



THE CORPORATION OF THE TOWN OF PENETANGUISHENE

BY-LAW 2023-73

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Town of Penetanguishene and to Repeal By-law 2012-35, as amended

WHEREAS pursuant to section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 7 of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, authorizes municipal council to pass By-laws respecting construction, demolition and change of use permits, inspections and related matters including fees;

AND WHEREAS notice was given and a Public meeting held on October 11 2023 in accordance with the *Building Code Act, 1992*, S.O. 1992, c.23, as amended in relation to proposed amendments to the Building By-law 2012-35, as amended with respect to building related fees;

AND WHEREAS the Council of The Corporation of the Town of Penetanguishene deems it necessary and desirable to repeal By-law 2012-35, as amended and to enact a new Building By-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE, the Council of The Corporation of the Town of Penetanguishene enacts as follows:

1. GENERAL

- 1.1 This By-law may be cited as the "Building By-law".
- 1.2 Words in the singular may include the plural and words in the plural may include the singular.

- 1.3 Specific terms include both sexes and include corporations.
- 1.4 The headings and subheadings used in this By-law shall not form a part of the By-law but shall be deemed to be inserted for convenience of reference only.
- 1.5 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of the Act as amended, or its regulations, then the provisions of the Act and its regulations as amended prevail.
- 1.6 A code of conduct, as set out in Schedule “E”, for appointed municipal building officials shall be maintained, in accordance to the provisions of the Act, by the Municipality.
- 1.7 Schedule “A”, “B”, “C”, “D”, and “E” attached hereto shall form part of this By-law.

2. DEFINITIONS

- 2.1 Non-defined terms.
In this By-law all words or phrases shall have the meaning accorded to them in the Building Code Act or its regulations (the Building Code); in addition to those words and phrases, in this By-law...
- 2.2 **“Act”** means the Building Code Act, 1992, S.O. 1992, c.23, as amended.
- 2.3 **“Applicant”** means the owner of a building or property who applies for a permit or any person authorized to apply for a permit on the owner’s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- 2.4 **“Complete application”** means an application that meets the requirements set out in the building code for applications where the Chief Building Official is required to make a decision within a prescribed time period, and section 4 and Schedule “B” of this By-law.
- 2.5 **“Conditional permit”** means a permit issued under subsection 8(3) of the Act.
- 2.6 **“Partial permit”** means a permit issued by the Chief Building Official to construct part of a building.
- 2.7 **“Permit”** means permission or authorization given in writing by the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.

- 2.8 “**Permit holder**” means the owner to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.
- 2.9 “**Site plan**” means a detailed drawing(s) of proposed improvements to a given property at a defined scale.
- 2.10 “**Revised submission**” means additional information filed with the Chief Building Official which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the Chief Building Official is required.
- 2.11 “**Supplementary submission**” means a resubmission of additional information in relation to building permit application documents previously filed and reviewed, that requires additional review to determine Building Code compliance.
- 2.12 “**Town**” means The Corporation of the Town of Penetanguishene.

3. CLASSES OF PERMITS

- 3.1 Classes of permits required for the construction, demolition or change of use of a building shall be set out in Schedule “A” to this By-law.

4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1 To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.
- 4.2 An application for a *permit* may be refused by the Chief Building Official where it is not a *complete application*.
- 4.3 The Chief Building Official is delegated the authority to create and/or adopt for usage, forms (other than those prescribed by the *Act* or the Code) which provide for the collection of specific information in relation to *permit* applications which information is necessary for the administration and enforcement of the *Act* and the Code.

- 4.4 Applications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *Town* and will be retained in accordance with relevant legislation or by-law.

Applications for *Permits to Construct*

- 4.5. Every application for a *permit to construct* a building shall:
- 4.5.1 identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;
 - 4.5.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 and Schedule “B” of this by-law; and
 - 4.5.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Applications for *Permits to Demolish*

- 4.6 Every application for a *permit to demolish* a building shall:
- 4.6.1 identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit to demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
 - 4.6.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 and Schedule “B” of this By-law; and
 - 4.6.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Applications for *Permits to Construct Part of a Building*

- 4.7 In addition to the requirements of subsection 4.5, every application for a *partial permit* shall:
- 4.7.1 require a *permit* application for the entire project; and

- 4.7.2 be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official; and
- 4.7.3 includes payment of all applicable fees for the complete project.
- 4.8 The Chief Building Official may issue a *partial permit* when the Chief Building Official determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.
- 4.8.1 When determining whether to issue a *partial permit*, the Chief Building Official shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements, while awaiting subsequent approvals.

