



If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

The Corporation of the Municipality of Clarington By-Law 2024-006 Office Consolidation

Being a by-law to provide for the administration and enforcement of the *Building Code Act* within the Municipality of Clarington

Passed, by Council, on: February 26, 2024

Consolidated as of: March 12, 2025

Amendments:

Amending By-law	Date	Amendment Details
In accordance with section 13 of this By-law	March 12, 2025	Amend Schedules B, in accordance with section 13 of this By-law

Disclaimer:

The following consolidated by-law is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The Municipality of Clarington does not warrant the accuracy of this electronic version.

Official versions of all By-laws may be obtained from the Municipal Clerk's Department.

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

**The Corporation of the Municipality of Clarington
By-law 2024-006**

Being a by-law to provide for the administration and
enforcement of the *Building Code Act* within the
Municipality of Clarington

Whereas subsection 3(1) of the *Building Code Act*, 1992, S.O. 1992, chapter 23, provides that the Council of The Corporation of the Municipality of Clarington is responsible for the enforcement of the *Building Code Act* within the Municipality of Clarington;

Whereas subsection 3(2) of the *Building Code Act*, requires that the Council shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of the *Building Code Act* within the Municipality of Clarington;

Whereas Section 7 of the *Building Code Act* authorizes the Council of a municipality to pass certain By-laws prescribing classes of permits, permit application documents, fees, inspections, and other related matters; and

Now therefore the Council of the Municipality of Clarington enacts as follows:

Title

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

Definitions

2. (1) In this by-law
 - (a) “Act” means the *Building Code Act*, 1992, S.O. 1992, chapter 23, as amended from time to time, and any successor thereto.
 - (b) “alternative solution” means a substitute for an ‘acceptable solution’ as defined by the building code.
 - (c) “as constructed plans” means as constructed plans as defined in the building code.
 - (d) “applicant” means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner’s behalf.
 - (e) “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.
 - (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 person appointed by the Council as the Chief Building Official for the purpose of enforcement of the Act.
- (i) “construction value” means the value prescribed by the Chief Building Official to represent the total value of all work, services and material associated with the construction for which a permit is applied.
- (j) “Council” means the Council of The Corporation of the Municipality of Clarington.
- (k) “deficient permit” means a permit where:
 - i. an inspection notice or order to comply has been issued by an inspector, or
 - ii. where an inspection required under the building code or this By-law has not been arranged,
 - iii. and six months or more have elapsed after the date the notice was issued, or the inspection was required.
- (l) “deputy Chief Building Official” means the person(s) appointed by Council as deputy Chief Building Official under the authority of the Legislation Act 2006 S.O.2006, chapter 21, Schedule F, and listed in Schedule ‘A’ to this By-law, for the purpose of enforcement of the Act.
- (m) “holiday” means days when the offices of the Municipality of Clarington are not open for transaction of business with the public.
- (n) “house” means single family dwellings, semis, townhouses, duplexes, live/work units.
- (o) “inspector” means the Chief Building Official, Deputy Chief Building Official and inspectors appointed by the Chief Building Official under section 3 of this By-law.
- (p) “Municipality” means The Corporation of the Municipality of Clarington.
- (q) “owner” means the registered owner of the land and includes a lessee, mortgagee in possession, the person or directors of a corporation acting as the *owner’s* authorized agent and the person in charge of the property, upon which is located, or will be located, the building or part thereof for which an application for a permit is or has been made.

- (r) “permit” means permission or authorization given, in writing, by the Chief Building Official,
 - i. to perform work regulated by the Act or the building code or both, or
 - ii. to change the use of a building or part of a building as regulated by the Act or the building code or both, or
 - iii. to occupy a building or a part thereof.
 - (s) “permit holder” means an 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.
 - (t) “professional engineer” means a person who holds a licence or a temporary licence under the Professional Engineer’s Act.
 - (u) “registered code agency,” means a person or an entity that has the qualifications and meets the requirements set out in the Act.
- (2) Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the building code.

Appointments

3. The power of appointment of inspectors, including the revocation of appointment, under section 3(2) of the Building Code Act, 1992, as amended, for the purpose of enforcement of the Building Code Act, 1992, as amended and any regulation thereunder is hereby delegated from Municipal Council to the Chief Building Official for the Municipality of Clarington.
- (1) The Chief Building Official must maintain a current list, which shall be posted on the Municipalities website, of all inspectors appointed under section 3 of the Building Code Act, 1992, as amended, for the purpose of enforcement of the Building Code Act, 1992, as amended, in the Municipality of Clarington.
 - (2) The appointment of the *deputy Chief Building Official* is under the authority of the Legislation Act 2006, S.O. 2006, Chapter 21, Schedule F, Section 77.
 - (3) *Deputy Chief Building Official* appointed under this By-law shall have all the powers and duties of the *Chief Building Official* under this By-law, and under the *Act*, and the *building code*.

Code of Conduct for Building Officials

4. Chief Building Official, Deputy Chief Building Official, and inspectors appointed by the Chief Building Official under section 3 of this By-law shall be governed by the Code of Conduct set out in Schedule D to this By-law, with respect to exercising powers and performing duties under the Building Code Act.

Classes of Permits

5. Classes of permits with respect to the construction, demolition, building relocation, and conditional permit, change of use, occupancy of buildings and the permit fees, therefore, shall be as set out in Schedule “B” to this By-law.

Requirements for Filing Permit Applications

6. (1) To obtain a permit, an applicant shall file a complete application on the form available from the Chief Building Official, or from the Province of Ontario, together with the applicable requirements set out in subsections (2) to (8).
- (2) All documents and drawings accompanying an application shall be coordinated with each other and consistent with the description of the proposed work.

