

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## BY-LAW NUMBER 168-2024

**A By-law to regulate permits and inspections for construction, demolition and change of use under the *Building Code Act, 1992 S.O., 1992, c. 23*, and the associated fees, to repeal By-laws 050-2018, 189-2019, 192-2020, and 94-2008, as well as the imposition of fees under the *Municipal Act, 2001, S.O. 2001, c. 25*.**

**WHEREAS** section 7 of the *Building Code Act, 1992 S.O. 1992, c. 23*, (the “Act”) authorizes Council to pass by-laws respecting, among other things, classes of permits under the Act, including permits in respect of any stage of construction or demolition and the applications for those permits, payment and refund of fees, notice requirements, submission requirements, and requirements related to the enclosure of construction and demolition sites;

**AND WHEREAS** subsection 391(1)(a) of the *Municipal Act, 2001, S.O. 2001, c. 25* (the “Municipal Act”) authorizes municipalities to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** section 398 of the *Municipal Act*, sets out that the fees and charges imposed by the municipality constitute a debt of the person to the municipality and that the treasurer of the municipality may add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes;

**AND WHEREAS** subsection 446(1) of the *Municipal Act*, as amended, provides that if a municipality has the authority under the *Municipal Act* or any other Act or under a by-law under the *Municipal Act* or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense;

**AND WHEREAS** the Council of the Corporation of the City of Vaughan desires to repeal By-laws 050-2018, as amended, and 094-2008, and enact this new Building By-law;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

## 1.0 Short Title

- (1) This By-law shall be known and may be cited as the “Building By-Law”.

## 2.0 Applicability and Scope

- (1) The provisions of this By-law apply to the entire *City*.

## 3.0 Definitions and Interpretation

- (1) In this By-law and attached schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.

- (2) In this By-law:

“Act” means the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, or its successor act;

“Applicable Law” means the list of applicable law found in Division A, Part 1, Article 1.4.1.3. of the *Building Code*;

“Applicant” means the *Owner* who applies for a *Permit*, or any person authorized by the *Owner* to apply for a *Permit* on their behalf, or any person or corporation who applies for a *Permit* to carry out work under the authority of a statute or court order and anyone acting under the authority of such person or corporation;

“Building Code” means O. Reg. 332/12 under the *Act*, as amended, or its successor regulation;

“Chief Building Official” means the person appointed by *City Council* to enforce the *Act* in the *City*;

“City” means the Corporation of the City of Vaughan;

“Conditional Permit” means a *Permit* issued under subsection 8(3) of the *Act*;

“Deputy Chief Building Official” means the person(s) holding the positions as designated by *City Council* to have all of the powers, and perform all of the duties, of the Chief Building Official, as directed by the Chief Building Official or when the Chief Building Official is absent;

“Fees and Charges By-law” means the Fees and Charges By-law 224-2023, as amended, or its successor by-law;

"Inspector" means the persons appointed by *City Council*, or the individual to whom the authority to appoint *Inspectors* is delegated to, to enforce the *Act* in the *City*;

“Owner” means the registered owner of the land and shall include a lessee and a mortgagee in possession;

"Partial Permit" means a *Permit* issued by the *Chief Building Official* to construct part of a building;

“Permit” or "Permits" means permission or authorization from the *Chief Building Official* in either written or electronic form to perform work regulated by this By-law and the *Act*, to change the use of a building or part of a building or parts thereof, or for occupancy of a building or part thereof, as regulated by the *Act* and the *Building Code*.

- (3) Any word or term not defined in this By-law that is defined in the *Act* or *Building Code* shall have the meaning as ascribed to it in the *Act* or *Building Code*.

#### **4.0 Classes of Permits**

- (1) The classes of *Permits* based on the occupancy classification or type of construction and corresponding fees, are set out in Schedule F of the *Fees and Charges By-Law*.

#### **5.0 Permit Applications**

##### **General**

- (1) To obtain a *Permit*, the *Applicant* shall file with the *Chief Building Official* an application using the form set out in this By-law, submitted through the *City's* online permitting portal submission platform, unless otherwise directed by the *Chief Building Official*, or their designate.
- (2) Where the application form to be used when applying for a *Permit*, is not one prescribed by the province, it shall be on a *City* application form set out in Schedule A or otherwise available from the *Chief Building Official*, who is also hereby delegated the authority to prescribe the *City* application forms.

- (3) In addition to the requirements listed elsewhere in this By-law, every application for a *Permit* prescribed under the *Building Code*, or any other application set out in this By-law, shall also include:
- (a) payment of any fees prescribed by Part 7.0 of this By-law;
  - (b) a detailed description of the work proposed, as well as the current and proposed use and occupancy of the building;
  - (c) a description of any encroachments onto other properties, including municipal, regional and provincial lands, including encroachments for temporary work (including hoarding, excavation, shoring and site servicing);
  - (d) a description of all access points to the development site, including temporary access, and include existing, expanded and new access points (driveways and walkways);
  - (e) a breakdown of the area of the building corresponding to the occupancy classification or type of construction in Schedule F of the *Fees and Charges By-Law*;
  - (f) where serviced by a municipal potable water supply, and where the proposed water supply is not already fully metered, written confirmation from the *City* of the municipal water connection and *City* issued water meter;
  - (g) where applicable, be accompanied by an “Energy Efficiency Design Summary” form (available from the *City* Building Standards Department’s website page);
  - (h) where applicable, be accompanied by a “Commitment to General Review by Architects and Engineers” form (available from the *City* Building Standards Department’s website page or the Professional Engineers Ontario and Ontario Association of Architects) for all buildings requiring professional review;
  - (i) where applicable, be accompanied by an “Ontario Building Code Data Matrix” form (available from the *City* Building Standards Department’s website page) for all buildings within the scope of Division B, Part 3 of the *Building Code*;

