

THE CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 2008-17 as amended  
Consolidated April 2017

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**Being a By-law respecting Construction, Demolition,  
Change of Use, Conditional Permits and Inspections**

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**WHEREAS** Section 7 of the Building Code Act, 1992, s.o. 1992 c.23 as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, conditional permits and inspections;

**NOW THEREFORE** the Council of the Corporation of the Township of McKellar enacts as follows:

**1. SHORT TITLE**

1.1 This By-law may be cited as the “Building By-law”

**2. DEFINITIONS**

2.1 In this By-law,

2.1.1 “**Act**” means the Building Code Act, 1992, as amended, including amendments thereto.

2.1.2 “**As Constructed Plans**” means as constructed plans as defined in the Building Code.

2.1.3 “**Building**” means a building as defined in Section 1(1) of the Act.

2.1.4 “**Building Area**” means the greatest horizontal area of a building within the outside surface of the exterior walls.

2.1.5 “**Building Code**” means the Regulations made under Section 34 of the Act.

2.1.6 “**Chief Building Official**” means the Chief Building Official appointed by the By-law of the Corporation of the Township of McKellar for the purposes of enforcement of the Act.

2.1.7 “**Corporation**” means the Corporation of the Township of McKellar.

2.1.8 “**Farm Building**” means a farm building as defined in the Building Code.

2.1.9 “**Permit**” means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act.

2.1.10 “**Plumbing**” means plumbing as defined in Section 1(1) of the Act.

2.1.11 “**Special Inspection**” means an inspection that is requested and carried out not in connection with a permit, at the discretion of the Chief Building Official. This also includes inspections requested on permits that are more than 12 months old that were issued under a previous version of the Ontario Building Code.

**3. CLASSES OF PERMITS**

3.1 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’ to this By-law.

## **4. REQUIREMENTS FOR APPLICATIONS**

### **4.1 The Application**

To obtain a permit, the owner or an agent authorized by the owner shall file an application in writing by completing a prescribed form available at the office of the Chief Building Official or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca).

- 4.1.1 Where application is made for a building permit under Subsection 8(1) of the Act, the application shall:
  - 4.1.1.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made.
  - 4.1.1.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
  - 4.1.1.3 Include a minimum of two sets of complete plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building.
  - 4.1.1.4 State the valuation of the proposed work including materials and labour and be accompanied by the required fee.
  - 4.1.1.5 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor.
  - 4.1.1.6 Be accompanied by a written acknowledgment of the owner that he/she has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code and,
  - 4.1.1.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- 4.1.2 Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall,
  - 4.1.2.1 Contain the information required by clauses 4.1.1.1 to 4.1.1.7 and,
  - 4.1.2.2 May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone or other utilities and services.
- 4.1.3 Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
  - 4.1.3.1 Contain the information required by clauses 4.1.1.1 to 4.1.1.7.
  - 4.1.3.2 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
  - 4.1.3.3 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.
  - 4.1.3.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
  - 4.1.3.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

## **4.2 CHANGE OF USE PERMITS**

- 4.2.1 Every application for a change of use permit issued under Subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall,
- 4.2.1.1 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
  - 4.2.1.2 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
  - 4.2.1.3 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 ratings and load bearing capabilities.
  - 4.2.1.4 Be accompanied by the required fee.
  - 4.2.1.5 State the name, address and telephone number of the owner and,
  - 4.2.1.6 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

## **4.3 ALTERNATIVE SOLUTIONS (By-law No. 2012-08A)**

The person proposing an alternative solution shall provide the documentation required by Section 2.1 Division C of the Ontario Building Code.

## **4.4 PLANS AND SPECIFICATIONS**

- 4.4.1 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 to the Act, the Building Code and any other applicable law.
- 4.4.2 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 shall not be made without the written authorization of the Chief Building Official.
- 4.4.3 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this By-law.
- 4.4.4 Plans shall be drawn to scale on paper, cloth or other 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.
- 4.4.5 Site plans shall be accurately drawn to scale, and when required by the Chief Building Official to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of a survey prepared by an Ontario Land Surveyor shall be submitted. Site Plans shall show:
- 4.4.5.1 Lot Size and the dimensions of the property lines and setbacks to any existing or proposed buildings,
  - 4.4.5.2 Existing and finished ground levels or grades,
  - 4.4.5.3 Existing rights-of-way, easements and municipal services.

- 4.4.6 Verification by an Ontario Land Surveyor of By-law Compliance may be required before proceeding past foundation state, if required by the Chief Building Official.