Building Permits

- (3) Every application for a building permit or permit for a stage of construction (Partial Permit) under Subsection 8(1) of the Act shall,
 - (a) 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 application for a permit is made,
 - (b) be accompanied by the plans (drawn to scale) specifications, documents and other information prescribed in Section 7 and Schedule C to this By-law; and
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule B to this By-law.

Demolition Permits

- (4) Every application for a demolition permit under Subsection 8(1) of the Act shall,
 - (a) 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 is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
 - (b) be accompanied by the plans, specifications, documents, and other information prescribed in Section 7 and Schedule C to this By-law;
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule B to this By-law; and

- (d) be accompanied by confirmation that:
 - i. arrangements have been made with the proper authorities for the safe and complete disconnection of all existing water, sewer, gas, electric, telephone and other utilities; and
 - ii. the owner will comply with the Municipality's property standards By-law at the completion of demolition.

Conditional Building Permits

- (5) Every application for a conditional building permit under Subsection 8(3) of the Act shall,
 - (a) comply with the requirements set out in subsection 6(3) in this By-law; and
 - (b) be accompanied by:
 - i. a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a conditional building permit is not issued;
 - ii. a written acknowledgement from the applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time period in which such approvals shall be obtained by the applicant; and
 - iii. a written agreement, in a form provided by the Chief Building Official, executed by the applicant, the owner and such other necessary persons the Chief Building Official determines for the purposes set out in subsection 8(3)(c) of the Act.
- (6) The Chief Building Official is hereby authorized to execute on behalf of The Corporation of the Municipality of Clarington the written agreement referred to in subclause 6(5)(b)(iii) in this By-law as part of the conditional building permit application.

Change of Use Permits

- (7) Every application for a change of use permit under Subsection 10(1) of the Act shall,
 - (a) 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;

- (b) be accompanied by plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the building code, including, but not limited to: floor plans and details of wall, ceiling and roof assemblies identifying existing fire resistance ratings and load bearing capacities;
- (c) be accompanied by the appropriate fee calculated in accordance with Schedule B to this By-law; and
- (d) be accompanied by the completed documents prescribed in Schedule C to this By-Law.

Occupancy Permits for Unfinished Buildings

- (8) Every application for authorization to occupy an unfinished building under Division C, Part 1 Subsection 1.3.3 of the Ontario Building Code shall,
 - (a) identify and describe in detail the occupancy, the date of such occupancy, and the building or part thereof for which the application for a permit is made;
 - (b) be accompanied by plans which show the areas of the proposed occupancy; and
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule B to this By-law.

Permit for a Stage of Construction (Partial Permit)

- (9)
 - (a) when, in order to expedite work, approval of a portion of the building or project is requested prior to the issuance of a permit for the complete building or project, application shall be made and fees paid for the complete building or project. Every applicant shall submit sufficient plans, specifications, documents, and other information to enable the Chief Building Official to determine whether the proposed building, construction, demolition or change of use will contravene the Act, the building code or any other applicable law.
 - (b) the fee shall be calculated in accordance with Schedule 'B' to this By-law.

Requirements For Plans and Specifications

7. (1) Every applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed building, construction, demolition or change of use will contravene the Act, the building code or any other applicable law.
- (2) The Chief Building Official shall determine the plans, specifications, documents, and other information required to be submitted with an application in order to deem it complete according to Division C, Part 1 Section 1.3 of the building code having regard for:
 - (a) the scope of the proposed work;
 - (b) the requirements of the building code, the Act and other applicable law; and
 - (c) the requirements of this Section and Schedule C to this By-law.
- (3) Plans, specifications, documents, and other information shall be submitted electronically in pdf format through the Municipalities online portal and shall contain text that is legible and drawings that are legible, complete, fully dimensioned and to scale.
- (4) Site plans submitted by an applicant shall;
 - (a) be referenced to a current plan of survey prepared and certified by an Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission, except where the Chief Building Official waives the requirement to do so.
- (5) On the completion of the foundation for a detached, semi-detached, triplex, fourplex or townhouse dwelling, the Chief Building Official may require submission of a survey prepared by an Ontario Land Surveyor indicating the location of the building to all property lines and elevations of the bottom and top of the foundation wall, including the garage cut, prior to a framing inspection being undertaken.
- (6) On the completion of the construction of a building, or part of a building, the Chief Building Official may require submission of a set of plans of the building or part of a building, as constructed, together with a plan of survey prepared and certified by an Ontario Land Surveyor showing the location of the building.

Authorization of Alternative Solutions

8. (1) Where an alternative solution for an equivalent material, system or building

design is proposed in either an application for a permit, or in a material change to a plan, specification, document or other information on the basis of which a permit is issued, the applicant shall submit:

- (a) a completed "Alternative Solution Application Form";
 - (b) a description of the proposed location(s) where the alternative solution is proposed to be installed;
 - (c) a description of the proposed material, system or building design for which authorization is sought;
 - (d) a description of all applicable provisions of the building code in contravention;
 - (e) supporting documentation demonstrating that the proposed material, system or building design will provide the level of performance required by the building code; and
 - (f) payment of the required fee as set out in Schedule B to this By-law.
- (2) The Chief Building Official or registered code agency may accept or reject any proposed alternative solutions and/or may impose conditions or limitation on their use.
- (3) Alternative solutions which are accepted under this Section shall be applicable only to the location described in the application and are not transferable to any other building permit.

Incomplete Permit Applications

9. (1) An application shall be deemed not to be complete according to Division C Part 1 Sentence 1.3.1.3(5) of the building code where any of the applicable requirements of Section 6 to this By-law have not been complied with.
- (2) Except as provided in 9(3), an application deemed to be incomplete shall not be accepted by the Chief Building Official.
- (3) The Chief Building Official may accept an incomplete application where the applicant acknowledges, in writing, that the application is incomplete and waives the time period prescribed in the building code within which a permit must be issued or refused.
- (4) Where an applicant declares that an application is complete in all respects and complies with the Act, the building code and applicable law, the Chief Building Official shall issue or refuse to issue a permit within the time period prescribed in the building code.

