

The Corporation of the City of Clarence-Rockland

By-law 2026-XX

Being a by-Law under the Building Code Act, 1992, as amended, respecting construction, demolition, change of use permits and inspections.

Whereas Section 7 of The Building Code Act 1992, as amended, authorizes a municipal council to enact certain by-laws respecting construction, demolition and change of use permits and inspections;

Therefore, the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

1. Short Title

1.1. This by-law may be referred to as the 'Building By-law'.

2. Definitions

2.1. In this By-law,

- a. 'Act' means the Building Code Act, 1992, as amended;
- b. 'Applicable Law' means any statute, regulation, by-law, or other legal requirement applicable to the construction, demolition, or use of a building.
- c. 'Applicant' means the owner of a building or property who applies for a permit, or a person authorized by the owner to apply on the owner's behalf, or a person or corporation empowered by statute to carry out construction or demolition, and includes any person acting under the authority of such owner, person or corporation;
- d. 'Architect' means a holder of a license, a certificate of practice or a temporary license under the Architect's Act as defined in the Building

Code;

- e. 'Authorized agent' means a person authorized in writing by the Owner to act on the Owner's behalf for the purpose of submitting a permit application or related documentation. An Authorized Agent does not become the Permit Holder and does not assume the Owner's responsibilities under the Act.
- f. 'Building' means a building as defined in subsection 1(1) of the Act;
- g. 'Building Code' means the regulations made under Section 34 of the Act;
- h. 'Chief Building Official' means the Chief Building Official appointed by the City pursuant to the Act;
- i. 'City' shall mean The Corporation of the City of Clarence-Rockland;
- j. 'Designated Structure' means a designated structure as defined in the Building Code;
- k. 'Extended permit' means a Permit issued after the effective date of this By-law that has not been closed within the timeframe set out in this by-law;
- l. 'Extended Permit Maintenance Fee' means the annual fee in Schedule "G" of user fee by-law payable to recover the municipal cost of administering extended Permits;
- m. 'Gross Building Area' as defined in the Ontario Building Code, means the total of all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls except that, in any other occupancy than a residential occupancy, where an access or a building service penetrates a firewall, measurements shall not be

taken to the center line of such firewall;

- n. 'Inspector' means a person appointed by the City as an inspector under the Act;
- o. 'Major Project' means, as it relates to extended permits, new buildings that fall within the category of large or complex buildings as defined by the Building Code;
- p. 'Owner' means the registered owner of the land or property and includes a lessee, mortgagee in possession, and any person having care, management or control of a building or property;
- q. 'Permit' means permission or authorization given in writing by the Chief Building Official to perform specific work regulated by this by-law, the Act, and the Building Code, or to occupy a building or part thereof, or to change the use of a building or part of a building or parts thereof as regulated by the Act;
- r. 'Permit Holder' means the Owner, to whom the permit is issued in accordance with the Act;
- s. 'Professional Engineer' means a person who holds a license or a temporary license under the Professional Engineers Act, as defined in the Building Code;
- t. 'Temporary Building' means a building or part of a building authorized for temporary use under a restricted permit issued in accordance with Section 10 of this By-law;

2.2. Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

3. CLASSES OF PERMITS:

3.1. Classes of permits for construction, demolition, and change of use shall

be as set out in the City's current User Fees By-law and in accordance with the Building Code Act and the Building Code.

- 3.2. Certain types of work not governed by this by-law may require approvals or permits from other City departments or authorities having jurisdiction. Examples include, but are not limited to, encroachments, culverts, water and sewer connections, and street occupation permits.

