

## THE CORPORATION OF THE TOWNSHIP OF NIPIGON

By-Law No. 1987

Repeals By-laws No. 1322

Being a By-law respecting  
construction, demolition and change  
of use permits and inspections in the  
Township of Nipigon.

**WHEREAS** pursuant to the Building Code Act, as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario to regulate all construction, demolitions, extensions, material alterations and changes of use with respect to buildings, for which the Council of the Township of Nipigon has appointed a Chief Building Official and such inspectors for the proper administration of the said Building Code.

**AND WHEREAS** Section 7 of the Building Code Act, 1992, S.O.1992, Chapter 23, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

**NOW THEREFORE BE IT RESOLVED THAT** the Corporation of the Township of Nipigon **ENACTS AS FOLLOWS:**

### **SHORT TITLE**

1. This By-law may be cited as the "Building Permit By-Law".

### **DEFINITIONS**

2. In this by-law,
  - a) "**Act**" means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.
  - b) "**As constructed plans**" means as constructed plans as defined in the Building Code.
  - c) "**Applicant**" means the owner of a building or property who has applied for a permit and/or any person authorized by the owner to apply for a permit on the owner's behalf, or any person of a corporation empowered by statute to cause building construction or demolition of a building and anyone acting under the authority of such person or corporation.
  - d) "**Architect**" means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the Building Code.
  - e) "**Building**" means a building as defined in Section 1(1) of the Act.
  - f) "**Building Code**" means the regulations made under Section 34 of the Act.
  - g) "**Chief Building Official**" means the chief building official appointed by the by-law of The Township of Nipigon.
  - h) "**Corporation**" means The Corporation of the Township of Nipigon
  - i) "**Farm Building**" means a farm building as defined in the Building Code.
  - j) "**Owner**" means the registered owner of the land and includes lessee, mortgagee in possession and the person responsible for the property.
  - k) "**Permit**" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act, or to change the use of a building or part of a building or parts thereof as regulated by the Act.
  - l) "**Permit Holder**" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code
  - m) "**Plumbing**" means plumbing as defined in Section 1(1) of the Act.
  - n) "**Professional engineer**" means a person who holds a license or a temporary license under the Professional Engineer's Act, as defined in the Building Code.
  - o) "**Sewage system**" means a sewage system as defined in Section 1(1) of the Act.
  - p) "**Prescribed value**" means, as determined by the Chief Building Official, the value of construction of a proposed building or designated structure including the total value of all work, labour, equipment, overhead, services and materials in respect of its construction and of all professional and related services.
3. Terms not defined in this by-law shall have the meaning ascribed to them in the Act or the Building Code.

## **PERMITS**

### **Classes of Permits**

4. Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule "A" to this By-Law.

### **Partial Permits**

5. When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made and fees paid for the complete project. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.

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

## **ADMINISTRATIVE PROCEDURES RELATING TO PERMITS**

### **Revision to Permit**

6. After the issuance of a permit under the Act, 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 together with the details of such change, which is not to be made without his or her written authorization.

### **Revocation of Permits**

7. The Chief Building Official, subject to provisions outlined in subsection 8(10) of the Act has the authority to revoke a permit issued under the Act.

### **Permit Application**

8. To obtain a permit, the owner or agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available from the Chief Building Official or from the Ontario Building Code website. Forms prescribed by the Corporation under clause 7(1)(f) of the Act shall be set out in Schedule "B" to this By-Law.

### **Building, Conditional and Demolition Permits**

9. Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:
  - (1) Where application is made for a construction permit under Subsection 8(1) of the Act, the application shall:
    - a) use the provincial application form, "Application for a Permit to Construct or Demolish"; and
    - b) Describe the lands on which the work is to be done, by a description that will readily identify and locate the building lot.
    - c) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by the permit.
    - d) Be signed by the owner(s) and their agent.
  - (2) Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall:
    - a) use the provincial application form, "Application for Permit to Construct or Demolish"; and
    - b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this By-Law for work to be covered by the permit; and
    - c) Include satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, electrical, sewer, gas, telephone or other utilities or services.
  - (3) Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
    - a) use the provincial application form, "Application for Permit to Construct or Demolish";

- b) include complete plans and specifications, documents and other information as required by Sentence 2.4.1.1B of the Building Code and as described in this By-Law for work to be covered by the permit;
- c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- d) 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
- e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

#### Change of Use Permits

11. Every application for change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official, and shall:

- a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
- c) include plans and specifications showing the current and proposed occupancy of all parts of the building, 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, details of existing "sewage systems", if any;
- d) be accompanied by the required fee;
- e) state the name, address and telephone number of the owner; and
- f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

#### Equivalents

12. 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:

- a) A description of the proposed material, system or building design for which authorization under section 9 of the Act is requested;
- b) Any applicable provisions of the Building Code; and
- c) Evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

#### Plans and Specifications

13. 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. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this by-law. Plans shall be drawn to scale on paper, or other durable material, shall be legible and, without limiting the generality of the forgoing, shall include such working drawings as set out in Schedule "B" to this By-Law unless otherwise specified by the Chief Building Official.