- (5) Where an applicant declares that an application is complete in all respects, but the application is determined to be incomplete or does not comply with the Act, the building code or applicable law, an additional fee as prescribed in Schedule B may be applied to the re-examination of documents required to be submitted by an applicant.

Abandoned Permit Applications

10. (1) An application for a permit shall be deemed to have been abandoned by the applicant where,
 - (a) the application is incomplete according to Section 9 in this by-law and remains incomplete six months after it was submitted;
 - (b) six months have elapsed after the applicant was notified that the proposed building, construction, demolition or change of use will not comply with the Act or the building code or will contravene any other applicable law; or
 - (c) the application is substantially complete, and six months have elapsed from the date upon which the applicant was notified that a permit was available to be issued.
- (2) Where an application is deemed abandoned, all submitted plans, specifications and documents shall be disposed of, or upon written request from the applicant, returned to the applicant.
- (3) Where a permit holder wishes to re-activate a building permit deemed dormant by the Chief Building Official, the permit holder shall pay the fee set out in Schedule 'B' to this By-law.

Revision to Permits

11. Should a permit holder wish to make any material change to any plan, specification, document, or other information on the basis of which the permit was issued, the permit holder shall file an application for a revision to the permit which describes the material changes and shall pay the fee set out in Schedule B to this By-Law.

Transfer of Permits

12. (1) If the owner of the land changes after a permit has been applied for or issued, the permit may be transferred to the new owner (the "transferee") of the lands where an application is filed to the Municipality in writing, in accordance with this section.

- (2) Every application for the transfer of permit shall,
- (a) include a written statement from the current permit holder authorizing the transfer of the permit to the transferee;
 - (b) include proof of ownership of the lands by the transferee satisfactory to the Chief Building Official;
 - (c) confirm that the work to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified and described on the application of the permit;
 - (d) state the name, address, telephone number of the proposed transferee;
 - (e) state the name, address, telephone number and facsimile number of the proposed architect and/or professional engineer, and their building code qualifications, where they are different from those identified in the application for the permit, and a written confirmation from the architect and/or professional engineer(s), that they have been retained to undertake general review of the construction or demolition where required under the building code;
 - (f) include, where the proposed transferee is a builder as defined in the *Ontario New Home Warranties Plan Act*, or any successor thereto, the proposed transferee's registration number thereunder;
 - (g) be signed by the proposed transferee who shall certify as to the truth of the contents of the application; and
 - (h) payment of the required fee as set out in Schedule B of this by-law.
- (3) Upon the issuance of transfer of a 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 under the permit, save and except for any obligations set out in any agreements entered into for the purposes of subsection 8(3)(c) of the Act.

Fees and Refunds of Fees

13. (1) A fee is to be paid with every permit application, calculated in accordance with Schedule B to this By-law and the fee shall be due and payable, in full, upon the submission of the application for a permit. The requirements for fees shall not apply to buildings constructed by or for the Corporation for the Municipality of Clarington and Lakeridge Health Bowmanville.

- (2) The minimum fee payable on any application shall be as indicated in Item 1, Part "A" in Schedule 'B'.
- (3) Where the calculation in accordance with the provisions of Schedule B to this By-law of the amount of a fee to be paid as part of a permit application is based upon the building category, floor area and/or value of the proposed construction. The Chief Building Official, or a person designated by the Chief Building Official to do so, shall determine the appropriate building category, floor area and/or value, and that determination shall be final.
- (4) Where an application for a permit is subject to additional user fees prescribed by the Municipality, the fees so prescribed shall be paid in addition to the fees set out in Schedule B to this By-law.
- (5) Fees shall be increased by three percent each year effective on the first day of January of each year. Flat rate fees shall be rounded to the nearest dollar amount and increments of half dollar and greater shall be rounded up. All other fees shall be rounded to the nearest cent.

Re-examination Fee and Alternative Solution Fee

- (6)
 - (a) where an applicant substantially revises proposed materials, systems or a building design after examination of a previous submission has already been undertaken, a re-examination fee shall apply as set out in Schedule B to this By-law.
 - (b) where an applicant submits an alternative solution to a material, system or design, an examination fee shall apply as set out in Schedule 'B' to this By-law.

Additional Inspection Fees

- (7) An additional inspection fee as set out in Schedule B to this By-law shall apply and shall be paid prior to each inspection being undertaken on any building, where:
 - (a) any of the prescribed notice requirements under the building code or the additional notices required under this By-law have not been complied with by a permit holder;
 - (b) more than two inspections are required due to construction being incomplete or not in compliance with the building code;
 - (c) a building is occupied before the notice required under Section 11 of the Act was given to the Chief Building Official;
 - (d) an inspection is requested to confirm that outstanding items have been completed or corrected in respect of a deficient permit;

- (e) an inspection of the backflow device on a fire main is requested; or
- (f) an inspection for a liquor licence approval where there is no permit.

Document Approval by Chief Building Official

- (8) Where a request is received for the Chief Building Official to approve an AGCO Agency Letter of Approval, Environmental Compliance Approval for a Sewage Works and the completion of the Statement of the Municipality, Ministry of Education confirmation for daycare license the fee shall be calculated and paid in accordance with Schedule 'B' to this by-law.

Overtime Fee

- (9) Where a request is made in writing for work outside of regular business hours, the overtime fee shall be calculated and paid in accordance with Schedule 'B' to this By-law.

Permit Surcharge

- (10) A building permit surcharge, in addition to the regular calculated fee, shall be charged in accordance with Schedule 'B' to this By-law, where construction has commenced without a building permit and an Order is issued.

Occupancy Permit

- (11) The occupancy permit fee for a dwelling is included in the building permit fee, with the exception of Item 6, Schedule B - Part A.

