



**BY-LAW NUMBER 2013-**

**A By-law of the Corporation of the City of Barrie to regulate the administration and enforcement of the Building Code Act regarding the construction, demolition or the change of use of buildings.**

**WHEREAS** Subsection 3.(1) of the *Building Code Act*, S.O. 1992, c.23 as amended, delegates to the Council of each municipality in Ontario the responsibility for the enforcement of the *Act* within their municipality;

**AND WHEREAS** Subsection 3.(2) of the *Building Code Act*, S.O. 1992, c.23 as amended requires the Council of each municipality in Ontario to appoint a *Chief Building Official* and such *Inspectors* as are necessary for the enforcement of the *Act* within their municipality;

**AND WHEREAS** Section 7 of the *Building Code Act*, S.O. 1992, c.23 as amended empowers the Council of a municipality to pass certain by-laws respecting the administration and enforcement of the *Act* and the Ontario *Building Code* through the prescribing of classes of *permits*, submission of applications, collection of fees, notifications for inspections, etc.;

**AND WHEREAS** by Motion 13-G-060 the Council of The Corporation of the City of Barrie deems it expedient to regulate the administration and enforcement of the *Building Code Act* regarding the construction, demolition or the change of use of buildings;

**NOW THEREFORE** the Council of the Corporation of the City of Barrie enacts as follows.

**1. Short Title – The Building By-law**

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

**2. Definitions and Interpretations**

2.1. In this By-law:

- 2.1.1. *Act* means the *Building Code Act*, S.O. 1992, c.23 as amended;
- 2.1.2. *Applicant* means the *owner* of a building or property who applies for a *permit* or any person authorized by the *owner* to apply for a *permit* on the *owner's* behalf, or any person or Corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or Corporation;
- 2.1.3. *Applicable Law* means the list of *Applicable Laws* found in Article 1.4.1.3. of Division A of the *Building Code*;
- 2.1.4. *Barrie's Fees By-law* means the Corporation's by-law prescribing the fees for *permits* and related services that is in force and effect on the day an application for a *permit* is accepted or on the day the related service is provided;
- 2.1.5. *Building Code* means the regulations made under Section 34 of the *Act* being O.Reg. 350/06 and any amendments thereto;
- 2.1.6. *Certified Model* means a unique building design for a proposed *House* building that is intended for the repeated construction of essentially identical buildings pursuant to separate *permits* issued under the *Act*;
- 2.1.7. *Chief Building Official* means the person appointed by by-law by the Corporation as the *Chief Building Official* for the purposes of enforcement of the *Act* and shall include a designate where not prohibited by law;
- 2.1.8. *Construction or Demolition Sitel* means any *Construction or Demolition Sitel* in respect of which a *Construction Permit*, a *Conditional Permit* or a *Demolition Permit* has been issued for the construction of a building or the demolition of an existing building;

- 2.1.9. *Corporation* means the *Corporation* of the City of Barrie;
- 2.1.10. *House* means a building used for residential occupancy containing at least one dwelling unit and not more than two dwelling units in each *House* and the building systems, *Works*, fixtures and service systems appurtenant to these buildings;
- 2.1.11. *Incomplete Application* means an application for a *permit* that does not include all requirements as prescribed in Section 4 of this by-law;
- 2.1.12. *Inspector* means a person appointed by by-law by the *Corporation* as an *Inspector* for the purposes of enforcement of the *Act*;
- 2.1.13. *Owner* means the person(s) registered as the *owner(s)* of the property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property;
- 2.1.14. *Permit* means permission or authorization given in writing from 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 the *Building Code*;
- 2.1.15. *Permit Holder* means the *owner* to whom a *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the *permit* has been transferred; and
- 2.1.16. *Work* means the construction or demolition of a building or part thereof, as the case may be.
- 2.2. Any word or term not defined in this by-law that is defined in the *Act* or the *Building Code* shall have the meaning ascribed to it in the *Act* or the *Building Code* unless inconsistent with the context thereof.
- 2.3. Any word or term not defined in this by-law or the *Act* or the *Building Code* shall have the same meanings as ascribed in a standard Canadian dictionary.

