

MUNICIPALITY OF SOUTHWEST MIDDLESEX

BY-LAW NUMBER 2023/071

A by-law concerning the issuance of permits for construction, demolition, occupancy, change of use, on-site sewage systems, conditional permits, inspections, the charging for permit fees, and other related matters within the Municipality of Southwest Middlesex

WHEREAS:

- A. Section 3(1) of the *Building Code Act*, S.O. 1992, c. 23, as amended or replaced, provides that the municipal Council of each municipality is responsible for the enforcement of the *Building Code Act*, S.O. 1992, c. 23, inclusive of its regulations, as amended or replaced (hereinafter collectively referred to as the "**Act**");
- B. Section 7 of the *Act* authorizes the Council of a municipality to pass by-laws concerning the issuance of permits for construction, demolition, occupancy, change of use, on-site sewage systems, conditional permits, inspections, the charging for permit fees and other related matters;
- C. Sections 8, 9, and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced (hereinafter referred to as the "**Municipal Act**") authorizes municipalities to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 3, 5, 6 and 8 of subsection 11(2) authorizes by-laws respecting the financial management of the municipality, the economic, social, and environmental wellbeing of a municipality, the health, safety and well-being of persons, and the protection of persons and property.
- D. Council for the Municipality of Southwest Middlesex (hereinafter referred to as the "**Municipality**") desires to provide for the issuance of permits and related matters under the *Act*, including its regulations, to obtain sufficient information from applicants to determine compliance with the *Act* and applicable laws, for the purpose of providing for the safety and health of the public at large through compliant construction, demolition and other matters under the *Act*, and to fix fees covering the full costs of services provided;
- E. Council for the Municipality deems expedient and in the best interests of public safety to regulate the construction of pools;
- F. Section 391 of the *Municipal Act* authorizes a municipality to pass by-laws to impose fees or charges on persons for services provided done by or on behalf of the municipality.
- G. Section 425 of *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;
- H. Section 429(1) of the *Municipal Act* provides that a municipality may establish a system of fines for by-laws passed by the municipality which are in accordance with and complimentary with fine provisions set out in other applicable provincial legislation, such as the *Act*;
- I. Section 36 of the *Building Code Act* provides a broad framework of penalties for offences, including without limitation, first-time offences, repeated offences, cases involving corporations, continuing offences and non-compliance with Chief Building Official orders, which provide for maximum penalties of \$50,000.00 for a first offence and \$100,000.00 for subsequent offences for persons, and \$500,000.00 for a first offence and \$1,500,000.00 for subsequent offences by corporations;
- J. The Municipality furthers the above noted framework of penalties for offences on a discretionary enforcement basis through the *Provincial Offences Act*, R.S.O. 1990, c. P.33, s.61, as amended or replaced (hereinafter referred to as the "**Provincial Offences Act**") by Municipal By-law Officers, as defined herein, which are "provincial offences officers" as defined under the *Provincial Offences Act*;
- K. Subsections 446(1-8) and 432.2(2) of the *Municipal Act* provide that a municipality may cause itself and/or its agents to perform any actions or complete any repairs to remedy the commission of a by-law offence committed and that a lower-tier municipality may cause any expense incurred by itself and its authorized agents to address the commission of the offence or any unpaid fine to be added to the tax roll of property by the local municipality where the

land is situate and be collected in like manner as municipal taxes.

NOW THEREFORE the Council of the Municipality of Southwest Middlesex hereby enacts as follows:

1. Short Title

This by-law may be cited as the “**Building By-law**”.

2. Incorporation of Recitals

The above recitals are hereby incorporated into this By-law.