Fee Refunds

- (12) If requested, in writing, by an applicant or permit holder, where,
 - (a) an applicant withdraws, in writing, an application for a permit;
 - (b) an application is deemed to have been abandoned in accordance with Section 10 of this By-law;
 - (c) the Chief Building Official refuses to issue a permit for which an application has been made; or
 - (d) the Chief Building Official revokes a permit after it has been issued, the Chief Building Official shall calculate the portion of any fee paid that may be refunded and authorize the payment thereof, based upon the functions undertaken by the Municipality, in accordance with 13(12) to 13(18) below.

- (13) Eighty-five per cent (85%) of the permit fee paid in accordance with Schedule B shall be refunded if only application administrative functions have been performed.
- (14) Fifty per cent (50%) of the permit fee paid in accordance with Schedule B shall be refunded if the following have been performed,
 - (a) the functions described in 14(12) above,
 - (b) all or part of technical plan review functions, and
 - (c) the permit has not been issued.
- (15) Twenty-five per cent (25%) of the fee paid in accordance with Schedule B shall be refunded if the permit has been issued.
- (16) Notwithstanding 13(11) to 13(14) above, no refund of any portion of the permit fee paid in accordance with Schedule B shall be made if any construction or demolition has commenced.
- (17) No refund shall be payable where the amount calculated in accordance with this section is less than \$50.00.
- (18) Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the fee receipt issued by the Municipality upon original payment of the fee, unless that person directs, in writing, that it be refunded to another person.
- (19) No refund shall be payable in the case of abandonment of a project or the revocation of a permit.
- (20) Construction deposits may be refunded upon completion of the project to the satisfaction of the Chief Building Official. Said construction deposits shall be refunded (without interest) to the Permit Holder provided the construction or demolition for which the permit was issued is completed within two years of the date upon which the permit was issued. After two years or if the Permit Holder does not arrange a final inspection, the Municipality may transfer said Construction Deposit to the Building Division Reserve Fund.

Registered Code Agencies

- 14. The Chief Building Official is authorized to enter into service agreements with registered code agencies and appoint them to perform one or more of the specified functions described in Section 15.15 of the Act.

Fences at Construction and Demolition Sites

15. (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 owner to erect such fences as the Chief Building Official or inspector deems appropriate to the circumstances.
- (2) In considering the hazard presented by the construction or demolition site, the necessity for fences and the height and characteristics of such fences, the Chief Building Official or inspector shall have regard for,
- (a) the proximity of the building site to other buildings;
 - (b) the proximity of the construction or demolition site to lands accessible to the public;
 - (c) the hazards presented by the construction or demolition activities and materials;
 - (d) the feasibility and effectiveness of site fences; and,
 - (e) the duration of the hazard.
- (3) Every fence required by this section shall:
- (a) be erected so as to fully enclose all areas of the site which present a hazard;
 - (b) create a continuous barrier and be sufficient to deter unauthorized entry;
 - (c) have a height 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;
 - (d) if constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200mm on centre to vertical posts not more than 2.4 metres apart, and to horizontal members or a minimum 11-gauge cable at the top and bottom; and
 - (e) be maintained in a vertical plane and in good repair.

Mandatory Inspection Notices

16. (1) The permit holder shall also give notice to the Chief Building Official or registered code agency of the following stages of construction in addition to the mandatory notices prescribed by the building code;

- (a) commencement of construction of:
 - i. masonry fireplaces and masonry chimneys,
 - ii. factory-built fireplaces and allied chimneys,
 - iii. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,
 - (b) substantial completion of interior finishes; and/or
 - (c) substantial completion of heating, ventilating, air-conditioning and air-contaminant extraction equipment;
 - (d) 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*;
 - (e) completion and availability of drawings of the building as constructed, and
 - (f) completion of a building for which an occupancy permit is required under Division C Part 1 Article 1.3.3.4. and 1.3.3.5.
- (2) A notice required to be given by a permit holder to the Chief Building Official or registered code agency pursuant to Division C Part 1 Subsection 1.3.5 of the building code shall be given to the Chief Building Official or registered code agency in accordance with Section 11 of the Act.
- (3) For the purpose of 16(2) above, the term “day” means any Monday, Tuesday, Wednesday, Thursday or Friday other than a holiday as defined in Subsection 2(1) (m) of this By-law.
- (4) A notice given to the Chief Building Official pursuant to Division C Part 1 Subsection 1.3.5 of the building code may be given orally or in writing to either the Chief Building Official, an inspector or registered code agency and if given to an inspector in accordance with this Section, shall be deemed to have been given to the Chief Building Official.
- (5) A notice given to the Chief Building Official or registered code agency pursuant to Division C Part 1 Subsection 1.3.5. of the building code and this Section shall not be effective until actually received by the Chief Building Official, inspector or registered code agency as the case may be.

Spatial Separation Agreements

17. The Chief Building Official is authorized to enter into spatial separation agreements, as set out in Division B Part 9, Sentences 9.10.14.2.(4) and (5), 9.10.15.2.(4) and (5), and Part 3 Sentences 3.2.3.1.(11) and (12) of the building

code, on behalf of the municipality and the owners of the properties on which the limiting distance is measured.

Offences and Penalties

18. Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in Section 36 of the Act.

Severability

19. Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid it shall not affect the validity of this By-law as a whole or any other part thereof, other than the provision declared to be invalid.

Interpretation and Implementation

20. Schedules A, B, C and D attached shall form part of this By-law.
21. By-law 2017-086 and 2022-062 are hereby repealed.
22. This By-law comes into force and is effective on March 1, 2024.

By-Law passed in open session this 26th day of February, 2024

ORIGINAL BY-LAW SIGNED

Schedule A**Appointments**

Under the authority of the Building Code Act, S.O. 1992, Chapter 23, and the Interpretation Act, R.S.O. 1990, Chapter I.11

The following people, listed in Column 2 of Table A, below, are appointed by Council, under the authority of the Building Code Act, in the positions listed in Column 1.