### 3. Classes of *Permits*

- 3.1. The classes of *Permits* with respect to the construction, demolition, change of use and occupancy of buildings shall be as set out herein.
- 3.1.1. A **Construction Permit** is a *Permit* required under Subsection 8.-(1) of the *Act* for the construction of a building or part of a building, and may include the construction of all related sub-systems such as plumbing and mechanical systems that are regulated by the *Building Code*.
- 3.1.2. A **Conditional Permit** is a *Permit* authorized under Subsection 8.-(3) of the *Act* allowing any specified stage of construction to proceed in advance of a *Construction Permit* subject to any restrictive conditions.
- 3.1.3. A **Demolition Permit** is a *Permit* required under Subsection 8.-(1) of the *Act* for the demolition of a building or part of a building.
- 3.1.4. A **Change of Use Permit** is a *Permit* required under Subsection 10.-(1) of the *Act* for the change of use of a building to a use of increased hazard, where no construction is being proposed.
- 3.1.5. An **Occupancy Permit** is a *Permit* required under Articles 1.3.3.1. and 1.3.3.4. of Division C of the *Building Code* authorizing the occupation of a building or part of a building that falls within the scope of these articles.

### 4. Applications for *Permits*

- 4.1. To obtain a *Construction Permit*, the *Owner* or an agent authorized in writing by the *Owner* shall file a complete application in writing as described herein and in Subsection 1.3.1. of Division C of the *Building Code* to the office of the *Chief Building Official* along with all required *Construction Permit* fees as described in *Barrie's Fees By-law*.
- 4.1.1. The complete application will consist of:
- 4.1.1.1. An application form as prescribed by the *Building Code* which must be completed and be signed by the *Owner*

or an agent who provides written authorization from the *Owner* to sign;

- 4.1.1.2. Written authorization or approval from the appropriate approval body for all *Applicable Laws* as described in the *Building Code* that is relevant to the proposed construction, including the payment of required fees;
  - 4.1.1.3. Complete plans and specifications, documents and other information as required by Sentence 1.3.1.3.(5) of Division C of the *Building Code* and as described in Section 5 of this by-law to describe the complete scope of *Work*;
  - 4.1.1.4. A completed Commitment to General Reviews form as prescribed by the *Chief Building Official* when the Professional Engineers Act, R.S.O. 1990, c. P.28, as amended or the Architects Act, R.S.O 1990, c. A.26, as amended requires the designer to be a professional engineer or an architect; and
  - 4.1.1.5. Acceptable proof of corporate identity and property ownership when the *Owner* is not a natural person.
- 4.2. To obtain a Conditional *Permit*, the *Owner* or an agent authorized in writing by the *owner* shall file a complete application as described herein to the office of the *Chief Building Official* along with all required Conditional *Permit* fees as described in *Barrie's Fees By-law*.
- 4.2.1. There must be an application for a Construction *Permit* in possession of the *Chief Building Official*, with all required Construction *Permit* fees paid in full before an application for a Conditional *Permit* will be accepted.
  - 4.2.2. The complete application shall consist of:
    - 4.2.2.1. An application form as prescribed from time to time by the *Chief Building Official* which must be completed and be signed by the *Owner* or an agent who provides written authorization from the *Owner* to sign;
    - 4.2.2.2. Written authorization or approval from the appropriate approval body for all *Applicable Laws* as described in the *Building Code* that are relevant to the proposed Conditional *Permit Work*, including the payment of required fees;
    - 4.2.2.3. A Conditional *Permit* Agreement form as authorized by Section 8.-(3)(c) of the *Act* and as prescribed by the *Chief Building Official* which must be completed and signed by the *Owner* or an authorized agent of the *Owner* who must have authority to bind the *Owner*; and
    - 4.2.2.4. A Security Deposit as may be required by the *Chief Building Official* under the terms of the Conditional *Permit* Agreement.
  - 4.2.3. The application form referred to above must state the following:
    - 4.2.3.1. The reasons why the *Applicant* believes that unreasonable delays in construction would occur if a Conditional *Permit* is not granted;
    - 4.2.3.2. The necessary approvals which must yet be obtained in respect of the proposed building and the time frame in which such approvals will be obtained; and
    - 4.2.3.3. The time frame in which outstanding plans and specifications of the proposed construction will be filed with the *Chief Building Official*.
  - 4.2.4. The issuance of a Conditional *Permit* shall not be construed to authorize construction beyond the scope for which approval was given nor that approval for the Construction *Permit* will necessarily be granted.

