

PROPERTY MAINTENANCE

Chapter 830 BUILDING

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**Article 1
SHORT TITLE**

832.1.1 Citation

This Chapter may be cited as "The Building By-law".

**Article 2
INTERPRETATION**

830.2.1 Act - defined

"Act" means the *Building Code Act*, 1992, including amendments thereto.

830.2.2 Applicable law - defined

“applicable law” means applicable law as defined in the Building Code.

830.2.3 Applicant - defined

“applicant” means the owner of a building or property who applies for a permit on the owner’s behalf or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of that person or corporation.

830.2.4 Architect - defined

“Architect” means the holder of a licence, a certificate of practice or a temporary licence under the *Architect Act* as defined in the Building Code.

830.2.5 Building - defined

“building” means a building as defined in Section 1 (1) of the Act.

830.2.6 Building Code - defined

“Building Code” means the regulations made under Section 34 of the Act.

830.2.7 Chief Building Official - defined

“Chief Building Official” means the Chief Building Official appointed by By-Law of the City of Orillia for the purposes of enforcement of the Act.

830.2.8 Construct - defined

“construct” means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and has a corresponding meaning; (construction).

830.2.9 Corporation - defined

“Corporation” means the Corporation of the City of Orillia.

830.2.10 Demolish - defined

“demolish” means to do anything in the removal of a building or any material part thereof and has a corresponding meaning (demolition).

830.2.11 Designer - defined

“designer” means the person responsible for the design. This person must comply with requirements listed for designers in the Building Code

830.2.12 Farm Building - defined

“farm building” means a farm building as defined in the Building Code.

830.2.13 Floor Area - defined

“floor area” means the space on any storey of a building between exterior walls and required firewalls including the space occupied by interior walls and partitions, unless otherwise defined herein.

830.2.14 Gross Floor Area - defined

“gross floor area” means the total floor area of all stories including stories below the first storey.

830.2.15 Inspector - defined

“Inspector” means an Inspector appointed under Section 3, of the Act.

830.2.16 Municipality - defined

“Municipality” means the Corporation of the City of Orillia.

830.2.17 Owner - defined

“Owner” includes the registered owner of a property, a lessee, tenant, mortgagee in possession, or person otherwise in charge of any property, acting as the authorized agent of the owner.

830.2.18 Permit - defined

“permit” means written permission or written authorization from the Chief Building Official to perform the work regulated by this Chapter and the Act, or to Change the Use of a building or part of a building or parts thereof as regulated by the Act.

830.2.19 Permit Holder - defined

“permit holder” means the owner whom has been issued or, where the permit has been transferred, the transferee, and shall be the person who assumes the primary responsibility for the compliance of the Act and the Building Code.

830.2.20 Plumbing - defined

“plumbing” means plumbing as defined in Section 1 (1) of the Act.

830.2.21 Prescribed Value - defined

“prescribed value” means the value of the building project as shown on contract documents; the sum of the cost of all components of the proposed work, including labour, material, equipment, overhead and professional fees; or the value placed on the work by the Chief Building Official.

830.2.22 Professional Engineer - defined

“Professional Engineer” means a person who holds a licence or a temporary licence under the *Professional Engineers Act* as defined in the Building Code and has corresponding meaning (engineer).

830.2.23 Regulations - defined

“regulations” means regulations made under the Act and include, without limiting the generality of the foregoing, the Ontario Regulation and Amendments thereto, otherwise referred to as the Building Code.

830.2.24 Sewage System - defined

“sewage system” means a sewage system as defined in Section 1(1) of the Act.

Article 3 GENERAL PROVISIONS

830.3.1 Classes of permits - set out

Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule "A" to this By-law.

830.3.2 Revision - permits

After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without his or her written authorization.

830.3.3 Notification - CBO - 2 days

The owner shall notify the Chief Building Official or Inspector that the construction is ready to be inspected at least two (2) municipal business days in advance of the stages of construction as specified in the Regulations.