- (j) where the application is for a *Permit* for a building(s) that the *Applicant* has declared will be built and installed for less than one year, the application shall indicate when the building(s) will be removed. This *Permit* may be revoked upon one year from the date of the *Permit* being issued or earlier in accordance with the installation and removal timeline set out in the application and may be renewed upon re-application and issuance of an updated *Permit*;
  - (k) where applicable, be accompanied by any other fee or security required by an agreement made between the *City* and the *Owner*;
  - (l) where applicable, be accompanied by backflow preventer installation requirement notice pursuant to the *City's* Backflow Prevention By-law 177-2020, as amended or its successor by-law.
- (4) The submission of a *Permit* application through the *City's* online permitting portal submission platform does not constitute acceptance of the application by the *City*.
  - (5) Where, upon review by the *City*, an application does not contain sufficient information to enable the *Chief Building Official* to determine whether the proposal will contravene the *Act*, the *Building Code* or any other *Applicable Law*, the application is deemed to be incomplete and may not be accepted.
  - (6) If accepted by the *City*, incomplete applications are not subject to the time periods set out in Division C, Part 1, Article 1.3.1.3. of the *Building Code*.
  - (7) An *Owner* may cancel an application at any time by providing written notice to the *Chief Building Official*.
  - (8) Any *Permit* that is issued for part of a building or project should not be construed as authorizing construction or access to lands beyond the *Permit* for which approval was given, nor that approval will necessarily be granted for the entire building or project.
  - (9) Where in the opinion of the *Chief Building Official* an application for a *Permit* remains inactive or incomplete for six months after what the *Chief Building Official* considers

to be the last activity from the *Applicant* or *Owner*, the application may be deemed by the *Chief Building Official* to have been abandoned without any further notice to the *Applicant* or *Owner*.

- (10) Subject to Part 6.0, notwithstanding who obtained or applied for the *Permit*, the *Owner* is the owner of the *Permit* application and issued *Permit*.

### **Permit to Construct**

- (11) Every application for a *Permit* to construct a building under section 8 of the *Act*, shall be made by the *Applicant* on the form “Application for a Permit to Construct or Demolish”, as prescribed by the province, and in addition to all other application requirements, shall include:

- (a) complete plans and specifications and other information as set out in Division C, Part 1, Article 1.3.1.3. of the *Building Code* and as set out in this By-Law;
- (b) completed forms in accordance with Schedule A of this By-Law; and
- (c) a lot grading plan that has been filed and accepted by the *City’s* Engineering Department, when required by the *City*.

- (12) Where an application is made for a *Permit* to construct a residential model home under subsection 8(1) of the *Act*, in addition to the requirements of section 5.0(11), the application shall also include:

- (a) a copy of the model home agreement; or
- (b) where model homes are authorized by a subdivision agreement, the required certifications as set out in the subdivision agreement securing the issuance of the model home building *Permit(s)*.

### **Permit to Demolish**

- (13) Every application for a *Permit* to demolish a building under section 8 of the *Act*, shall be made by the *Applicant* on the form “Application for a Permit to Construct or

Demolish”, as prescribed by the province, and in addition to all other application requirements, shall include:

- (a) complete plans and specifications and other information as set out in Division C, Part 1, Sentence 1.3.1.1.(3) and Article 1.3.1.3. of the *Building Code* and as set out in this By-Law;
- (b) completed forms in accordance with Schedule A of this By-law; and
- (c) evidence satisfactory to the *Chief Building Official* that the building that is the subject of the application is not governed by sections 27(9), 30(2), 33, 34, 34.5, 34.7(2), 40.1, or 42 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

#### **Conditional Permit**

- (14) The *Chief Building Official* may, where conditions in subsections 8(3) to 8(5) of the *Act* and section 5.0(17) of this By-law have been fulfilled, issue a *Conditional Permit* for a building subject to compliance with the *Act*, the *Building Code* and any other *Applicable Law*.
- (15) All *Conditional Permits* shall be subject to the *Owner* entering into an agreement with the *City*, as provided in subsection 8(3) of the *Act*.
- (16) The *Chief Building Official* and *Deputy Chief Building Officials* are authorized to enter into a *Conditional Permit* agreement, to execute the agreement on behalf of the *City* and to approve the release of securities collected under a *Conditional Permit* agreement when it is determined by the *Chief Building Official* or *Deputy Chief Building Officials* that those securities are no longer required.
- (17) Every application for a *Conditional Permit* under subsection 8 of the *Act*, shall be made by the *Applicant* on the form “Application for a Permit to Construct or Demolish”, as prescribed by the province, and in addition to all other application requirements, shall include:
  - (a) the *Applicant Conditional Permit Checklist*;