4. Permits

- 4.1. Every application for a permit shall be submitted in the form and manner prescribed by the Chief Building Official, and shall be completed and uploaded through the City's designated online submission platform, except where the Chief Building Official authorizes an alternative method of submission.
- 4.2. An application is not considered complete until all required forms, plans, documents, supporting information, and applicable fees have been submitted;
 - a. Where the applicant is not the owner, the application shall include written authorization from the owner on the form prescribed by the Chief Building Official;
 - b. All documents submitted shall be legible digital copies in PDF or other acceptable format as determined by the Chief Building Official. Images or scans shall be clear and capable of review for compliance with the Building Code and applicable laws;
 - c. The Chief Building Official may require additional information, documents, reports, drawings, certifications, or professional opinions necessary to determine compliance with the Building Code, this by-law, or any other applicable laws.
- 4.3. For all building permit applications, the following information shall be

submitted, as applicable to the proposed construction:

- a. The completed prescribed application form, signed by the owner or authorized agent.
- b. Payment of all required fees in accordance with the current fees by-law.
- c. Sufficient plans, specifications, documents, and supporting information to enable the Chief Building Official to determine compliance with the Building Code, this by-law, and applicable law. Such documents may include, but are not limited to:
 - i. architectural plans;
 - ii. structural plans;
 - iii. floor plans, elevations, building sections;
 - iv. construction details.
- d. A site plan or grading plan where required by the Chief Building Official or municipal standards, showing property boundaries, dimensions, grades, drainage information, and other relevant site information.
- e. Documentation demonstrating professional design and general review where required under the Building Code, including confirmation of the engagement of the architect or professional engineer where applicable.
- f. Any additional information, documents, reports, drawings, certifications, or professional opinions required by the Chief Building Official to determine compliance with the Building Code, this by-law, or any applicable law.

4.4. For Part 9 housing and additions to Part 9 housing, the following information shall also be submitted, as applicable:

- a. Energy efficiency documentation demonstrating compliance with Supplementary Standard SB-12.
- b. Engineered floor system and roof truss layouts, including member specifications, spans, bearing locations, and reaction loads, as applicable. These documents shall be submitted at the time of permit application.
- c. HVAC design information, including ventilation design data, heat recovery ventilation (HRV) capacity, and related information consistent with HRAI or other approved formats. Full mechanical layout drawings are not required unless specifically requested by the Chief Building Official.
- d. Documentation demonstrating professional design and general review where required under the Building Code.

4.5. For new buildings and additions other than Part 9 housing, the following information shall also be submitted, as applicable:

- a. Architectural, structural, mechanical, plumbing, and electrical drawings prepared by qualified designers in accordance with the Building Code.
- b. Documentation demonstrating compliance with Supplementary Standard SB-10, where applicable.
- c. Floor and roof construction details, including structural framing plans, engineered designs, or shop drawings as required by the Chief Building Official.
- d. A site plan showing the building location, fire access routes,

servicing, grading, water supply for firefighting, and other information required by the Chief Building Official.

- e. Documentation demonstrating professional design and general review where required under the Building Code.

4.6. For demolition permit applications, the following information shall also be submitted:

- a. A site plan identifying all existing buildings or structures on the property and clearly specifying the building or buildings proposed to be demolished.
- b. Written confirmation that arrangements have been made with all applicable authorities for the disconnection or termination of water, sewer, gas, electrical, telecommunications, and any other utilities.
- c. Documentation demonstrating professional design and general review where required under the Building Code.

4.7. For change of use permit applications, the following information shall also be submitted:

- a. Application form, plans, specifications, and supporting information sufficient to establish compliance with Section 10 of the Building Code Act and the Building Code, including identification of the existing and proposed use, occupancy classifications, and any construction required to support the change.

4.8. For conditional permit applications, the following information shall also be submitted:

- a. The issuance of a conditional permit is at the discretion of the Chief Building Official in accordance with the Building Code Act.
- b. A written statement describing the reasons for requesting a

conditional permit, including:

- i. why construction cannot proceed reasonably without a conditional permit; and
 - ii. why the delay in construction would be unreasonable if a full permit were required.
 - iii. Plans, specifications, and supporting documents sufficient to determine compliance for the portion of the work to be constructed under the conditional permit.
 - iv. Identification of the approvals required from other authorities and the timing by which such approvals will be obtained, where applicable.
- c. An agreement, acceptable to the Chief Building Official, is to include:
- i. conditions respecting commencement, continuation, and completion of construction;
 - ii. required approvals from other authorities;
 - iii. arrangements for the full completion of the project;
 - iv. any security or other conditions required by the Chief Building Official.