3. Definitions

In addition to terms defined in the incorporated recitals to this By-law, the following terms have the following meanings in this By-law;

3.1 3.1.1 “Act” means the Building Code Act, S.O. 1992, Chapter 23, inclusive of its regulations, as amended or replaced;

3.1.2 “Architect” means an architect as defined in the Building Code;

3.1.3 “Applicant” means the owner of a property or building, who applies for a permit or any person authorized by the owner to apply for a permit on the owner’s behalf;

3.1.4 “As constructed plans” means as constructed plans as defined in the Building Code;

3.1.5 “Building” means a building as defined in section 1.(1) of the Act;

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

3.1.7 “drainage system” means any:

drainage system, as defined in the Building Code, as amended or replaced therein, which at the time of passing of this By-law, is an assembly of pipes, fittings, *fixtures*, and appurtenances on a property that *sewage* and *clear water waste* to a main sewer or *private sewage disposal system*, and includes a *private sewer*, but does not include *subsoil drainage piping*.

3.1.8 “Chief Building Official” means the Chief Building Official appointed by The Municipality of Southwest Middlesex for the purposes of enforcement of the Act.

3.1.9 “Engineer” means a professional engineer as defined in the Building Code;

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

3.1.11 “Inspector” means a Building Inspector, Deputy Chief Building Official and Chief Building Official, appointed by by-law of The Municipality of Southwest Middlesex for the purposes of enforcement of the Act;

3.1.12 “Municipal Law Enforcement Officer” means:

- i. a Building Inspector appointed by the Council of the Municipality
- ii. a Chief Building Official as appointed by the Council of the Municipality;
- iii. a Deputy Chief Building Official as appointed by the Council of the Municipality;
- iv. a by-law enforcement officer appointed by Municipality whose responsibilities include the enforcement of this By-law;

- v. a police officer; and
- vi. any other officer, employee or agent of any municipality or any local board of any municipality whose responsibilities includes the enforcement of this By-law;

each of whom are "provincial offences officers", as defined in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended or replaced.

- 3.1.13 "owner" means the person registered as the owner on title to the land, and includes a person who has the right under an agreement or statute to carry out demolition or other work under a permit as if he/she were the registered owner
- 3.1.14 "Municipality" means the Municipality of Southwest Middlesex
- 3.1.15 "Permit" means written permission or authorization from the Chief Building Official to perform work regulated by the by-law and the Building Code Act;
- 3.1.16 "*plumbing*" has the same meaning as defined in section 1(1) of the *Act* and the Building Code, as amended or replaced therein, which at the time of passing of this By-law is a drainage system, venting system, and a water system or parts thereof;
- 3.1.17 "prescribed forms" means forms prescribed and made available by the Ministry of Municipal Affairs and Housing. These forms include: Building permit applications, Schedules 1, 2 and Order forms;
- 3.1.18 "remote inspections" means the conducting of an inspection, listed in *Schedule "A"* attached to this By-law, by an Inspector by viewing information provided from a third party rather than personally attending a construction site;
- 3.1.19 "Required Connections" means the required connections set out in subsection 9.31.3.2 (1) of the Building Code, as amended or replaced therein, which at the time of the passing of this By-law, is in a dwelling unit with a *water distribution system*, piping for hot and cold water shall be connected to every kitchen sink, lavatory, bathtub, shower, slop sink and laundry area.
- 3.1.20 "sewage" has the meaning of sewage, as defined in the Building Code, as amended or replaced therein, which at the time of passing of this By-law, is *sanitary sewage* or *storm sewage* as defined in the Building Code.
- 3.1.21 "sewage system" has the meaning of sewage system, as defined in the Building Code, as amended or replaced therein, which at the time of passing of this By-law, is:
 - a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
 - b) a greywater system,
 - c) a cesspool,
 - d) a leaching bed system, or
 - e) a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system;

where these,

- i. have a design capacity of 10,000 litres per day or less,
- ii. have, in total, a design capacity of 10,000 litres per day or less, where more than one of these are located on a lot or parcel of land, and
- iii. are located wholly within the boundaries of the lot or parcel of land on which is located the building or

buildings they serve.

3.1.22 "Surface Drainage" means the requirements set out in subsection 9.14.6.1 (1) of the Building Code, as amended or replaced; and

3.1.23 "swimming pool" shall mean any structure, basin, chamber or tank capable of containing an artificial body of water with a depth greater than 60 centimetres (24 inches), and which is used for swimming, diving or recreational bathing;

3.2 Terms not defined in this by-law shall have the meaning ascribed to them in the *Act* or the Building Code, as amended or replaced.