Application for *Conditional* Permits

- 4.9 In addition to the requirements of subsection 4.5, every application for a *conditional permit* shall:
- 4.9.1 include a written statement from the *applicant* explaining why the *applicant* believes that unreasonable delays in construction would occur if a *conditional permit* is not granted; and
- 4.9.2 include a written acknowledgement from the *applicant* of the necessary approvals that must be obtained in respect of the proposed building in order for the permit to be issued and the time in which such approvals will be obtained;
- 4.9.3 include payment of all applicable fees for the complete project.

No Implication of Permit Availability

- 4.10 Notwithstanding the issuance of a *permit* under section 4.8 (*Partial*) or 4.9 (*Conditional*) the Chief Building Official shall not be deemed, implied or obliged to issue any further or additional *permits* for such property.

Applications for *Permits* for Change of Use

- 4.11 Every application for a *permit* for a change of use shall:

4.11.1 identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a *permit* is made; and

4.11.2 be accompanied by the plans, specifications, documents, forms, and other information prescribed in section 5 and Schedule "B" of this By-law.

Abandoned *Permit* Applications

4.12 An application for a *permit* shall be deemed to be abandoned by the *applicant* where:

4.12.1 the application has been determined to be incomplete pursuant to section 4.2 of this By-law and remains incomplete for a period 90 days from the date the application was determined to be incomplete: or

4.12.2 the *applicant* has failed to obtain their building *permit* within 90 days of being notified that such *permit* is available for issuance (including where the payment of any outstanding fees is required at the time of issuance).

Revisions of *Permits*

4.13 After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the Chief Building Official in writing of any material change to a plan, specification, document, or their information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the Chief Building Official.

4.14 Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

5. PLANS AND SPECIFICATIONS

5.1 As part of the application for a *permit* and in addition to the requirements of section 4 of this by-law, every *applicant* shall submit to the Chief Building Official the following:

5.1.1 sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the *Act*, the Building Code, and any other applicable law.

5.1.2 Where a site *plan* is required to satisfy Section 5.1.1,
A *site plan* shall show.

- 5.1.2.1 lot size and dimensions of the property.
 - 5.1.2.2 setbacks from existing and proposed buildings to property boundaries and to each other.
 - 5.1.2.3 existing and finished ground levels or grades; and
 - 5.1.2.4 existing rights of way, easements, and municipal services.
- 5.1.3 a copy of the plan of survey upon which the *site plan* is referenced shall also be submitted unless the Chief Building Official waives this requirement.
- 5.2 Plans, specifications and other documents submitted by an *applicant* shall:
- 5.2.1 be fully coordinated among design disciplines and intended for construction, demolition or change of use.
 - 5.2.2 be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use.
 - 5.2.3 be submitted electronically or other suitable and durable material; and
 - 5.2.4 contain information and text that is clear and legible.
- 5.3 On completion of the construction of a building, the Chief Building Official may require the *applicant* to submit a set of as-constructed plans, including a plan of survey showing the location of a building.
- 5.4 Plans and specifications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *Town* and will be retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1 Where approval for an alternative solution under the Building Code is proposed in either the application for a *permit*, or in a material change to a plan, specification, document, or other information on the basis of which a *permit* was issued, the *applicant* shall submit:
- 6.1.1 an application on a form prescribed by the Chief Building Official.
 - 6.1.2 supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and

6.1.3 payment of the required fee prescribed by Schedule “C”

7. FEES AND REFUNDS

- 7.1 The Chief Building Official shall determine the required application fees in accordance with Schedule “C” to this By-law.
- 7.2 The Chief Building Official shall not issue a *permit* until the fees required by this By-law have been paid in full by the *applicant*.
- 7.3 In addition to the fees paid at the time of the building *permit* application, when an *applicant* makes *supplementary submissions* and *revised submissions*, the *applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule “C”.
- 7.4 In the case of withdrawal or abandonment of an application, or refusal, or revocation of a *permit*, and upon written request by the *applicant*, the Chief Building Official may refund any unearned fees to the party that made payment, which shall be calculated in accordance with Schedule “C”.
- 7.5 The Fees set out in Schedule “C” shall be adjusted annually on and effective the 1st of February based upon the 3rd quarter Statistics Canada Non-Residential Cost Index: Toronto; where such index indicates negative growth, the fees shall remain at the level established for the prior year. The Chief Building Official shall update Schedule “C” as of February 1st each year, however no amendment to the by-law shall be required to give effect to the fee changes.