4.9. For applications proposing an alternative solution under the Building Code, the following information shall also be submitted:

- a. Supporting documentation demonstrating that the proposed alternative solution will achieve the level of performance required by the Building Code.
- b. Alternative solutions shall apply only to the specific project for

which they are approved and are not transferable

5. Plans and Specifications

5.1. Every applicant shall provide plans, specifications, documents, and other information sufficient to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use complies with the Act, the Building Code, this by-law, and any other applicable law.

5.2. Plans shall:

- a. Include all drawings, documents, and supporting information required to enable the Chief Building Official to determine compliance with the Building Code, this By-law, and any applicable law.
- b. Be drawn to scale and be legible and suitable for digital review.
- c. Indicate the nature and extent of the proposed work or occupancy in sufficient detail to demonstrate compliance with the Act, the Building Code, and any other applicable law.
- d. Be provided in the quantity, format, and level of detail required by the Chief Building Official.
- e. Include as-constructed drawings where required by the Chief Building Official, showing buildings as constructed.
- f. Include such notes, specifications, approvals, or other information on the plans as permitted or required by the Chief Building Official.

5.3. Where applicable, include confirmation of review or approval by South Nation Conservation Authority or any other authority having jurisdiction.

5.4. Site plans are to include:

- a. Lot dimensions, building location(s), setbacks to property boundaries and between buildings, and the location of easements, rights-of-way, and municipal services.
- b. Location of wells, septic systems, hydro poles, utilities, and other site features that may affect the proposed construction.
- c. Driveway location and width, including the connection point to the municipal roadway and any required sightline considerations.
- d. Fire access route, where applicable, showing the route location, clearance, and access to principal entrances or fire department connection points.

5.5. Grading plans are to include:

- a. Existing and proposed elevations at lot corners, building corners, swales, retaining structures, and drainage features.
- b. Stormwater drainage patterns, direction of flow arrows, design grades, and drainage outlets in accordance with municipal grading standards
- c. Driveway elevations and slopes, roadside ditch grades, and culvert size/type/location where applicable.
- d. Confirmation that the grading plan conforms to subdivision-approved grading plans or applicable municipal lot grading standards, where required.

5.6. Where the Building Code requires general review under Division C, Part 1.2, the applicant shall, as part of a complete permit application, submit a Commitment to General Review form, in a form prescribed by the Chief Building Official, completed and signed by the owner and by each architect or professional engineer retained to provide general review of

the project, in accordance with the requirements of the Building Code..

6. Fees

6.1. All fees required under this By-law shall be payable in accordance with Schedule "G" of user fee by-law.

6.2. No permit shall be issued until all applicable fees have been paid in full.

6.3. Fees shall be calculated based on:

a. the gross floor area, class of construction, type of work, or valuation model set out in Schedule "G" of user fee by-law; or

b. a minimum fee, where applicable.

6.4. For the purpose of fee calculation, any basement or portion thereof that is designed, intended, or used for habitable or occupiable space shall be included in the Gross Floor Area and charged accordingly.

6.5. All permit fees are non-refundable except as specifically provided in Section 8.0.

6.6. Prior to permit issuance, where revisions to plans are initiated by the applicant and require additional plan review beyond the original submission, the Chief Building Official or designate may require payment of an additional review fee equal to 25 per cent of the applicable building permit fee. This fee shall not apply to revisions made solely in response to comments issued by the City to demonstrate compliance.

6.7. Despite the repeal of By-law 2015-172, any fee, deposit, security, administrative charge, or penalty applicable to a permit issued before the coming into force of this By-law shall continue to apply in accordance with the by-law 2015-172, unless otherwise expressly stated in this By-law.

