

MUNICIPALITY OF CENTRAL ELGIN BY-LAW 2026-028

Being a by-law respecting the implementation of the *Building Code Act*, S.O. 1992, c. 23.

WHEREAS Section 7.(1) of the *Building Code Act*, S.O. 1992, c. 23, as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, transfer of permits, inspections and the setting and refunding of fees;

AND WHEREAS the Council of the Corporation of the Municipality of Central Elgin desires to repeal By-law No. 2029 as amended, and enact a new by-law regulating the issuance of permits and related matters;

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of Central Elgin enacts as follows:

PART 1 SHORT TITLE

1.1 This by-law may be cited as the "Building Permit By-law".

PART 2 DEFINITIONS

2.1 In this By-law:

"Act" means the *Building Code Act*, S.O. 1992, c.23, including amendments made thereto.

"applicant" means the owner of a building or property who applies for a permit or any person or corporation 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.

"architect" means the holder of a licence, a certificate of practice or a temporary licence issued under the *Architects Act* R.S.O. 1990, c. A.26.

"building" means a building as defined in subsection 1(1) of the Act.

"Chief Building Official" means the Chief Building Official appointed by the Corporation of the Municipality of Central Elgin for the purposes of enforcement of the Act.

"construct" means construct as defined in subsection 1(1) of the Act and the term "construction" shall have a similar meaning.

"Corporation" means The Corporation of the Municipality of Central Elgin.

"demolish" means demolish as defined in subsection 1(1) of the Act and the term "demolition" shall have a similar meaning.

"designer" means an Architect, an Engineer or a designer as defined in Division C, Section 3.2 of the OBC.

"Director of Physical Services" means the Director of Physical Services Engineer appointed by the Corporation of the Municipality of Central Elgin.

"Inspector" means an inspector appointed by the Corporation of the Municipality of Central Elgin for the purposes of enforcement of the Act.

"Ontario Building Code" or "OBC" means the regulations made under section 34 of the Act.

"owner" means the registered owner of a property and includes a lessee of, a mortgagee in possession of, or the authorized agent in lawful control of a property.

"permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act to change the use of a building or part thereof, or to occupy a building or part thereof.

"professional engineer" or "engineer" means a person who holds a license or temporary license under the *Professional Engineers Act*, R.S.O. 1990, c. P.28.

"qualified person" means a person who has professional accreditation, a certificate of practice or who can provide other evidence of formal qualifications acceptable to the Chief Building Official to practice or provide advice in an area or discipline requiring special knowledge or expertise.

"work" means construction or demolition of a building or structure or part thereof, as the case may be.

- 2.2** Any word or term not defined in this By-law, that is defined in the Act or Ontario Building Code shall have the meaning ascribed to it in the Act or the Ontario Building Code.

PART 3 APPOINTMENT

- 3.1 Chief Building Official**
The Chief Building Official shall be as appointed by the Council of the Corporation for the purposes of enforcement of the Act.
- 3.2 Chief Building Official - Acting**
In the absence of the Chief Building Official, the Building/Plumbing Inspector, as appointed by the Corporation, shall assume all duties and responsibilities of the Chief Building Official.
- 3.3 Inspectors**
The Inspectors of the Municipality shall be as appointed by the Council of the Corporation for the purposes of enforcement of the Act.

PART 4 APPLICATIONS AND FORMS

- 4.1** An applicant who applies for a building permit, partial permit, conditional permit, change of use permit, demolition permit, a permit to occupy a partially completed building, a completion certificate, a moving permit, a hoarding permit, or an enquiry response shall submit a complete application in the prescribed form to the Chief Building Official.
- 4.2** Any permit and/or certificate issued as described in this By-law by the Chief Building Official shall be in a form as prescribed by the Chief Building Official.
- 4.3** Any notices or orders issued by a Building Inspector or the Chief Building Official pursuant to their duties shall be in a form prescribed by the Chief Building Official.