- 4.3. To obtain a Demolition *Permit*, the *Owner* or an agent authorized in writing by the *Owner* shall file a complete application in writing as described herein and in Subsection 1.3.1. of Division C of the *Building Code* to the office of the *Chief Building Official* along with all required Demolition *Permit* fees as described in *Barrie's Fees By-law*.
- 4.3.1. The complete application will consist of:
- 4.3.1.1. An application form as prescribed by the *Building Code* which must be completed and be signed by the *Owner* or an agent who provides written authorization from the *Owner* to sign;
  - 4.3.1.2. Written authorization or approval from the appropriate approval body for all *Applicable Laws* as described in the *Building Code* that is relevant to the proposed demolition, including the payment of required fees;
  - 4.3.1.3. Complete plans and specifications, documents and other information as required by Sentence 1.3.1.3.(5) and Sentence 1.3.1.1.(3) of Division C of the *Building Code* and as described in Section 5 of this by-law to describe the complete scope of *Work*;
  - 4.3.1.4. A completed Confirmation of Arrangements to Disconnect Existing Services form as prescribed by the *Chief Building Official*; and
  - 4.3.1.5. A completed Commitment to General Reviews form as prescribed by the *Chief Building Official* when the Professional Engineers *Act*, R.S.O. 1990, c. P.28, as amended or the Architects *Act*, R.S.O 1990, c. A.26, as amended requires the designer to be a professional engineer or an architect.
- 4.4. To obtain a Change of Use *Permit*, the *Owner* or an agent authorized in writing by the *owner* shall file a complete application as described herein to the office of the *Chief Building Official* along with all required Change of Use *Permit* fees as described in *Barrie's Fees By-law*.
- 4.4.1. The complete application shall consist of:
- 4.4.1.1. An application form as prescribed from time to time by the *Chief Building Official* which must be completed and be signed by the *Owner* or an agent who provides written authorization from the *Owner* to sign;
  - 4.4.1.2. Written authorization or approval from the appropriate approval body for all *Applicable Laws* as described in the *Building Code* that is relevant to the proposed change of use, including the payment of required fees;
  - 4.4.1.3. Complete plans and specifications, documents and other information as described in Section 5 of this by-law 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, but not necessarily limited to floor plans and details of wall, floor and roof assemblies identifying required fire resistance ratings, occupant loads, load bearing capacities and details of the existing sewage system, if any; and
  - 4.4.1.4. A report from a qualified person as prescribed by the *Building Code* confirming that the change of use can safely occur within the existing building or portion thereof without the need to upgrade any construction, as permitted by Part 10 of Division B of the *Building Code*.
- 4.5. To obtain an Occupancy *Permit*, notification must be submitted to the office of the *Chief Building Official* by the *Owner* or an authorized agent of the *Owner* in accordance with Section 19 of this by-law and if an inspection confirms compliance with the requirements for occupancy, an Occupancy *Permit* will be issued.

- 4.6. All forms prescribed by the *Chief Building Official* are available at the office of the *Chief Building Official* or on the City's web site.

## 5. Plans and Specifications for Applications

- 5.1. Sufficient information shall be submitted in a legible format with each application for a *Permit* to enable the *Chief Building Official* and the *Inspectors* to determine whether or not the proposed construction, demolition, change of use or occupancy will conform with the *Act*, the *Building Code*, this by-law and any other *Applicable Laws*.
- 5.2. Except as provided for in Subsections 5.3 and 5.4 of this by-law, each application shall, unless otherwise specified by the *Chief Building Official*, be accompanied by three (3) complete sets of plans and specifications required under this by-law.
- 5.3. Except as provided for in Subsection 5.4 of this by-law, applications for *Permits* for *Houses* must be accompanied by at least two (2) sets of plans and specifications required under this by-law.
- 5.4. Applications for a Conditional *Permit* must be accompanied by an extra set of plans and specifications for the scope of *Work* covered by the Conditional *Permit*.
- 5.5. Plans shall be drawn to scale on paper or electronic media approved by the *Corporation*, and without limiting the generality of the foregoing, shall include such *Working* drawings as set out in Appendix 'A' to this by-law unless otherwise specified by the *Chief Building Official*.
- 5.6. Plans and specifications furnished according to this by-law or otherwise required by the *Act* become the property of the *Corporation* and will be disposed of or retained in accordance with relevant legislation and with policies of the *Corporation*.

## 6. Certified Model Plans

- 6.1. A designer or builder may file an application for the pre-approval of a *Certified Model*.
- 6.2. Every application for a *Certified Model* shall:
- 6.2.1. be made on an application prescribed by the *Chief Building Official*; and
  - 6.2.2. be accompanied by the plans, specifications, documents and other information described in Subsection 4.1 and Section 5 of this by-law for a Construction *Permit*, with the exception of a site plan;
  - 6.2.3. be accompanied by all required fees as described in *Barrie's Fees By-law*; and
  - 6.2.4. contain no more than four (4) design options for any one *Certified Model*.
- 6.3. Plans and specifications for the *Certified Model* that appear to comply with the construction requirements of the *Building Code* shall be approved by the *Chief Building Official* for use for future Construction *Permit* applications at a discounted fee as prescribed in *Barrie's Fees By-law*.

