

## **BY-LAW NUMBER 20-2023**

- of -

### **THE CORPORATION OF THE CITY OF BRANTFORD**

Being a By-law under the *Building Code Act, 1992*, S.O. 1992, c. 23 respecting permits and related matters and repealing and replacing Chapter 429 - Building Code – Implementation of The City of Brantford Municipal Code

**WHEREAS** Council of The Corporation of the City of Brantford desires to provide for the issuance of permits and related matters under the *Building Code Act, 1992*, S. O. 1992, c. 23 (hereinafter the “Act”) for the purpose of providing for the health and safety of the public at large, through compliant construction, demolition, and other matters under the Act;

**AND WHEREAS** section 7 of the Act, authorizes the Council of The Corporation of the City of Brantford to pass By-laws concerning the issuance of permits and related matters,

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD HEREBY ENACTS AS FOLLOWS:**

#### **429.1 SHORT TITLE**

429.1.1 This By-law may be cited as the “Building By-law”

#### **429.2 DEFINITIONS**

429.2.1 In this By-law:

- a) “**Act**” means the *Building Code Act, 1992*, S.O. 1992, c.23. as amended.
- b) “**Applicable Law**” means applicable law as defined by the Building Code, O. Reg. 332/12, as amended.
- c) “**Applicant**” means the owner of a building or property who applies for a permit, or any person authorized by the owner to apply for a permit on the owner's behalf, or any person or Corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or Corporation.
- d) “**As Constructed Plans**” means as constructed plans as defined by the Building Code.
- e) “**Building**” means a building as defined in subsection 1(1) of the Act.
- f) “**Building Code**” means the regulations made under section 34 of the Act.
- g) “**Business Day**” means any day other than a holiday as defined in the Interpretation Act, Saturday, Boxing Day, or day proclaimed by the head of Council to be a civic holiday.
- h) “**Chief Building Official**” means a Chief Building Official appointed by by-law by the City for the purposes of enforcement of the Act.

- i) **“Complete permit application”** means an application satisfying the requirements of sentence 1.3.1.3(5) of Division C of the Building Code and the requirements of this By-law.
- j) **“Construct”** means construct as defined in subsection 1(1) of the Act.
- k) **“City”** means The Corporation of the City of Brantford.
- l) **“Demolish”** means demolish as defined in subsection 1(1) of the Act.
- m) **“Designated Structure”** means a designated structure as described in the Building Code - Division A 1.3.1.1.
- n) **“Inspector”** means an inspector appointed by by-law by the City for the purposes of enforcement of the Act.
- o) **“Owner”** means the registered owner of property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property.
- p) **“Permit”** means permission or authorization given in writing from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.
- q) **“Permit holder”** means a person to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.
- r) **“Prescribed value”** means the value established by the Chief Building Official for the work for which a permit is applied for.
- s) **“Sewage system”** means a sewage system as defined in Section 1(1) of the Act.
- t) **“Work”** means construction or demolition each as defined under the Act, of a building or part thereof, as the case may be.

429.2.2 Terms not defined in this By-law shall have the meaning ascribed to them in the Act, excepting sections 15.1 through 15.8, or the meaning ascribed them in the Building Code.

429.2.3 For the purposes of interpretation of this By-law and subject to the Act and the Building Code;

- a) the requirements herein are in addition to the requirements of the Act and the Building Code; and
- b) classes of permits with respect to the construction, demolition and change of use of buildings shall be as set out in Schedule “A” to this By-law.

### 429.3 LIST OF SCHEDULES

429.3.1 The following schedules are attached to and form part of this By-law:

- a) Schedule "A" being the classes of permits required for construction, demolition or change of use;
- b) Schedule "B" being for the calculation of refunds of permit fees and the deductions from fees based upon work performed under the permit;
- c) Schedule "C" being the list of plans and documents required to be submitted with permit applications;
- d) Schedule "D" being the Appointment of the Chief Building Official and Inspectors;
- e) Schedule "E" being the Code of Conduct for the Chief Building Official and Inspectors.

#### **429.4 PERMITS**

429.4.1 To obtain any permit, a person entitled to make application under the Act and the Building Code shall file a complete permit application, as determined at the discretion of the Chief Building Official, with the Chief Building Official in writing or electronically and on the prescribed form available at the offices of the Chief Building Official, the City of Brantford's website, or from the Ministry of Municipal Affairs and Housing's Ontario Building Code website and shall supply any other information or forms relating to the application as required by the Act, the Building Code, the Chief Building Official or this By-law.