Table A

	Column 1	Column 2	Column 3	Column 4
Item	Provincial Appointment	Name	Municipal Title	Provincial BCIN
1.	Chief Building Official	Brent Rice	Chief Building Official	18720
2.	Deputy Chief Building Official	Brendan Grigg	Deputy Chief Building Official	44638

Schedule B – Part AClasses of Permits and Fees Payable

Class of Permit	Reference	Fee	Unit
Building Permit	6(3)	See Schedule B - Part B	
Demolition Permit	6(4)	\$134.04 0.34	flat rate for all single detached dwellings and residential accessory buildings per meters squared for all other buildings
Conditional Building Permit	6(5)	Normal fee for proposed construction plus an additional 20% of that fee. A minimum additional fee of \$363.64 shall apply to conditional permits.	
Permit for Stage of Construction (Partial Permit)	6(9)	With respect to phased projects, in addition to the fee for the complete building, an additional fee equal to 10% of building permit fee (min of \$353.03) for each phase.	
Change of Use Permit	6(7)	132.11	each 100 sq. m. of floor area or part thereof
Occupancy Permit for Unfinished Building (Division C Part 1 Subsection 1.3.3.1 of OBC)	6(8)	266.76	Flat fee

Other Permit Fees

Fee Type	By-law Reference	Fee	Unit
Alternative Solution Examination Fee	8	\$176.73	per hour (minimum one hour for house or four hours for other building) In addition to applicable type of building permit

Fee Type	By-law Reference	Fee	Unit
Resubmission of application found to be incomplete	9(5)	25% of application fee	
Revision to permit	11	176.73	per hour (minimum one hour for house or four hours for other building)
Transfer of permit	12	199.73	flat fee
Re-examination - Change in house model	13(6)	780.82	plus the fee prescribed in Part B as a result of any additional area
Re-examination - other than 5	13(6)	25% of applicable permit fee	maximum of \$1,724.55
Additional Inspection	13(7)	199.73	flat fee
Overtime Fee	13(9)	199.44	per hour (minimum 3 hours)
Permit Surcharge	13(10)		<p>Surcharge applies after an Order is issued for building without a permit shall be the greater of:</p> <p>a) Surcharge of 25% of permit fee when construction has begun and a building permit application has been received, and</p> <p>b) Surcharge of 50% of permit fee when construction has begun, and no building permit application has been received.</p>
Dormant Building Permit File Reactivation fee	10(3)	268.10	flat fee
AGCO Agency Letter of Approval	13(8)	231.75	per letter
Review of application for Environmental Compliance Approval for sewage works and completion of	13(8)	360.50	flat fee

Fee Type	By-law Reference	Fee	Unit
the "Statement of the Municipality"			
Letter to the Ministry of Education confirming conformance with the Ontario Building Code for Daycare Licenses	13(8)	231.75	per letter

Fees Payable for Building Permits

<u>Building Type</u>	<u>Fee</u>	<u>Units</u>
Assembly Occupancies (Group A) All Recreational Facilities, Schools, Libraries, Places of Worship, Restaurants (Finished), Theatres, Arenas/Gymnasiums/Pools	\$31.53	per sq.m
Restaurants (Shell)	25.53	per sq.m
Open Public Swimming Pools	8.53	per sq.m
Transit Stations, Subways, Bus Terminals	23.66	per sq.m
All other Group A Buildings	31.53	per sq.m
Institutional Occupancies (Group B) Institutional, Hospitals, Nursing Homes All other Group B Buildings	34.41	per sq.m
Residential Occupancies (Group C) Single Family Dwellings, Semis, Townhouses, Duplexes, Live/Work Units	17.21	per sq.m
All other multiple unit buildings and other residential occupancies	18.35	per sq.m
Motels above two stories and Hotels	26.24	per sq.m
Business and Personal Service Occupancies (Group D) Office Buildings (Shell), all other	20.93	per sq.m

<u>Building Type</u>	<u>Fee</u>	<u>Units</u>
Group D Buildings (Shell)		
Office Buildings (Finished), Banks, Medical Clinics, Fire Halls and all other Group D Buildings (Finished)	26.10	per sq.m
Mercantile Occupancies (Group E) Mercantile Occupancies, Retail Stores (Shell)	16.90	per sq.m
Retail Stores (Finished), Department Stores, Supermarkets	22.36	per sq.m
All Other Group E Buildings (Finished)	21.71	per sq.m
Industrial Occupancies (Group F) Industrial Buildings (Shell)	13.20	per sq.m
Industrial Buildings (Partitioned Area)	18.35	per sq.m
Gas stations, Car Washes,	16.62	per sq.m
Parking Garages (U/G, Open Air)	8.03	per sq.m
Open Mezzanine Construction	7.99	per sq.m
Interior alterations (Partitions, Finishings, etc.) Group A, B and D	6.00	per sq.m
Group C, E and F	5.33	per sq.m
Apartment In-House	6.49	per sq.m
Designated Structures Communication Tower or Transmission Towers on Building	639.40	flat fee
Crane Runway	639.40	flat fee
Exterior Tank and Support	266.76	flat fee
Pedestrian Bridge	266.76	flat fee
Retaining Wall	13.21	per l. m.
Satellite Dish	160.86	flat fee
Solar Collector for single dwelling unit	160.86	flat fee
Solar Collector for all other occupancies	165.34	per 10 panels (max \$10,604.76)
Wind turbine	See Item 11 Schedule B – Part B	