## 7. Permit Fees

- 7.1. The *Permit* fees established in *Barrie's Fees By-law* presumes a single submission of complete plans and single inspections at the prescribed stages of construction wherein the plans and the *Works* are found to be compliant with the *Act*, the *Building Code* and the approved *Permit*. Additional service fees will be invoiced to the *Owner* and the *Permit Holder* when additional resources are consumed to review revised drawings and/or to reinspect *Work*.
- 7.2. The *Chief Building Official* shall determine the required fees for the *Work* proposed in accordance with *Barrie's Fees By-law* and the applicant shall pay such fees, in addition to any development charges, levies and other fees applicable through other by-laws, regulations and legislation.
- 7.3. Where no fee exists in *Barrie's Fees By-law* for the proposed *Work* the *Chief Building Official* shall estimate the total cost to provide the plan review, inspection and administration expenses and charge a fee to recover those costs.

## 8. Alternative Solutions

- 8.1. Where an application for a Construction *Permit* or a request 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 alternative solution for an equivalent material, system or building design for which authorization under Article 1.2.1.1. of Division A of the *Building Code* is requested, the following information shall be provided:
  - 8.1.1. A description of the proposed material, system or building design for which authorization under Article 1.2.1.1. of Division A of the *Building Code* is requested;
  - 8.1.2. Documentation and test reports prescribed in Section 2.1 of Division C of the *Building Code*;
  - 8.1.3. Any applicable provisions of the *Building Code*; and
  - 8.1.4. Evidence that the proposed material, system or building design will provide the level of performance required by the *Building Code*.
- 8.2. A fee as prescribed in *Barrie's Fees By-law* shall be paid upon submission of the request for consideration of each equivalent material, system or building design described above in addition to the fees for the *Permit* application or plan revisions.

## 9. Review of *Permit* Applications

- 9.1. Applications made to the *Chief Building Official* pursuant to this by-law shall be reviewed to confirm that:
  - 9.1.1. The application is complete in accordance with Section 4 of this by-law;
  - 9.1.2. The plans and specifications have been prepared by competent designers who, where required by the *Act*, have satisfied the requirements for qualifications and registration; and
  - 9.1.3. The plans and specifications adequately describe the proposed *Work*, and said plans and specifications comply with the *Act* and the *Building Code*.
- 9.2. Except as provided in Article 9.3 of this by-law, an *Incomplete Application* shall be denied without further review.
- 9.3. The *Applicant* of an *Incomplete Application* may submit an Acknowledgement of *Incomplete Application* form as prescribed by the *Chief Building Official* requesting the *Chief Building Official* hold the *Incomplete Application* until all missing information has been provided.
- 9.4. At the discretion of the *Chief Building Official*, upon receipt of an Acknowledgement of an *Incomplete Application* form, an *Incomplete Application* may be held until such time as all missing information has been provided, subject to the provisions of Article 9.7 of this by-law.
- 9.5. Where a *Permit* application has been reviewed but is found to be non-compliant with any provisions of the *Act* or the *Building Code*, written notification shall be given to the *Applicant* advising of the found non-compliance.
- 9.6. At the discretion of the *Chief Building Official*, a plan review can be discontinued where significant *Building Code* contraventions are discovered on the application. The *Applicant* shall be notified that a complete plan review was not performed.
- 9.7. Where an *Incomplete Application* has been held or the application documents are found to be non-compliant with the *Act* or the *Building Code*, the application may be deemed to be abandoned if the *Applicant* has not made satisfactory progress to submit the missing information or to resubmit any revised information, as the case may be, within 30 days of being notified by the *Chief Building Official* or his delegate of a requirement to submit missing or revised information.

**10. Withdrawing an Application**

- 10.1. An *Applicant* can request the withdrawal of an application for any reason, at any time prior to the issuance of a *Permit*. The request shall be in writing to the *Chief Building Official*.

**11. Issuance of *Permits***

- 11.1. All *Permit* documents issued by the *Corporation* shall be in a form prescribed by the *Chief Building Official*.
- 11.2. The issuance of a *Permit* does not relieve the *Owner* or their agents from complying with any and all laws including the *Building Code*.
- 11.3. The *Corporation* does not warrant in any way that the acceptance of an application for the issuance of a *Permit* ensures the proposed *Work* will comply with all requirements of the *Act* or the *Building Code*.
- 11.4. A *Permit* placard, when issued with the *Permit*, shall be placed in a conspicuous place at the location of the *Work*.