8. TRANSFER OF PERMITS

- 8.1 If the owner of the land changes after the issuance of a *permit* and prior to the final inspection related thereto, the *permit* may be transferred to the new owner (the transferee) of the subject lands upon the submission of an application in accordance with the requirements of section 4 of this by-law, and where such application is accompanied by the following:
- 8.1.2 Proof of ownership of the subject lands by the transferee.
- 8.1.3 written confirmation from the designer, architect and/or professional engineer or such other qualified person referenced in the original application that such person or firm has been retained to continue to provide the stated services in respect of the application (if such services continued to be required under the *Act/Code*) or the name, address, telephone number of the designer, architect and/or professional engineer or such other qualified person and where applicable the written

confirmation of such person or firm that they have been retained in relation to the application;

8.1.4 the applicable fee;

8.2 Upon the issuance of a transfer of *permit* to the transferee, the transferee shall be deemed to be the *permit holder* and the original permit holder shall have no further rights or obligations to the Town under the permit save and except for any obligations set out in an agreement entered under clause 8(3)(c) of the Act.

9. NOTICES FOR INSPECTIONS

9.1 Inspection notices required by the building code and this By-law shall be made online or by telephone.

9.2 Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.

9.3 The person to whom the *permit* has been issued shall notify the Chief Building Official of each stage of construction for which a notice is prescribed by the Building Code.

9.4 Notwithstanding section 10 of this By-law, the person to whom the *permit* has been issued shall notify the Chief Building Official of the date of completion of the building or demolition work no more than two days after that date.

9.5 In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the Chief Building Official notice of the readiness for inspection for the stages of construction set out in Schedule "D" of this By-law, where applicable.

10. FENCING CONSTRUCTION SITES

10.1 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 *permit holder* to erect such fencing to the standards and specifications that the Chief Building Official deems to be appropriate in the circumstances.

10.2 When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the Chief Building Official shall have regard to:

10.2.1 the proximity of the construction site to occupied dwellings.

10.2.2 the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities.

10.2.3 the hazards presented by the construction activities and materials.

10.2.4 the feasibility and effectiveness of site fencing; and

10.2.5 the duration of the hazard.

10.3 When the Chief Building Official is of the opinion that fencing is required, the *permit holder* shall, prior to the commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the Chief Building Official to enclose the construction or demolition site for the purposes of preventing unauthorized entry on the site. For the purposes of this section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

11. OFFENCES AND PENALTIES

11.1 Any person is guilty of an offence and is subject to a penalty in accordance with Section 36 of the Building Code Act, 1992, S.O. 1992, c.23, as amended if the person:

- (a) knowingly furnishes false information in any application under the Act, in any certificate required to be issued or in any statement or return required to be furnished under the Act or the regulations.
- (b) fails to comply with an order, direction or other requirement made under the Act; or
- (c) contravenes the Act, the regulations or this By-law passed under section 7 of the Act.

12. SEVERABILITY

12.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

13. REPEAL AND TRANSITION

13.1 By-law Number 2021-45, as amended by By-law 2012-35 are hereby repealed in their entirety upon the date that this By-law comes into force.

13.2 Notwithstanding sections 13.1 and 14.1 of this By-law, for any complete applications received prior to the effective date of this By-law, the provisions of By-law Number 2012-35, as amended shall remain in force and effect of the purpose of this application.


14. EFFECTIVE DATE

14.1 This By-law shall come into force and take effect January 1, 2024.

By-law read a first, second and third time and finally passed by Council on the 13th day of December 2023.



Mayor



Clerk

SCHEDULE "A" OF BY-LAW 2023-73

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Town of Penetanguishene and to Repeal By-laws 2012-35, as amended.

CLASSES OF PERMITS

BUILDING PERMIT:

To be for the purpose of allowing all types of construction governed by the Act and the Building Code.

CHANGE OF USE PERMIT:

To comply with the requirements of Section 10. (1) of the *Act*.

CONDITIONAL PERMIT:

Pertains to construction only and may be issued only in accordance with Section 8.(3) of the **Act**. The Chief Building Official is hereby authorized to execute the written agreement referred to in Section 4 of this By-law on behalf of the *Municipality* where the Chief Building Official is satisfied that the compliance required under Section 8 of the *Act* has been achieved.

DEMOLITION PERMIT:

To be used for the demolition of all or part of a *building* or structure.

PARTIAL PERMIT:

When, a *permit* is applied for in accordance to the provisions of the Building By-law, in order to expedite work, the Chief Building Official may grant approval for construction to proceed for a portion of a structure.

SUPPLEMENTAL PERMIT:

After the issuance of a permit under the Act, the applicant has made changes to the material, site plan, or structure, a supplemental permit shall be applied for pending approval of the Chief Building Official.

SCHEDULE “B” OF BY-LAW 2023-73

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Town of Penetanguishene and to Repeal By-law 2012-35, as amended thereto

Plans, Specifications and Documentation Requirements

1. General Information required on all plans and specifications;

- Title block containing; project title or proposed use of building, owner’s name, municipal address of the project location, scale of drawing, drawing title, date drawing produced and,
- Designers contact and qualification information, in accordance with all applicable legislations.