- (b) complete plans and specifications and other information as set out in Division C, Part 1, Article 1.3.1.5 of the *Building Code* and as set out in this By-law;
  - (c) completed forms in accordance with Schedule A of this By-law;
  - (d) endorsement from the Development Planning Department;
  - (e) a statement of the reasons why the *Applicant* believes that unreasonable delays in construction would occur if a *Conditional Permit* is not granted; and
  - (f) a statement of any outstanding approvals which must be obtained in respect of a building *Permit* under subsection 8(1) of the *Act* for the proposed building, and the time in which such approvals will be obtained.
- (18) Prior to making a *Conditional Permit* application, a *Permit* application, in accordance with section 5.0(11) for the entire building(s) shall be submitted to and accepted by the *City* (including all applicable fees paid).

#### **Partial Permit**

- (19) The *Chief Building Official* may issue a *Partial Permit* prior to the issuance of a *Permit* to construct the entire building(s), subject to the following requirements, in addition to all other application requirements:
- (a) an application is submitted using the application form “Application for a Permit to Construct or Demolish”, as prescribed by the province, for the portion of the building(s) that is the subject of the *Partial Permit*;
  - (b) include complete plans and specifications as set out in Division C, Part 1, Article 1.3.1.3. of the *Building Code* and as set out in this By-law, for the portion of the building(s) which is the subject of the *Partial Permit* application; and
  - (c) include completed forms in accordance with Schedule A of this By-law.
- (20) Prior to making a *Partial Permit* application, a *Permit* application, in accordance with section 5.0(11) for the entire building(s) shall be submitted to and accepted by the *City* (including all applicable fees paid).



## **Change of Use Permit**

(21) Every application for a change of use *Permit* under section 10(1) of the *Act* shall be made by the *Applicant* on the form prescribed by the *Chief Building Official*, and in addition to all other application requirements, shall include:

- (a) complete plans and specifications showing the current and proposed occupancy of all parts of the building and containing sufficient information for the determination of compliance with the *Building Code*, including floor plans, details of wall, ceiling and roof assemblies, identifying fire resistance ratings and load bearing capacities and details of the existing sewage system as set out in Division A, Part 1, Sentence 1.4.1.3(2) and Division C, Part 1, Article 1.3.1.4. of the *Building Code*; and
- (b) completed forms in accordance with Schedule A of this By-law.

## **Sewage System Permit**

(22) Every application for a sewage system *Permit* under section 8(1) of the *Act* shall be made by the *Applicant* on the form prescribed by the *Chief Building Official*, and in addition to all other application requirements, shall include:

- (a) complete plans and specifications and other information as set out in Division C, Part 1, Article 1.3.1.3. of the *Building Code* and as set out in this By-law;
- (b) a site evaluation which includes the following:
  - (i) the date the evaluation was performed;
  - (ii) the name, address, telephone number, email address and signature of the person who conducted the evaluation; and
  - (iii) a fully scaled and dimensioned site plan that depicts the following:
    - i. the legal description, lot size, property boundaries, rights of way, easements, municipal utility corridors, water service location, water wells;

- ii. the location of items listed in column 1 of Tables 8.2.1.6.A. and 8.2.1.6.B. and 8.2.1.6.C. of Division B, Part 8 of the *Building Code*;
- iii. the location of the proposed sewage system;
- iv. the location of any unsuitable soil, disturbed or compacted areas, or slopes greater than 4:1;
- 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 grade conditions including the potential for flooding; and
- ix. if using a treatment unit, a signed maintenance agreement as required under Division B, Article 8.9.2.3 of the *Building Code*.

### **Occupancy Permit**

(23) Every application for an occupancy *Permit* under Division C, Part 1, Article 1.3.3.1 of the *Building Code* shall be made by the *Applicant* on the form prescribed by the *Chief Building Official*, and in addition to all other application requirements, shall include:

- (a) a description of the building, or part thereof, for which an occupancy *Permit* is requested.

(24) Where the application for an occupancy *Permit* referenced in section 5.0(23) above relates to the partial occupancy of a building prior to its completion, a separate application is required for each stage of occupancy.

## **Application to Transfer Permit/Permit Application**

(25) Every application for a transfer of *Permit* or *Permit* application shall be made by the *Applicant* on the form prescribed by the *Chief Building Official*, and in addition to all other application requirements, shall include:

- (a) any other fees required to replace those fees that may be returned to the person who provided them when the *Permit* was originally applied for;
- (b) if required by the *City*, be accompanied by a true copy of a current parcel register from the Land Registry Office confirming the current registered owner of the land and the date upon which the land was transferred to the current registered owner;
- (c) if required by the *City*, a copy of the lease agreement or other proof of tenancy to the satisfaction of the *Chief Building Official*;
- (d) identify the *Permit* or *Permit* application being transferred;
- (e) be accompanied by the transfer of *Permit* declaration;
- (f) if required by the *City*, be accompanied by proof of engagement of design professionals to conduct field review.