**12. Delegated Power to Enter Into *Permit* Agreements**

- 12.1. The Council of the *Corporation* of the City of Barrie hereby delegates to the *Chief Building Official* the power to enter into agreements described in Clause 8.-(3)(c) of the *Act* for the issuance of Conditional *Permits*.
- 12.2. The Council of the *Corporation* of the City of Barrie hereby delegates to the *Chief Building Official* the power to enter into agreements to ensure the continued operation of an approved hauled sewage system where said system is proposed as an interim measure for a lot or parcel of land until municipal sewers are available as *permitted* by Clause 8.8.1.2.(1)(d) of Division B of the *Building Code*.

**13. *Permit* Revisions**

- 13.1. Where the scope or design of the proposed *Work* changes after a *Permit* has been issued, the *Owner* shall submit a written request to the *Chief Building Official* accompanied with plans and specifications that describe the revised *Work* in sufficient detail as prescribed in Section 5 of this by-law.
- 13.2. A fee as prescribed in *Barrie's Fees By-law* shall be paid upon submission of the requested revision.
- 13.3. Where the requested revision involves a reduction in the scope of *Work*, the *Chief Building Official* may impose conditions to ensure the structure is protected from damage and the public is protected from harm.
- 13.4. The requested change does not come into effect until the *Chief Building Official* has approved and authorized the change in writing.

**14. Transfer of a *Permit***

- 14.1. No *Permit Holder* can transfer responsibilities to comply with the requirements of an issued *Permit* to a new *Owner* unless the following is provided to the *Chief Building Official*:
- 14.1.1. A written statement from the new *Owner* of their agreement to comply with all regulations and requirements as identified on the *permit* drawings, the *Act*, the *Building Code* and other *Applicable Laws*;
- 14.1.2. A written statement from the designer of the drawings and documents associated with the issued *Permit* giving permission for the new *Owner* to use the copyright drawings; and
- 14.1.3. The payment of all fees identified in *Barrie's Fees By-law* for the transfer of a *Permit*.
- 14.2. The new *Owner* shall thereafter be the *Permit Holder* for the purposes of the *Act* and the *Building Code*.

- 14.3. Where the ownership of a property changes and the *Permit* has not been transferred in accordance with this Section, the new *Owner* cannot carry out any construction under the open *Permit* and must obtain their own *Permit* in accordance with Section 4 of this by-law before commencing any construction.
- 14.4. Where the ownership of a property changes and the *Permit* has not been transferred in accordance with this Section, the *Permit Holder* shall obtain the consent of the new *Owner* to facilitate access to the building before requesting an inspection.

**15. Cancellation of a *Permit***

- 15.1. The *Permit Holder* of an issued *Permit* can submit a request in writing to the *Chief Building Official* to cancel a *Permit* where no substantial *Work* has been performed.
- 15.2. The *Chief Building Official*, after considering the implications of cancelling a *Permit* may agree to cancel the *Permit* as requested.
- 15.3. The *Chief Building Official* may impose conditions for the cancelling of a *Permit* to ensure the property is in a safe condition.

**16. Revocation of a *Permit***

- 16.1. Prior to revoking a *Permit* under Subsection 8.-(10) of the *Act*, the *Chief Building Official* may serve a notice by posting a notice on the construction site, by personal service or by registered mail at the last known address to the *Permit Holder* and, following a 30 day period from the date of service, the *Chief Building Official* may revoke the *Permit* if grounds to revoke still exist, without any further notice.
- 16.2. A *Permit Holder* may, within 25 days from the date of service of a notice described in Subsection 14.1, request in writing that the *Chief Building Official* defer the revocation by stating reasons why the *Permit* should not be revoked. The *Chief Building Official* having regard to any changes to the *Act*, *Building Code* or other *Applicable Law* may allow the deferral, in writing.
- 16.3. A fee as prescribed in *Barrie's Fees By-law* shall be paid upon submission of the request for deferral described above.

**17. *Permit* Fee Refunds**

- 17.1. In the case of the withdrawal of an application, the refusal of a *Permit*, the reduction of the scope of *Work*, the cancellation of a *Permit* or the revoking of a *Permit*, the *Chief Building Official* shall determine the amount of paid *Permit* fees that may be refunded to the *Applicant*, if any, in accordance with the following;
- 17.1.1. Eighty percent refunded if administrative functions only have been performed,
- 17.1.2. Forty-five percent refunded if administrative and plan examination functions have been performed,
- 17.1.3. Thirty-five percent if the *Permit* has been issued and no field inspections have been performed subsequent to *Permit* issuance, and
- 17.1.4. Five percent shall additionally be deducted for each field inspection related to the application that has been performed.
- 17.1.5. No refund shall be provided if the calculated refund is less than \$50.00.