PART 5 CLASSES OF PERMITS

- 5.1 Building permit**
A building permit is a permit to construct or renovate a building or structure, or portion thereof, as defined in the Act.
- 5.2 Partial permit**
A partial permit is a type of building permit to expedite work when approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project. Prior to the issuance of a partial permit, application shall be made and fees paid for the complete building or project. Complete plans and specifications incorporating the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official. The issuance of a partial permit pursuant to this section shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.
- 5.3 Foundation permit**
A foundation permit is a type of partial permit issued to allow the construction of only the foundations of a building, or portion of a building, for which an application for building permit has been simultaneously applied. A foundation includes the footing, foundation walls and/or piers or caissons or piles for a building or portion of a building.
- 5.4 Plumbing permit**
A plumbing permit is a type of building permit to construct, renovate or modify a plumbing

system within a building, a portion of a building, or on a lot. This may include the installation of a backflow device.

5.5 Conditional permit

A conditional permit is a type of building permit to construct a building, or portion of a building, pursuant to subsection 8(3) of the Act and subject to a condition or conditions set forth in subsections 8(3) to 8(7) inclusive of the Act.

5.6 Change of Use permit

A change of use permit is a type of building permit which, even though no construction is proposed, authorizes a change in the use of a building or part of a building to a use which would result in an increase in hazard as defined in Division B, Part 10 of the OBC.

5.7 Sewage System permit

A sewage system permit is a type of plumbing permit to install or repair the sewage system of a building.

5.8 Demolition permit

A demolition permit is a type of building permit to demolish a building or any material part thereof as defined in the Act.

5.9 Permit to occupy partially completed building

A permit to occupy a partially completed building is a permit to allow a person or persons to occupy a building for which a building permit has been issued, but in respect of which construction of the building is not yet complete as permitted in Division C, Subsection 1.3.3 of the OBC.

5.10 Completion Certificate

A completion certificate is a certificate that, as a result of a final inspection, is issued to indicate the satisfactory completion of a construction project (building, foundation or demolition) for which a permit was issued. Where applicable, the completion certificate may also permit the occupancy of the building.

5.11 Sign permit

A sign permit is a type of building permit to install a sign within the Municipality in accordance with the Municipality's Sign By-law and the Act or including any successor thereto.

5.12 Tent permit

A tent permit is a type of building permit to erect a tent as a temporary structure for an event of special occasion. A tent permit is required in order to verify zoning and fire related issues.

5.13 Hoarding permit

A hoarding permit is a type of building permit to erect hoarding on Municipal property or a public street or laneway with respect to a construction and/or demolition project as required by the Occupational Health and Safety Act.

5.14 Enquiry response

An enquiry response is a written response from the Chief Building Official or designate to an enquiry or enquiries made by a person, including but not necessarily limited to an applicant, regarding the use and development of a property and/or the status of any work orders with respect to the property.

PART 6 PLANS AND SPECIFICATIONS

6.1 Information sufficient to determine conformity

Plans and Specifications submitted for a permit shall contain sufficient information as to enable the Chief Building Official to determine whether or not the proposed work, change of use or transfer of permit will conform to the Building Code Act, the Ontario Building Code and/or any other applicable law.

6.2 Plans drawn to scale and 2 complete sets

Plans shall be drawn to scale and shall be legible and be acceptable to the Chief Building Official. Every application shall, unless otherwise specified by the Chief Building Official, be accompanied by one (1) additional copy of the plans in portable document format ("pdf") on electronic media (ie. Memory stick) approved by the Chief Building Official and specifications as described in this By-law.

6.3 Site plans referenced to plan of survey

Site plans shall be referenced to an up-to-date survey, where available, and when required to demonstrate compliance with the Building Code Act, the Ontario Building Code and/or any other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- 1) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- 2) existing and proposed ground levels (elevations) and grades (slope), pattern of proposed drainage and swales;
- 3) existing rights-of-way, easements and municipal services;
- 4) existing and proposed entrances to the lot;
- 5) proposed dust and sediment control measures during construction;
- 6) existing and proposed elevations of underside of footings, finished basement slab, top of foundation wall and finished first floor level; and
- 7) the location and dimensions of all existing and proposed buildings and structures and their respective setbacks to property boundaries.
- 8) existing and/or proposed septic system with their respective setbacks to property boundaries, and setbacks to existing or proposed buildings where no municipal services are available.

