

Section 1.6. Permits, Applications and Fees

1.6.1. Permits

1.6.1.1. When a Permit is Required

- 1) A *permit* is required before any work regulated by this By-Law is undertaken.

1.6.1.2. Construction without a Permit

- 1) If *construction* for which a *permit* is required has been commenced before a *permit* has been issued, the *owner* shall
 - a) make application for any necessary *permits* in accordance with Subsection 1.6.2. of this By-law, and
 - b) pay to the *City*, double the fee set out in the Fee Schedule to a maximum of \$20,000, but in no case less than \$500.
- 2) If *construction* for which a *permit* is required has been commenced before a *permit* has been issued, the *owner* shall, if ordered to do so by the *Chief Building Official*,
 - a) provide proof that the *construction* complies with this By-law and any other applicable enactments,
 - b) carry out tests and investigations by independent agencies, at the cost of the *owner*, to determine whether or not the *construction* complies with this By-law,
 - c) carry out tests and investigations by independent agencies, at the cost of the *owner*, to determine appropriate remedial measures to ensure that the *construction* complies with this By-law,
 - d) provide to the *Chief Building Official*, at the cost of the *owner*, the results of any tests and investigations ordered by the *Chief Building Official*, and
 - e) provide documentation to the satisfaction of the *Chief Building Official* to establish that all remedial measures to ensure the *construction* complies with this By-law have been completed.

1.6.1.3. Additional Permits

- 1) In addition to a *permit* required by Article 1.6.1.1., other *permits* and supporting documents necessary for specific *building* components, services and uses, may be required by the *Chief Building Official*.

1.6.2. Application for Permit

1.6.2.1. Owner Requirement

- 1) To obtain a *permit*, the *owner* shall file an application in writing in the form prescribed by the *Chief Building Official*.

1.6.2.2. Application Requirements

(See Note A-1.6.2.2.)

- 1) Except as otherwise provided in this By-law, every application shall
 - a) describe the work, *building*, *construction* or and *occupancies* for which the *permit* is required,
 - b) provide a legal description and address for the land on which the work is to be done,
 - c) include plans and other supporting documents which conform with Section 2.2. of Division C,
 - d) state the value of the proposed work calculated in accordance with Article 1.6.2.3.,
 - e) include the requisite *permit* fee, in accordance with the Fee Schedule at the end of this Part,
 - f) include the appropriate *owner's* undertaking letter in the applicable form set out in Schedule E-1 or E-2 at the end of this Part,
 - g) include any other plans or supporting documents required by the *Chief Building Official* to establish that the work, *building*, *construction* and *occupancy* complies with this By-law or any other enactment, and
 - h) list the names, addresses, electronic mail addresses and telephone numbers of all *owners*, designers and constructors.

1.6.2.3. Valuation for Permit

- 1) The value of the proposed work stated on the application for the *permit* shall reflect the total current monetary worth of all proposed materials, *construction* and work related to the *building*.
- 2) In addition to Sentence (1), the value of the proposed work shall include the total current monetary worth of all labour and all fees and costs incurred for design, investigative testing, consulting services, *construction*, *construction* management, *contractor's* profit and overhead, sales taxes, and *construction* insurance related to the *building*.
- 3) The total current monetary worth referred to in Sentences (1) and (2) shall include the market value of all labour, including unpaid labour provided by an *owner* or volunteer, and the market value of all materials, including donated, recycled or used materials.
- 4) The total current monetary worth referred to in Sentences (1) and (2) shall include all components of the *building*, notwithstanding the fact that some components of the *building* may be subject to other *permits* and fees.

1.6.2.4. Review of Valuation by Chief Building Official

- 1) The *Chief Building Official* may review the value of the proposed work stated in an application, using the Marshall Valuation Method, and may substitute a different value for the proposed work.

1.6.2.5. Fee Schedule

- 1) *Permit* fees shall be calculated in accordance with the Fee Schedule at the end of this Part and the fees for *construction* without a *permit* are as outlined in Article 1.6.1.2.