4. Classes of Permits

The following classes of permits exist within the Municipality:

4.1 Building (construction) Permit

This permit is generally used for all types of new construction governed by the Building Code, including (but not limited to) renovation, farm buildings and signs.

4.2 Demolition Permit

This permit governs both the type and method of demolition under the Building Code.

4.3 Swimming Pool Permit

This permit governs the installation/construction of swimming pools in order to confirm that pool location and fencing meet the by-laws of the Municipality. Swimming Pool Permits will be required for all pools with the exception of inflatable pools with a maximum depth capacity of 1.2 metres of water or less.

4.4 Conditional Permit (Section 8(3) of the Act)

This permit may be issued at the discretion of the Chief Building Official to authorize any stage of construction, even though all of the requirements under Subsection 8(2) of the *Act* have not been met.

4.5 Change of Use Permit (Section 10(1) of the Act)

This permit is used where a change in use resulting in an increase in hazard (as determined under the Building Code) will take place, even though no construction is proposed.

4.6 Sewage System Permit

This permit is used for all sewage system applications, including new systems and the repair of existing sewage systems.

5. Revision to Permit

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

6. Application for Permit

6.1 No person shall construct, demolish, or cause to be constructed or demolished a building or swimming pool, within the municipality, unless a permit has been issued for the construction or demolition by the Chief Building Official.

6.2 To obtain a permit, the owner, or agent authorized in writing by the owner, shall submit the prescribed application form to the Chief Building Official in hard copy or through an online electronic version acceptable to the Chief Building Official. A complete application shall include the completion of the prescribed form, along with information outlined within section six (6) of this By-law. The same prescribed form shall be used for all permit applications.

7. Building (constructions), Demolition, Swimming Pool, Conditional, Sewage System and Change of Use Permits

Every application for a permit shall be submitted either through the online application system or by paper using the prescribed form, and shall contain the following information for the application to be considered as a complete application:

- 7.1 Where an application is made for a building (construction) permit under Subsection 8(1) of the Act, the application shall:
- 7.1.1 Identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
 - 7.1.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - 7.1.3 Include complete plans and specifications as described in section 9 and 10 of this By-law for the work to be covered by the permit, and show the occupancy of all parts of the building;
 - 7.1.4 State the valuation of the proposed work including materials and labour;
 - 7.1.5 State the names, addresses and telephone numbers of the owner, architect or engineer, where applicable, or other designer or constructor;
 - 7.1.6 Be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction as described in the regulations where required under the Act or Building Code;
 - 7.1.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application;
 - 7.1.8 Be accompanied by a completed Schedule 1 prescribed form; and
 - 7.1.9 Be accompanied by an Energy Efficiency Design Summary form as provided in *Schedule "C"* to this By-law.
- 7.2 Where an application is made for a demolition permit under Subsection 8 (1) of the Act, the application shall:
- 7.2.1 contain the information required by Section 6.1.1 to 6.1.8 above;
 - 7.2.2 be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and/or plugging of all water, sewer, gas, electric, telephone or other utilities and services;
 - 7.2.3 be accompanied by evidence that the demolition will be overseen by qualified individuals when such is required by the Building Code, and
 - 7.2.4 describe the method of demolition, including the methods of discarding waste material and location of where waste material is to be taken.
- 7.3 Where an application is made for a swimming pool permit, the application shall:
- 7.3.1 contain the information required by section 6.1.1 to 6.1.8 above;
 - 7.3.2 contain a site plan based on safety (*Municipal Act*) jurisdiction indicating:
 - proposed swimming pool and any concrete decking locations;
 - the location of any related pool equipment;
 - the grading on the property. For swimming pools in residential areas, the site plan shall include drainage system, grading and drainage specifications stamped by a professional engineer, confirming that the proposed drainage and grading complies with sound engineering design.
 - that the fencing of the pool area will comply with the municipality's pool fencing requirements.
 - 7.3.3 Swimming Pool Permits will not be required for inflatable pools with a maximum depth capacity of 1.2 metres of water or less or for hot tubs with lockable covers.
- 7.4 Where an application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
- 7.4.1 contain the information required by 6.1.1 to 6.1.8 above;
 - 7.4.2 contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
 - 7.4.3 state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit was not to be granted;
 - 7.4.4 state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
 - 7.4.5 state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- 7.5 Where an application is made for a conditional permit under 8(3) of the Act, the

owner shall enter into a written agreement with the municipality prior to the issuance of the permit.