Building Type	Fee	Units
Stand Alone & Miscellaneous Work		
a) Permanent Tent, Air Supported Structures	13.78	per sq.m
b) Balcony Guards (Replacements)	4.19	per l. m.
c) Unfinished Basement (to accommodate a building moved from elsewhere)	7.99	per sq.m
d) Repair or Re-Cladding of wall (per wall area)	0.50	per sq.m
e) Canopy w/o enclosure	6.66	per sq.m
f) Ceilings (Added or Replacement)	0.85	per sq.m
g) Demising walls (no other construction)	6.30	per l. m.
h) Electromagnetic Locks	96.24	per lock (max \$876.53)
i) Emergency lighting	92.48	per storey
j) Farm Buildings	4.28	(max \$10,297.94)
k) Fire alarms/Fire Code Retrofit	266.76	flat fee
l) Fire doors retrofit	52.86	per door
m) Fireplaces, Wood Stoves	132.71	each
n) Sprinkler systems – new or alteration	0.79	per sq.m
o) Repairs to parking garage	3.43	per sq.m
p) Portable Classrooms	532.17	flat fee
i. Portapack	22.36	per sq.m
q) Residential Decks, Porches, Balconies, Carports	160.86	flat fee
r) Residential Detach or Attached Garages or Accessory Structure	5.71	per sq.m
s) Temporary Structures		
i. Tent	160.43	up to 2 tents
ii. Trailers and Temporary Buildings	266.76	flat fee
iii. Sales Pavilions (Construction on Site)	14.63	per sq.m
t) Underpinning	12.63	per l. m.
u) Shoring	12.63	per l. m.
v) Window or door Replacements (excluding house)	6.40	per window
w) Sign (3.15 of OBC only)	266.76	flat fee

Building Type	Fee	Units
Stand Alone Mechanical Work (HVAC and Plumbing)		
1) Permit for Heating, Ventilating and A/C (HVAC)		
a) SDD Type Residential Buildings (HVAC)		
i. Single Detached Dwelling, Semi-Detached, Duplexes & Townhouses (with or without A/C)	319.03	flat fee
b) All Other Group C –Residential Buildings (HVAC)		
i. Apartments, Hotels, etc.	1.15	per sq.m
c) Group E & F – Retail/Industrial (HVAC)		
i. Small (up to 2500 sq. ft.)	319.03	flat fee
ii. All others (>2500 sq. ft.)	1.43	per sq.m
d) Group A, B and D (HVAC)		
i. Assembly, Institutions, Restaurants and Office Buildings	2.00	per sq.m
e) Minor Alterations –All Buildings		
i. Ductwork only or A/C unit addition	187.67	flat fee
ii. Add on systems, Space Heater, Make-Up Air Unit, Exhaust Fan	266.76.	flat fee
f) Special Ventilation Systems		
i. Commercial Kitchen Exhaust, Spray Booth, Dust Collector, etc.	319.03	flat fee
g) Furnace Replacement		
i. SDD Type Residential, Buildings	187.67	flat fee
h) Geothermal system or earth energy system	139.20	flat fee
2) Permit for Plumbing and Drains		
a) Single Family Dwellings	22.65	per fixture
b) Groups A, C, E, and F	28.31	per fixture
c) Group B and D	28.31	per fixture
d) Backflow Preventor	52.86	each

<u>Building Type</u>	<u>Fee</u>	<u>Units</u>
e) Manhole, Catch Basin, Interceptor, Sump, etc.	37.75	each
3) Piping		
a) Single Family Detached or Attached Dwellings		
i. Water Services, Sanitary, and Storm buried piping	160.86	flat fee
ii. Repairs, Replacement, and Additions of buried Plumbing and drainage piping, pooling drains	160.86	flat fee
b) All Other Buildings		
i. Inside Sanitary and Storm Piping	2.60	per l. m.
ii. Outside Water Services, Sanitary, and Storm Piping	4.36	per l. m.
Alterations, buildings, and structures not provided for in Items 1 to 10	22.65	each \$1,000 of construction value or part thereof.

For the proper interpretation and application of this Schedule, see the following notes.

Fees Payable for Building Permits

Notes:

The following guidelines for calculating floor areas and fees apply to the specific building types and construction indicated. The occupancy classifications used in this by-law shall be based on the Ontario building code major occupancy classifications. For mixed occupancy floor areas, the service index for the area of each occupancy shall apply.

Calculation of Permit Fees

Permit fees shall be calculated based on the formula given below, unless otherwise specified in the schedule: $\text{Permit Fee} = \text{SI} \times \text{A}$

where SI = Service Index for Classification of the work proposed, and

 A = floor area in square metres of the work involved

1. Floor Area Calculation

Floor area shall:

- a) be calculated by measuring to the outer face of exterior walls and to the centre of party walls or demising walls, except when calculating interior partition work,
- b) where there are no exterior walls, be calculated by measuring to the perimeter of the building and/or structure, (i.e. post or column)
- c) include all habitable areas, including mezzanines, finished attics, and enclosed balconies,
- d) include a roof area with an occupancy,
- e) include interior partitioning, corridors, lobbies, washrooms, service rooms, etc.,
- f) include floor openings for stairs, escalators, elevators, shafts, ducts, etc.,
- g) not include the area of the floor opening found above the lowest floor level in an interconnected floor space or atrium,
- h) not include the area of an unfinished basement of a house,
- i) be calculated by measuring the area affected or serviced by the heating, ventilation, and air conditioning (HVAC) system, the sprinkler system and the fire alarm system.

2. 'Shell' Building Definition

A shell building is defined as consisting of the structural foundation and framing system and the exterior envelope and does not contain building services such as: heating, ventilation, and air conditioning (HVAC) system, sprinkler system, plumbing facilities, etc.

3. Interior Renovations/Alterations

For houses the floor area used for the calculation of permit fees for interior renovations/alterations shall be the actual area of the floor being renovated and/or altered. For all other occupancies the area for calculation purposes shall be the greater of the actual area of the floor being renovated and/or altered or 50 square metres.