1.6.2.6. No Refund

- 1) Except as permitted in Article 1.6.2.7. or Article 1.6.4.5., no *permit* fees or part thereof shall be refunded if
 - a) *construction* authorized by a *permit* has commenced,
 - b) the *permit* has expired pursuant to Article 1.6.7.1., or
 - c) the application has lapsed as outlined in Article 1.6.2.8.

1.6.2.7. Partial Refund and Set-off

- 1) If *construction* authorized by *permit* has not commenced and the *Chief Building Official* approves, the Director of Finance may refund a portion of the fees related to the *permit*, after deduction of any outstanding costs incurred by the *City* in processing the application for the *permit* and in carrying out any work pursuant to Article 1.5.3.5. or Article 1.5.3.6.

1.6.2.8. Lapse of Application

- 1) Subject to the provisions of Article 1.6.2.9., an *owner* shall comply with all the necessary requirements to complete an application for a *permit* within 6 months after the date of receipt of the application by the *Chief Building Official*.
- 2) If an *owner* fails to comply with the requirements of Sentence (1), the application for a *permit* shall lapse.
- 3) An application for a *permit* which has lapsed is expired and shall not be renewed except in accordance with Article 1.6.2.9.

1.6.2.9. Renewal of Lapsed Application

- 1) The *Chief Building Official* may renew a lapsed application for a *permit* if the *Chief Building Official* determines that
 - a) no more than 3 months have passed since the date the application lapsed, and
 - b) the failure to complete the requirements of the original application for a *permit* was reasonable in the circumstances.
- 2) Despite the provisions of Sentence (1), the *Chief Building Official* shall not renew a lapsed application for a *permit* more than once.
- 3) An application for a *permit* which has been renewed pursuant to Sentence (1) must comply with any amendments to this By-law made since the date of receipt of the original application by the *Chief Building Official*.

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1.6.3. Additional Requirements for Plumbing, Mechanical and Sprinkler Permits

1.6.3.1. Application Requirements

1) The *Chief Building Official* may issue a *permit* for a *plumbing system*, *mechanical system* or *sprinkler system* if the applicant is authorized to obtain such a *permit* in accordance with the provisions of this Section.

1.6.3.2. Permit for Plumbing System

1) The *Chief Building Official* shall only issue a *permit* to construct, extend, alter, renew or repair a *plumbing system* to a licensed *plumbing contractor*.

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1.6.3.3. Permit for Mechanical System

1) The *Chief Building Official* shall only issue a *permit* to construct, extend, alter, renew or repair a *mechanical system* to a *plumbing contractor*, licensed *electrical contractor* or a *gas contractor*.

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2) The *Chief Building Official* shall only issue a *permit* to install a *mechanical system* that includes a *heat pump* to a *plumbing contractor*, a licensed *electrical contractor* or a *gas contractor* who holds a *Municipal Heat Pump Certification*.

1.6.3.4. Permit for Sprinkler System

1) The *Chief Building Official* shall only issue a *permit* to construct, extend, alter, renew or repair a *sprinkler system* to a licensed *sprinkler contractor*.

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1.6.3.5. Permit for Plumbing System to Licensed Contractor

1) Despite the provisions of Article 1.6.3.2., the *Chief Building Official* may issue a *permit* to a licensed *contractor*

- a) to install *sewers*, *sumps*, *catch basins*, and water lines outside of a *building*, or
- b) to install backflow devices or other similar protection devices inside a *building*.

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1.6.3.6. Permit for Plumbing System to Owner

1) Despite the provisions of Article 1.6.3.2., the *Chief Building Official* may issue a *permit* to the *owner* of a residential *building* with not more than one principal *dwelling unit* to do plumbing work in that *building* if the *owner* is the occupier of the *building*.

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1.6.3.7. No Permit for Minor Repairs to Plumbing or Mechanical System

1) Despite the provisions of Article 1.6.3.1., no *permit* is required to repair or replace a valve, faucet, *fixture*, *fixture outlet pipe* or *service water heater*, to clear a stoppage, or to repair a leak, if there is no change to any other piping.