##### **429.4.2 Building Permits**

The application for a building permit shall be accompanied by the required fees as calculated in accordance with the City of Brantford Fees and Charges By-law and shall provide sufficient information with the application to determine compliance with the Act, the Building Code, applicable law, and this By-law, including but not limited to:

- a) identification and description in detail of the work, uses and occupancy to be covered by the permit for which the application is made;
- b) a description of the land on which the work is to be done, that will readily identify and locate the site on which the construction or demolition is to occur;
- c) plans and specifications as described in this By-law or as may be additionally necessary, as determined by the Chief Building Official, to govern the nature or extent of the construction, demolition or change proposed under the permit and compliance with the Act, the Building Code, applicable law, and this By-law;
- d) when subsection 1.2.2 of Division C of the Building Code applies, a signed acknowledgement of the owner on a form prescribed by the Chief Building Official that a duly qualified architect or professional engineer in good standing with his/her respective governing bodies, or both, have been retained and are engaged to oversee and carry out the general review of the construction or demolition of the building to ensure compliance with the Act, the Building Code, or any other applicable legislation or policy;
- e) when subsection 1.2.2 of Division C of the Building Code applies, a signed statement of the duly qualified architect or professional engineer in good

standing with his/her respective governing bodies, or both, on a form prescribed by the Chief Building Official, undertaking to provide general review of the construction or demolition of the building;

#### **429.4.3 Demolition Permits**

In addition to the requirements of subsections 429.4.1 and 429.4.2 above, every demolition permit application shall;

- a) include, when subsection 1.2.2. of Division C of the Building Code applies, details of the structural design characteristics of the building and the method and proposed time schedule of the demolition;
- b) provide written confirmation from the relevant authorities that arrangements have been made with the authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities and services connect to the property; and
- c) include a completed "Schedule D" form.

#### **429.4.4 Conditional Permits**

In addition to the requirements of subsections 429.4.1 and 429.4.2 above, every conditional permit application made under subsection 8(3) of the Act, shall require the applicant and such other person as the Chief Building Official determines, to enter into an agreement with the City which agreement sets out the obligations and requirements of a conditional building permit.

The applicant shall provide a written statement, acceptable to the Chief Building Official, giving the reasons why the applicant believes that unreasonable delays in the construction would occur if a conditional permit is not issued.

The Chief Building Official may, where conditions and requirements imposed under subsections 8(3) to 8(5) of the Act and this subsection have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law, the payment of the fees, and the provision of security and agreements.

A permit holder in respect of an issued conditional permit does not have permission to proceed to construct or demolish or cause or permit construction or demolition to proceed beyond the point authorized by the permit without obtaining a further permit therefore, and the Chief Building Official by reason of the issuance of a conditional permit or permits for a part or parts of the building shall not be under any obligation to grant any further permit or permits.

#### **429.4.5 Change of Use Permit**

In addition to the applicable requirements of subsections 429.4.1 and 429.4.2 above, every change of use permit application shall:

- (a) describe the building and the parts thereof in which the occupancy is to be changed; and
- (b) include plans and specifications which show the current and proposed occupancy and use of all parts of the building, and which contain sufficient

information to establish compliance with the requirements of the Act and the Building Code including floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities, and details of the existing sewage system if any.

#### **429.4.6 Additional Information**

The acceptance or processing of an application under this By-law by the Chief Building Official or the City of Brantford, shall not be deemed to prohibit the Chief Building Official from requiring the applicant to supply further information, plans and specifications or details, as may be necessary to:

- a) determine compliance with the Act, the Building Code, this By-law, applicable law, any other City By-laws, or
- b) as may be needed to determine the fees under this By-law

Failing the applicant supplying such further information requested, the application may be found incomplete or denied.

#### **429.4.7 Change to Information Supplied in Application**

An applicant or permit holder shall give the Chief Building Official written notice of any material change intended to be made to any plan, specification, document, or other information on which the application was made, and permit issued, and the applicant or permit holder shall supply the Chief Building Official with details of such changes, and no construction shall be carried out in respect of the change until written authorization is obtained from the Chief Building Official.

Notwithstanding subsection 429.4.7(1) and the fact that construction or change has been made without authorization, the applicant or permit holder shall supply written notice to the Chief Building Official of any material change to any plan, specification, document, or other information on which the application was made, and permit issued, with details of all changes.

In respect of a material change and notice given under subsections 429.4.7(1) and 429.4.7(2), the Chief Building Official will pursuant to this By-law, the Act, and the Building Code, determine whether a further application or other document must be filed, and timelines extended to review, consider, or approve the change, and the applicable fees under this By-law arising from the change.