830.3.4 Transfer of permits

Where land changes ownership for which a permit has been issued, the new owner shall apply for a Transfer Permit as set out in Schedule "A".

830.3.5 Fencing at construction and demolition sites

Where in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, the Chief Building Official may require the erection of such fencing as he or she deems appropriate to the circumstances.

830.3.6 Hazardous - assessment

In considering the hazard presented by the construction or demolition site, the necessity for fencing and the height and characteristics of such fencing, the Chief Building Official 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 such fences, and,
- (e) the duration of the hazard.

Article 4 APPLICATIONS AND PERMITS

830.4.1 Permit - available

To obtain a permit, the owner shall file an application in writing by completing a prescribed form available at the offices of the municipality or from the Building Code website www.obc.mah.gov.on.ca or from the City of Orillia website www.orillia.ca.

830.4.2 Application - information

Every application for a permit shall be submitted to the Chief Building Official and contain the following information. Where application is made for a Building Permit under subsection 8(1) of the Act, the application shall:

- (a) Identify and describe in detail the work to be covered by the permit for which application is made.
- (b) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
- (c) Include complete plans and specifications as described in this Chapter, Schedule "D", for the work to be covered by the permit and show the occupancy of all parts of the building.
- (d) State the prescribed value of the proposed work.
- (e) State the names, addresses and telephone numbers of the owner, Architect or Professional Engineer, where applicable, or other designer or constructor.
- (f) Be accompanied by a written acknowledgment of the Architect and/or Engineer that they have been retained to carry out the field review of the construction where required by the Ontario Building Code, and
- (g) Be signed by the owner who shall certify the truth of the contents of the application.

830.4.3 Demolition Permit

Where an application is made for a Demolition Permit under Subsection 8(1) of the Act, the application shall:

- a) Contain the information required by section 830.4.2.
- b) Comply with the requirements prescribed in Schedule "C" of this Chapter.

830.4.4 Conditional Permit

Where application is made for a Conditional Permit under Subsection 8(3) of the Act, the application shall:

- (a) Contain the information required by section 830.4.2.
- (b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
- (c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.
- (d) State the necessary approvals which must be obtained in respect of the proposed building, the time in which such approvals will be obtained, and
- (e) State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

830.4.5 Change of Use Permit

Where an application is made for a Change of Use permit under Subsection 10(1) of the Act, the application shall:

- (a) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
- (b) Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
- (c) include 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 requirements of The Building Code including: floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of existing sewage system, if any.
- (d) State the name, address and telephone number of the owner.
- (e) Be signed by the owner who shall certify the truth of the contents of the application.

830.4.6 Sewage System Permit

Every application for a Sewage System Permit shall be submitted to the Chief Building Official, and contain the following information:

- (1) The information required by section 830.4.2.
- (2) The name, address, telephone number and licence number of the person installing the sewage system,

- (3) Where the person named in (2) above requires a licence under the Act and the Building Code,
 - (a) the number and date of issuance of the license, and
 - (b) the name of the qualified person supervising the work to be done under the sewage system permit;
- (4) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official;
 - (a) the date the evaluation was done,
 - (b) name, address, telephone number and signature of the person who prepared the evaluation,
 - (c) a scaled map of the site showing
 - i) the legal description, lot size, property dimensions, existing rights-of-way,
 - ii) the location of items listed in Column 1 of Tables 8.2.1.6.A, 8.2.1.6.B, and 8.2.1.6.C of Division B of the Building Code,
 - iii) the location of the proposed sewage system,
 - iv) the location of any unsuitable, disturbed or compacted areas and,
 - v) proposed access routes for system maintenance.
 - (d) depth to zones of soil saturation,
 - (e) soil properties, including soil permeability, and
 - (f) soil conditions, including the potential for flooding.

830.4.7 Sufficient information - compliance - legislation

Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition or change of use will conform to the Act, The Building Code and any other applicable law.