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1.6.3.8. Requirement for Inspection

1) A *plumbing system*, *mechanical system* or *sprinkler system* shall be inspected by the *Chief Building Official*, unless the *Chief Building Official* determines that an inspection is not necessary.

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1.6.4. Applications by Certified Professionals

1.6.4.1. Applications for Permits by Certified Professionals

1) A *Certified Professional* may apply for a *permit* on behalf of an *owner*.

1.6.4.2. Requirements for Permit

1) A *Certified Professional* who applies for a *permit* on behalf of an *owner* must comply with the requirements of Section 1.6 of this By-law.

1.6.4.3. Application Review For Permit

1) The *Chief Building Official* may issue a *permit* based upon a modified review of the drawings and other

supporting documents submitted with the application for a *permit* by a *Certified Professional*.

1.6.4.4. Site Review For Permit

1) A *Certified Professional* shall carry out detailed site reviews and shall be responsible for monitoring and follow-up necessary to support the *construction* authorized by the *permit* and to support the *construction* of the entire *building*.

1.6.4.5. Refund of Permit Fees

1) Except as otherwise determined in this Article, the *Chief Building Official* may refund a portion of the fees for a *permit* issued to a *Certified Professional* to reflect costs assumed by the applicant that would have otherwise been incurred by the *Chief Building Official*.

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12683

2) An application for a refund of *permit* fees pursuant to Sentence (1) must be submitted to the *Chief Building Official* in writing, within 90 days following the issuance of a final *occupancy permit*.

3) Calculation of the *refund* pursuant to Sentence (1) shall be determined from

- a) the prevailing fee rate(s) at the time of application for the refund, and
- b) as applicable and determined in
 - i) the Schedule of Fees at the end of this Part as if it were a revision or reinspection, or
 - ii) the Schedule of Fees in the “Zoning and Development Fee By-law” currently in force and effect as if it were a revision or reinspection.

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12683

4) No refund for *permit* fees or part thereof identified pursuant to Sentence (1) shall be issued for

- a) *alterations* to existing buildings, or
- b) the failure to make an application pursuant to the requirements of Sentence (2).

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1.6.5. Applications for Staged Construction by Certified Professionals

1.6.5.1. Requirements for Staged Construction

- 1) The *Chief Building Official* may issue a *permit* to construct a *building* in stages if
 - a) the applicant for the staged *construction* is a *Certified Professional*,
 - b) the *Certified Professional* also applies for permission to construct the entire *building*,
 - c) the *Certified Professional* submits complete plans and all supporting documents for each portion of the work for which a *permit* for staged *construction* is sought, and
 - d) the *Certified Professional* submits all documents required pursuant to the Certification of Professionals By-law.

1.6.5.2. Owner’s Risk

1) The issuance of a staged *permit* creates no obligation on the *Chief Building Official* to issue any other staged *permits* or to issue a *permit* to construct the entire *building*.

2) An *owner* who commences *construction* of a *building* in accordance with a staged *permit* does so at the *owner’s* risk.

1.6.5.3. Owner’s Responsibility

1) An *owner* who fails to complete the work authorized by a *permit* for staged *construction* or who fails to comply with the conditions of a *permit* for staged *construction* shall restore the site to a safe condition, to the satisfaction of the *Chief Building Official*.

1.6.5.4. Application Review for Permit for Staged Construction

1) Where a *Certified Professional* complies with all application requirements for a *permit* for staged *construction*, the *Chief Building Official* may issue a *permit* for staged *construction* based upon a modified review of the drawings and other supporting documents submitted for the *permit* for staged *construction*.

1.6.5.5. Site Review of Staged Construction

1) Where a *permit* for staged *construction* is issued, the *Certified Professional* shall carry out detailed site reviews and shall be responsible for monitoring and follow-up necessary to support the *construction* authorized by the *permit* for staged *construction* and to support the *construction* of the entire *building*.