#### **429.4.8 Incomplete or Inactive Permit Application**

Where an application for a permit remains incomplete or inactive for six months after it is submitted, the Chief Building Official may refuse to hold or process the application by deeming it to have been abandoned and shall give written notice to the applicant at the mailing address or email address indicated on the application.

Where an applicant who has been given written notice under subsection 429.4.8(1) does not respond on the expiration of 10 business days from the date of such notice, the permit application may be cancelled.

If a permit is cancelled under subsection 429.4.8(2), all documents submitted as part of the application for the permit, including but not limited to plans and

specifications, shall be destroyed in accordance with the City of Brantford Records Retention By-law.

#### **429.4.9 Approved Drainage and Grading Plans**

Where the proposed construction and or demolition is subject to the City of Brantford Site Alteration By-law as amended, the applicant/owner shall obtain approval from the Development Engineering Review Division for such drainage and grading plans and submit this approval as part of the building permit application.

### **429.5 PLANS AND SPECIFICATIONS**

429.5.1 Every complete permit application shall, unless otherwise specified by the Chief Building Official, be accompanied by the plans and documents listed on Schedule "C" and in accordance with the requirements of this section.

429.5.2 Every applicant shall provide as part of the application:

- a) sufficient plans, specifications, documents, and other information, including design calculations, to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code, and any other applicable law; and
- (b) site plans when required, to demonstrate compliance with the Act, the Building Code or other applicable law. When deemed necessary by the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code, and any other applicable law a certified plan of survey prepared by a licensed Ontario Land Surveyor may be required.

429.5.3 Plans submitted shall be legible and be drawn to scale upon paper or such other suitable and durable material or in electronic format as the Chief Building Official may require.

429.5.4 The Chief Building Official shall determine and specify the number of plans, specifications, documents, and other information required to be provided with an application for permit having regard to the requirements of any Act, regulation or by-law respecting the examination or circulation of the application beyond the numbers specified in this By-law, which the applicant shall supply to complete the application.

#### **429.5.5 Plans of Survey**

The Chief Building Official may require from the persons responsible for construction, a certified plan of survey prepared by a licensed Ontario Land Surveyor showing the location of the whole of, or any part of, any building and shall be filed with the Chief Building Official prior to approval of occupancy.

#### **429.5.6 As Constructed Plans**

The Chief Building Official may require from the persons responsible for construction, as constructed plans and/or specifications for the building constructed if the construction differs from the approved permit plans.

#### **429.5.7 Alternative Solutions**

Where an application for a permit or for authorization to make a material change to a plan, specification, document, or other information on the basis of which a permit was issued, contains an alternative solution for which approval in accordance with section 2.1 of Division C of the Building Code is required, the owner shall file the following information to the Chief Building Official:

- a) An application on a form provided by the Chief Building Official;
- b) A description of the proposed material, system or building design for which authorization under Division C, Section 2.1. is requested;
- c) Supporting documentation demonstrating that the proposed material, system or building design will provide the level of performance required by the Building Code; and
- d) Payment of the required fee in accordance with the City of Brantford Fees and Charges By-law
- e) Evaluation of proposed alternative solution will be reviewed by the Chief Building Official in accordance with the Building Code and Act requirements.

#### **429.5.8 Plans Become Property of Municipality**

Plans and specifications furnished according to this By-law or otherwise required by the Act, or the Building Code become the property of the municipality and will be disposed of or retained in accordance with Records Retention By-law.

### **429.6 FEES**

429.6.1 The Chief Building Official shall determine the required fees for the application, calculated in accordance with the City of Brantford Fees and Charges By-law for the work proposed.

429.6.2 Where the fees payable are based on the prescribed value of the proposed work in respect of an application, the prescribed value of the proposed work shall mean the total cost of all material, labour, equipment, overhead and professional and related services but does not include the cost of the land.

#### **429.6.3 Fees Payable Upon Application**

- a) The applicant shall pay the required fees upon application submission and no permit shall be issued until the fees, therefore, have been paid in full.
- b) Where the Chief Building Official has determined that the prescribed value to construct a building has been underestimated, the Chief Building Official may recalculate the permit fee to the revised prescribed value and the adjustment to the permit fee will be collected when the building permit is issued.

#### **429.6.4 Fees for Conditional Permits**

The conditional permit fee in accordance with the City of Brantford Fees and Charges By-law shall be in addition to other applicable permit fees under this By-law and shall not be used as a credit towards any other permit fees.

#### **429.6.5 Work Commenced Prior to Permit Issuance**

Every person applying for a permit, when construction, demolition, or a change in the use of the building has commenced prior to the issuance of the required permit, shall pay any additional fees as well as the permit fee set out in accordance with the City of Brantford Fees and Charges By-law.

