

THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN

BY-LAW No. 2006-10

Being a By-law to regulate building permit applications, building permits and inspections in the Corporation of the Township of Matachewan.

WHEREAS the Building Code Act, S.O. 1992, Section 7, c. 23, as amended by S.O. 1997, c. 24 and S.O. 1997, c. 3, Schedule B, provides that the council of a municipality may pass by-laws regulating building permit applications, the issue of building permits and prescribing times for the giving of notices;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN HEREBY ENACTS AS FOLLOWS:

PART 1 SHORT TITLE

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

PART 2 PERMITS

2.1 CLASSES OF PERMITS

The classes of permits with respect to the construction and demolition of buildings shall be as set out in Schedule “E”, attached to and forming part of By-law 2006-07.

2.2 APPLICATION FOR PERMIT

- (1) To obtain a permit the owner or his authorized agent shall file an application in writing by completing the prescribed forms available at the Municipal office.
- (2) Every application for permit shall:
 - a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made; on the application form approved by the Minister of Municipal Affairs and Housing;
 - b) all applicable fields on the approved application form and required schedules be completed;
 - c) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot, referencing an up-to-date site plan, or a survey if requested by the Building Official, showing the location of the proposed building with respect to the street, lane, building and all other property lines and other buildings and structures presently located on the property and on the adjoining properties; any costs incurred shall be the responsibility of the applicant.
 - d) be accompanied by complete plans and specifications as described in Subsection 2.3 of the By-law;
 - e) be accompanied by a \$50.00, non-refundable application fee, the remainder of the building permit fee due and payable upon issuance of the permit(s);
 - f) state the names, addresses and telephone numbers of the owner, architect, engineer or other designer or constructor;
 - g) be accompanied, where professional design and/or supervision is required under the Building Code, by a written acknowledgement of the owner that he has retained the architect or professional engineer to carry out the field review of the construction; said fees, if required will be the sole responsibility of the applicant;
 - h) any new dwelling shall be accompanied by a signed “statement made with respect to the Ontario Home Warranties Plan Act”, and shall indicate whether the applicant is proposing to “build to sell” or whether the applicant is building as the “owner” and acting as the general contractor.
 - i) Be signed by the owner or his authorized agent who shall certify the truth of the contents of the application.

- (3) An application for a permit may be deemed to have been abandoned and cancelled nine (9) months after the date of filing, unless such application is being seriously proceeded with. As set out in Section 3.3 of this By-law, upon written request of the permit holder, he or she, may in the case of non-commencement be entitled to a refund of 50% of the permit fees.

2.3 PLANS, SPECIFICATIONS AND INFORMATION

Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed work will conform with the Act, the Regulations thereunder and any other applicable laws including Municipal By-laws.

2.4 ISSUANCE OF PERMITS FOR PART OF A BUILDING

- (1) When for any reason a permit for a part of a building is sought prior to the issue of a permit for the whole project, the applicant shall:
 - (a) file an application for a permit for the entire project and pay the fees for the whole project, and
 - (b) furnish plans and specifications acceptable to the municipality covering the portion of the work for which a partial approval and permit is requested.
- (2) The Chief Building Official may in a proper case issue a permit for a portion of the project.
- (3) The issue of a permit for a part of a project shall not signify to the applicant or assure the applicant that a permit for the whole project will be issued and such applications are at the risk of the applicant as to the issuance of permits for other parts or the whole of the building to be constructed.

2.5 REVISIONS TO A PERMIT

After issuance of the permit, an application may be made for a revision to the permit, particulars of such proposed variations must first be submitted to the Chief Building Official whose consent shall first be obtained and such application shall be made in the same manner as for the original permit.

2.6 RENEWAL OF A PERMIT

The Chief Building Official may issue a renewal of a permit:

- (1) Where after nine (9) months after the issuance, the construction or demolition in respect of which it was issued has not, in his or her opinion, been seriously commenced or,
- (2) Where the construction or demolition of the building is, in his or her opinion, substantially suspended or discontinued for a period of more than one (1) year; provided the required fee is paid for such renewal and the plans and specifications are made to comply with all the requirements of the Act in effect at the time of renewal.

2.7 RESTRICTED PERMIT – TEMPORARY BUILDINGS

- (1) A restricted permit for a temporary building may be issued by the Chief Building Official authorizing, for a limited time only, not to exceed six (6) months, the erection and existence of a building or part thereof.
- (2) A permit for a temporary building may be extended, provided permission in writing is granted by the Chief Building Official.

PART 3 PERMIT FEES

- 3.1** The fee for a required permit shall be set out in Column 2 “Permit Fee” of the aforementioned Schedule “E” opposite the class of permits as set out in Column 1 entitled “Class of Permit”.
- 3.2** Where an application is made for a minor revision to a permit, such revision shall be processed without charge.
- 3.3** In the case of non-commencement of any project and upon written request to the Timiskaming Municipal Building Association, 50% of the permit fees shall be returned to the permit holder. However, no refund shall be made in the case of abandonment of a project or revocation of a permit after construction has commenced.
- 3.4** Under special circumstance, in the case of non-commencement of any project and upon written request to the Timiskaming Municipal Building Association, greater than 50% of the permit fees may be returned to the permit holder. The request will be considered and authorized by the Timiskaming Municipal Building Association in consultation with the Municipality.

3.5 Where an application is made for an industrial, commercial or assembly permit, the municipality shall retain the services of a certified Chief Building Official to oversee the project. The permit fee structure shall apply as set out in Schedule “E”, however, any additional costs associated with the retention of such services shall be the responsibility of the municipality.

PART 4 NOTIFICATIONS AND PENALTIES

- 4.1** No person shall file a false or misleading application or false or misleading supporting documentation.
- 4.2** The owner or his authorized agent shall notify the Chief Building Official at least two (2) business days prior to each event for which notice in advance of construction is required.
- 4.3** Any person who contravenes any provisions of the By-law is guilty of an offence as provided in Section 36 of The Building Code Act, S.O. 1992, c. 23 as amended by S.O. 1997, c. 24 and S.O. 1997, c. 30 Schedule B.

PART 5 REPEAL

- 5.1** That all previous by-laws and/or motions, or parts thereof, in conflict with or contrary hereto or inconsistent herewith, be and the same are hereby repealed.

That this by-law shall come into force and effect upon final passing thereof and remain in force and effect until such time as it is repealed by the Council of the Corporation of the Township of Matachewan.

READ a first, second and third time, and finally enacted and passed in open Council this 18th day of April 2006. Signed, sealed and numbered 2006-10.

Beverley Hine
Reeve

Andrew Van Oosten
CAO-Clerk-Treasurer