#### The Site Plan

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

- Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings;
- Existing and finished ground levels or grades;
- Existing rights-of-way, easements and municipal services;
- Proposed fire access routes and existing fire hydrant locations; and
- Location and dimensions of existing or proposed on site sewage systems.

#### Payment of Fees

15. Fees for a required permit shall be as set out in Schedule "A" to this by-law and are due and payable upon submission of an application for a permit. Where the fees payable in respect

of an application for a partial permit or a conditional permit, fees shall be paid for the complete project. Where the fees payable in respect of an application for a construction or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(3) of the Act are based on the prescribed value of the proposed work, such value shall be as defined in this by-law.

16. Permit Fees shall be doubled if construction/demolition has started before the permit is issued. Payment of double fees will not relieve any person or corporation from:
- a) fully complying with the Ontario Building Code; or
  - b) fully complying with the Township's Zoning By-law.
  - c) any penalty prescribed in the Act for starting or proceeding with work prior to obtaining a construction permit.

#### Refunds

17. In the case of withdrawal of an application or abandonment of all or a portion of the work or the non-commencement of any project, and upon written request, 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 "A" attached to and forming part of this by-law.
18. Except as provided above, there shall be no refund of permit fees where a permit has been revoked or transferred.

#### Permit Rebates

18. To incentivize the development of additional housing/dwelling units in the Township of Nipigon, the Township of Nipigon will provide a rebate of up to 50% of the paid building permit fees for construction that results in the creation of new residential dwellings or units. The permit holder must apply for the rebate prior to receiving a refund. To qualify, the following must occur:
- a) The permit holder received a permit prior to construction and paid the fees in full, including all additional inspection fees and applicable interest.
  - b) The permit was not previously revoked.
  - c) The construction meets all necessary zoning setbacks.
  - d) The permits results in an increased total property assessment for the property that the building is located on.
  - e) The permit holder was not in violation of any Building Code, Zoning, or other Township by-law violations during the construction of the building.
  - f) The permit was opened and closed within two (2) years, with an occupancy permit being provided during this time.
  - g) The permit was opened between January 1, 2025 to December 31, 2026.
19. To incentivize the development of commercial units in the Township of Nipigon, the Township of Nipigon will provide a rebate of up to 40% of the paid building permit fees for permits that result in the creation of new commercial units. The permit holder must apply for the rebate prior to receiving a refund. To qualify, the following must have occurred.
20. Demolition permits may be refunded 50% if the building is derelict and is in the urban area of the Township of Nipigon as long as the requirements under sections 1 (d,e,f) were met.
21. The Chief Administrative Officer (CAO) or designate has the authority to approve permit rebates so if they meet the requirements to receive a rebate and an application for rebate is made.
22. For permits that do not meet the requirements under section 1 and 2, permit holders may request for a rebate up to 25% which shall be subject to Council approval.
23. By resolution of Council, the rebate program period as per section 18 (g) may be extended for a set period of time.

#### Transfer of Permits

24. With approval of the Chief Building Official, permits may be transferred from the current property to the new owner, which may be transferred upon completing a permit application and paying a \$45.00 transfer fee. The new Owner shall then be the Permit Holder for the purposes of this by-law, the Act and the Building Code.

#### Timelines

25. Permits shall be open for up to two (2) years from the date that the permit was issued (the "Deadline"). If the construction or demolition was not completed within by the Deadline, the permit will be considered abandoned and the Permit Holder will be required to apply to re-open the permit to continue construction, which will be subject to the full fees as set out in schedule "A". The CBO has the authority to extend permits for an additional 12 calendar months if a request is made in writing prior to the Deadline passing.

### **NOTICE REQUIREMENTS FOR INSPECTIONS**

#### Prescribed Notices for Inspections

26. A person to whom a permit is issued shall give notice of readiness for inspection to the Chief Building Official or registered code agency as the case may be. Such notice shall be given in accordance with the provisions of the Building Code for all mandatory inspections listed in the Building Code.

#### Improper Inspection Calls

27. At the discretion of the Chief Building Official where the owner and/or agent gives notice for a specific inspection of any building, lot or parcel of land and the inspection cannot be properly carried out due to unfinished work, or the inspection is broken down to excessive site visits due to phasing of the project, or the inspection is requested to be performed outside of the regular office hours of the Corporation, the owner shall be responsible for all of the Corporation's costs, plus 20% overhead, relating to the inspection. Such costs shall be termed "Inspection Fee" and shall be paid to the Treasurer of the Corporation on demand. Inspection fees shall be payable within 30 days of the date of the invoice. As per section 15.4.2(2) of the Ontario Building Code Act, failure to remit these payments will result in the amounts owed being added to the property tax roll in the form of an administrative penalty to be collected in the same manner as property taxes, which will incur a monthly interest rate of 1.25%.