**18. Registered Code Agencies**

- 18.1. The *Chief Building Official* is authorized to enter into and sign contracts for service agreements with a registered code agency and to appoint them to perform specified functions described in Section 15.15 of the *Act* from time to time in order to maintain the time periods for *Permits* prescribed in Subsection 1.3.1. of Division C of the *Building Code*, subject to the availability of *permit* fee revenues.



## 19. Notifications for Inspections and Reinspections

- 19.1. Notices required by the *Building Code* or this by-law shall be made in writing to the office of the *Chief Building Official* or to the City's dedicated inspection request phone line as published on the City's web site for the stages of construction specified herein.
- 19.2. The *Permit Holder* shall notify the *Chief Building Official* or a registered code agency where one is appointed, of each stage of construction for which a prescribed notice is required under Sentence 1.3.5.1.(2) of Division C of the *Building Code*.
- 19.3. In addition to the notices prescribed in Sentence 1.3.5.1.(2) of Division C of the *Building Code*, the *Permit Holder* shall notify the *Chief Building Official* or a registered code agency where one is appointed, of the readiness for inspection for the following stages of construction as authorized by Sentence 1.3.5.2.(1) of the *Building Code* where applicable:
- 19.3.1. commencement of construction of the building;
  - 19.3.2. commencement of construction of:
    - 19.3.2.1. masonry fireplaces and masonry chimneys;
    - 19.3.2.2. factory-built fireplaces and allied chimneys; and
    - 19.3.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,
  - 19.3.3. substantial completion of interior finishes;
  - 19.3.4. substantial completion of heating, ventilating, air conditioning and air contaminant extraction equipment;
  - 19.3.5. 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; and
  - 19.3.6. completion of a building for which an *Occupancy Permit* is required under Article 1.3.3.4. of Division C of the *Building Code*.
- 19.4. A notice described above is not effective until the notice is actually received by the *Chief Building Official* or the registered code agency, if one is appointed.
- 19.5. Where an inspection has taken place and a reinspection is required due to non-compliant construction or incomplete construction the *Permit Holder* shall notify the *Chief Building Official* or the registered code agency where one is appointed in accordance with Subsection 19.1 of this by-law.

## 20. Site Inspections

- 20.1. The *Permit Holder* shall ensure that the *Work* for which notice has been given remains available for inspection until the inspection has been performed and passed by the *Inspector*, or the required notification period as identified in Article 1.3.5.3. of Division C of the *Building Code* has elapsed, whichever comes first.
- 20.2. The *Permit Holder* shall facilitate safe access for the *Inspector* to all areas ready for inspection.
- 20.3. Upon request, the *Permit Holder* shall furnish the *Inspector* with an approved copy of the *permit* drawings for reference during the inspection.
- 20.4. The *Corporation* does not warrant in any way that inspected *Work*, even if passed, ensures the constructed *Work* complies with all requirements of the *Act* or the *Building Code* or the approved *Permit* documents.
- 20.5. Reinspections are subject to additional service fees in accordance with *Barrie's Fees By-law*.

## 21. As-Constructed Plans

- 21.1. 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 the building.

- 21.2. Upon completion of the foundation, a building location survey prepared by a registered Ontario Land Surveyor shall be submitted when requested by the *Inspector* for new residential buildings and buildings under site plan agreement with the *Corporation* or any other building as requested by the *Inspector* in order to confirm compliance with any *Building Code* and/or zoning requirement.
- 21.3. Prior to the commencement of framing for *Houses*, the *Permit Holder* shall provide to the *Inspector* a surveyor's certificate prepared by a registered Ontario Land Surveyor indicating the as-built top of foundation grade(s) in relation to the proposed top of foundation grades submitted with the *Permit* application.