#### **429.6.6 Fees for Additional Inspections**

Additional re-inspection fees may be imposed by the City in accordance with the City of Brantford Fees and Charges By-law, where:

- a) The permit holder has provided notice of an inspection, but the construction was not ready for inspection or was not substantially complete when the inspector attended the site, as determined by the inspector
- b) The permit holder fails or neglects to cancel a scheduled inspection at least one business day in advance of the scheduled inspection, which cancellation is received by the City's Building Department during its regular business hours
- c) Where a scheduled inspection is identified as not ready because the inspector attended the site and determined that the approved plans were not available onsite as required by the Building Code.

#### **429.6.7 Refunds**

Subject to subsection 429.6.7(2), upon written request by the permit holder or permit applicant, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "B" in the case of:

- a) withdrawal of an application;
- b) abandonment of the work;
- c) refusal to issue a permit;
- d) permit issued in error; or
- e) request for revocation of a permit pursuant to paragraph 8(10)(e) of the Act.

There shall be no refund of permit fees where a permit has been revoked under paragraphs 8(10)(a) or (f) of the Act.

### **429.7 PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER**

#### **429.7.1 Revocation of Permit**

- a) Where the Chief Building Official considers revoking a permit under subsection 8(10)(a), (d) or (e) of the Act, the Chief Building Official shall give written notice by regular mail or email of the revocation of the permit to the permit holder at their last known address or email address and all submitted plans and other information may be disposed of in accordance with the City of Brantford Records Retention By-law.



- b) Where the Chief Building Official considers revoking a permit under subsection 8(10)(b), (c) or (f) of the Act, the Chief Building Official shall give written notice by regular mail or email of the intention to revoke to the permit holder at their last known address or email address and, if on the expiration of 10 business days from the date of such notice, the grounds for revocation continue to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of in accordance with the City of Brantford Records Retention By-law.

#### **429.7.2 Deferral of Revocation**

- a) Within 10 business days of receipt of a notice of intention to revoke a permit under subsection 429.7.1.2 a permit holder may request of the Chief Building Official in writing, that the Chief Building Official defer the revocation of such permit, subject to the following conditions and processes in subsections 429.7.2.2 and 429.7.2.3.
- b) A request for deferral shall set out the reasons why the permit should not be revoked, the date by which the work will be commenced, resumed, or completed, and include the required building permit extension fee in accordance with the City of Brantford Fees and Charges By-law.
- c) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date and shall notify the permit holder in the same manner above.

#### **429.7.3 Transfer of Permit**

- a) Permits may be transferred by the Chief Building Official only upon the new owner completing a permit application pursuant to the requirements of section 4, submitting the application and any permission required for use of existing plans, specifications or documents submitted or used for the original permit or such new information relied upon in compliance with subsections 429.4.7.1, 429.4.7.2 and section 429.5 of this by-law.
- b) A fee shall be payable in accordance with the City of Brantford Fees and Charges By-law. Upon approval of the transfer by the Chief Building Official, which approval shall be at the sole discretion of the Chief Building Official, the new owner shall then be the permit holder for the purpose of the Act and the Building Code.
- c) Where an application is made for a transfer of Permit because of change of ownership of the property, the Applicant shall file all of the following information:
  - i) provide the name and address of both the former Owner and new Owner;
  - ii) the date that the property was transferred to the new Owner;
  - iii) the nature of the Permit being transferred;
  - iv) confirmation of the continuation of, or the particulars of any changes in, the arrangements for general review of the construction on accordance with Division C, Section 1.2, Design and General Review;

- v) be accompanied by a completed and signed form as supplied by the Chief Building Official; and
- vi) payment of all fees.

## **429.8 NOTICES**

### **429.8.1 Requirements for Inspections**

Notices for inspections respecting stages of construction as required by the Building Code shall be given by the permit holder to the Chief Building Official in advance of each stage of construction specified in the Building Code.

A notice pursuant to this section is not effective until written or oral notice is confirmed to be received by the Chief Building Official.

An inspector shall, not later than two days after receipt of a notice given under Sentence 8.1(1), undertake a site inspection of the building to which the notice relates.

- 429.1.1 Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required, additional fees may be applicable in accordance with Section 429.6.6 of this by-law.