4. Occupancy Classifications and Fees

- a) The occupancy classifications used in this by-law shall be based on the building *code* major occupancy classifications.
- b) For floor areas with mixed occupancies, the fee shall be calculated based on each major occupancy within the building.

5. Minimum Fee

A minimum fee of \$127.54 shall be changed unless the fee is a larger amount as otherwise stated in this By-law.

6. Model House Fee

Where the floor area of a new model *house* is less than the original model house floor area, no fee refund is payable.

7. Permit Fees Not Listed in Fee Table

For building permit types not listed, the *permit* fee shall be calculated on the basis of \$21.99 per \$1,000 of construction value.

- a) “construction value,” as used in Item 11 of Schedule B – Part B, means the value of the proposed construction as determined by the Chief Building Official, whose determination of that value shall be final.
- b) no additional fee shall apply for plumbing and drains, sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
- c) site services are included in the fee noted in Schedule “B” provided it is serving a site with only one building and is installed at the same time as the building it serves.

Schedule C – Part ADocuments & Drawings Required for Permit Applications

Row	Class of Permit	Documents and Drawings Required
1(a)	Building Permit Residential (Part 9) - Detached houses - Semi-detached houses - Triplexes - Fourplexes - Townhouses	Documents <ul style="list-style-type: none"> a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Mechanical Ventilation Design Summary d Regional Municipality of Durham Building Permit for Sewage System e Regional Municipality of Durham Residential Development Charges Information Form f TARION Registration Form g Regional Connection Application for Water/Sewer Drawings <ul style="list-style-type: none"> a Approved Site Plan b Approved Grading Plan c Architectural Drawings d Structural Drawings e HVAC Drawings f Plumbing Drawings (Note 4) g Grading Plan and Occupancy Deposit
1(b)	Building Permit Residential as in 1(a) - Alterations - Additions - Accessory Buildings	Documents <ul style="list-style-type: none"> a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Regional Municipality of Durham Building Permit for Sewage System Drawings <ul style="list-style-type: none"> a Approved Site Plan b Approved Grading Plan (Note 3) c Architectural Drawings d Structural Drawings e HVAC Drawings f Plumbing Drawings (Note 4) g Grading Plan and Occupancy Deposit

Row	Class of Permit	Documents and Drawings Required
2(a)	Building Permit Non-residential and other residential not provided for in row 1(a) or 1(b) - New Buildings - Additions	Documents <ul style="list-style-type: none"> a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Commitment to General Reviews by Architect & Engineers d Ontario Building Code Data Matrix e Land and Building Use Declaration f Flow Control Roof Drainage Declaration g Confirmation of Energy Efficient Design h Regional Municipality of Durham Commercial Development Charges Information form i Regional Connection Application for Water/Sewer Drawings <ul style="list-style-type: none"> a Approved Site Plan b Approved Grading Plan c Architectural Drawings d Structural Drawings e HVAC Drawings f Plumbing Drawings g Electrical Drawings h Fire Protection Drawings i Geotechnical Report j Specifications
2(b)	Building Permit Non-residential and other residential as in 2(a) - Alterations - Renovations - Tenant Occupancies	Documents <ul style="list-style-type: none"> a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Commitment to General Reviews by Architect & Engineers d Ontario Building Code Data Matrix e Confirmation of Energy Efficient Design Drawings <ul style="list-style-type: none"> a Location Plan b Architectural Drawings c Structural Drawings d HVAC Drawings e Plumbing Drawings

Row	Class of Permit	Documents and Drawings Required
		f Electrical Drawings g Fire Protection Drawings
3	Change of Use Permit	Documents <ul style="list-style-type: none"> a Confirmation of compliance with applicable law b Acknowledgement of incomplete application Drawings <ul style="list-style-type: none"> a Location Plan b Architectural Drawings
4	Building Permits - Other than rows 1 to 3	Documents <ul style="list-style-type: none"> a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Documents from rows 1 to 3, or other documents which are applicable to the scope of work proposed Drawings <ul style="list-style-type: none"> a Drawings from rows 1 to 3 which are applicable to the scope of work proposed
5	Demolition Permit	Documents <ul style="list-style-type: none"> a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Commitment to General Review by Engineer d Demolition Agreement – Property Standards e Demolition sign-off sheets f Structural Drawings as required g General review demolition commitment certificate Drawings <ul style="list-style-type: none"> a Location Plan b Site Plan

Notes:

1. The documents described in this schedule are available from the Chief Building Official.
2. A description of the information required on drawings is contained in Part B of this schedule.
3. The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of work, applicable law, or building code requirements does not necessitate its submission.
4. Plumbing drawings are waived from plumbers licensed by the Municipality of Clarington in rows 1(a) and 1(b).

Schedule C- Part BInformation Required on Drawings

Drawing Type	Information Required	Class of Permit – Part A Row Number					
		1(a)	1(b)	2(a)	2(b)	3	4
Site Plan	a. Legal description, survey property dimensions, compass orientation, location, and name of adjacent roads	X	X	X			X
	b. Outline of all existing and proposed buildings and structures, building dimensions and their distance to property lines	X	X	X			X
	c. Dimensions and location of parking and vehicle access and fire routes			X			X
	d. Dimensions and location of barrier-free parking, curb cuts, path of travel to building and building access			X			X
Grading Plan	a. Signature and seal of professional engineer	X	X	X			X
	b. Property lines, easements sidewalks, driveways, building location, curb cuts, retaining walls	X	X	X			X
	c. Existing and proposed elevations within the site and at property lines, retaining wall elevation, slopes of driveways, drainage flow and swales	X	X	X			X
	d. Location of catch basins, above and below ground utilities, and connections to services			X			X
Architectural	a. Existing plans showing construction and room and space identification of all floors in the area of proposed work or occupancy		X	X	X	X	X
	b. Plans of all floors including basements complete with all rooms and room names	X	X	X	X	X	X
	c. Roof plan showing roof	X	X	X	X		X