## 22. Fencing at Construction and Demolition Sites

- 22.1. Where, in the opinion of the *Chief Building Official* or *Inspector*, a *Construction or Demolition Site* presents a hazard to the public, the *Chief Building Official* or *Inspector* may require the *Permit Holder* to erect and maintain such fencing to the standards and specifications that the *Chief Building Official* or *Inspector* deems to be appropriate in the circumstances.
- 22.2. In considering the hazard presented by the *Construction or Demolition Site*, the necessity for fencing and the height and characteristics of such fencing, the *Chief Building Official* or *Inspector* shall have regard for:
- 22.2.1. the proximity of the *Construction or Demolition Site* to other occupied buildings;
- 22.2.2. the proximity of the *Construction or Demolition Site* to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities;
- 22.2.3. the hazards presented by the construction or demolition activities and materials;
- 22.2.4. the feasibility and effectiveness of site enclosure fences; and
- 22.2.5. the expected duration of the hazard.
- 22.3. Every fence required by this section shall:
- 22.3.1. be erected so as to fully enclose all areas of the *Construction or Demolition Site* which present or is likely to present a hazard, prior to the commencement or continuation of the construction or demolition activity;
- 22.3.2. create a continuous barrier and be sufficient to deter unauthorized entry;
- 22.3.3. have a height of not less than 1.2 metres above grade at any point, unless the *Chief Building Official* or *Inspector* determines that a greater minimum height is necessary;
- 22.3.4. if constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200 mm on centre to vertical posts installed not more than 1.2 metres apart, and with horizontal members or a minimum 11 gauge cable at the top and the bottom; and
- 22.3.5. be maintained in a reasonably vertical plane and in good repair.

## 23. Code of Conduct

- 23.1. The *Chief Building Official* and all appointed *Inspectors*, being employees of the *Corporation* shall be subject to the *Corporation's* Code of Conduct which is deemed to comply with the requirement of Article 7.1 of the *Act*.
- 23.2. Allegations of any breach of this Code by the *Chief Building Official* or any *Inspector* shall be directed in writing to the Director of Human Resources for the *Corporation* who, upon consideration, may conduct an inquiry or an investigation into the matter.

## 24. Offences and Penalties

- 24.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in section 36 of the *Act*.

**25. Severability**

25.1. Should any provision, or part thereof, of this by-law be declared by a court of competent jurisdiction to be invalid for any reason, the provision shall be deemed conclusively severed from the by-law and the remaining parts shall be read as if the offending portion had been struck out.

**26. Miscellaneous**

26.1. All Appendices and Schedules shall be and form part of this by-law.

26.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

**27. Repeal and Transition**

27.1. Sections 2, 3 and 4 of By-law 82-45, as amended, are hereby repealed.

27.2. Notwithstanding the foregoing, for any application for a *permit* received prior to this by-law coming into force, the provisions of By-law 82-45, as amended, shall remain in force and effect for the purposes of that application.

**28. Effective Date**

28.1 This by-law shall come into force and effect on the day of passing.

**READ** a first and second time this 15<sup>th</sup> day of April 2013.

**READ** a third time and finally passed this 15<sup>th</sup> day of April 2013.

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J.R. LEHMAN**

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**CITY CLERK – DAWN A. MCALPINE**



1. Unless specified otherwise by the *Chief Building Official* the following information shall be shown on plans or *Working* drawings that accompany applications for *permits*;
  - a) The Site Plan shall show:
    - i. The legal description of the property.
    - ii. The location and orientation of all relevant property lines.
    - iii. The dimensions along the property lines.
    - iv. The compass orientation of the property.
    - v. The location and name of adjacent streets.
    - vi. The outline of all existing and proposed buildings and structures on the property, all pertinent building dimensions, and the distance between the buildings, and between the buildings and the property lines.
    - vii. All existing rights-of-way and easements.
    - viii. All existing and proposed site services for water, sewers, hydro and gas.
    - ix. All nearest existing and proposed fire hydrants.
    - x. The location and dimensions of all on-site parking spaces, vehicle access routes, loading bays and fire access routes.
    - xi. The location and dimensions of all barrier-free parking spaces, curb cuts and paths of travel to the buildings.
  - b) The Grading Plan shall show:
    - i. The legal description of the property.
    - ii. The location and orientation of all relevant property lines.
    - iii. The dimensions along the property lines.
    - iv. The compass orientation of the property.
    - v. The location and name of adjacent streets.
    - vi. The outline of all existing and proposed buildings and structures on the property, all pertinent building dimensions, and the distance between the buildings, and between the buildings and the property lines.
    - vii. All existing rights-of-way and easements.
    - viii. Existing and proposed grade elevations within the site and at property lines.
    - ix. The location of existing and proposed drainage swales with arrows indicating the slope of the swales and the direction of flow.
    - x. The general slope of the ground and the driveway.
    - xi. The location of any discharge outlet for a sump pump and any eavestrough downspouts.
    - xii. The location of any catch basins, ditch inlets or third pipe inlets.
    - xiii. The top of foundation elevation and the underside of footing elevations for all buildings, and the proposed surface grade adjacent to any buildings.
    - xiv. The first floor elevation and the elevation of the garage floor for every *House*.