## **429.9 FENCING**

- 429.9.1 In addition to the requirements pertaining to Public Way Protection as set out in the Occupational Health and Safety Act, the permit holder shall comply, and shall not cause or permit any builder or constructor under the permit to fail to comply with the provisions of this section. The City of Brantford's Fence By-Law does not apply to the Chief Building Official's requirement for fencing under this section.
- 429.9.2 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 fencing around the construction or demolition site as set out in this section.
- 429.9.3 In considering the hazard presented by a construction or demolition site and the necessity for fencing the Chief Building Official shall have regard for:
  - a) the proximity of the construction or demolition site to occupied dwellings;
  - b) the proximity of the construction or demolition site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
  - c) the hazards presented by the construction or demolition activities and materials;
  - d) the feasibility and effectiveness of site fencing; and
  - e) the duration of the hazard.

- 429.9.4 Every fence required under this section shall be a minimum of 1.2 metres and a maximum of 1.8 metres in height, as measured from the highest adjacent grade.
- 429.9.5 Every fence required under this section shall be located on the perimeter of the construction site as determined by the Chief Building Official and constructed as follows:
- a) if of chain link construction, the chain link shall be securely fastened to at least 38mm diameter metal tube or pipe or the same thickness T-bar posts. Such metal posts shall not be more than 3.04m on centre and embedded into the ground, providing a secure and rigid support;
  - b) if of wood construction, the exterior face shall be at least 12.7mm thick exterior grade plywood, particle board or equivalent material constructed so as not to provide footholds for climbing. The fencing shall be supported by at least 38mm wide by 89mm thick posts spaced at not greater than 2.43m on centre and embedded into the ground, providing a secure and rigid support;
  - c) if the fence is of the snow fence or plastic mesh type, the fencing shall be securely fastened to T-bar posts at not greater than 2.43m on centre and embedded into the ground, providing a secure and rigid support and that a 38mm x 89mm top rail be secured to the post and fencing secured to 38mm x 89mm rail.
  - d) other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety and support provided.
  - e) the use of barbed wire and razor wire are prohibited.
- 429.9.6 The fence may be provided with openings sufficient to accommodate equivalent construction vehicles, machines and any other equipment providing services to the construction site provided that these openings are closed off in such a manner that the site is not accessible by members of the public, when no construction is being carried out on site including daily shutdowns.

#### **429.10 CODE OF CONDUCT**

- 429.10.1 The Chief Building Official and inspectors shall be governed by the Code of Conduct set out in Schedule "E", with respect to exercising powers and performing duties under the Act.

#### **429.11 REGISTERED CODE AGENCIES**

- 429.11.1 The Chief Building Official is authorized to enter into an sign contacts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for issuance of permits and conducting of inspections as prescribed in the Ontario Building Code.
- 429.11.2 The Registered Code Agency may be appointed to perform one or more of the specified functions described in the Act.

#### **429.12 SEVERABILITY**

- 429.12.1 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

#### **429.13 ENFORCEMENT**

- 429.13.1 Any person found to be in contravention of any provision of this Chapter is guilty of an offence and upon conviction is liable to a fine as prescribed in Section 36 of the Act.

#### **429.14 REPEAL**

- 429.14.1 The Corporation of the City of Brantford By-laws 10-94, 37-2006, 116-2016, 66-2017, 53-2018 are hereby repealed (as previously contained in Chapter 429 of the City of Brantford Municipal Code).
- 429.14.2 All applications made and permits issued under By-laws 10-94, 37-2006, 116-2016, 66-2017, 53-2018 shall be deemed to be applications made and permits issued under this By-law and all rules, requirements and regulations of this By-law shall apply, with all necessary modifications.

#### **429.15 EFFECTIVE DATE**

- 429.15.1 This Chapter shall come into full force and effect on the day of passing of the enabling bylaw.

READ A FIRST TIME: February 28, 2023

READ A SECOND TIME: February 28, 2023

PASSED: February 28, 2023

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Mayor

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Acting Clerk

**SCHEDULE “A”**  
**BY-LAW NUMBER 20-2023**

**CLASSES OF PERMITS**

Classes of permits shall be as follows:

Group A – Assembly Occupancies - New construction

Group B – Institutional Occupancies - New construction

Group C – Residential Occupancies - New construction

Group C – Residential Occupancies (hotels/motels) - New construction

Group D – Business and personal Service Occupancies - New construction

Group E – Mercantile Occupancies - New construction

Group F – Industrial Occupancies - New construction

Group F – Industrial Occupancies (parking garages) - New construction

Group F – Industrial Occupancies (farm buildings) - New construction

Alteration/renovation/Interior finishing to existing floor areas

Designated Structures as defined in the Ontario Building Code

Industrial Racking

Conditional Permit

Plumbing only

Sheds

Decks

Change of use

Tents

Partial permits (foundation, structural steel, site servicing etc.)