Site plans shall be prepared by a qualified person.

6.4 As constructed plans

Upon completion of the construction of a building, the Chief Building Official may require a set of "as constructed" plans, including a plan of survey showing the location of the building(s) and/or structure(s), and the owner shall provide such plans to the Chief Building Official within 30 days of written demand.

6.5 Plans property of Municipality

Plans and specifications furnished according to this By-law or otherwise required by the Act shall become the property of the Corporation and will be disposed of or retained in accordance with the policies of the Municipality.

PART 7 COMPLETE APPLICATIONS

7.1 To obtain a permit and/or certificate as listed in Part 5 of this By-law, the owner, or an agent authorized in writing by the owner, shall file an application in writing by completing an application form prescribed by the Chief Building Official and providing any additional information as outlined in this Part. Application forms prescribed by the Municipality are set out in Schedule "C" to this By-law or on the municipal website.

7.2 Application for a Building Permit

Where an application is made for a building permit, a plumbing permit, or a partial permit, the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) completed application form, "Application for a Permit to Construct or Demolish";
- 2) completed "Development Review Form";

- 3) a complete set of plans and specifications as prescribed in Part 6 of this By-law;
- 4) completed "Commitment to General Reviews by Architect and Engineers" form when the services of an architect and/or professional engineer are required;
- 5) completed "Schedule 1: Designer Information" when required by the Act;
- 6) roof truss drawings, heat loss calculations, ventilation design and "Energy Efficiency Design Summary" form as may be applicable;
- 7) lot grading and drainage plan, storm water management report, site servicing plan, site lighting plan and traffic impact study acceptable to the Director of Physical Services or designate;
- 8) any other information, drawing, specification, document, test or report as the Chief Building Official deems necessary to fully understand the proposed project and/or to ensure compliance with the Act and all other applicable law; and
- 9) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.2 Application for a Demolition Permit

Where an application is made for a demolition permit, the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) completed application form, "Application for a Permit to Construct or Demolish" and completed "Utility Clearance Form";
- 2) a complete set of plans, and specifications as prescribed in Part 6 of this By-law;
- 3) completed "Commitment to General Reviews by Architect and Engineers" form when the services of an engineer are required;
- 4) a completed form, satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the cutting off and plugging of all services;
- 5) a security deposit payable to the Corporation as set out in Schedule "B" to ensure that all private drain connections are properly sealed at the property line, that the water service is properly sealed at the main, that the site is backfilled and graded with clean fill material, and that there is no damage to Municipal property such as sidewalks, boulevards, curbs, etc. Subject to an inspection conducted by the Chief Building Official or designate, that all conditions have been satisfactorily remediated, the security deposit shall be refunded to the applicant;
- 6) where the application includes the use of explosives during the course of demolition, the applicant shall include, at the sole discretion of the Chief Building Official, an undertaking, proof of liability insurance, and security in a form satisfactory to the Chief Building Official;
- 7) any other information, drawing, specification, document, test or report as the Chief Building Official deems necessary to fully understand the proposed project and/or to ensure compliance with the Act and all other applicable law; and
- 8) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.3 Application for a Conditional Permit

Where an application is made for a conditional permit, the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) completed application form, "Application for a Permit to Construct or Demolish" and completed "Development Review Form";
- 2) a complete set of plans, and specifications as prescribed in Part 6 of this By-law;
- 3) completed "Commitment to General Reviews by Architect and Engineers" form when the services of an architect and/or professional engineer are required;
- 4) completed "Schedule 1: Designer Information" when required by the Act;
- 5) roof truss drawings, heat loss calculations, ventilation design and "Energy Efficiency Design Summary" form as may be applicable;
- 6) lot grading and drainage plan, storm water management report, site servicing plan, site lighting plan and traffic impact study acceptable to the Municipal Engineer;
- 7) any other information, drawing, specification, document, test or report as the Chief Building Official deems necessary to fully understand the proposed project and/or to ensure compliance with the Act and all other applicable law;
- 8) a written statement giving the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not