830.4.8 Application - three complete copies

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by three (3) complete sets of the plans and specifications required under this Chapter.

830.4.9 Plans - required - drawn

Plans shall be drawn to scale on paper, cloth or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as site plans, floor plans, foundation plans, framing plans, roof plans, sections, details, elevations, electrical drawings, heating, ventilation and air conditioning drawings and plumbing drawings unless otherwise specified by the Chief Building Official. Refer to Schedule "D" for a detailed list.

830.4.10 Site Plans

Site plans, drawn to scale, showing the location of the proposed Building with respect to the street line and all other property lines and other Buildings and structures presently located on the property and in adjoining properties. Site plans shall be referenced, whenever possible, to an up-to-date survey. Where required, to establish compliance with the Regulations and other pertinent By-Laws, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall, where required, show existing and finished grades, flood elevations referenced to an established geodetic bench mark, existing right-of-way, easements, municipal services, fire access routes and new and existing fire hydrant locations.

**Article 5
FEES****830.5.1 Fees - based on floor area - how calculated**

Fees payable in respect of an application for a construction permit issued under subsection 8(1) of the Act are based on the gross floor area of the project.

830.5.2 Fees - Schedule "A"

Fees for a required permit shall be as set out in Schedule "A" to this Chapter and are due and payable at the time of Permit issue.

830.5.3 Fees - Schedule "B"

Fees for a required plumbing permit shall be as set out in Schedule "B" to this Chapter and are due and payable at the time of a Permit issue.

830.5.4 Fees - Application fee

A minimum application fee, as set out in Schedule "A", is payable at the time of permit application. This fee is non-refundable unless collected in error. When the permit is ready for issue, this fee will become part of the required permit fees.

830.5.5 Cheque - invalid

Where fees are paid by cheque and the cheque is found to be invalid, then it shall be deemed that the Permit was issued on mistaken or false information, and the Chief Building Official may revoke the Permit without further notice.

830.5.6 Refunds of permit fees

A request for a refund of a permit fee shall be made in writing to the Chief Building Official. The amount of the refund shall be calculated in accordance with the following:

- (a) 60% of the original Permit and Plumbing fee, provided work on a project has not been commenced.
- (b) 100% of the fee for an Occupancy Permit.
- (c) Notwithstanding 830.5.6(a) above, the minimum amount retained shall be equal to the application fee set out in Schedule 'A'.
- (d) Notwithstanding Sections 830.5.6(a) and 830.5.6(c) where a duplicate Permit has been issued, 100% of the fee for the duplicate Permit.
- (e) Should a Sewer/Water Capping Deposit not be claimed within two (2) years of issuance of demolition permit, then the deposit is void of refund ability.

830.5.7 Fees - Changes

Subject to a report submitted by the Chief Building Official in the fourth quarter of the calendar year, the building permit fees imposed pursuant to this by-law shall be adjusted annually, commencing January 1st, 2020, without amendment to the By-law, in accordance with the most recent twelve (12) month change in the Statistics Canada Quarterly, "Construction Price Statistic" catalogue 62-007, and shall be:

- (a) Rounded to the nearest cent when fees are based on cost per area.
- (b) Rounded to the nearest dollar for all other fees excluding the cost per \$1000 of project value.

830.5.8 Fee Update Period

Adjusted fees shall be available from the Development Services and Engineering Office, and can also be accessed online at the City of Orillia website, www.orillia.ca. These annual updates shall have the same force and effect as if appended directly in this by-law.