2. Required Plans and Specifications for all residential properties containing not more than two dwelling units in each house and the building systems, works, fixtures and service systems appurtenant to these buildings including ancillary buildings that serve the main building;

- Architectural, structural, HVAC, site services and electrical as determined by the scope of the work involved, noting that for alterations or repairs the Chief Building Official may accept less.

3. Required Plans and Specifications for all other buildings including their ancillary buildings;

- Architectural, structural, mechanical (including HVAC and plumbing), site services and electrical as determined by the scope of the work involved, noting that for alterations and repairs the Chief Building Official may accept less.

4. Additional Forms / Documents submissions (where applicable)

- Property Owner’s Letter of Authorization appointing an agent.
- Commitment to General Review signed by all project team disciplines
- Building Code Data Matrix
- Geotechnical Investigation Report
- Complete Construction Specifications (Architectural, Structural, Mechanical and Electrical)
- authorizations/permits from other approving agencies (Applicable Law approvals)
- A Site Evaluation Report for an On-site Sewage System Design
- Energy Efficiency Design Summary form for Part 9 Residential Houses

This required information is in addition to any information specified in Sections 4 and 5 of this By-law.

In addition to the foregoing items, other information may be required to enable the Chief Building Official to determine whether the proposed work conforms to the Ontario Building Code.

SCHEDULE “C” OF BY-LAW 2023-73

Being a By-law to Amend By-law 2021-45 to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Town of Penetanguishene (Amend Fee Schedule “C”)

PERMIT FEES AND ADMINISTRATIVE CHARGES

INDEX

PART 1 - Terms and Definitions

PART 2 - Fee Calculations Guide

PART 3 - Fee Tables

PART 4 – Refund of Permit Fees

PART 1 - TERMS AND DEFINITIONS

1.1 non-defined terms.

- (1) Definitions of words and phrases used in this Schedule that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this Schedule taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

1.2 Defined Terms.

- (1) The following words and terms in this Schedule have the following meaning for the purposes of this Schedule.

Archived Permit When an active permit is considered archived where no Permit Inspection has been requested (by the permit holder) within one year of the date upon which the last Building Inspection had been performed by the Building Department.

High Density Apartment buildings (3 units or more), and non-dwelling “C” type Residential occupancies such as hotels, motels, dormitories, lodging, rooming house, etc.

Low Density Residential	Singles, semis, town, row house units, and duplex dwellings
Project	The total estimate value of construction cost, which includes, Value the cost of construction, professional designer compensation, and other similar charges.

PART 2 - FEE CALCULATIONS GUIDE

2.1 Minimum Permit Fee Calculation and Application Deposit

- (1) Except where a **flat fee** applies, the minimum fee and/or deposit for any permit application for work proposed with a Low-Density Group C residential occupancy shall be;
 - \$2,250.00 New Building, except for accessory buildings
 - \$300.00 Additions and alterations over 20m², except for decks
 - \$125.00 All other projects not listed above

- (2) Except where a **flat fee** applies, the minimum fee and/or deposit for any permit application for work proposed with a use of other than a Low-Density Group C residential occupancy shall be;
 - \$2500.00 New Building
 - \$500.00 Additions and alterations over 20m²
 - \$192.00 All other projects not listed above

- (3) Where a flat fee applies, the minimum deposit shall be equal to the flat fee, and paid at the time of application.

2.2 Total Permit Fee Calculations

- (1) Except as permitted in sentence (2), the summation of all applicable fees found in Tables 1A to 3E shall result in the total Permit Fee.

- (2) Permit fees may be calculated in accordance to subsection 2.4 of this schedule.

- (3) Where applicable, permit fees shall be calculated utilizing the metric rates assigned in the charts below. The Imperial rates assigned in the charts below are for convenience only.

2.3 Determination of Area Calculations for Permit Fees

- (1) The following method to establishing the total floor area shall be used;
 - a) Each floor area shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party Walls. For structures like, Mezzanines, Decks/Porches, and Loading Docks the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the total gross floor area.
 - b) A residential basement or a crawlspace contained in whole below grade, and with no interior finishes installed, or where no Use is proposed shall not have a permit fee applied.
 - c) All walkout basements in dwellings shall have half of their total floor area calculated to the applicable permit fee.
 - d) No deductions shall be made for openings within a Floor, i.e. stairwells, elevator shafts, service shafts (ducts. etc.). A horizontal plane may be projected over sloping and stepped Floors to determine Floor area in lieu of actual surface area.