- granted;
- 9) a written statement listing the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - 10) a written statement giving the time in which plans and specifications of the complete building will be filed with the Chief Building Official;
 - 11) a fully executed agreement with the Municipality pertaining to the application; and
 - 12) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.4 Application for a Change of Use Permit

Where an application is made for a change of use permit (no construction), the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) completed application form, "Application for a Permit to Construct or Demolish";
- 2) a complete set of plans, and specifications, as prescribed in Part 6 of this By-law, showing the current and proposed occupancy and use of all parts of the building, and which shall contain sufficient information to establish compliance with the requirements of the Ontario Building Code and as otherwise may be deemed necessary by the Chief Building Official;
- 3) details of the existing sewage system, if applicable, including sufficient information to establish compliance with the requirements of the Ontario Building Code;
- 4) completed "Commitment to General Reviews by Architect and Engineers" form when the services of an architect and/or professional engineer are required;
- 5) any other information, drawing, specification, document, test or report as the Chief Building Official deems necessary to fully understand the proposed project and/or to ensure compliance with the Act and all other applicable law; and
- 6) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.5 Application for a Sewage System Permit

Where an application is made for a sewage system permit, the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) completed application form, "Application for a Permit to Construct or Demolish";
- 2) completed "Schedule 2 – Sewage System Installer Information" form;
- 3) a complete set of plans, and specifications, as prescribed in Part 6, of this By-law;
- 4) a site evaluation that shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (a) the date the evaluation was done;
 - (b) the name, address, telephone number and signature of the person who prepared the evaluation and design and proof that the said person is qualified as a designer in accordance with the Act
 - (c) a scaled drawing of the site showing:
 - (i) the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors;
 - (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 the Building Code;
 - (iii) the location of the proposed sewage system and the separation distance measured as the shortest horizontal distance from any drilled or dug well;
 - (iv) the location of any unsuitable, disturbed or compacted areas;
 - (v) proposed access routes for system maintenance;
 - (vi) depth to bedrock;
 - (vii) depth to zones of soil saturation;
 - (viii) soil properties, including soil permeability; and
 - (ix) soil conditions, including the potential for flooding;
- 5) any other information, drawing, specification, document, test or report as the Chief Building Official deems necessary to fully understand the proposed project and/or to ensure compliance with the Act and all other applicable law; and
- 6) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.6 Application for a Sign Permit

Where an application is made for a sign permit, the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) completed application form, "Application for a Permit to Construct or Demolish";
- 2) a complete set of plans as prescribed in Part 6 of this By-law showing all buildings and structures on the site, all sign locations and setbacks to property lines, section details and elevations detailing the size, weight and material of the proposed sign(s) and other information as otherwise may be deemed necessary by the Chief Building Official; and
- 3) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.7 Application for a Tent Permit

Where an application is made for a tent permit, the applicant shall submit the following to the Chief Building Official:

- 1) completed application form, "Application for a Temporary Tent Permit";
- 2) a complete set of plans as prescribed in Part 6 of this By-law showing all buildings and structures on the site, all temporary tent locations and setbacks to property lines and structures, all parking spaces, any portable toilet or toilets, a floor plan for each tent and other information as otherwise may be deemed necessary by the Chief Building Official;
- 3) a certificate of Flame Resistance of the tent material; and
- 4) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.8 Application for a Hoarding Permit

Where an application is made for a hoarding permit, the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) completed application form, "Application for a Permit to Construct or Demolish";
- 2) a complete set of plans as prescribed in Part 6 of this By-law detailing the proposed area to be hoarded and other information as otherwise may be deemed necessary by the Chief Building Official;
- 3) where required by the Act, structural drawings shall bear the stamp of an engineer and shall be accompanied by a completed "Commitment to General Review" form; and
- 4) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

7.2.9 Application for a Change of Ownership of a Permit

Where an application is made for a transfer of permit because of a change of ownership of the land, the applicant shall submit, where applicable, the following to the Chief Building Official:

- 1) a completed form as set out in Schedule "C"; and
- 2) appropriate fee as set out in Schedules "B-1", "B-2" or "B-3" hereto.