Drawing Type	Information Required	Class of Permit – Part A Row Number					
		1(a)	1(b)	2(a)	2(b)	3	4
	slope, drainage, roof, and roofing construction details						
	d. Building elevations showing grade, floor and ceiling heights, overall building height, exterior finish materials, window heights and sizes and spatial separation requirements	X	X	X	X		X
	e. Construction details including proposed wall section from footing to roof, specifications of all wall, floor and roof assemblies and all building materials and construction specifications	X	X	X	X		X
	f. Stairs, guards and handrail dimensions and floor details, window sizes and height above floor level, location, and fuel type of all fireplaces	X	X	X	X		X
	g. Mezzanine plan showing construction, guardrails, egress			X	X		X
	h. Location and details of barrier free entrances and barrier free washrooms			X	X		X
	i. Reflected ceiling plans, bulkhead details, horizontal service shaft details			X	X		X
	j. Roof equipment screening, anchorage for window washing, roof access			X			X
	k. Building cross sections showing grade, floor and ceiling heights, horizontal and vertical fire separations	X	X	X	X		X
	l. Enlarged sections and detail plans of washrooms and exit stairs			X	X		X
	m. Wall sections, plan, and section construction details			X	X		X
	n. Exit stair enclosure, wall construction details, fire separations and listed design			X	X		X

Drawing Type	Information Required	Class of Permit – Part A Row Number					
		1(a)	1(b)	2(a)	2(b)	3	4
	numbers, door numbers referenced to a door schedule						
	o. Door and hardware schedule, door and frame details, window schedule, room finish schedule			X	X		X
Structural	a. Foundation plans, floor and roof framing plans, footing, column and beam schedules, structural details, and material specifications	X	X	X	X		X
	b. Design specifications, live and dead loading, wind and snow loading, earthquake loading, geotechnical report design basis			X	X		X
	c. Structural drawings sealed by a professional engineer for all structural elements not within the scope of Part 9 of the building code	X	X		X		X
	d. Roof and floor truss drawings sealed by a professional engineer	X	X		X		X
HVAC	a. Heating, ventilation and air conditioning plans, service shafts, equipment layout and schedules	X	X	X	X		X
	b. Heat loss and gain calculations, ventilation design summary	X	X				X
	c. Fire damper locations, kitchen exhaust equipment			X	X	X	X
Plumbing	a. Plumbing and drainage plans; location and sizing of under and above ground storm, sanitary and water supply piping and appurtenances	X	X	X	X		X
	b. Location of fire stopping; specifications of plumbing and firestopping materials			X	X		X
Electrical	a. Electrical supply and distribution plans; location of			X	X		X

Drawing Type	Information Required	Class of Permit – Part A Row Number					
		1(a)	1(b)	2(a)	2(b)	3	4
	power and lighting outlets; equipment schedules; transformer locations						
	b. Location and specification of emergency lighting, emergency generators and exit signage			X	X		X
Fire Protection	a. Fire hydrant locations, sprinkler and standpipe distribution plans and schedules; sprinkler head layout; fire hose cabinet locations			X	X		X
	b. Location and specification of emergency lighting, emergency generators and exit signage; fire alarm system annunciator, diagrams, and specifications			X	X		X
	c. Location of smoke alarms and carbon monoxide detectors	X	X	X	X		X

Notes

1. Where indicated by an X, the information described is required to be included on the drawings for the class of permit specified.
2. Required information may be located or consolidation on other drawings rather than as specified in this schedule.
3. The Chief Building Official may waive the requirement for any required information specified in this schedule due to limited scope of work, applicable law or building code requirements.

Schedule D

Code of Conduct for Building Officials

Purpose

1. To promote appropriate standards of behavior and enforcement actions by the Chief Building Official and inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and inspectors in the exercise of power or the performance of a duty under the *Building Code Act* or the building code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code by the Chief Building Official and inspectors.

Enforcement Guidelines

The Chief Building Official, Deputy Chief Building Official, and inspectors appointed by the Chief Building Official under section 3 of this By-law shall comply with this code of conduct. Any appointed Chief Building Official or inspector who fails to act in accordance with the provisions of this code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this code shall be made in writing.

Any person who has reason to believe that this code of conduct has been breached may bring the matter to the attention of the Chief Building Official. Where the allegation concerns the actions of the Chief Building Official, the matter may be brought to the attention of the senior staff person to whom the Chief Building Official reports.

Any Chief Building Official or senior staff person who receives information, in writing, concerning a significant breach of this code shall investigate the matter, and where appropriate shall commence disciplinary action in accordance with the employment standards of the place of work. All communications received by a Chief Building Official or senior staff person concerning a breach of this code shall be held in confidence. The Chief Building Official or senior staff person shall advise Council in writing about the particulars of the alleged breach, its investigation, and the final disposition of the matter upon its conclusion.

Code of Conduct

In exercising powers and performing duties under the *Building Code Act*, the Chief Building Official and inspectors shall:

1. Exercise powers in accordance with the provisions of the *Building Code Act*, the building code, and other applicable law that governs the authorization, construction, occupancy, and safety of buildings and designated structures, and the actions, duties, and qualifications of Chief Building Officials and inspectors;
2. Act to identify and enforce compliance where significant contraventions of the Act or regulations are known to exist;
3. Apply all relevant building laws, regulations, and standards in a consistent and fair manner, independent of any influence by interested parties;
4. Not accept any personal benefit which may create a conflict with their duties, or perform duties where a personal interest may create a conflict;
5. Obtain the counsel of persons with expertise where the Chief Building Official or inspector does not possess sufficient knowledge to make an informed judgment; and
6. Act honestly, reasonably, and professionally in the discharge of their duties.