## **Alternative Solutions**

(26) Every application for an Alternative Solution proposed to be substituted for an acceptable solution as set out in Division "B" of the *Building Code* shall be made by the *Applicant* on the form prescribed by the *Chief Building Official*, and in addition to all other application requirements, shall include:

- (a) a description of the proposed alternative solution;
- (b) contact information for the designer(s) of the alternative solution;
- (c) identification of the prescribed acceptable solutions under Division B of the *Building Code* for all of the alternative solutions being proposed;

- (d) identification of all assumptions, limiting or restricting factors, special maintenance and operational requirements of the alternative solution being proposed, as required by Division C, Part 2, Article 2.1.1.1 of the *Building Code*;
- (e) identification of applicable objectives and functional statements in Division A of the *Building Code*;
- (f) an evaluation of the acceptable solution in Division B of the *Building Code* as compared with the proposed alternative solution; and
- (g) supporting documentation to establish that the proposed material, system or building design will provide the same level of performance as the acceptable solution in Division B of the *Building Code*; and
- (h) the qualifications of the designer responsible for the proposed alternative solution.

(27) The *Chief Building Official* may accept or reject any proposed alternative solution and may impose conditions or restrictions on its use.

(28) Alternative solutions that are accepted by the *Chief Building Official* pursuant to section 5.0(27) shall be applicable only to the location described in the application and are not transferrable to any other *Permit*.

## **6.0 Transfer of Permits/Permit Applications**

(1) Where the *Owner* of land that is the subject of a *Permit* or *Permit* application(s) changes, and the new *Owner* wants to have that *Permit* or *Permit* application(s) transferred in their name or is directed to do so by the *Chief Building Official*, they shall transfer the *Permit* or *Permit* application(s) in their name in accordance with section 5.0(25).

(2) Where the *Owner* of land that is the subject of a *Permit(s)* changes, no person shall carry out any work under any *Permit(s)* that has been issued with respect to that land, until the *Permit* has been transferred in the new *Owner's* name in accordance

with section 5.0(25) of this By-law or as otherwise directed by the *Chief Building Official*.

- (3) The new *Owner* shall, upon transfer of a *Permit*, be the person to whom the *Permit* was issued for the purpose of this By-law, the *Act* and *Building Code*.

## **7.0 Fees, Charges and Refunds**

### **Application Fees**

- (1) The *Chief Building Official* shall determine the required fee for work being proposed, calculated in accordance with Schedule F of the *Fees and Charges By-law* and the *Applicant* shall pay such fees upon submission of the application. Where the review of the *Permit* application determines that additional fees are required, such additional fees shall be paid prior to *Permit* issuance.

### **Re-Submission Fees**

- (2) Should the *City* require the *Applicant*, or if the *Applicant* chooses, to resubmit information/documentation in relation to *Permit* documents previously reviewed by the *City* and that require additional review to determine compliance with the *Building Code*, *Applicable Law* or this By-law, the *Applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule F of the *Fees and Charges By-law* unless determined otherwise by the *Chief Building Official* or their designate.

### **Cash in Lieu of Parkland**

- (3) Cash in Lieu of Parkland charges set out in any development agreements shall be paid prior to *Permit* issuance.

### **Returnable Fees**

- (4) A returnable fee, calculated in accordance with Schedule F of the *Fees and Charges By-law* shall be paid prior to *Permit* issuance.
- (5) When a *Permit* is closed, cancelled, or revoked the returnable fee, or securities submitted under By-law 94-2008, (or any balance remaining), shall be returned to the person that provided it unless directed otherwise by that person, or determined

by the *Chief Building Official*, at its sole discretion, that the returnable fee or securities should be dealt with differently.

### **Permit Maintenance Fee**

- (6) A *Permit* maintenance fee, as set out in Schedule F of the *Fees and Charges By-law*, shall be charged by the *City* to, and paid by, the *Owner* who has a *Permit* associated with their lands if:
- (a) the *Permit* is not closed;
  - (b) 12 months have passed without an inspection by an *Inspector*;
  - (c) an *Inspector* attends at the lands to conduct an inspection, but is unable to do so; and
  - (d) the *Chief Building Official* or their designate is not satisfied that the *Owner* is taking steps to have the *Permit* closed.
- (7) If the *City* has charged the *Owner* with a *Permit* maintenance fee under section 7.0(6), the 12-month period referred to in subsection 7.0(6)(b) shall begin anew upon the conclusion of the 12 months which led to the *City* charging the *Owner* with a *Permit* maintenance fee.
- (8) If the *City* is holding a returnable fee for a *Permit*, and a *Permit* maintenance fee is charged to and payable by the *Owner* for that same *Permit*, the *City* may draw on the returnable fee to satisfy payment of the *Permit* maintenance fee.
- (9) If the *Permit* maintenance fee is charged by the *City* and not paid, it shall be added to the tax roll of the lands for which the *Permit* is associated and collected in the same manner as municipal taxes.