1.6.6. Revisions**1.6.6.1. Revisions to Applications**

- 1) All applications for revisions to the original application shall comply with Article 1.6.2.2.
- 2) When revisions to the original application result in an increase in the value of the proposed work, the *Chief Building Official* shall review the valuation and recalculate the *permit* fee in accordance with this By-law.
- 3) When application documents are either incomplete or changed to the extent that an additional plan review is necessary, an additional revision fee shall be charged in accordance with the Fee Schedule at the end of this Part.

1.6.6.2. Minor Revisions to Permits

- 1) All applications for minor revisions to the original *permit* shall comply with Article 1.6.2.2. to the extent required by the *Chief Building Official*.
- 2) When applications for minor revisions to the original *permit* result in an increase in the value of the proposed work, the *Chief Building Official* shall review the valuation and recalculate the *permit* fee in accordance with this By-law.
- 3) An additional revision fee shall be charged for applications for minor revisions to the original *permit* in accordance with the Fee Schedule at the end of this Part.

1.6.7. Permit Expiry and Extension**1.6.7.1. Permit Expiry**

- 1) Except as provided in this Subsection, a *permit* shall expire and the rights of the *owner* under the *permit* shall terminate if in the opinion of the *Chief Building Official*
 - a) the work authorized by the *permit* is not commenced within 6 months from the date of issue of the *permit*,
 - b) the work although commenced is not continuously and actively carried out thereafter, or
 - c) the work has been substantially discontinued for a period of 6 months. (See Note A-1.6.7.1.(1).)
- 2) Except as provided in this Subsection 1.6.7., a *permit* for a temporary *building* or *occupancy* shall expire and the rights of the *owner* under the *permit* shall terminate on the expiry date noted on the *permit*.

1.6.7.2. Application to Chief Building Official for Extension

- 1) An *owner* who wishes to seek an extension of a *permit* shall make application to the *Chief Building Official* prior to the expiry of the *permit*.
- 2) An *owner* who wishes to seek an extension of a *permit* shall submit the application in writing accompanied by the requisite extension fee.

1.6.7.3. Extension of Permit by Chief Building Official

- 1) If the *Chief Building Official* is of the opinion that substantial completion of the work has been prevented because of exceptional circumstances, the *Chief Building Official* may extend the *permit* twice only, provided that, in the meantime, no applicable amendments have been made to this By-law.
- 2) If the *Chief Building Official* is of the opinion that a *building* or *occupancy* is temporary, the *Chief Building Official* may extend the *permit* for a temporary *building* or *occupancy* twice only, provided that, in the meantime, no applicable amendments have been made to this By-law.

1.6.7.4. Application to Council for Extension

- 1) An *owner* who has been granted an extension of a *permit* by the *Chief Building Official* may make application to Council for a further extension prior to the expiry of the *permit*.

2) An *owner* who wishes to seek an extension of a *permit* from Council shall submit an application in writing to the *Chief Building Official* accompanied by the requisite extension fee.

3) The *Chief Building Official* shall forward to Council any application submitted in accordance with this section, together with information and advice to assist Council in considering the application.

1.6.7.5. Extension of Permit by Council

1) Council may extend a *permit* for such further period or periods it deems appropriate.

2) If Council grants an extension of a *permit*, the *Chief Building Official* shall endorse the further extension or extensions on the *permit*.

1.6.8. Permits for Temporary Buildings, Including Tents and Air-Supported Structures

1.6.8.1. Definition of “Temporary”

1) In this Subsection, “temporary” means for a time period not exceeding 12 consecutive months or a fixed term of occupancy not to exceed 3 years where *acceptable*.

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1.6.8.2. Compliance with By-law

1) Except as otherwise provided in this Subsection or in Section 11.6, Division B, Book 1, no person shall erect a temporary *building*, including a tent or *air-supported structure*, which does not comply with this By-law.

1.6.8.3. Permit Required

1) No person shall erect, or use or occupy a temporary *building*, including a tent or *air-supported structure* without a *permit*.

1.6.8.4. Compliance with Permit Conditions

1) No person shall erect, or use or occupy a temporary *building*, including a tent or *air-supported structure*, in contravention of the conditions of a *permit*.