Article 6 Notifications for Inspections

830.6.1 Notification for Inspection

In respect to Section 10.2 of the Building Code Act; the person to whom a permit is issued, or who is the current permit holder, must notify the Chief Building Official in respect to the construction to which the notice relates, of;

- (a) readiness to construct footings

- (b) substantial completion of footings and foundations prior to commencement of backfill
- (c) substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, for buildings within the definition of building indicated in Section 830.2.4.
- (d) substantial completion of structural framing and roughing in of heating, ventilation, air-conditioning, and air-contaminant extraction equipment, if the building is not within the scope of Clause (c)
- (e) substantial completion of insulation and vapour barriers
- (f) substantial completion of air barrier systems
- (g) substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm, and emergency lighting systems
- (h) substantial completion of fire access routes
 - (i) Readiness for inspection and testing of;
 - i) Building sewers and building drains
 - ii) Water service pipes
 - iii) Fire service mains
 - iv) Drainage systems and venting systems
 - v) The water distribution system
 - vi) Plumbing fixtures and plumbing appliances
 - (j) Readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an outdoor pool
 - (k) Substantial completion of the circulation/recirculation system of an outdoor pool, and substantial completion of the pool before it is first filled with water
 - (l) Readiness to construct the sewage system

- (m) Substantial completion of the installation of the sewage system before the commencement of backfilling
- (n) Substantial completion of the installation of plumbing not located in a structure, before the commencement of backfilling
- (o) Completion of construction and installation of components required to permit the issue of an occupancy permit, if the building, or part of the building to be occupied is not completed
- (p) Completion of construction and installation of components required to permit the issue of an occupancy permit

830.6.2 Additional Notices - outlined

A by-law, resolution or regulation made by a principal authority under clause 7(1)(e) of the Building Code Act, may require notice of additional construction stages

830.7.2 Additional Notices - required

The following stages of construction require notice given by the person to whom a permit is issued under section 8 of the Building Code Act,

- a) Commencement of construction of,
 - i) Masonry fireplaces and masonry chimneys
 - ii) Factory-built fireplaces and allied chimneys
- b) Substantial completion of site grading

Article 7 REPEAL ENACTMENT

830.7.1 By-law - previous

By-law Number 1993-114 and 1990-62 and amending by-laws are hereby repealed.

830.7.2 Effective Date

This By-law shall come into force and take effect on January 18, 2016.

Adopting By-law: By-law 1993-114, 18 October 1993.

By-law Amendments: By-law 1994-65, 21 March 1994; By-law 1997-65, 9 June 1997; By-law 1998-90, 29 June 1998; By-law 2001-164, 19 November 2001.

Repealed and Replaced: By-law 2007-32, 5 February 2007.

Repealed and Replaced: By-law 2013-32, 18 March 2013.

Repealed and Replaced: By-law 2016-1, 18 January 2016.

Repealed and Replaced: By-law 2019-18, 4 February 2019.

Schedule "A" - Classes of Permits and Fees		
Type of Work	Effective January 1, 2022	
	Permit Fee	Flat Fee
	(\$ Per square foot of gross floor area)	\$
GENERAL		
Minimum fee		116
Application fee (non-refundable) - Small buildings		116
Large buildings*		237
Permit fee for construction not shown will be calculated using \$12.71 per \$1000 of prescribed value		
Group A: Assembly		
Building Shell Only	1.05	
Building Finished (includes all building systems)	1.31	
Outdoor patio		116
Outdoor public pool		543
Group B: Institutional		
Building Shell Only	1.52	
Building Finished (includes all building systems)	1.69	
Group C: Residential**		
SFD, Semi, Row, Townhouse, Duplex	1.32	
Garage/Carport (per bay)		128
Shed, Deck		116
Apartment, Condo buildings	1.33	
Hotels/Motels	1.57	
Group D: Business and Personal Space		
Building Shell Only	1.06	
Building Finished (includes all building systems)	1.35	
Group E: Mercantile		
Building Shell Only	1.10	
Building Finished (includes all building systems)	1.35	
Group F: Industrial		
Building Shell Only	0.51	
Building Finished (includes all building systems)	0.71	
Farm Building	0.31	
Interior Finishes		
Interior finishes to previously unfinished area (including finishing of residential basements and major renovations)	0.31	