### **Fee Refund**

- (10) Refunding of fees, other than returnable fees and *Permit* maintenance fees, shall be in accordance with the following:

- (a) in the case of a cancellation of a *Permit* application, fees will be refunded in accordance with subsection 7.0(10)(e);
- (b) where a *Permit* application has been deemed to have been abandoned as set out in section 5.0(9), fees will be refunded in accordance with subsection 7.0(10)(e);
- (c) subject to subsection 7.0(10)(d), where a *Permit* is revoked, no fees will be refunded;
- (d) notwithstanding subsection 7.0(10)(c) where a *Permit* is revoked because it was issued in error or the *Owner* requests revocation no more than six months after the date the *Permit* was issued, fees will be refunded in accordance with subsection 7.0(10)(e);
- (e) the amount of fees refundable shall be calculated as a percentage of the total *Permit* fee as follows:
  - (i) minimum fee as set out in Schedule F of the *Fees and Charges By-law*, as indexed, is non-refundable;
  - (ii) 80% if the application is cancelled or abandoned prior to review.
  - (iii) 50% if the application is cancelled or abandoned after commencement of the review and prior to *Permit* issuance;
  - (iv) 40% if the *Permit* has been issued and no more than one inspection has been conducted;
  - (v) an additional 5% shall be deducted for each additional inspection/site visit that has been conducted;
- (f) in the case where an *Applicant* changes the scope of work after a *Permit* application is accepted, which results in a lesser *Permit* fee value, there shall be no reduction in the *Permit* fee originally required.

### **Fees for Inspections Outside Normal Working Hours**

- (11) Subject to availability of resources, inspections outside normal working hours may be requested, and if approved by the *Chief Building Official* or *Deputy Chief Building Official*, additional fees as set out in Schedule F of the *Fees and Charges By-law* apply.

### **Fees for Fast Track Permit Process**

- (12) Subject to section 7.0(13), where the *Applicant* for a *Permit* requests a *Permit* be issued in a shorter period of time than the time frames set out in Division C, Part 1, Article 1.3.1.3 of the *Building Code* (“Fast Track Permit Process”), additional fees as set out in Schedule F of the *Fees and Charges By-law* shall apply.
- (13) The Fast Track Permit Process is only available when operationally feasible as determined by the *Chief Building Official* and it does not guarantee the issuance of a *Permit* in a shorter period of time than the time frames set out in Division C, Part 1, Article 1.3.1.3 of the *Building Code*.

### **Fees for Commencing Construction, Demolition, Change of Use Without a Permit**

- (14) Any person or corporation that commences construction, demolition or change of use of a building before obtaining a *Permit* shall, in addition to any other penalty under the *Act*, *Building Code* or this By-law, pay an additional fee in accordance with Schedule F of the *Fees and Charges By-law*.

## **8.0 Plans and Specifications**

- (1) Every *Applicant* for a *Permit* shall furnish sufficient plans, specifications and documents as set out in the *Building Code* and this By-law to enable the *Chief Building Official* to determine if the proposed construction, demolition or change of use will contravene the *Act*, *Building Code* and any other *Applicable Law*.
- (2) All plans that are to be submitted to the *City* shall be digitally drawn to scale using industry recognized design software in accordance with the guidelines prescribed by the *Chief Building Official*.



- (3) Only in the case of an accepted hard copy paper-based *Permit* application (where a *Permit* has not been issued yet), will the *City* accept subsequent submissions to complete the processing of the *Permit* to be hard copy paper-based. Each hard copy paper-based submission in this case shall include two complete sets of plans, specifications and documents, and other information as required by the *Chief Building Official*.
- (4) Site plans shall reference a current plan of survey, certified by an Ontario Land Surveyor, and, when required to determine compliance with the *Act*, *Building Code* or any other *Applicable Law*, a copy of the survey shall be submitted to the *Chief Building Official*. Site plans shall include:
  - (a) Lot Size and dimensions of the property and setbacks to any existing or proposed buildings;
  - (b) existing and finished ground elevations or grades of the property; and
  - (c) existing rights of way, easements and municipal services.
- (5) On completion of construction of a building, the *Chief Building Official* or *Inspector* may request a set of as-constructed plans, including a plan of survey showing the location of the building and the *Owner* shall provide them to the *Chief Building Official* or *Inspector*.
- (6) Plans, specifications and documents furnished in accordance with the *Act*, *Building Code* or this By-law become the property of the *City* and will be disposed of, retained, and possibly shared with members of the public, in accordance with relevant legislation, including the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

## **9.0 Permit Issuance**

- (1) The *Chief Building Official* shall issue a *Permit* in accordance with this By-law subject to compliance with the *Act* and *Building Code*.

- (2) No person shall conduct any work except in accordance with the plans, specifications, documents and any other information on the basis of which the *Permit* was issued, unless any changes have been approved in accordance with section 9.0(3).
- (3) After the issuance of a *Permit*, any change made to a plan, specification, document or any other information on the basis of which the *Permit* was issued, shall require a revision to the *Permit* which shall be accompanied by the applicable fee set out in the *Fees and Charges By-law*.

### **10.0 Notices for Inspection**

- (1) The person to whom the *Permit* was issued shall notify the *Chief Building Official* at the completion of each stage of construction set out in Division C, 1.3.5.1 of the *Building Code* and listed in Schedule B of this By-Law.
- (2) The person to whom the *Permit* was issued shall notify the *Chief Building Official* of the date of completion of the building or part thereof, prior to occupancy.
- (3) The notice under this section is not effective until it is received by the *Chief Building Official*.
- (4) Upon receipt of notice, the *Inspector* shall undertake an inspection of the building to which the notice relates, in the time frame set out in Division C, 1.3.5.3 of the *Building Code* or subsection 11(4) of the *Act*.