2.4 Alternative Fee Calculations

- (1) Structures that are of an unusual shape, or where projects are unique in nature, and where the application fees set out in Part 3 of this Schedule is not possible, or would be impractical, the Chief Building Official, at their discretion, may determine the value of the Building Permit Fee. The Chief Building Official may utilize some, all, or a combination thereof, of the following criteria to determine the Building Permit Fee:
 - a) Fees listed in Table 3A to 3E of this Schedule may be used to calculate a permit fee based upon an estimation of staff time that may be spent on the file.
 - b) Apply a fee, or combination of fees listed in Tables 1A to 3E of this schedule that in the judgment of the Chief Building Official, most closely reflects the proposed project.

- c) Apply Permit Fee to equal of 1.5 % of Project Value as a minimum.
- (2) The Chief Building Official shall report instances where the fee has been reduced to the Council committee as reported in the quarterly building report.

PART 3 – FEE TABLES

3.1 Classes of Projects and Fee Index

(1) Except as provided otherwise, the following permit fees shall apply:

Table 1A to 1E - Base Structure Permit Fees

Description	Fee Parameters	Fees	
1A – New Structures & Additions			
Designated Structures – free standing (not listed elsewhere)	Each	\$500.00	
Docks	Flat Fee	\$125.00	
Farm Buildings – of low human occupancy (Architect or Engineer)	Per sq. m	\$4.02	\$0.37 per sq.ft
Farm Buildings- (No Architect or Engineer)	Per sq. m	\$3.22	\$0.30 per sq.ft
Public Pools, or Outdoor Pools (greater than 3.5m deep)	Per Pool	\$500.00	
Minimum Fee		\$125.00	
Minimum Fee New Residence		\$2,250.00	
1B – New Buildings by Occupancies			
<u>Group A – Assembly Uses</u>			
Portable classrooms - per unit	Flat Fee	\$583.00	
All other buildings - finished	Per sq. m	\$18.20	\$1.69 per sq.ft
- shell only	Per sq. m	\$12.84	\$1.19 per sq.ft
<u>Group B – Institutional Uses</u>			
All buildings - finished	Per sq. m	\$18.20	\$1.69 per sq.ft
- shell only	Per sq. m	\$12.84	\$1.19 per sq.ft
<u>Group C – High Density Residential (Apts, Hotels, etc....)</u>			
All buildings - finished	Per sq. m	\$19.17	\$1.78 per sq.ft
- shell only	Per sq. m	\$14.81	\$1.38 per sq.ft
<u>Group C – Low Density Residential (Singles, Semis, Towns, etc. Including Additions</u>			
Individual dwelling - Floor area not listed below	Per sq. m	\$16.15	\$1.50 per sq.ft
Finished basement-w/house construction	Per sq. m	\$5.75	\$0.53 per sq.ft
Attached garage	Per sq. m	\$7.55	\$0.70 per sq.ft
Attached carport bay	Flat Fee	\$125.00	per sq.ft
Covered Deck / Porch	Per sq. m	\$7.55	\$0.70 per sq.ft
Deck /Porch without roof	Per sq. m	\$5.75	\$0.53 per sq.ft
Acc Building/Boathouse (over 200 sf)	Per sq. m	\$7.55	\$0.70 per sq.ft
Acc Building/Boathouse (under 200 sf)	Flat Fee	\$125.00	
<u>Group D, & E – Business Services and Mercantile Uses</u>			
Restaurants - finished	Per sq. m	\$18.20	\$1.69 per sq.ft
shell only	Per sq. m	\$6.02	\$0.56 per sq.ft

All other Buildings - finished	Per sq. m	\$14.16	\$1.32 per sq.ft
shell only	Per sq. m	\$10.83	\$1.01 per sq.ft
Group F – Industrial Uses			
<i>Gas Bar Canopy/ Car Washes</i>			
finished	Per sq. m	\$7.87	\$0.73 per sq.ft
shell only	Per sq. m	\$6.02	\$0.56 per sq.ft
<i>Parking Garages / Warehouse Storage</i>			
finished	Per sq. m	\$5.95	\$0.55 per sq.ft
shell only	Per sq. m	\$4.56	\$0.42 per sq.ft
All other buildings - finished	Per sq. m	\$9.04	\$0.84 per sq.ft
shell only	Per sq. m	\$6.92	\$0.64 per sq.ft
1C – Temporary Structures			
Bleachers, Protective Hoarding (partially enclosed), Protective Tunnels/Walkways (fully enclosed), Temporary Tent up to 225m2, Stages	Flat Fee	\$150.00	
Sales Office / Trailers, Temporary Tent greater than 225m2	Flat Fee	\$270.00	
Permanent tent / air supported structure	Per sq. m	\$5.85	
1D – Demolitions			
<i>Whole Structure</i>			
1 storey, no basement/crawlspace, 60m2 or less	Flat Fee	\$125.00	
any other structure not exceeding 60 m2	Flat Fee	\$341.00	
any structure over 60 m2	Flat Fee	\$1,000.00	
<i>Partial (where remaining structure will remain occupied)</i>			
To all uses other than an Individual Residential unit	Per sq.m	\$6.50	
1E – Renovations to Buildings			
Group A – Assembly Uses			
Interior alterations / repairs	Per sq. m	\$16.07	\$1.49 per sq.ft
Interior finishing of a new shell	Per sq. m	\$9.64	\$0.90 per sq.ft
Group B – Institutional Uses			
Interior alterations / repairs	Per sq. m	\$16.07	\$1.49 per sq.ft
Interior finishing of a new shell	Per sq. m	\$9.64	\$0.90 per sq.ft
Group C – High Density Residential (Apts, Hotels, etc....)			
Interior alterations / repairs	Per sq. m	\$13.11	\$1.22 per sq.ft
Interior finishing of a new shell	Per sq. m	\$7.87	\$0.73 per sq.ft
Group C – Low Density Residential (Singles, Semis, Towns, etc.			
Interior alterations /repairs	Per sq. m	\$11.05	\$1.03 per sq.ft
Interior finishing/Second Unit	Per sq. m	\$6.63	\$0.62 per sq.ft