6.8. Fees noted in Schedule "G" of the user fee by-law, shall be increased by the Consumer Price Index, Ontario All Items, published each year in July, effective on the first day of January of each year, commencing on January 1, 2027. Flat rate fees shall be rounded to the nearest dollar amount. Increments of half dollar and greater shall be rounded up. All other fees shall be rounded to the nearest cent.

7. Revision to Permits

7.1. The Permit Holder shall not proceed with any change to the approved plans, specifications, documents or scope of work on the basis of which the Permit was issued unless such change has been reviewed and approved by the Chief Building Official or an Inspector in accordance with this Section.

7.2. The Permit Holder shall notify the Chief Building Official or an Inspector, in writing, of any proposed material change to the design, scope of work, building systems, site layout, grading, or other information forming the basis of the Permit, prior to making such change.

7.3. Upon receipt of notice of a proposed change in accordance with the Act, the Chief Building Official may determine whether the proposed change requires the submission of revised plans, specifications, or other documents, or whether the change may be recorded in the permit file without requiring a formal revision to the Permit.

7.4. Where the Chief Building Official or an Inspector determines that a formal revision is required the Permit Holder shall submit an application, together with revised plans, specifications, documents or other information as necessary to demonstrate compliance with the Act, the Building Code, this By-law and applicable law, for review and approval.

7.5. Minor changes that do not affect structural integrity, life safety systems, building code compliance, grading, or the scope of the Permit may, at

the discretion of the Chief Building Official or an Inspector, be accepted without the submission of revised drawings.

7.6. Where revised plans, specifications, or documents are submitted prior to the issuance of a Permit, applicable revision fees shall be payable in accordance with Schedule "G" of user fee by-law.

7.7. Where a formal revision is required, revision fees shall be assessed based on the scope and complexity of the proposed change, as determined by the Chief Building Official or an Inspector, in accordance with the following:

- a. Revisions that are limited in scope and require minimal review may be charged a flat fee in accordance with Schedule "G" of the User Fees By-law;
- b. Revisions that involve substantial changes to the design, building systems, structural elements, site conditions, or require significant review may be charged the greater of:
 - i. a percentage of the original permit fee; or
 - ii. the hourly review rate established in Schedule "G" of the User Fees By-law.

8. Refund

8.1. In the case of abandonment of all or a portion of the work or of the non-commencement of any project, the Chief Building Official shall determine the amount of any refund of permit fees payable to the Permit Holder, in accordance with subsection 8.2 hereof or as otherwise directed by council.

8.2. The portion of the permit fee that shall be retained by the City shall be based on the stage to which the review and administrative work has

progressed, as follows:

- a. 25 percent shall be retained where an application has been filed and processed but no review functions have been performed;
- b. 50 percent shall be retained where administrative and zoning review functions have been performed;
- c. 75 percent shall be retained where administrative, zoning and plan examination functions have been performed or where a permit has been issued;
- d. an additional 5 percent of the permit fee shall be retained for each required field inspection that has been performed after the permit has been issued.

8.3. In the case of abandonment of all or a portion of the work, non-commencement of a project, or permit revocation, all other fees paid at the time of permit issuance, including but not limited to water meter fees, connection fees and civic addressing fees, may be refunded provided that:

- a. the associated services or connections have not been installed or completed; and
- b. any materials or equipment issued by the City are returned in good working condition.

8.4. The fee for the transfer of a permit is non-refundable.

8.5. Except as otherwise provided in this By-law, no refund of permit fees shall be made where a permit has been revoked.

9. Restricted permit for a temporary building

9.1. The Chief Building Official may issue a permit for a temporary building or

structure, authorizing for a limited period of time only, the erection and existence of a building or part thereof.

9.2. A permit issued under this Section shall specify the period of time during which the temporary building or structure is permitted to remain and may be made subject to such terms and conditions as the Chief Building Official considers appropriate.

9.3. Upon expiry of the permit, the temporary building or structure shall be removed by the permit holder, and the site restored to the satisfaction of the Chief Building Official.

9.4. A permit issued under this Section may be extended, at the discretion of the Chief Building Official, upon written request by the permit holder and subject to any additional conditions that may be imposed.