1.6.8.5. Application Requirements

1) The application for a *permit* for a temporary *building*, including a tent or *air-supported structure*, shall be accompanied by

- a) plans showing the location of the temporary *building*, tent or *air-supported structure* on the site, all other *existing buildings* on the same property and all other *buildings* on adjacent property located within at least 10 feet of the property line of the site,
- b) *construction* details of the *building*, tent or *air-supported structure*, and
- c) a statement by the *owner* indicating the intended use and intended duration of such use.

2) The application for a temporary *occupancy permit* for a tent or *air-supported structure* shall be accompanied by documentation sufficient to establish that the tent or *air-supported structure* complies with Subsection 3.1.6. of Division B of Book I (General) of this By-law.

1.6.8.6. Time Limited Permits for Temporary Buildings

1) The *Chief Building Official* may issue a *permit* authorizing the *construction*, use or *occupancy* of a temporary *building*, including a tent or *air-supported structure*, and may attach conditions to such *permit*, including conditions allowing for selective compliance with the provisions of this By-law, if the *Chief Building Official* determines that the *construction*, use or *occupancy* will exist for a short time, and the circumstances do not warrant complete compliance with this By-law.

1.6.8.7. Permit End Date

1) A *permit* for a temporary *building*, including a tent or *air-supported structure*, shall state the date after which the *permit* is no longer valid.

1.6.8.8. Permit Extension

- 1) A *permit* for a temporary *building*, including a tent or *air-supported structure*, may only be extended if an extension is granted by the *Chief Building Official* prior to the expiry of the *permit*.
- 2) An *owner* who wishes to seek an extension of a *permit* for a temporary *building* from the *Chief Building Official* shall submit an application in writing to the *Chief Building Official* accompanied by the requisite extension fee.
- 3) If the *Chief Building Official* is of the opinion that the temporary *building* complies with the life safety requirements of this By-law, the *Chief Building Official* may extend the *permit* once only, and the *Chief Building Official* may require documentation from *registered professionals* to verify that the requirements of this By-law are being met.

1.6.9. Operating Permits**1.6.9.1. Operating Permit Required**

- 1) No person shall install or retain existing equipment or systems for which an *operating permit* is required under this By-law, without an *operating permit*.

1.6.9.2. Compliance with Permit Conditions

- 1) No person shall install or retain existing equipment or systems for which an *operating permit* is required under this By-law, in contravention of the conditions of an *operating permit*.

1.6.9.3. Application Requirements for New Operating Permits and Renewals

- 1) To obtain or renew an operating permit, the owner of the equipment, device, apparatus, or system, or their authorized representative, shall file an application in writing in the form prescribed by the Chief Building Official.
- 2) The application for a new operating permit or the renewal of an operating permit shall be accompanied by the operating permit fees and any documentation required by the Chief Building Official to verify that the requirements of this By-law are being met.
- 3) Except as provided in Sentence (4), operating permits are valid for a one year period, and shall be renewed on an annual basis.
- 4) Operating permits for once through cooling equipment will be valid for a period deemed appropriate by the Chief Building Official or City Engineer, and if valid for a one year period, shall be renewed on an annual basis.

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- 1) The owner of the equipment, device, apparatus, or system, or their authorized representative, must be certified under the Environmental Operators Certification Program, except that this requirement does not apply to once through cooling equipment. (See Note A-1.6.9.4.(1).)

1.6.9.5. Conditions on Operating Permits

- 1) The Chief Building Official may impose conditions on operating permits including, but not limited to, conditions regarding
 - a) notifications and notices,
 - b) safety,
 - c) health,
 - d) design requirements,
 - e) *construction* requirements,
 - f) timing of *construction*,
 - g) deadlines for completion of *construction*,
 - h) reviews and inspections,
 - i) responsibilities of the owner of the equipment, device, apparatus, or system, the *constructor*, the *registered professional* and the *certified professional*,

- j) compliance with this By-law and other enactments,
- k) use and *occupancy*, and
- l) temporary *buildings* and *occupancies*.

1.6.9.6. Operating Permit Fees

- 1) *Operating permit* fees are as set out in the Schedule of Fees at the end of this Part.