- 7.6 Where an application is made for a sewage system permit under Subsection 8(1) of the *Act*, the application shall:
- 7.6.1 Contain information required by 6.1.1 to 6.1.8 above;
 - 7.6.2 Include the name, address, telephone number and Building Code Identification Number (B.C.I.N) of the person installing and designing the sewage system;
 - 7.6.3 Contain a site evaluation, as described in the Building Code and a sewage system design, to be prepared by a qualified engineer. At the discretion of the Chief Building Official, this evaluation may be conducted by the homeowner or licensed sewage system contractor;
 - 7.6.4 Be accompanied by a completed Schedule 2 prescribed form;
- 7.7 Where an application is made for a change of use permit under Subsection 10 (1) of the *Act*, the application shall:
- 7.7.1 Contain information required by 6.1.1 to 6.1.8 above;
 - 7.7.2 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made, and which contain sufficient information to establish compliance with the requirements of the Building Code, including: floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, and sewage system impacts (if applicable)

8. Occupancy Permit

Where the requirements of the Building Code with respect to occupancy have been met, an occupancy permit shall be issued by the Chief Building Official or a person designated by the Chief Building Official

- 8.1 No person shall occupy, or permit the occupancy of a building or parts thereof until an occupancy permit authorizing the occupancy of the said building has been issued.

9. Equivalent

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 equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

- 9.1 A description of the proposed material, system or building design for which authorization under Section 9 is requested;
- 9.2 Any applicable provisions of the Building Code; and
- 9.3 Evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

10. Plans and Specifications

Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the Building Code and any other applicable law. The permit applicant shall illustrate that sewage and Surface Drainage does not negatively impact any neighbouring or receiving property. Each application shall, unless otherwise specified by the Chief Building Official, be a complete set of the plans and specifications required under this By-law. Plans shall be drawn to scale in a digital format, shall be legible, and without limiting the generality of the foregoing, shall include:

- a) Site plan, as outlined in section 11 of this By-law;
- b) Floor plans, for each level, whether finished or unfinished, to include the % of windows on each exterior wall;
- c) Foundation plans;

- d) Framing plans;
- e) Roof plans, including truss drawings stamped by an engineer and layout drawings signed by the building's designer as being reviewed;
- f) Reflected ceiling plans;
- g) Sections and details;
- h) Building elevations;
- i) Electrical drawings;
- j) Heating, ventilation and air conditioning, including heat loss calculations
- k) One or more of the following to ensure appropriate *plumbing* and Surface Drainage at the discretion of the Chief Building Official:
 - i. site servicing plan prepared by a professional engineer;
 - ii. overall grading plan prepared and stamped by a professional engineer which shall include details of the entire property on which the proposed structure may be permitted and lands beyond the property line;
 - iii. a drainage system plan/report prepared and stamped by a professional engineer;
- l) geotechnical reports to ensure appropriate design of footings;
- m) hydrogeological reports to ensure adequate water supply for the building and meeting of Required Connections by the Building Code, as amended ore replaced;
- n) sewage system drawings; and
- o) any other more specific plans the Chief Building Official deems to be required to accompany an application for a permit, at his or her discretion;

all to the satisfaction of the Chief Building Official for a building permit to be deemed completed. The Chief Building Official may at his or her discretion, specify that not all the above mentioned plans are required or that other more specific plans be required to accompany an application for a permit.

11. The Site Plan

Site plans based on *Act* and safety (*Municipal Act*) jurisdiction may be requested to reference an up-to-date survey be provided by an applicant to the Chief Building Official in order to demonstrate compliance with the *Act*, the Building Code, other applicable law, or safety regulations.