### **11.0 Construction and Demolition Site Fencing**

- (1) Unless granted an exemption under section 11.0(2), every person issued a *Permit* for construction or demolition under the *Act*, shall erect and maintain a fence to enclose the construction or demolition site, including areas where equipment is operated or equipment or material is stored.
- (2) The *Chief Building Official* may grant an exemption from the requirements in section 11.0(1) where they are satisfied that site conditions would not present a particular hazard, having regard for:

- (a) the proximity of the site to occupied dwellings;
  - (b) the proximity of the 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 activities and materials;
  - (d) the feasibility and effectiveness of site fencing; and,
  - (e) the duration of the hazard.
- (3) Every fence required by this section shall:
- (a) be erected to fully enclose the site;
  - (b) be a minimum of 1.2 metres high, measured from grade outside the fence, and have no gaps larger than 100 millimetres below the fence;
  - (c) be constructed to deter entry by unauthorized persons or vehicles;
  - (d) have no rails or other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
  - (e) contain no opening more than 150 millimetres wide or less than 900 millimetres above the bottom of the fence except where required to facilitate access to and from the site;
  - (f) at any access opening, be equipped with gates that shall:
    - (i) contain wire mesh or similar material to provide visibility for traffic entering and exiting the site;
    - (ii) be constructed to specifications that provide performance and safety equivalent to the fence; and
    - (iii) deter entry by unauthorized persons;
  - (g) be maintained:

- (i) in good repair with no gaps larger than 100 millimetres below the fencing;
  - (ii) free from health, fire and accident hazards; and
  - (iii) so that access openings are closed and locked or securely reinstalled when the site is unattended; and
  - (iv) be removed no later than 30 days after completion of the construction or demolition work.
- (4) A fence required by section 11.0(1) shall be constructed to the following standards:
- (a) if constructed of wood, the outside face shall be smooth exterior grade plywood or wafer board which is a minimum of 12.5 millimetres thick, securely fastened to 89 millimetre by 89 millimetre vertical posts spaced at 2.4 metre centres and embedded sufficiently deep to provide rigid support and securely nailed to 39 millimetre by 89 millimetre horizontal rails secured to the vertical posts at the top and bottom;
  - (b) if constructed using plastic mesh, the fencing shall be fastened securely at 200 millimetre centres to steel "T" posts or similar, spaced at not more than 1.2 metre centres and embedded at least 600 millimetres into the ground with the top and bottom of the plastic mesh secured horizontally by 11 gauge cable threaded through or otherwise attached to the mesh and each post;
  - (c) if constructed with chain link, the mesh shall have openings no larger than 50 millimetres and shall be fastened securely to vertical steel posts spaced not more than 2.4 metre centres and to top and bottom horizontal steel rails or 9 gauge steel wire;
  - (d) the fence may be a combination of fence types specified in this section or may be constructed of other materials that provide performance and safety equivalent to the fence types specified and the *Chief Building Official* authorizes its use.

## 12.0 Revocation of Permits

- (1) The *Chief Building Official* may revoke a *Permit* for any of the reasons set out in subsection 8(10) of the *Act* without notice, or at its sole discretion may serve a notice of intention to revoke by registered mail to the last known address of the person to whom the *Permit* was issued.
- (2) The person to whom the *Permit* was issued, may, within 30 calendar days of the day the notice of intention to revoke is dated, submit a written objection to the *Chief Building Official* stating the reasons why the *Permit* should not be revoked.
- (3) After 35 calendar days from the day the notice of intention to revoke is dated, the *Chief Building Official* may, having regard to the *Act*, the *Building Code*, any other *Applicable Law*, and the reasons in the written objection under section 12.0(2), if any were submitted, determine that:
  - (a) there are no grounds for the revocation and in that case the *Chief Building Official* shall not revoke the *Permit*;
  - (b) there are grounds to revoke the *Permit* and, in that case, the *Chief Building Official* shall revoke the *Permit* by sending the person to whom the *Permit* was issued, a notice of revocation;
  - (c) there are grounds to revoke the *Permit*, however, the *Chief Building Official* is of the opinion that the person to whom the *Permit* was issued can take steps to eliminate the grounds of revocation within a specified period of time set out by the *Chief Building Official* and:
    - (i) if the grounds of revocation have been eliminated within the specified period of time set out by the *Chief Building Official*, the *Permit* shall not be revoked;
    - (ii) if the grounds of revocation have not been eliminated within the specified period of time and the *Chief Building Official*, at its sole discretion, is not willing to extend the specified period of time, the *Permit* shall be revoked.