## **5. PAYMENT OF FEES**

- 5.1 Fees for a required permit shall be as set out in Schedule 'A' and are due and payable upon submission of an application for a permit.
- 5.2 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 under Subsection 8(3) of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total value of all work regulated by the permit, including the cost of all material, labour, equipment, overhead and professional and related services, provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 5.3 The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed the applicant shall pay the required fee under protest and, within six (6) months of completion of the project, shall submit an audited statement of the actual costs and where the audited value is determined to be less than the valuation, the Chief Building Official shall issue a refund.

## **6. ROAD DAMAGE DEPOSIT**

- 6.1 That the owner of land abutting a municipal sidewalk, curbing, paved or unpaved highway, upon any application for the issuing of a demolition or building permit for the approval of plans of buildings or designated projects to be erected, altered, repaired or demolished thereon is hereby required to pay to the municipality a flat fee of \$750.00 as a deposit to meet the cost of repairing any damage to the municipal sidewalk, curbing, paved or unpaved highway caused by the crossing thereof by any such vehicles onto the property.
- 6.2 That the use of this provision is activated when the value of the proposed building or buildings or designated structures to be erected, altered, repaired exceeds \$ 15,000 as calculated for value within this By-law.
- 6.3 That the use of this provision is activated when the buildings or designated structures to be demolished exceed 30 square metres or 323 square feet in area.
- 6.4 That the deposit shall be processed immediately by the Municipality and held without interest.
- 6.5 That upon the substantial completion of the erection, alteration, repair or demolition of the building or buildings or designated structures on the land abutting such a municipal sidewalk, curbing, paved or unpaved highway, and upon application by the person whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs shall forthwith be refunded.
- 6.6 That prior to the refund of any portion of the deposit, an inspection shall be completed by the Public Works Superintendent or his designate certifying that the condition of the municipal curbing, sidewalk, paved or unpaved highway is satisfactory, or recommending that certain work be carried out at the expense of the abutting property owner.
- 6.7 That the municipality shall be the sole judge of damages and for determining the costs of repairs to be charged against the security.

- 6.8 That in the event that the amount of the deposit fails to cover the amount of the damages, the person who paid the initial deposit shall be issued an invoice for the balance of the costs.
- 6.9 That in the event that the person by whom the deposit was paid fails to apply for the refund the Chief Building Official will return the refund upon successful inspection at the time that the building permit file is closed.
- 6.10 The Road Damage Security Deposit form is set out in Schedule 'D'.

**7. REFUNDS**

- 7.1 In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "C" attached to and forming part of this By-law. Application for refund must be made within 6 months of the date of permit application in order to be eligible for a refund of any permit fee.

**8. NOTICE OF REQUIREMENTS FOR INSPECTIONS**

- 8.1 The owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to each stage of construction for which notice in advance is required under the Building code. In addition to the prescribed notice contained in Article 1.3.5.1, Division C, of the Building Code, notice of any solid-fuel-fired appliance rough-in under Clause 1.3.5.2 (1)(c) of Division C, and under Clause 1.3.5.2(1)(j) Division C, notice of completion of the building for which an occupancy permit is required under Article 1.3.3.4, Division C, are also required.
- 8.2 Notice may be given in one of the following ways;
  - 1. Phone message at (705)389-2842.
  - 2. Fax at (705)389-1244.
  - 3. In person at the Building Department Counter.

**9. AS CONSTRUCTED PLANS**

- 9.1 The Chief Building Official may require that a set of plans of a building or any class of building as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

**10. REPEAL OF BY-LAWS**

- 10.1 By-law 2005-13 as amended, of the Corporation of the Township of McKellar is hereby repealed.

This By-law shall come into force and take effect upon third and final reading.

**READ a FIRST, SECOND and THIRD** time this 18th day of August, 2008.

(Original Signed)

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Reeve

(Original Signed)