- Finish of basement	Per sq. m	\$3.59	\$0.33 per sq.ft
<u>Group D, & E – Business Services and Mercantile Uses</u>			
Interior alterations / repairs	Per sq. m	\$9.64	\$0.90 per sq.ft
Interior finishing of a new shell	Per sq. m	\$7.53	\$0.70 per sq.ft
<u>Group F – Industrial Uses</u>			
Interior alterations / repairs	Per sq. m	\$2.48	\$0.23 per sq.ft
Interior finishing of a new shell	Per sq. m	\$3.22	\$0.30 per sq.ft

Table 2A to 2C - Systems and Services Permit Fees

2A – Site Servicing		
- Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects.		
Irrigation system		
serving individual dwelling properties	Flat Fee	\$125.00
serving all other building properties	Flat Fee	\$125.00
On-site Sewage systems		
New - Class 4, or 5 system	Flat Fee	\$688.00
New - Class 1,2 or 3 system	Flat Fee	\$397.00
Alteration to existing on-site sewage system	Flat Fee	\$397.00
Repair to existing on-site sewage system (New tank)	Per Project	\$212.00
Plan Review of existing for compliance	Per Project	\$53.00
Site Review of existing for compliance	Per Site Visit	\$125.00
Re-inspection Program		
initial site inspection	Flat Fee	\$173.00
additional site inspections	Flat Fee	\$125.00
Private Fire Hydrant system (wet or dry)	Per Project	\$265.00
Sewer Connection from existing septic system	Per Project	\$125.00
New Site Servicing - To all projects except Low Density Residential (Installation of sanitary, storm sewers, and water distribution service)	Per 30m (or part thereof)	\$173.00
2B – Building Mechanical & Fire Safety		
- Fees for stand-alone projects or where such features are proposed in additions or renovation projects.		
H.V.A.C		
Non-residential	Per Appliance	\$173.00
Residential	Per Project	\$150.00
Plumbing		
Fixture not listed below	Flat Fee	\$23.00
Backwater device		
Installed in conjunction with other construction	Flat Fee	\$23.00
Stand-alone installation of one unit	Flat Fee	\$125.00

Stand-alone installation of multiple units	Per Unit	\$125.00
Testable Backflow devices		
Installed in conjunction with other construction	Flat Fee	\$23.00
Stand-alone installation of one unit	Flat Fee	\$125.00
Stand-alone installation of multiple units	Per Unit	\$125.00
Fire/Life Safety Systems Installation or upgrade	Per Unit	\$125.00
Fire Alarm system	Per sq. m of area serviced	\$0.59 of area serviced
Sprinkler system	Per sq. m of area serviced	\$0.59 of area serviced

2C – Miscellaneous Elements		
- Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects.		
Barrier Free walks / ramps (exterior)	Flat Fee	\$125.00
Below Grade Exterior Stair	Flat Fee	\$125.00
Chutes (Linen / Refuse)	Flat Fee	\$125.00
Commercial Cooking Hood	Flat Fee	\$299.00
Fire Department Plans Examination	Flat Fee	\$125.00
Floor Area Change (new usage of existing)	Per sq. m	\$2.36
Mechanical Rooms	Flat Fee	\$125.00
Underpinning / Tie Backs / Shoring	Per 10 m (or part thereof)	\$151.00
Rack Storage Systems	Per sq. m	\$7.57
Retaining Walls - Exceeding 1meter in height	Per Property	\$575.00
Solar Photovoltaic systems (roof mounted to individual dwelling buildings)	per roof side	\$170.00
Signs		
Minor Wall signs (254 lb or less) - 1st sign	Flat Fee	\$125.00
for each Minor Wall sign thereafter on same permit	Flat Fee	\$55.20
All other signs	Flat Fee	\$299.00
Spray Booths / Dust Collectors	Flat Fee	\$575.00
Solid Fuel Appliance c/w Chimney System	Flat Fee	\$299.00
Above Ground Pool - No Deck	Flat Fee	\$125.00
Inground Pool	Flat Fee	\$230.00