Schedule "B" - Plumbing Fees

1.	For all buildings of single or multiple occupancy	
	(a) basic fee per unit	\$23.55
	(b) rough-in for each fixture	\$ 7.20
2.	For each stack	\$14.17
3.	Water service pipe connection to a main	\$17.69
4.	Sanitary and storm sewer connection	\$17.69
5.	For a manhole	\$17.69
6.	For an inspection maintenance hole	\$17.69
7.	For conversion from a septic system to a sanitary sewer	\$23.55
8.	For an interceptor	\$23.55
9.	Minimum total fee	See Schedule 'A' "General"
10.	For a backflow device	\$23.55

Schedule "C" - Demolition Procedures

1. The Owner shall contact all utility companies for locations of pipes, ducts and wires, and shall ensure that all services are disconnected and/or removed and **provide written proof to the Municipality.**
2. Prior to the issuance of a Demolition Permit, where demolition includes the disconnecting of a municipal water service pipe and/or a sewer lateral, the owner shall:
 - (a) Make a refundable Sewer/Water Capping deposit in the amount of \$500.00 per connection payable to the City of Orillia. The owner has 2 years from date of permit issuance to request to receive this deposit back. If the owner does not make the request within this time period, the funds will become unavailable as per 830.5.6(e)
 - (b) Contact the Operations Division (705-329-7249) and have all decommissioned connections visually inspected during regular working hours by the service truck operator. 24 hours' notice is required.
 - (c) Stake all decommissioned connections with appropriate length of 2 x 4.
 - (d) Cut, cap and stake all decommissioned services at or inside the property line.
3. The owner shall notify the Ontario Provincial Police - Orillia Detachment (705-326-3536) whenever the normal flow of traffic on a city street may be impeded while the demolition work is in progress.
4. Where applicable, the owner shall ensure the safety of pedestrians with the installation of proper barricades, hoarding, etc.
5. All building material shall be removed from the site and all waste materials shall be taken to an approved site for disposal in accordance with the provisions of the *Environmental Protection Act*. **The applicant is required to indicate on the application what approved site they will be using.**
6. Basement walls must be demolished to a depth of 18" below finished grade. This material may be left in the basement with the remaining filled with a pit run material.
7. After all building material and rubbish has been removed, the property must be graded in such a manner as to avoid uneven settling and ponding.
8. Upon request, the owner shall provide proof of adequate Public Liability and Property Damage Insurance.

9. The owner shall, at the request of the Chief Building Official, provide a letter from a licenced pest control company stating that the building has been inspected and no evidence of vermin infestation has been found or that vermin control has been completed not more than seven days prior to the date on which the demolition is to be commenced.

**Schedule “D”
Plans, Documents, and Specifications**

Class of Permit	Required Documents
Construction	<ul style="list-style-type: none"> • Site plan and lot description – drawn to scale • Complete plans and specifications – three (3) Sets, drawn to scale <ul style="list-style-type: none"> i Architectural ii Structural iii Mechanical iv On-Site Sewage System • Prescribed value of proposed work • Supporting Documents confirming compliance with applicable law and required approvals
Demolition	<ul style="list-style-type: none"> • All documents as outlined in “Construction” section AND • Comply with Schedule “C”
Conditional	<ul style="list-style-type: none"> • All documents as outlined in “Construction” section AND • Contain such other information as the Chief Building Official (CBO) may require • Stated reasons why conditional permit is necessary to minimize construction delays • State necessary approvals required • State time in which plans and specifications will be filed with the CBO
Change of Use	<ul style="list-style-type: none"> • Describe building of proposed occupancy change <ul style="list-style-type: none"> i Current and proposed occupancies of building ii Plans and specifications of proposed and existing occupancies
Sewage System Permit	<ul style="list-style-type: none"> • All documents as outlined in “Construction” section AND • Contact information of installation service provider • Scaled site map • Soil saturation depth zones • Soil properties and conditions