10. Permit revocation and transfer

10.1. The Chief Building Official may revoke a Permit in accordance with subsection 8(10) of the Act.

10.2. Prior to revoking a Permit, the Chief Building Official shall provide written notice to the Permit Holder setting out the reasons for the proposed revocation and providing a reasonable opportunity for the Permit Holder to respond or remedy the matter. Notice may be given by personal delivery, prepaid mail to the last known mailing address, or by electronic transmission to the last provided email address of the Permit Holder.

10.3. A person aggrieved by a revocation may appeal the decision of the Chief Building Official to the Superior Court of Justice within the time prescribed under the Act.

10.4. A Permit may be transferred to a new Owner upon submission of a completed permit transfer, payment of the applicable fee set out in

Schedule "G" of the User Fees By-law, and approval by the Chief Building Official.

- a. As a condition of transfer, the new Owner or authorized agent shall submit a new permit application form, and any information required by the Chief Building Official to establish compliance with this By-law, the Building Code Act, the Building Code, and any applicable law.
- b. A Permit shall not be transferred until all outstanding fees associated with the Permit have been paid.

11. Notifications and inspection requests

- 11.1. All required notices to the Chief Building Official or their designate shall be submitted in writing only. Written notice shall be provided through the City-approved electronic request system, or, when that system is unavailable, by email to the designated inspection request address.
- 11.2. A notice under this section shall be deemed to have been received only when it has been submitted in accordance with this section and confirmation of receipt has been issued through an approved system or method.
- 11.3. All requests for inspection shall be submitted a minimum of 48 hours in advance of the requested inspection date, or within such other time as may be approved by the Chief Building Official.
- 11.4. Inspection timelines shall be as prescribed in Division C Article 1.3.5.3 of the Building Code.
- 11.5. For prescribed notices required under Division C Article 1.3.5.1 of the Building Code, the permit holder or their authorized agent shall provide written notice that the construction is ready for inspection.

- 11.6. Work subject to inspection shall remain exposed and accessible until the inspection has been completed and the permit holder has received confirmation from the City that the inspection is complete.
- 11.7. The permit holder shall ensure that all portions of the building or site required for the inspection are safe, accessible, and ready at the time the inspector attends.
- 11.8. Inspections conducted by the City are to be limited to the inspections required under Division C Articles 1.3.5.1 of the Building Code except as noted in 11.9.
- 11.9. In addition to the inspections prescribed under Division C Article 1.3.5.1 of the Building Code, the Chief Building Official may require municipal inspections related to grading, drainage, site works, or other matters necessary to establish compliance with this by-law or the applicable municipal standards.
- 11.10. The permit holder shall ensure that all work for which notice is required is ready for inspection and accessible at the time the inspection is carried out.
- 11.11. Failure to provide the required notice in accordance with this section may result in the work being deemed incomplete, the requirement for re-inspection, and/or the imposition of applicable fees or enforcement action.

12. Posting the permit and documents on site

- 12.1. The permit holder shall keep a copy of the permit in a conspicuous place on the property for the duration of construction; and
- 12.2. A copy of the approved drawings and specifications submitted with the permit application, including any changes authorized by the Chief Building Official, shall be kept on the property for the duration of

construction.

13. Occupancy inspection

- 13.1. A building, or part of a building, shall not be occupied until an occupancy inspection has been completed in accordance with Division C Article 1.3.5.1(p) of the Building Code and authorization to occupy has been issued by the Chief Building Official or their designate.
- 13.2. The permit holder shall ensure that all requirements for occupancy under the Building Code are complete, accessible, and safe at the time of the occupancy inspection.
- 13.3. The permit holder shall not permit or allow occupancy of a building, or part of a building, prior to receiving written authorization to occupy from the Chief Building Official or their designate.
- 13.4. Prior to the issuance of authorization to occupy, every building or residential unit shall be identified with civic address numbers that are clearly visible from the street or private access lane, in a manner acceptable to the Chief Building Official.

