determine whether the construction is in general conformity with the plans, sketches, drawings, graphic representations, specifications and other documents that are prepared by an architect, professional engineer or both and that form the basis for the issuance of a building permit or any changes thereto authorized by the Chief Building Official.

Indicate by a checkmark the disciplines for which the above mentioned responsibilities are being assumed:

ARCHITECTURAL MECHANICAL STRUCTURAL ELECTRICAL FIRE PROTECTION PLUMBING

If an architect indicate by a checkmark if engaged as prime consultant to coordinate the general review of all designated disciplines

Signature of Architect or Professional Engineer	Print Signee's Name	Title or Position
Company Name		Telephone
Address		Postal Code

Section 50a of Ontario Regulation 368/86, amending Ontario Regulation 517/84 made under the Architect Act.

50a. The following are prescribed as performance standards with respect to the general review of construction, enlargement or alteration of a building by a member or holder (of a Certificate of Practice) as provided for in the building code prescribed under the *Building Code Act*:

1. The member or holder, with respect to the matters that are governed by the building code, shall
 - i. make periodic visits to the site to determine whether the work is in general conformity with design documents that were prepared by a member or holder,
 - ii. inform the client and contractor, in writing, as to the progress and quality of the work and as to any part of the work that the member or holder has observed during the visit to the site not to be in conformity with the design documents,
 - iii. review all changes to the design documents to determine whether the changes conform to the building code,
 - iv. review and comment on shop drawings and samples for general conformity with the design concept of the work, and
 - v. if the member or holder is specifically engaged to coordinate the general review of the professional engineers and reports of the inspection and testing companies, coordinate the general review of the professional engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed and arrange for the distribution of such reports to the client and the contractor, or
 - vi. if the member or holder is not engaged to perform any or all of the services listed in subparagraph v, cooperate with the professional engineer responsible for the coordination of the general review in order to assist the professional engineer in the carrying out of the functions described in that paragraph.
2. In paragraph 1, "design document" means a design or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief official as defined in the *Building Code Act*.

Section 91a of Ontario Regulation 421/86, amending Ontario Regulation 538/84 made under the professional Engineers Act.

91a. The following are prescribed as performance standards with respect to the general review of the construction, enlargement or alteration of a building by a professional engineer (or holder of a Certificate of Authorization) as provided for in the *Building Code Act*:

1. The professional engineer, with respect to matters that are governed by the building code, shall,
 - i. make periodic visits to the site to determine, on a rational samplings basis, whether the work is in general conformity with the plans and specifications for the building,
 - ii. record deficiencies found during site visits and provide the client, the contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify deficiencies,
 - iii. review the reports of independent inspections and testing companies called for in the plans and specifications and which pertain directly to the works being reviewed,
 - iv. interpret plans and specifications when requested to do so by the client, contractor or owner, and
 - v. review shop drawings and samples submitted by the contractor for consistency with the intent of plans and specifications.
2. The professional engineer shall not review work in disciplines for which he or she is not qualified.
3. The professional engineer may delegate one or more of the functions described in paragraph 1 to another person where it is consistent with prudent engineering practice to do so and functions are performed under the supervision of the professional engineer.
4. In paragraph 1, "plans and specifications" means a plan or other document which formed the basis for the issuance of the building permit and includes all changes thereto that were authorized by the chief official as defined in the *Building Code Act*.

NOTE: The owner, being the person who intends to construct or have a building constructed, has agreed in a letter of undertaking to the Chief Building Official of this Municipality to have each of the retained Architect(s) and Professional Engineer(s) complete, properly authorize and return to the Chief Building Official, the General Review Commitment Certificate(s) prior and as a condition precedent to permit issuance and authorizes the retained Architect(s) and Professional Engineer(s) to forward directly to the Chief Building Official, forthwith upon the completion, all written reports arising out of the required general review undertaken pursuant to Section 2.3 of Ontario Regulation 413/90 by the retained Architect(s) and/or Professional Engineer(s).

WHITE - Return to: Chief Building Official

YELLOW - Your Records

OBOA FORM 02A

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SCHEDULE "T" TO BY-LAW NUMBER 100 - 2005



**CITY OF KENORA
APPLICATION FOR
OCCUPANCY**

OFFICE OF THE CHIEF BUILDING OFFICIAL
60 Fourteenth St. N., 2nd Floor
Kenora, ONTARIO P9N 4M9

Phone: (807) 467-2020
Fax (807) 467-2246

Building Code Act, S.O. 1992, c. 23, s. 11; O.R. 413/90 as amended

Applicant _____	Construction Permit No.
Address of Applicant _____	
Location of building _____	
Type of property / description _____	

TAKE NOTICE that upon the date of this application the building

- newly erected
- installed

at the above stated location has been constructed in full compliance with all the provisions of the **Building Code Act**, and regulations made thereunder and of any By-law, or amendments thereto of the Municipality which in part or in whole regulates the structural requirements, the erection, alteration, location, use, etc. of building and is

- fully completed** and ready for occupancy
- OR **not fully completed** but is ready for *non-residential occupancy* in accordance with Article 2.4.3.1.(1) of the Code.
- OR **not fully completed** but is ready for *residential occupancy* in accordance with Article 2.4.3.2.(1) of the Code.

and that full compliance has been made with any order made by the inspector under sections 12, 13 and 14 of the **Building Code Act**

.....
Date of application and notice of completion Signature of Applicant

Conditions for occupation - Except as authorized by the regulations no person shall occupy or use or permit to be occupied or used any building or part thereof newly erected or installed;

- (a) until notice of the date of completion of the building or part thereof is given to the Chief Official;
- (b) until,
 - (i) an inspection is made pursuant to such notice, or
 - (ii) ten (10) days have elapsed after the service of the notice or after the date of completion whichever occurs last; and
- (c) until any order made by an inspector under Sections 12, 13 or 14 is complied with. **Building Code Act**, S.O. 1992, c. 23, s. 11. See also O.R. 413/90, Article 2.4.3. regarding occupancy of unfinished building.

green copy - OFFICE white copy - APPLICANT

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SCHEDULE "J" TO BY-LAW NUMBER 100 - 2005



CITY OF KENORA
OCCUPANCY PERMIT

Building Code Act, S.O. 1992, c. 23, s. 11; O.R. 413/90 as amended

OFFICE OF THE CHIEF BUILDING
OFFICIAL
60 Fourteenth St. N., 2nd Floor
Kenora, ONTARIO P9N 4M9

'Phone: (807) 467-2020
Fax (807) 467-2246

Applicant _____	Construction Permit No.
Location of building _____	
Portion of building approved for use _____	
Comments or Conditions _____	

PERMISSION is hereby granted to the above named applicant to use and occupy the building at the above location which the applicant has stated has been constructed in full compliance with all the provisions of the **Building Code Act**, and regulations and orders made thereunder and of any By-law, or amendments thereto of the Municipality which in part or in whole regulates the structural requirements, the erection, alteration, location, use, etc. of buildings and is

fully completed

OR **partially completed** and ready for *non-residential occupancy* in accordance with Article 2.4.3.1.(1) of the Code

OR **partially completed** and ready for *residential occupancy* in accordance with Article 2.4.3.2.(1) of the Code

.....
Date permit issued

.....
Chief Building Official

green copy - APPLICANT white copy - OFFICE