- (4) Where construction or demolition has not commenced within 6 months of the date of the *Permit* being issued, the person to whom the *Permit* was issued may request in writing to the Building Standards Department that the *Permit* not be revoked on that basis, and that it be given up to another 6 months to commence construction or demolition under the subject *Permit*. The person to whom the *Permit* was issued can make up to two (2) requests seeking to defer the date upon which the *Chief Building Official* could revoke the *Permit* due to construction or demolition not being commenced, so long as it does not result in a deferral exceeding 18 months from the date of the issuance of the *Permit*, unless the *Chief Building Official*, at its sole discretion, determines otherwise.
- (5) A request for deferral of revocation under section 12.0(4), and a written objection to a notice of intention to revoke under section 12.0(2) shall be accompanied by a non-refundable fee as set out in Schedule F of the *Fees and Charges By-law*.
- (6) Notwithstanding any action taken by the *Chief Building Official* or the person to whom the *Permit* was issued under sections 12.0(1) to 12.0(4), the *Chief Building Official* retains the right to revoke a *Permit* under s. 8(10) of the *Act* at any time at its sole discretion.

### **13.0 On-Site Sewage System**

- (1) A person or corporation who owns an existing on-site sewage system, as described in the City of Vaughan On-Site Sewage System Maintenance Inspection Program, shall provide certification to the *City* that the on-site sewage system has been inspected within the timeframes set out in Division C 1.10.2.4. of the *Building Code*.
- (2) In accordance with section 7 of the *Act* and as required by Division C 1.10.2.2. of the *Building Code*, the *Chief Building Official* is delegated the authority to develop and administer the City of Vaughan On-Site Sewage System Maintenance Inspection Program.

### **14.0 Offences and Cost Recovery**

- (1) Every person or corporation that contravenes any provision of this By-Law is guilty of an offence and, on conviction, is liable to a penalty as set out in section 36 of the *Act*.
- (2) Where the person to whom a *Permit* is issued fails to erect a site fence required under this By-law, and where the *Chief Building Official* has not granted an exemption under section 11.0(2), the *Chief Building Official* may cause a fence to be erected and recover the costs by adding them to the tax roll and collecting them in the same manner as municipal taxes.

### **15.0 Code of Conduct**

- (1) In accordance with section 7.1 of the *Act*, the Code of Conduct for the *Chief Building Official* and *Inspectors* is appended to this By-Law as Schedule C.

### **16.0 Severability**

- (1) If any provision of this By-law or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable.

### **17.0 Transition**

- (1) Notwithstanding section 18.0(1), By-laws 050-2018 and 94-2008 shall continue to apply with respect to:
  - (a) *Permit* applications, up until *Permit* issuance, that have been submitted to the *City* prior to January 1, 2025 together with the payment of the minimum fee as set out in Schedule F of the *Fees and Charges By-law*; and
  - (b) any offences that took place prior to January 1, 2025.
- (2) Notwithstanding section 17.0(1), and without limiting the application of this By-law, the provisions of this By-law apply to all issued *Permits*, regardless of whether they were issued prior to or after January 1, 2025 and whether they were issued based

on an application that was submitted to the *City* prior to January 1, 2025 together with the payment of the minimum fee as set out in Schedule F of the *Fees and Charges By-law*.

### **18.0 Repeal**

- (1) The Building By-law 050-2018 and its amending by-laws 189-2019 and 192-2020, and the Security Deposit By-law 94-2008 are hereby repealed.

### **19.0 Force and Effect**

- (1) This By-law shall come into force and effect on January 1, 2025.

Voted in favour by City of Vaughan Council this 29<sup>th</sup> day of October, 2024.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

Authorized by Item No. 6 of Report No. 35 of the Committee of the Whole.  
Report adopted by Vaughan City Council on October 29, 2024.  
City Council voted in favour of this by-law on October 29, 2024.  
Approved by Mayoral Decision MDC 014-2024 dated October 29, 2024.  
**Effective Date of By-Law: January 1, 2025**



## SCHEDULE “A”

### FORMS

Form	Required For
Commonly Used Applicable Laws & Building Permits	New buildings and additions to Industrial/Commercial/Institutional/High-Rise buildings
Building Permit Applicant Authorization	This form must be completed for all building <i>Permit</i> applications where the <i>Applicant</i> is the <i>Owner’s Agent</i>
Acknowledgement of Incomplete Application Form	Only if applicable for new buildings and additions to Industrial/Commercial/Institutional/High-Rise buildings
Application for Alternative Solution	This Form must be completed when an evaluation of an Alternative Solution or Material Evaluation is proposed under the <i>Building Code</i>
Applicant Conditional Permit Checklist	This form must be completed for all <i>Conditional Permit</i> applications
Statement of Design	New Part 3 buildings and additions to Industrial/Commercial/Institutional/High-Rise buildings
Land & Building Use Declaration	All Industrial/Commercial/Institutional/High-Rise and other Non-Residential buildings
Owner’s Letter of Undertaking General Review	Buildings requiring general review under the <i>Building Code</i>
General Review Commitment Form	Buildings requiring general review under the <i>Building Code</i>
Schedule 1: Designer Information Form	Buildings requiring <i>Building Code</i> Identification Number individuals who reviews and takes responsibility for design activities with respect to the project.
Schedule 2: Sewage System Installer Information	Sewage System Installer Information
Residential Plumbing Data Form	New buildings and additions/alterations to plumbing for detached housing & townhouses.
Plumbing Data Form ICI	New buildings and additions/alterations to plumbing for Industrial/Commercial/Institutional/High-Rise buildings.
Energy Efficiency Design Summary Form SB 10	Part 3, Non Residential and some Part 3 Residential buildings. (3 different compliant paths forms)
SB 12 Energy Efficiency Design Summary Form SB-12	Part 9, Residential buildings
Tree Declaration	All properties under the Tree Protection By-law 052-2018, as amended or its successor by-law.
Mag Lock Installer's/Owner's Declaration Form	This form must be completed for <i>Permits</i> requiring installation of ELECTROMAGNETIC LOCKING DEVICES
Public Pool Checklist	This form must be completed for <i>Permits</i> requiring installation of a Public Pool.
Public Spa Checklist	This form must be completed for <i>Permits</i> requiring installation of a Public Spa.
Sign Variance Application	This form must be completed for applications to the Sign Variance Committee of the Corporation of the City of Vaughan