Demolition less than 600m<sup>2</sup>

Demolition greater than 600m<sup>2</sup>

Signs

Residential garage

Residential carport

Sewage system – New construction

Sewage system repair/alteration

Occupancy of an Unfinished Building

SCHEDULE "B"  
BY-LAW NUMBER 20-2023

REFUND OF PERMIT FEES

- 1) The permit fees that may be refunded in the opinion of the Chief Building Official under Section 6 of this By-law, are to be a percentage of the permit fees payable under this By-law subject to Section 2 of this schedule as follows:

	Work Performed	Refund
a)	Administrative functions only have been performed	90%
b)	Administrative and plan examination functions only have been performed however the permit has not been issued	70%
c)	The permit has been issued however no construction has commenced	50%
d)	The permit has been issued and construction has commenced	25%

- 2) Notwithstanding Section 1 above, no refund is to be made of an amount less than the minimum permit fee as shown in the Fees and Charges By-law.

**SCHEDULE "C"**  
**BY-LAW NUMBER 20-2023**

**SCHEDULE OF DRAWINGS, SPECIFICATIONS AND DOCUMENTS REQUIRED FOR  
CONSTRUCTION, DEMOLITION, CONDITIONAL AND CHANGE OF USE PERMITS**

Each application shall, unless otherwise specified by the Chief Building Official be accompanied by a complete set of plans and specifications as indicated below:

**a) Demolition**

- i.** Schedule "D" form indicating that arrangements have been made with the proper authorities for decommissioning of utilities, the approval of the Brantford Fire Department, the approval of the Planning Department in relation to the Ontario Heritage Act and Demolition Control By-law and the approval of Development Engineering in relation to Site Alteration permits.
- ii.** Description of the structural design characteristics of the building and a method of demolition prepared by a Professional Engineer (P. Eng.) where deemed necessary by the Chief Building Official.
- iii.** Site plan

**b) On-site Sewage System**

- i.** Site Evaluation Report prepared by a competent person including soil permeability and soil conditions, including the potential for flooding
- ii.** Site plan and grading/drainage plan(s), cross-section drawings
- iii.** Sewage System Design Summary form for Single Detached Dwellings

**c) Residential Deck or Porch Permit**

- i.** Site plan or survey
- ii.** Floor plan, foundation and framing plan, helical pile layout, if applicable
- iii.** Elevation(s)
- iv.** Section or detail of guard
- v.** Connection details.

**d) Residential Accessory Buildings**

- i.** Site plan or survey
- ii.** Grading plan
- iii.** Floor plan (framing)
- iv.** Truss layout, if applicable
- v.** Building elevations
- vi.** Building/wall section

**e) Residential Addition or Renovation Permit**

- i.** Site plan or survey
- ii.** Grading plan, if applicable
- iii.** Foundation plan
- iv.** Floor plan (one per floor and including framing, all dimensions, room names and indicate any new plumbing facilities)
- v.** Floor and roof framing plans (include Engineered floor and roof truss drawings)
- vi.** Building elevations

- vii.** Building section
  - viii.** Letter of verification from heating designer of the capacity of the existing heating system
  - ix.** Heat loss/gain calculations, mechanical design summary if a new system is to be installed or existing system is being replaced
  - x.** Private sewage system evaluation, where applicable.
- f) New Residential House, Semi-Detached, Townhouse or Duplex**
- i.** Grading plan prepared by a Professional Engineer (P. Eng.)
  - ii.** Site Plan
  - iii.** Approved site development plan and agreement, as applicable prepared by a Certified Engineering Technologist (CET) or Ontario land surveyor (OLS), as applicable
  - iv.** Where applicable a complete private sewage system permit application
  - v.** Verification of potable water supply, if applicable
  - vi.** Foundation plan
  - vii.** Floor plan (one per floor and indicate all dimensions, room names and proposed plumbing fixtures)
  - viii.** Floor and roof framing plans (include Engineered floor and roof truss drawings)
  - ix.** Building elevations (4)
  - x.** Building section (min 1)
  - xi.** Details of construction of masonry fireplaces, if applicable
  - xii.** Energy Efficiency Design Summary form
  - xiii.** Mechanical ventilation form
  - xiv.** Copy of property deed, if applicable.
- g) New Multi Residential Building**
- i.** Approved site development plan and agreement (for townhouses)
  - ii.** Geotechnical investigation report, including verification of potable water supply, if applicable
  - iii.** Site plan
  - iv.** Grading and site servicing plan(s) prepared by a Professional Engineer (P. Eng.), Certified Engineering Technologist (CET) or Ontario land surveyor (OLS), as applicable
  - v.** Verification of on-site water supply for firefighting
  - vi.** Architectural drawings
  - vii.** Structural drawings
  - viii.** Mechanical drawings
  - ix.** Electrical drawings
  - x.** Sprinkler and standpipe drawing, where applicable.
- h) New Non-Residential Building or Addition (Part 3 or 9 Building)**
- i.** Approved site development plan and agreement, as applicable
  - ii.** Geotechnical investigation report, including verification of potable water supply, if applicable
  - iii.** Site plan
  - iv.** Building Code Data Matrix (Part 3 Buildings)
  - v.** Grading and site servicing plan(s) prepared by a Professional Engineer (P. Eng.), Certified Engineering Technologist (CET) or Ontario land surveyor (OLS), as applicable
  - vi.** Verification of onsite water supply for firefighting, where applicable