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Clerk

**CORPORATION OF THE TOWNSHIP OF MCKELLAR**

**SCHEDULE 'A' to By-law No. 2008-17**

<b>1. Class of Building/Structure</b>	<b>Cost per Square Foot</b>
1.1 Residential Buildings/Seasonal Dwellings & Cabins	
Single Storey Dwellings & Additions	\$100.00
Single Storey finished basement & Additions	\$140.00
Two Storey or more & Additions - based on ground floor coverage	\$140.00
Accessory Buildings	
Garages, Storage Buildings, Boathouses	\$ 35.00
Porches, Carports	\$ 25.00
Sundecks, Balconies	\$ 20.00
Solariums, Sunrooms, Saunas	\$ 50.00
1.2 Commercial & Industrial Buildings	\$100.00
Accessory Buildings	\$ 35.00
1.3 Farm Buildings	\$ 15.00
1.4 Full Foundation (Perimeter)	\$ 18.00
Crawl Space (Perimeter)	\$ 14.00
Piers	\$ 7.00
<b>2. Levies</b>	
The rate to be levied against each \$1,000 of construction value (material & labour) shall be \$9.00	
Minimum fee for all structures in 1.1, 1.2, 1.3 & 1.4 shall be \$100.00.	
<b>3. Class of Permit</b>	<b>Permit Fee</b>
Construction, Addition	As determined from Sections 1 & 2 above
Alteration & Repair	\$100.00
Chimney, Fireplace, Woodstove	\$100.00
Demolition	\$100.00
Change of Use	\$100.00
Other	\$100.00
Plumbing (if not Part of Section 1 or 2 above)	\$100.00
Dock	\$ 50.00
<b>4. Inactive Permit Inspection</b>	
Permits outstanding for five years or more and for which there are no records of an inspection being done or requested within the previous year.	
	\$200.00 Flat rate
<b>5. Special Provision</b>	
The Chief Building Official may, where a proposed building or structure is not included in the above, or where there is a dispute, calculate the estimated value at his discretion.	
<b>6. General</b>	
At the discretion of the Chief Building Official an Administration Fee for constructing prior to obtaining a permit may be applied	
1. Any class of permit with construction value less than \$5,000	\$100.00
2. Any class of permit with construction value \$5,000-\$15,000	\$200.00
3. Any class of permit with construction value \$15,000 or more	\$300.00

**CORPORATION OF THE TOWNSHIP OF MCKELLAR**

**SCHEDULE “B” to By-law No. 2008-17**

**LIST OF PLANS OR WORKING DRAWINGS  
TO ACCOMPANY APPLICATIONS FOR PERMITS**

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans
6. Sections & Details
7. Building Elevations
8. Electrical Drawings
9. Heating, Ventilation and Air Conditioning Drawings
10. Plumbing Drawings

**Note: The Chief Building Official may specify that not all the above mentioned plans are required to accompany an application for permit.**

**CORPORATION OF THE TOWNSHIP OF MCKELLAR**

**SCHEDULE “C” to By-law No. 2008-17**

**REFUNDS**

<u>Status of Permit Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application filed. No processing of review of plans submitted	75% maximum
2. Application filed. Plans reviewed and permit issued	50% maximum

**NOTE:**

1. No refunds after any building inspections are carried out.
2. No refund shall result in the retention by the Township of McKellar of an amount less than \$100.00.
3. No refund will be given when application for refund is not made within twelve (12) months of issuance of permits.
4. No refund of the “costs” portion of any permit will be made.



**CORPORATION OF THE TOWNSHIP OF MCKELLAR**

**SCHEDULE "D" to By-law No. 2008-17**

**THE CORPORATION OF THE TOWNSHIP OF MCKELLAR  
ROAD DAMAGE SECURITY DEPOSIT  
(Pursuant to By-law No. 2008-17)**

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Name of Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cottage: \_\_\_\_\_

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Authorized Agent (if any): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cottage: \_\_\_\_\_

(Letter of authorization from owner to be attached.)

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Location of Land:

Lot Number: \_\_\_\_\_ Concession: \_\_\_\_\_

Plan of Subdivision Number: \_\_\_\_\_ Lot(s) on Plan: \_\_\_\_\_

Civic / 911 Address: \_\_\_\_\_

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I/We hereby agree to be responsible for any and all damage incurred to any municipal sidewalk, curbing, paved or unpaved highway resulting from the project to be undertaken by our application for a Permit to Construct or Demolish. I/We hereby agree that the \$750.00 road damage security deposit shall be used by the municipality to repair any damages incurred on area roads due to the construction of the applied for project. In the event that the cost to repair damages exceeds the deposit, I/We agree to be responsible for the full amount of the damages so incurred to any municipal roadway. I/We further agree that I/We have read Section 6 of By-law No. 2008-17, copied on the reverse of this form and agree to the terms thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner(s) or  
Authorized Agent

Personal information contained on this form is collected under the authority of the Building Code Act and will be used to collect a road damage deposit. Questions about this collection should be directed to: the Clerk, Township of McKellar, P.O. Box 69, McKellar, Ontario, P0G 1C0, Telephone: (705) 389-2842, Fax: (705) 389-1244

<b>FOR OFFICE USE ONLY:</b>	
Roll Number: _____	Receipt Number _____
Deposit Amount Paid: _____	Date Returned: _____