The new owner shall, upon a transfer of a permit, be the permit holder for the purpose of this By-law, the Act and the Ontario Building Code and subject to all duties and obligations associated with such permit.

7.3 Where the Chief Building Official determines that an application is incomplete, the Chief Building Official may accept the application if the applicant acknowledges that the application is incomplete and completes the form as set out in Schedule "C" of this By-law.

7.4 When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, a partial permit may be requested and the applicant shall:

- 1) pay all applicable fees for the complete project; and
- 2) file an application with the Chief Building Official along with complete plans and specifications as prescribed in Part 6 of this By-law, incorporating the portion of the work for which immediate approval is desired. Where a partial permit is requested, the application for the complete project shall be deemed to be incomplete for purposes of Section 7.3 of this By-law.

7.5 Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given, nor that approval

will necessarily be granted for the entire building or project.

- 7.6** Subject to the requirements of the Act, where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant. Where an application is deemed to be abandoned, a new application shall be filed for any work proposed in the abandoned application.

PART 8 REGISTERED CODE AGENCIES

- 8.1** The Chief Building Official is authorized to appoint Registered Code Agencies to perform specified functions in respect of the construction of a building or a class of buildings from time to time in order to maintain the time periods for permits prescribed in Division C, Section 3.7 of the Ontario Building Code and is further authorised to enter into an agreement with such Registered Code Agency for provision of those services.
- 8.2** The Registered Code Agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act.

PART 9 FEES, CHARGES AND REFUNDS

- 9.1 Permit Fees**
For the periods commencing June 1, 2016, January 1, 2017, and January 1, 2018, the Municipality shall charge fees for permits as provided for in Schedules "B-1", "B-2" or "B-3" hereto. The applicant shall pay such fees upon submission of an application for a permit as contemplated by this By-law.
- 9.2 Permit Fee Indexing**
After December 31, 2018 the fees set out in Schedule "B-3" to this By-law shall be adjusted annually as of January 1 of each calendar year, commencing January 1, 2019, such adjustment to be made without amendment to this By-law and calculated in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics".
- 9.3 Fee Calculation - Building Permit**
For the purposes of calculation of applicable fee for a Building Permit, the Chief Building Official shall either verify the applicant's valuation of construction cost as detailed on the application or, in the alternative and at his or her option, determine a prescribed construction value in accordance with Schedule "A" hereto. Should the CBO determine a that a higher estimate of construction cost shall be utilized, the applicant shall pay the fee based on higher valuation before the Building Permit is issued.
- 9.4 Fee Dispute**
Where there is a disagreement with the fee calculation by the Chief Building Official, the applicant shall pay the amount determined by the Chief Building Official and, not later than six (6) months following the issuance of an occupancy permit or substantial completion certificate of the construction, file audited financial statements setting out the actual cost of the construction. Where the fee determination based upon actual cost of construction is less than the fee paid, the Municipality shall make full refund of the difference without interest.
- 9.5 Insufficient Funds**
In the event that a cheque delivered by an applicant in payment of any fee prescribed hereunder is returned for reason for no-sufficient funds ("NSF"), then the applicant shall deliver replacement payment, plus an additional administration charge set by the Clerk's office, in the form of either cash, certified cheque, or bank draft to the Chief Building Official within seven (7) days of written notification of return of such NSF cheque, failing which the relevant application and any permit issued thereunder shall be cancelled and all documents associated therewith destroyed without further notice.
- 9.6 Construct Without Permits**
Where the Chief Building Official determines that any person or corporation who has commenced construction or demolition or changes the use of a building before submitting an application for a permit, or after submitting the application for a permit but before the permit has been issued by the Corporation, that person or corporation, including but not limited to an applicant, shall, in addition to any other penalty under the Building Code Act, Ontario Building Code, or elsewhere in this By-law, pay an additional administration fee

equal to 100% of the amount calculated as the regular permit fee in order to compensate the Corporation for the additional expenses incurred by such conduct or activity.