- vii. Architectural drawings
  - viii. Structural drawings, where applicable
  - ix. Mechanical drawings, where applicable
  - x. Electrical drawings, where applicable
  - xi. Sprinkler and standpipe drawing, where applicable.
- i) Non-Residential Alteration/Renovation (Part 3 or 9 Building)
- i. Site plan or key plan
  - ii. Building Code Data Matrix (Part 3 Buildings)
  - iii. Architectural drawings, where applicable
  - iv. Elevations, sections, and details
  - v. Structural drawings, where applicable
  - vi. Mechanical drawings, where applicable
  - vii. Electrical drawings, where applicable
  - viii. Evaluation of existing private septic system, if applicable.
- j) Designated Structures
- The following plans prepared and stamped by Professional Engineer (P. Eng.)
- i. Site plan
  - ii. Grading plan prepared by a Professional Engineer (P. Eng.), if applicable
  - iii. Structural drawings
  - iv. Elevations, where applicable
  - v. Sections and detail, where applicable.
- k) Farm Building
- i. Site plan
  - ii. Grading plan prepared by a Professional Engineer (P. Eng.), if applicable
  - iii. Architectural drawings
  - iv. Structural drawings, where applicable
  - v. Mechanical drawings
  - vi. Electrical drawings
  - vii. MDS calculation, if applicable.

Unless specified by the Chief Building Official the following information shall be shown on plans or working drawings that accompany application for permits:

- (a) The Site Plan shall show:
- i. Survey property boundaries and dimensions, all building lines, bearings of meters and bounds and compass orientation (legal description);
  - ii. The location, use, height, and dimensions of any existing and proposed buildings, including front, side, and rear yard dimensions and relationships to adjoining property lines and buildings, and the proposed lot coverage;
  - iii. Existing and finished ground levels or grades, and first floor elevations referenced to an established datum at or adjacent to the site in respect of which an application is made;
  - iv. Existing right-of-way, easements, and municipal services; and
  - v. All existing and proposed parking layout, fire access route, retaining walls, swimming pools, accessory buildings, septic systems, wells and any other such physical additions to the site
  - vi. Any overhead powerlines.
- (b) The Grading Plan and Site Services Plan(s) shall show:

- i. The property lines, building location, sidewalks, driveways, curb cuts, swales, all utility services, and new/existing service connections;
  - ii. Pre and post spot elevations for this project and adjacent properties, slopes of driveways, sidewalks and swales, direction of drainage flow;
  - iii. Location of storm water catchment area, catch basins, below grade and above grade utilities and connections into services at property lines;
  - iv. Location of existing and proposed fire hydrants or on-site supply of water for firefighting;
  - v. In rural areas, identify flood areas, wells, open water, and wetlands; and
  - vi. The plan must be stamped and signed by an Ontario Land Surveyor, Landscape Architect, or a Professional Engineer (P. Eng.).
- (c) The Architectural Drawings shall show:
- i. OBC Matrix, foundation, and grade details;
  - ii. Each floor plan with exact dimensions of the layout of all proposed areas and identify each with room names;
  - iii. All wall thicknesses and type of construction, window and door openings and schedules, elevator, sections and details of all walls, stairs and exits, fire walls, fire separations, shaft, and duct openings and other related pertinent information;
  - iv. Building elevations, cross sections and wall sections showing all floor-to-floor heights, materials, and thickness etc.; and
  - v. Specifications, where applicable.
- (d) The Structural Drawings shall show:
- i) All foundation, floor, roof, and wall structural elements including sizes, shapes and proper location and all dead and live design loads and conditions of loading;
  - ii) All reinforced concrete work indicating thickness and strength of concrete, size spacing minimum cover and type of reinforcing steel;
  - iii) All lintels, column and beam locations and their size and snow drift loading; and
  - iv) Where applicable de-watering report and shoring or pile driving.
- (e) The Mechanical and Electrical Drawings shall show:
- i. Mechanical drawings are to show the plumbing, heating, ventilation, and air conditioning including legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural;
  - ii. Electrical drawings are to show lighting, emergency lighting, exit signs, fire alarm systems and their legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural; and
  - iii. Sprinkler and standpipe drawings are to include floor plans and riser diagrams to locate the entire system including connections, sprinkler heads.
- (f) A Private Sewage System Site Evaluation report shall include the following:
- i. The name, mailing address and telephone/fax numbers of the person who prepared the report;
  - ii. The date the evaluation was completed;
  - iii. A scaled map of the site showing:
    - Legal description, lot size, property dimensions, existing right-of-way, easements, or municipal/utility corridors
    - The locations of items listed in Column 1 of Table 8.2.1.6.A, 8.2.1.6.B and 8.2.1.6.C of the Building Code
    - The location of the proposed sewage system