- xv. The location of all egress doors from the building and the number of risers required between the door threshold and the adjacent ground.
  - xvi. The certification stamp of the subdivision developer's consultant engineer where the project is a new *House* within a plan of subdivision where the subdivider's agreement requires the grading plan to comply with an approved general grading plan for the subdivision.
- c) The Architectural Drawings shall show:
- i. Floor plan layout for each floor including basements of the building indicating the names and dimensions of all rooms and the location of all interior and exterior walls and any openings in the walls or floor.
  - ii. Roof plan showing roof slope, drainage provisions and roofing materials.
  - iii. Building elevation drawings showing the location of exterior grades beside the building, floor and ceiling heights, overall building height, exterior finish materials, window heights and dimensions and spatial separation requirements.
  - iv. Details of the wall, floor, ceiling and roof assemblies, and of all significant connection details.
  - v. A matrix to identify the key building specifications regarding the building's proposed use and occupancy.
  - vi. A matrix indentifying the method of compliance to satisfy the energy efficiency requirements of the *Building Code*.
  - vii. Specifications where applicable.
- d) The Structural Drawings shall show:
- i. All foundation, floor, roof and wall structural elements indicating sizes and shapes and proper location and all dead and live design loads and condition of loading.
  - ii. All reinforced concrete *Work* indicating thickness and strength of concrete, size, spacing, minimum cover and type of reinforcing steel.
  - iii. All lintels, column and beam locations and their size and snow drift loading.
  - iv. Where applicable, any dewatering report, shoring details or pile driving.
  - v. Guard design, where applicable.
- e) The Mechanical/Electrical Drawings shall show:
- i. Mechanical drawings are to show the plumbing, heating, ventilation and air conditioning including legends and schedules for compliance with the *Building Code*. For Part 9 buildings, if room allows, this information can be shown on the same plan as the architectural.
  - ii. Heat loss and heat gain calculations for the building and the sizing of the heating and cooling equipment as applicable.
  - iii. Electrical drawings are to show lighting, emergency lighting, exit signs, fire alarm systems and their legends and schedules for compliance with the *Building Code*. For Part 9 buildings, if room allows, this information can be shown on the same plan as the architectural.
  - iv. Sprinkler and Standpipe drawings are to include floor plans and riser diagrams to locate the entire system including connections, sprinkler heads.
- f) The Site Evaluation Report for On-Site Sewage Systems shall include the following:
- i. The date the evaluation was done;
  - ii. The name, address, telephone number and signature of the person who prepared the evaluation; and

- iii. A scaled site plan showing;
  - 1. the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
  - 2. the location and clearances of items listed in Column 1 of Tables 8.2.1.5., 8.2.1.6.A., 8.2.1.6.B and 8.2.1.6.C. of Division C of the *Building Code*;
  - 3. the location of the proposed sewage system;
  - 4. the location of any unsuitable, disturbed or compacted areas;
  - 5. proposed access routes for system maintenance;
  - 6. depth to bedrock;
  - 7. depth to zones of soil saturation;
  - 8. soil properties, including soil permeability; and
  - 9. soil conditions, including the potential for flooding.
  
- g) Supporting documentation to confirm compliance with *Applicable Law* shall include:
  - i. A property survey prepared by an Ontario Land Surveyor.
  - ii. The registered plan number and lot number for the property.
  - iii. Confirmation from the Engineering Department/ Planning Services Department and/or Building Services Department that all prerequisite *Work* as specified in a Subdivider's Agreement for the servicing of the lot has been completed if the proposed *Work* is a new building on a vacant lot within a plan of subdivision.
  - iv. Confirmation from the Planning Services Department that a Development Agreement, if required, has been registered when the property is regulated by Site Plan Control.
  - v. Approval from the Building Standards Branch of the Building Services Department that the proposed use and development of the property complies with the municipal Zoning By-law.
  - vi. Approval from Council where the building has been designated as a heritage building.
  - vii. Approval from the Lake Simcoe Region Conservation Authority and/or the Nottawasaga Valley Conservation Authority that the proposed use and development of the property is in compliance with the requirements of the Authority, if any portion of the property lies within a designated watershed boundary for flood management or ground stability.
  - viii. Approval from the Ministry of Transportation that the proposed use and development of the property satisfies the requirements of the Ministry, if any portion of the property lies within the designated areas along the Highway 400 corridor.
  - ix. Approval from the Ministry of Environment that the proposed use and development of the property satisfies the requirements of the Ministry, if applicable.
  - x. Confirmation that all required development charges, lot levies and special charges applicable by any municipal by-law have been paid in full, if applicable.