9.7 Plan Revisions

Where an applicant revises the plans for a proposed building or part thereof after the plans examination of a previous submission has already been undertaken such that the revision or changes require a re-examination of the revised plans, then an additional fee equal to 50% of the original permit fee shall be due and payable prior to the commencement of re-examination of the revised plans.

9.8 Refunds

In the event of any of a withdrawal of an application, the abandonment of all or a portion of the work for which the permit has been issued, a refusal of a permit, the non-commencement of any project, or a request for revocation of a permit under section 8(10) of the Act, the Chief Building Official shall determine, with reference to Schedule "A" hereto, if a refund is payable and, if a refund is payable, the amount of paid permit fees that is to be refunded to the applicant, which decision of the Chief Building Official shall be final.

9.9 Lot Grading Security Deposit

With respect to the issuance of a building permit, a refundable security deposit will be paid to the Municipality to ensure that Lot Grading Plans are certified as complete by a professional engineer, a Landscape Architect or an Ontario Land Surveyor who certifies thereon that the plan generally conforms with the accepted grading plan filed with the Director of Physical Services or his designate. The amount shall not exceed \$2,000.00 as determined by the Director of Physical Services or his designate. The deposit will be held without interest until such certification has been accepted by the Director of Physical Services or his designate. If an extension for completion of the permitted work is not requested in writing and granted, then the deposit will be forfeited at the end of a one year period after the date of issuance of the permit.

9.10 Lot Grading Security Deposit Waived

Notwithstanding section 9.9, the payment of the lot grading security deposit shall be waived if the building permit application is for a structure on a lot within a plan of subdivision if the owner of said lot is the developer of the plan of subdivision and the owner of the lot has entered into a development agreement for the plan of subdivision including the provision of security guaranteeing performance of the owner's obligations under that development agreement.

9.11 Building Permit Security Deposit

With respect to the issuance of a building permit, a refundable security deposit will be paid to the Municipality to assure total completion of work authorized by the permit. The amount will be based on five (5) percent of the permit value to a maximum of \$1,000.00. The deposit will be held without interest until the completion certificate is issued. The deposit will be returned in full, less any additional required inspection fees. If an extension for completion of the permitted work is not requested in writing and granted, then the deposit will be forfeited at the end of one year after the date of issuance of the permit. The fee contemplated by this section shall be forfeited in full if the building for which the permit was issued has been occupied prior to the issuance of a completion certificate.

9.12 Required Road Occupancy Permit

When work authorized by a permit issued hereunder necessitates further work to be undertaken and completed within a Municipal Road allowance under the jurisdiction of the Corporation, the applicant will be required to obtain a Road Occupancy Permit from the Physical Services Department. As a condition of the Road Occupancy Permit, the applicant may be required to post a security deposit in the amount 100% of the costs to complete the work within the Road Allowance. Upon completion and acceptance of the work within the Road Allowance by the Director of Physical Services or his designate, the deposit will be refunded to the applicant with the exception of \$500.00 which will be held for a period of 12 months from the date of acceptance to ensure adequate workmanship. After 12 months from the date of acceptance of the work within the Road Allowance and if such work is approved, the remaining \$500.00 will be refunded.

**PART 10
REVOCATION OF PERMITS**

- 10.1** Prior to revoking a permit under subsection 8(10) of the Act, the Chief Building Official shall attempt to serve a notice by personal service or registered mail at the last known address of the permit holder, and, following a 30 day period from the date of service, the Chief Building Official may revoke the permit if grounds to revoke still exist, without any further notice.