Site Plans shall show:

- a. lot size and the dimensions of the proposed building/swimming pool, including setbacks to property lines and any other existing or proposed buildings;
- b. existing and finished sewage system, plumbing, Required Connections, Surface Drainage (including without limitation, ground levels, and grades); and
- c. if required by the Chief Building Official, a foundation and/or lot grading plan prepared by a professional engineer or by an Ontario Land Surveyor and certified by a professional; and
- d. existing rights-of-way, easements and municipal services.

12. Building Certification

- 12.1 The Chief Building Official may request that a professional engineer or an Ontario Land Surveyor, at the footing and/or foundation stages of construction of a structure, certify that the elevation or location of the building are in general conformity with the Building Code and the approved grading plan.
- 12.2 The Chief Building Official may request that a professional engineer or Ontario Land Surveyor, at completion of construction, certify that the final building and ground elevations are in general conformity with the approved plan.

13. Payment of Fees

- 13.1 Fees for a permit shall be as set out in the Municipality's in force Fees By-law (which is updated on an annual basis by the Municipality) and are to be paid in full prior to the issuance of a permit. The collection, reporting, changing and administration of fees shall be in accordance with the *Act* and *Municipal Act*, as applicable.
- 13.2 Where fees payable in respect of an application for a permit are based on a floor area, floor area shall mean the total finished floor space of all stories subject application.
- 13.3 Where fees payable in respect of an application for a permit are based on a floor area for an unfinished building, such as a garage or drive shed, floor area shall mean the total area of the subject building.

14. Refunds

In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with *Schedule "B"* attached to and forming part of this by-law.

15. Notice Requirements for Inspections

The owner or an authorized agent shall notify the Chief Building Official, at least one business day, prior to each stage of construction for which notice in advance is required under the Building Code and *Schedule "A"* of this By-law.

16. Remote Inspections

At the discretion of an inspector, an inspection may be conducted as a remote inspection when the inspector may not be able to attend a construction site to do an inspection in person. The form of a remote inspection may take various forms including the exchange of pictures, videos, live video calls, or other forms of technical media, which may satisfy an inspector who is in communication with a builder or contractor.

17. As Constructed Plans

The Chief Building Official may require that a set of as constructed plans for any class of building be filed with the Chief Building Official upon completion of construction.

18. Fencing

If so directed by the Chief Building Official, the following are provisions concerning fences to be erected and maintained during construction authorized by a permit:

- 18.1 The person to whom a building permit is issued in respect of construction which will take place at a construction site shall erect or cause to be erected and maintained a fence enclosing the construction site in accordance with the provisions of this by-law.
- 18.2 Where there is fencing on or adjoining a construction site prior to the application for a building permit in respect of that site, such fencing may be deemed to be in compliance with this by-law provided it is extended along the entire perimeter of the construction site as determined by the Chief Building Official and the extended fencing is erected in accordance with this By-law.
- 18.3 The height of every fence required by section 18 of this by-law shall be a minimum of 4 feet (1.2 metres) and a maximum of 6 feet (1.8 metres) in height, to be measured from the highest adjacent grade.
- 18.4 The materials used in construction of a fence required under section 18 of this by-law shall be of sound and durable material able to withstand up to 250 pounds applied vertically at any point, and fastened/supported appropriately.

19. Transfer of Permits

Permits are transferable only upon the new owner completing a permit application to the requirements of Section 5 of this by-law and in accordance with the Act.

20. Order by Inspector or Chief Building Official

Orders may be issued under the authority of the Act and this by-law by an Inspector or Chief Building Official in order to ensure compliance with the Act, Building Code or this By-law.

20.1 No person shall remove an order posted by an Inspector or Chief Building Official.

20.2 No person shall fail to comply with a term of an order.

20.3 No person shall perform or permit any actions in the construction or demolition of a building in which a stop work order has been issued.

21. Enforcement

21.1 An officer may enforce the provisions of this by-law.

22. Offences, Penalties, and Enforcement

22.1 Any person or corporation who contravenes any provision of this By-law is guilty of an offence, and upon conviction in a Part I proceeding under the *Provincial Offences Act*, shall be liable for a fine as set out as set out in *Schedule "E"*, Set Fines, to this By-law.