- The location of any unsuitable, disturbed, or compacted areas, and
- The proposed access route for system maintenance
- Soil investigation including:
  - Depth to bedrock
  - Depth to zones of soil saturation
  - Soil properties and permeability; and
  - Potential for flooding.

(g) The following supporting documentation shall accompany an application for permit unless otherwise waived by the Chief Building Official:

- i) Driveway access permit approved by the authority having jurisdiction, as may be applicable;
- ii) Site Alteration permit approved by the City of Brantford as may be applicable;
- iii) Copy of property deed, if applicable; and
- iv) Such other approvals as may be required to demonstrate compliance with any other applicable law.

SCHEDULE "D"  
BY-LAW NUMBER 20-2023

APPOINTMENT OF THE CHIEF BUILDING OFFICIAL AND INSPECTORS

1.1 Chief Building Official

Andy McMahon is hereby appointed the Chief Building Official for the City of Brantford.

1.2 Chief Building Official - Acting

In the absence of the Chief Building Official, Rob Porteous is hereby appointed to assume all duties and responsibilities of the Chief Building Official.

1.3 Inspectors

Any person employed by the City whose responsibility includes enforcement of the Act, excepting sections 15.1 through 15.8, is hereby appointed as an Inspector under the Act, subject to the following conditions:

- (a) the Chief Building Official maintains an up-to-date list of Inspectors; and
- (b) prior to their appointment, each candidate for appointment hold the necessary legislated qualifications for an Inspector

The appointment of a person as an Inspector under the Act shall cease immediately upon such person no longer being employed by the City.

SCHEDULE "E"  
BY-LAW NUMBER 20-2023

**CODE OF CONDUCT**

**Introduction**

This Code of Conduct applies to the Chief Building Official and Inspectors appointed by the City of Brantford under the Building Code Act, 1992 in the exercise of a power or the performance of a duty under the Building Code Act, 1992 or the Building Code. The purposes of this Code of Conduct are to promote appropriate standards of behavior and enforcement actions by the Chief Building Official and inspectors, to prevent practices, which may constitute an abuse of power, including unethical or illegal practices, and to promote appropriate standards of honesty and integrity in the exercise of a power of the performance of a duty under the Building Code Act, 1992 or the Building Code by the Chief Building Official and inspectors.

**Standard of Conduct**

In addition to any existing Code of Conduct Policy which the City of Brantford already has in place for its municipal employees, the Chief Building Official and inspectors of the City of Brantford undertake to:

- a) Act in the public interest, particularly with regard to the safety of buildings and structures.
- b) Conduct themselves with a high degree of personal integrity and ethics, and in particular they should not place themselves, or permit themselves to be placed, in a position which would constitute, or on an objective basis give a reasonable apprehension, of a conflict of interest or breach of trust.
- c) Exercise powers in accordance with the provisions of the Building Code Act, 1992, the Building Code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures.
- d) Apply all relevant building laws, regulations, and standards in a consistent and fair manner, independent of any influence by interested parties.
- e) Act honestly, reasonably, and professionally in the discharge of their duties.
- f) Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.

**Breaches of the Code of Conduct**

Compliance with this Code of Conduct shall constitute a condition of employment as a Chief Building Official or inspector for the City of Brantford appointed under the Building Code Act, 1992. Any appointed Chief Building Official or inspector who fails to act in accordance with the provisions of this Code of Conduct may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this Code of Conduct 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 General Manager to whom the Chief Building Official reports.

Disciplinary actions arising from violations of this Code of Conduct are the responsibility of the City of Brantford as the employer and will be based on the severity and frequency of the violation in accordance with relevant employment or collective agreements, employment standards and privacy requirements.