- 10.2** A permit holder may, within 30 days of the date of service of the notice referred to section 10.1 above, request in writing that the Chief Building Official defer the revocation of the permit by stating reasons why the permit should not be revoked. The Chief Building Official, having regard to any provisions of the Act, Ontario Building Code or any other applicable law, may allow the permit to continue in effect and attach any conditions thereto, which continued permission and conditions, if any, shall be communicated in writing to the permit holder.

PART 11

NOTICE REQUIREMENTS FOR INSPECTIONS – BUILDING PERMITS

- 11.1** In accordance with Section 10.2(1) of the Act, a building permit holder shall notify the Chief Building Official, or a Registered Code Agency where one is appointed, at least 24 hours prior to completion of each stage of construction for which a mandatory inspection is required under Division C, Sentence 1.3.5.1(2) of the Ontario Building Code.
- 11.2** In accordance with Section 11 of the Act, a demolition permit holder shall provide notice after each sewer service has been excavated and sealed at the property line prior to backfilling, after the water service has been excavated and sealed at the main prior to backfilling, and again at the completion of demolition work to ensure that the site has been backfilled and graded with clean fill material to the satisfaction of the Chief Building Official.
- 11.3** A notice pursuant to this Part of the By-law is not effective until notice is actually received by the Chief Building Official or the Registered Code Agency where one is appointed.
- 11.4** Upon receipt of proper notice as contemplated by this Part, the Chief Building Official, or a Registered Code Agency if one is appointed, shall undertake a site inspection of the building within two (2) business days for notices to which Section 11.1 of this Part applies; within ten (10) business days for the notice to which Section 11.2 of this Part applies; and within five (5) business days for a sewage system.
- 11.5** For the purposes of this By-law notice shall be given to the Corporation using one or more of the following:
- 1) Written notice by email;
 - 2) Verbal notice in person to the building clerk or by phone or voice mail;
 - 3) Other means as approved by the Chief Building Official.
- 11.6** For new single detached, duplex or semi-detached dwellings, the permit holder shall:
- 1) provide to the Chief Building Official upon completion of the building's foundation, a building survey to confirm compliance with the Ontario Building Code, the Municipality's Zoning By-law and the overall grading plan.
 - 2) provide to the Chief Building Official within six (6) months of occupancy, a final grading certificate:
 - a) bearing the signature and seal of the sub-divider's professional engineer certifying that the finished elevations and grading of the land generally conforms with the accepted area or subdivision grading plans and the lot grading plan that is acceptable to the Municipal Engineer; or
 - b) where no accepted area or subdivision grading plan exists, bearing the signature and seal of a Professional Engineer, or a Landscape Architect (a member of the Ontario Association of Landscape Architects), or an Ontario Land Surveyor certifying that the finished elevations and grading of the land generally conforms to the lot grading plan that is acceptable to the Municipal Engineer.

PART 12

FLOOD PROOFING

- 12.1** In the event the description of the land to be provided pursuant to Part 6 indicates that the land upon which the work is to be done is located within the Lake Erie Flood Uprush Area as shown on Schedule "D", the applicant shall, in addition to the other requirements hereunder, file with the Chief Building Official the following:
- 1) plans and specifications for flood proofing measures prepared by a qualified professional engineer in accordance the Port Stanley Beach Management Study, Shoreplan Engineering Limited, March 1996; and

- 2) evidence that Kettle Creek Conservation Authority has received and reviewed the said plans and specifications.
- 12.2 The provisions of 12.1 above shall not apply to work to be undertaken upon an existing foundation unless the foundation itself is being altered in the course of construction.

PART 13
VALIDITY

- 13.1 In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

PART 14
ENFORCEMENT

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

PART 15
REPEAL – ENACTMENT

- 15.1 By-law No. 2029 of The Corporation of the Municipality of Central Elgin and all amendments are hereby repealed upon the date this By-law comes into force.
- 15.2 This By-law shall come into full force and effect on the day of passing of the enabling by-law.

READ A FIRST TIME and FINALLY PASSED this 13th day of April, 2026.


Clerk


Mayor