22.2 Any person or corporation who contravenes any provision of this By-law is guilty of an offence, and upon conviction in a Part III proceeding under the *Provincial Offences Act*, shall be liable for a penalty in accordance with section 36 of the *Act*, which provides for maximum penalties of \$50,000.00 for a first offence and \$100,000.00 for subsequent offences for persons, and \$500,000.00 for a first offence and \$1,500,000.00 for subsequent offences by corporations, exclusive of costs.

22.3 In addition to subsections 21.1 and 21.2 above, every person (individual or corporation) who fails to comply with an Order made by a Chief Building Official under the authority of the *Act* (as set out in section 19 of this By-law) is guilty of an offence, which is hereby designated a 'continuing offence' pursuant to section 429(2)(a) of the *Municipal Act* for each day the order has not been complied with. In the event the Municipality furthers enforcement of this offence of failure to comply with an Order through a By-law prosecution commenced under Part III of the *Provincial Offences Act*, in addition to the penalties in section 36 of the *Building Code Act*, the offender upon conviction, is liable to a fine of not more than \$10,000.00 per day for every day the offence continues after the time given for complying with the order has expired.

22.4 As set out in section 431 of the *Municipal Act*, and in addition to any other enforcement, remedy or penalty provided for in this By-law, where a conviction has been entered in Part III proceedings under the *Provincial Offences Act*, the court which enters the conviction and/or any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person (individual and/or corporation) convicted.

23. Severability

23.1 In the event that any provision or part of this By-Law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-Law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

24. Repealed By-laws & Force in Effect

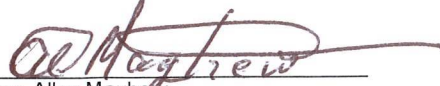
24.1 That By-law No. 2008-048, passed by the Council of Southwest Middlesex on

the 25th day of June, 2008 be hereby repealed

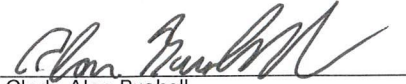
25. Code of Conduct

25.1 The code of conduct and associated policies as required under section 7.1 of the Act are set out in *Schedule "D"* of this by-law

READ a FIRST, SECOND AND THIRD TIME and FINALLY PASSED on this 25th day of October, 2023



Mayor, Allan Mayhew



Clerk, Alan Bushell

SCHEDULE "A"

TO BY-LAW NUMBER 2023-071

REQUIRED INSPECTION

The Chief Building Official shall be given one business day notice for the following inspections:

1. Excavation
2. Footings – prior to pouring concrete
3. Sewage system - excavation
4. Water service - connection and pressure test before backfill
5. Storm – Private Drain Connection - piping material and test before backfill
6. Sanitary P.D.C. - piping material and test before backfill
7. Foundation - drainage layer, dampproofing, drainage tiles, stone layer support- before backfill
8. Framing - inspection of walls, floors, roof, bracing, exterior cladding, etc. before work is covered by insulation, drywall, etc.
9. Plumbing - basework, upper/lower rough-ins, final tests
10. Insulation / vapour Barrier/Air Barrier – prior to covering
11. Heating and ventilation – rough-in
12. Sewage system – completion of installation before backfill
13. Occupancy – prior to occupancy of any part of a residential building
14. Final building – upon substantial completion of building and prior to occupancy of any building
15. Final - Septic System – prior to backfilling system and also prior to use of sewage system
16. Final – pool – upon Completion of fencing and no later than seven days after pool has been filled
17. Solid Fuel Burning Appliances – including construction of flue, chimney and hearth
18. Other inspections – prior to any other inspections as may be noted on the building permit or required by the Building Code (such as, but not limited to fire separations and closures and fire protection systems)

SCHEDULE "B"

TO BY-LAW NUMBER 2023-071

REFUNDS

| <u>Status of Permit Application</u> <u>Refund</u> | <u>Percentage of Fee Eligible for</u> |
|---|---|
| 1. Application Filed No processing or review of plans submitted | 90 – 100% |
| 2. Application Filed. Plans reviewed and permit issued | 60 – 70%, but not less than \$200.00 |
| 3. Additional deduction from number 2 above for each field inspection | 10% |
| 4. Permits with fees of \$200.00 or less | 0% |