\*This list does not include all applicable forms and it is advised that you:

- visit the Building Standards Department's webpage on the *City's* website at <https://www.vaughan.ca>; or

- call (905) 832-8510 during regular business hours

to ensure that you are aware of all the necessary forms that are applicable to your circumstances.\*

## SCHEDULE "B"

### REQUIRED NOTICES FOR INSPECTION (MANDATORY STAGES)

In accordance with section 10.2 of the *Act*, the person to whom a *Permit* is issued shall notify *Chief Building Official* at each stage of construction as specified in the *Building Code*, and this By-Law, that the construction is ready for inspection.

After the notice is received by the *Chief Building Official*, an *Inspector* shall, not later than two (2) days after receipt of a notice, undertake a site inspection of the building to which the notice relates.

Where a notice relates to matters described in Division C 1.3.5.1.(2) (l) or (m) of the *Building Code*, an *Inspector* shall, not later than five (5) days after receipt of the notice, undertake a site inspection of the sewage system to which the notice relates.

In accordance with subsection 11(2) of the *Act*, the *Chief Building Official* shall be notified of the date of completion of a building or part of a building. An inspection for occupancy will be conducted within 10 days after notice of completion is served on the *Chief Building Official*.

The time periods referred to above shall begin on the day following the day on which the notice is given and shall not include Saturdays, holidays and all other days when the offices of the *City* are closed. When undertaking an inspection required above, the *Inspector* may consider reports concerning whether the building or a part of the building complies with the *Act*, the *Building Code* or any other *Applicable Law*.

The person to whom a *Permit* is issued shall notify the *Chief Building Official* when ready for inspection of the following stages set out in the *Building Code*:

- (a) Commencement of construction of the building,
- (b) Readiness to construct footings
- (c) Substantial completion of footings and foundations prior to commencement of backfilling,
- (d) Substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, if the building is within the scope of Part 9 of Division B,
- (e) Substantial completion of structural framing and roughing in of heating, ventilation, air-conditioning and air-contaminant extraction equipment, if the building is not a building to which (d) applies,
- (f) Substantial completion of insulation, vapour barriers and air barriers,
- (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, and
  - (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 described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or a public spa,
  - (k) Substantial completion of the circulation / recirculation system of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or public spa and substantial completion of the pool before it is first filled with water,
  - (l) Substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop system for a public pool or public spa,
  - (m) Readiness to construct the sewage system,
  - (n) Substantial completion of the installation of the sewage system before the commencement of backfilling,
  - (o) Substantial completion of installation of plumbing not located in a structure, before the commencement of backfilling,
  - (p) Substantial completion of heating, ventilation, air-conditioning and air-contaminant extraction equipment,
  - (q) Completion of construction and installation of components required to permit the issue of an occupancy *Permit* under Sentence 1.3.3.1.(3) of Division C or to permit occupancy under Sentence 1.3.3.2.(1) of Division C.
  - (r) Completion of construction and installation of components required to permit the issue of an occupancy *Permit* under Sentence 1.3.3.4.(4) or 1.3.3.5.(3) of Division C.
  - (s) Completion of a building for which an occupancy *Permit* is required under 1.3.3.4. or 1.3.3.5. of Division C.

## SCHEDULE "C"

### CODE OF CONDUCT FOR BUILDING OFFICIALS

**This Code of Conduct is applicable to all Building Officials at the City of Vaughan**

#### Purpose

The purpose of this Code of Conduct is to promote appropriate standards of behaviour, enforcement actions, honesty, and integrity among building officials and to prevent practices which may constitute an abuse of power including unethical or illegal practices by building officials in the exercise of their power or performance of their duties under the *Act* or the *Building Code*.

Accordingly, all building officials shall:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. Apply all relevant building laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
3. Abide with the provisions of the *Act*, the *Building Code* and other Acts or Laws which regulate or govern Building Officials or their functions.
4. Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
5. Extend professional courtesy to all.

#### Breaches of the Code of Conduct

The *Chief Building Official* will review any allegations of breaches of this Code of Conduct made against municipal building officials. Where the allegations are against the *Chief Building Official* the City Manager of the municipality will review the allegations.

A City Manager, Deputy City Manager, Department Head, manager, or supervisor having knowledge of a breach of this Code of Conduct by a municipal building official shall bring such information immediately to the *Chief Building Official* and the City Manager.

Any person who has reason to believe that a municipal building official is committing a breach of this Code may approach the *Chief Building Official* in confidence.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the municipal employer and may result in disciplinary action up to and including termination of employment.