14. Permit Closure Requirements

- 14.1. A permit shall not be closed until:
- a. All mandatory inspections required under the Building Code have been completed and accepted;
 - b. Where a grading plan is required, final grading approval has been obtained, unless otherwise determined by the Chief Building Official;
 - c. All applicable certifications, reports, or documents required by the Chief Building Official have been submitted, including, where

applicable, grading certification, final lot grading approval, as-constructed drawings, and any other documentation necessary to establish compliance; and

- d. All applicable fees have been paid, and all outstanding deficiencies have been corrected to the satisfaction of the Chief Building Official.

15. Extended permits

15.1. This section applies to permits issued after the passing of this by-law.

15.2. A permit issued after the effective date of this By-law shall be deemed to be an extended permit where it has not been closed within:

- a. four (4) years from the date of permit issuance, for all permits other than those described in clause (b); or
- b. five (5) years from the date of permit issuance, for permits issued for a major project.

15.3. When a Permit becomes an extended permit under this Section, the City shall provide written notice to the Permit Holder and Property Owner advising of:

- a. the Extended permit status;
- b. the applicable Extended Permit Administrative Fee set out in Schedule "G" of the User Fees By-law; and
- c. a summary of the current status of the permit, based on the City's records at the time of notice, including the date and type of the most recent inspection and any known outstanding inspections or requirements necessary to proceed toward permit closure.

15.4. An Extended Permit shall be subject to an annual Extended Permit Administrative Fee set out in Schedule "G" of the User Fees By-law.

15.5. Extended Permit Administrative Fees shall apply only from the date the permit becomes an extended permit and shall not apply retroactively.

15.6. Unpaid Extended Permit Administrative Fees may be added to the property tax roll and collected in the same manner as municipal taxes.

15.7. Extended Permit status shall end upon:

- a. the closure of the Permit in accordance with this By-law; or
- b. written confirmation from the Owner, to the satisfaction of the Chief Building Official, that no construction has commenced.

15.8. Where written confirmation is provided in accordance with clause 15.8(b), the permit may be cancelled by the Chief Building Official. No Extended Permit Administrative Fee shall apply after the date of cancellation and closure of the permit.

15.9. The classification of a Permit as an Extended Permit is for administrative purposes only and does not constitute a determination of construction activity or compliance.

15.10. Where changes to the scope of work are proposed for an Extended permit, the Permit Holder shall comply with Section 7 for revision to a permit.

16. Administration and enforcement

16.1. This By-law shall be administered and enforced by the Chief Building Official and any Inspectors appointed in accordance with the Building Code Act.

16.2. The Chief Building Official is authorized to exercise all powers and duties permitted under the Building Code Act for the purpose of administering and enforcing this By-law, including the issuance of orders, the conduct of inspections, and the taking of any action

authorized under the Act.

16.3. Where a permit holder fails to comply with this By-law or the Building Code Act, the Chief Building Official or an Inspector may take such enforcement action as is authorized under the Building Code Act, including issuing orders, requiring re-inspection, and applying applicable fees.

16.4. Council shall appoint the Chief Building Official and any Deputy Chief Building Official in accordance with the Building Code Act.

16.5. Where Council has delegated such authority by by-law pursuant to the Municipal Act, 2001, the Chief Building Official may appoint Inspectors for the purpose of enforcing the Act, the Building Code, and this By-law. Such appointments may include, but are not limited to, temporary, probationary, or intern Inspectors participating in a municipal building official internship or training program.

17. Penalty

17.1. Any person who contravenes any provisions of this By-law is guilty of an offence and, upon conviction, is liable to penalties prescribed under the Building Code Act 1992, as amended.

18. Schedules

18.1. Any reference to Schedule "G" shall be deemed to refer to the applicable Schedule "G" forming part of the City's User Fee By-law, as amended from time to time.

19. Severability

19.1. Where any provision of this By-law is declared by a court of competent jurisdiction to be invalid or unenforceable, such provision shall be deemed severable, and all remaining provisions shall remain in full force and effect.