SCHEDULE "C"

TO BY-LAW NUMBER 2023-071

FORMS

1. Energy Efficiency Design Summary
2. Occupancy Permit
3. Schedule One
4. Schedule Two
5. Demolition Acknowledgement Sheet

SCHEDULE "D"

TO BY-LAW NUMBER-2023-071

CODE OF CONDUCT FOR BUILDING OFFICIALS

Preamble

The Code of Conduct applies to the Chief Building Official and Inspectors appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act of the Building Code.

Purpose

The purpose of the code of conduct is to promote appropriate standards of behavior and enforcement actions to ensure that building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power, including unethical or illegal practices.

Standards of Conduct

Building Officials shall undertake:

1. To always act in the public interest, particularly with respect to the safety of buildings and structures.
2. Not to act where there may be, or where there may reasonably appear to be, a conflict between their duties to their employer, their profession, their peers, the public at large and their personal interests.
3. To apply known relevant building by-laws, codes, and standards appropriately and without favour.
4. To perform their duties impartially and in accordance with the highest professional standards.
5. At all times to abide by the highest moral and ethical standards, and to avoid any conduct which may bring Building Officials into disrepute.
6. To comply with the provisions of the Building Code Act, the Ontario Building Code, and other Acts or Laws which regulate or govern Building Officials or their functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. To maintain current accreditation to act as an Ontario Building Official.
9. To extend professional courtesy to all.

Breaches of the Code of Conduct

The Ontario Building Code Act provides that the performances of Building Officials will be measured against this Code of Conduct. The Municipal Administration will review allegations brought forward, in writing, that the Code of Conduct has been breached. Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Municipality, and will be based on the severity and frequency of the violations in accordance with relevant employment standards.

SCHEDULE "E"

**MUNICIPALITY OF SOUTHWEST MIDDLESEX
TO BY-LAW NUMBER 2023-071 – BUILDING BY-LAW**

SET FINES

PART I PROVINCIAL OFFENCES ACT

| ITEM | COLUMN 1 SHORT FORM WORDING | COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE | COLUMN 3 SET FINE |
|-------------|--|--|------------------------------|
| 1. | Construct building without permit | Section 6.1 | \$500.00 |
| 2. | Construct swimming pool without permit | Section 6.1 | \$500.00 |
| 3. | Demolish building without permit | Section 6.1 | \$500.00 |
| 4. | Occupy without occupancy permit | Section 8.1 | \$750.00 |
| 5. | Remove posted order | Section 20.1 | \$300.00 |
| 6. | Fail to comply with an order | Section 20.2 | \$500.00 |
| 7. | Fail to comply with a stop work order | Section 20.3 | \$1,000.00 |

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 22.1 OF BY-LAW NUMBER 2023-071, A CERTIFIED COPY OF WHICH HAS BEEN FILED.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

March 4, 2024

Alan Bushell
Municipality of Southwest Middlesex
153 McKellar St
Glencoe, ON N0L 1M0

Dear Mr Bushell

Re: Set Fines - Provincial Offences Act - Part 1 By-law 2023-071, Building By-Law

Enclosed herewith is the Part 1 original Order and original schedule of set fines for the above referenced Bylaw, the Bylaw indicated in the schedules.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Court in London, together with a certified copy of the Bylaw.

Yours truly,

A handwritten signature in black ink, appearing to read 'M. Edward Graham'.

M. Edward Graham
Regional Senior Justice
Ontario Court of Justice
Encl.

/tz

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and **By-law 2023-071 of the Municipality of Southwest Middlesex** attached hereto are the set fines for those offences. This Order is to take effect March 4, 2024.

Dated at London this 4th day of March 2024.



M. Edward Graham
Regional Senior Justice
Ontario Court of Justice

SCHEDULE "E"

**MUNICIPALITY OF SOUTHWEST MIDDLESEX
TO BY-LAW NUMBER 2023-071 – BUILDING BY-LAW**

SET FINES

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