Tables 3A to 3E - Applications & Administrative Fees & Deposits

3A – Permit Applications & Active Permits		
Additional Inspections or Site Visit(s)	Per Inspection	\$125.00
Change of Use Application		
No construction proposed or required	Per Application	\$125.00
Conditional Building Permit Agreements		
Simple Agreement	Per Agreement	\$242.00
Other	Per Agreement	\$2,100.00
plus, Third Party Review	Out of pocket cost recovery + 15%	
Lot Grading Approvals from Town Engineer		
Administrative assistance and Town Engineer Review for Individual Dwelling (houses)	Per Project	\$360.00
Other buildings or additional Town Engineer Review if required	Per Hour	\$125.00
Processing and collection of applicable law approvals		
Per Individual Dwelling (houses)	Per Project	\$63.00
For all other Buildings or Structures	Per Project	\$140.00
plus, Third Party Review	Out of pocket cost recovery + 15%	
Request to use Alternative Solution	Per Request	\$1,100.00
plus, Third Party Review of design submission	Out of pocket cost recovery + 15%	
Request for CBO to accept Alternative Material	Per Request	\$1,100.00
plus, Third Party Review of design submission	Out of pocket cost recovery + 10%	
Request for Partial Permit	Per Request	\$210.00
plus, Third Party Review of design submission	Out of pocket cost recovery + 15%	
Third Party Review	Out of pocket cost recovery + 15%	
3B – Archived Permit		
- Notwithstanding the fees described below, the fee applied to reactivate a permit shall not exceed the original permit fee value		
Review of permit file documents	Per Hour	\$125.00
Maintenance Fee of all files not closed within 24 months	Per Year	\$200.00
Third Party Review	Out of pocket cost recovery + 15%	

3C – Investigations		
To offset additional investigative and administrative costs, the following fees apply;		
Construct or Demolish without Permit Issued		
Prior to the issuance of an Order pursuant to the Building Code Act		Double normal permit fee \$15,000.00 max
Order pursuant to the Building Code Act	Per Order Issued	\$230.00
Order not complied with, additional site inspections to review status of non-compliance	Per Inspection	\$115.00
Order registered on title	Per Order	\$345.00
Issuance of Summons	Per Summons plus	\$345.00
Other Non-compliance Building Code Act & Code Matters		
Order to Comply pursuant to the Building Code Act	Per Order Issued	\$230.00
Stop Work Order pursuant to the Building Code Act	Per Order Issued	\$230.00
Unsafe Order pursuant to the Building Code Act		N/C
Order not complied with, additional site inspections to review status of non-compliance	Per Inspection	\$125.00
Order registered on title		Cost recovery + 15%
Issuance of Summons		Cost recovery + 15%
3D – Miscellaneous Clerical Functions		
Building Compliance , Planning & Building Review Fees		
Septic use permit	Flat Fee	\$25.00
Planning Review Fee (when changes are required)	Flat Fee	\$50.00
Planning Review fee for revised permit documents	Flat Fee	\$50.00
Compliance Letters to other Government Authorities		
Unrelated to an active permit or permit application	Per Letter	\$115.00
Where there is an active permit or permit application	Per Letter	\$115.00
Building Review of Planning Applications	Flat Fee	\$125.00
Building Review of Revised Permit Documents	Per Hour	\$125.00
Special Requests for File Research	Per Hour +HST	\$125.00
Emergency Call	Per Hour	\$320.00
Transfer of Permit to new Property Owner	Flat Fee	\$125.00

3E – Extra Services Deposit		
- Collected at permit issuance to offset any additional inspection and administrative costs not anticipated but incurred by the municipality during a project.		
- Any fees deducted from the deposit shall be calculated in accordance with Table 3A to 3D of this schedule.		
- Unused portion of deposit is fully refundable, see Part 4 of this schedule for details		
Group A, B, C – High Density Residential, D, E, & F		
- New, Additions & Renovations	Per 100 m2 (or part thereof)	\$150.00
- Stand-alone projects not applicable to above	Per Project	\$500.00
Group C – Low Density Residential (Houses - singles, towns, etc...)		
- New Dwelling	Per Project	\$500.00
- All other projects	Per Project	\$250.00
Exemptions - Tents, Signs, residential decks & sheds		
Lot Grading Deposit – All other projects (unless otherwise specified in a development agreement)	Per Lot	\$5,000.00

PART 4 – REFUND OF PERMIT FEES

4.1 General Provisions

- (1) Refunds of fees collected under the authority of Tables 1A to 1E, and 2A to 2C, shall be provided in accordance with other provisions of this Part, where the;
 - Building Permits have been issued, but no construction has commenced,
 - Building Permits have not been revoked or archived,
 - Building Permit Applications have not expired,
- (2) Fees collected under the authority of Tables 3A to 3D are non-refundable.
- (3) Refunds of fees collected under the authority of Table 3E, shall be provided in accordance with other provisions of this Part, where;
 - the building, or any part thereof, has not been occupied prior to the issuance of an occupancy certificate.

- a final inspection has been performed which indicates that the project is completed, and the file may be closed.

4.2 *Refund Provisions for Permit Fees found in Tables 1A to 1E and 2A to 2C of this Schedule*

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of Permit Fees, if any, that may be refunded.
- (2) The amount of fees refundable shall be calculated based on the total of all building permit fees collected under the authority of Tables 1A to 1E, and 2A to 2C of this Schedule, as follows:
 - 75 percent refundable if applicant cancels application prior to building code plans examination and/or Zoning review;
 - 50 percent refundable if the Chief Building Official has released the permit for issuance and/or Zoning review has been completed

4.3 *Refund Provisions for Extra Services Deposit found in Table 3E of this Schedule and Deposits posted under a Conditional Building Permit.*

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of the deposits, if any, that may be refunded, provided the request is received no later than two years after the date of when occupancy is granted. Upon expiration of the two-year timeframe noted above, monies collected shall be considered forfeited.

SCHEDULE "D" OF BY-LAW 2023-73

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Town of Penetanguishene and to Repeal By-laws 2012-35, as amended.

Notices for Additional Inspections

In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the Chief Building Official notice of the readiness for inspection for the following stages of construction.

- a) commencement of *construction* of the *building*,
- b) substantial completion of structural framing for each *storey*, if the *building* is a type of *building* that is within the scope of Parts of Division B other than Part 9 of Division B,
- c) commencement of *construction* of,
 - masonry fireplaces and masonry *chimneys*,
 - factory-built fireplaces and allied *chimneys*, or
 - *stoves, ranges, space heaters* and add-on *furnaces* using solid fuels and allied *chimneys*,
- d) substantial completion of interior finishes,
- e) substantial completion of heating, ventilating, *air-conditioning* and air-contaminant extraction equipment,
- f) substantial completion of exterior cladding,
- g) substantial completion of site grading,
- h) substantial completion of the pool deck and dressing rooms for a *public pool* or *public spa* and readiness for inspection of the emergency stop system for a *public pool* or *public spa*,
- i) completion and availability of drawings of the *building* as constructed, and
- j) completion of a *building* for which an occupancy permit is required under Article 1.3.3.4. of Division C of the *Building Code*

Inspection notices are required a minimum of two business days prior to the stages of construction specified above and shall be made online or by telephone.

SCHEDULE “E” OF BY-LAW 2023-73

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Town of Penetanguishene and to Repeal By-laws 2012-35, as amended.

CODE OF CONDUCT FOR BUILDING OFFICIALS

Preamble

The Code of Conduct applies to the Chief Building Official and Building Officials appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Building Code.

The purpose of the Code is to promote appropriate standards of behavior and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

Standard of Conduct

Building Officials undertake to:

- Always act in the public interest, particularly with regard to the safety of building works and structures.
- Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
- Apply all relevant building by-laws, codes, and standards appropriately and without favor.
- Perform their inspections and plan examination duties impartially and in accordance with the highest professional standards.
- At all times abide by the highest moral and ethical standards and avoids any conduct, which could bring or tend to bring Building Officials into disrepute.
- Comply with the provisions of the Building Code Act, the Ontario Building Code and other Acts or Laws that regulate or govern Building Officials or their functions.
- Maintain current accreditation to act as an Ontario Building Official.
- Maintain their knowledge and understanding of the best current building practices, the building laws, and Codes relevant to their inspection and plan examination function.
- Extend professional courtesy to all.

Breaches of the Code of Conduct

The Building Code Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code against a Building Official, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct.

Where the allegation is against the Chief Building Official, the Director of Planning will direct the investigation and make recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or the Director of Planning will have regard to the relevance of the conduct to the officials' powers and responsibilities as well as the severity of any misconduct.

Disciplinary action arising from violations of the code of conduct is the responsibility of The Corporation of the Town of Penetanguishene Administration and is subject to relevant collective agreements, employment laws and standards.