### **PRESCRIBED FORMS**

#### Prescribing Forms

28. The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule "B" to this by-law.

### **AS CONSTRUCTED PLANS**

29. The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

### **CODE OF CONDUCT**

30. In accordance with Clause 7.1(1) of the Act, the required Code of Conduct for the Chief Building Official and inspectors is established as contained in Schedule "C" to this by-law.

### **APPOINTMENT OF RCA's**

31. If the municipality directly appoints a registered code agency under Section 4.1 of the Act, an agreement must be completed.

The agreement with the registered code agency authorizes the agency to perform functions specified in the agreement. The agreements shall be in writing and as outlined in the Building Code under Article 2.22.1.1.

**CONFLICT OF BY-LAWS, CODES, REGULATIONS**

32. Where the provisions of this by-law conflict with a provision of any other by-law in effect in the Municipality or any applicable government regulation, the provision that establishes the higher standard shall prevail. The by-law shall be read in conjunction with the Act and the Building Code and is hereby declared to be part thereof of the forgoing regulations.

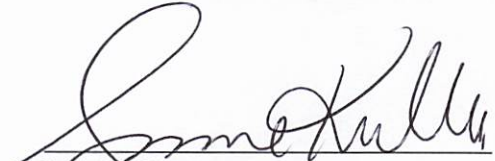
**VALIDITY**

33. Should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part so declared to be invalid.

**PENALTY**

34. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction under the *Provincial Offences Act* is liable to a fine and any other penalty imposed under the Act as defined in this by-law.
35. That By-law No. 1322 is repealed effective June 1, 2025, and are hereby replaced with By-Law No. 1987.

READ THREE TIMES AND PASSED IN OPEN COUNCIL THIS 27<sup>th</sup> Day of May, 2025

  
MAYOR

  
CLERK

**THE CORPORATION OF THE TOWNSHIP OF NIPIGON**  
**Schedule "A" to By-law No. 1987**

**PERMIT FEES**

1. Effective June 1<sup>st</sup>, 2025, the fees payable by the applicant for a building/demolition permit shall be as follows:

<b>Category or Type of Fee</b>	<b>Updated Fee Schedule (Effective June 1, 2025)</b>
Group 'C' – Low Density Residential	\$750 up to 1000 sq ft or \$0.75/ft <sup>2</sup> for buildings with a floor area over 750 sq feet
Group 'C' – Multiple Residential	\$890 up to 1000 sq ft or \$0.89 per square foot for buildings with a floor area over 1000 square feet.
Group 'C' – Residential – Major Alterations, additions	\$375 up to 500 ft <sup>2</sup> . \$0.75/ft <sup>2</sup> for buildings with a floor area over 500 ft <sup>2</sup> .
Group 'C' – Garage, carport, accessory building,	Minimum of \$100 up to 250 sq ft or \$0.40/sq ft for buildings over 250 sq ft
Group 'C' –decks, docks, ramps, minor alterations, demolition	\$80 up to 200 sq ft or \$0.40 per square feet for structures over 200 sq ft
Group 'A', 'B', 'D', 'E', 'F' – new construction and major additions or alterations	\$880 up to 2,500 ft <sup>2</sup> . \$0.352/ft <sup>2</sup> for buildings with a floor area over 2,500 ft <sup>2</sup> .
Group 'A', 'B', 'D', 'E', 'F', demolition	\$70.00
Change of Use Permit:	\$70.00
Permit Renewal (if not completed after 3 years):	50% of the original permit cost
Other permits: - Conditional - Moving Building - Signs - Temporary Structures - Woodstoves/Fireplaces	\$70
Plumbing	\$30.00 + \$12/fixture over 5 fixtures

**In addition, and for clarification purposes, permits are not required for the following renovations/construction:**

- Line Fences (must comply with zoning by-law)
- Landscaping
- Eves Troughs
- Painting (must comply with property standards by-laws)
- Demolition of a detached accessory building of 15 sq. metres or less (161.459 sq. ft.)
- Air Conditioning units
- Drywall & interior renovations that do not change the structural integrity or insulation value of the building
- Accessory structures under 15 sq. metres or less (161.459 sq. feet.), that do not hold a living quarter (must comply with Zoning by-law)
- Replacement of Windows and/or Doors with no structural change
- Replacement of Shingles/metal roof, if replacement material is the same as the original roofing material (ex. Shingle to Shingle or steel roof to steel roof replacement)
- Non-structural board replacements to existing decks (replacements that do not involve joists, support beams or guarding)

**2. Exemptions:**

Buildings and/or structures or any part thereof that are exempt from assessment by virtue of paragraphs 3, 9, 10 and 19, of Section 3 of The Assessment Act, R.S.O. 1970 and amendments thereto are exempt from permit fees but all other aspects of municipal, provincial and all other codes, regulations and by-laws must be adhered to in their entirety.

**REFUNDS**

3. If Building permit has been issued and applicable fees paid, project has not commenced, fees may be refunded as follows:

- (a) **80 per cent (80%)** if administrative functions only have been performed.
  - (b) **70 per cent (70%)** if administrative and zoning functions only have been performed.
  - (c) **45 percent (45%)** if administrative, zoning and plans examination functions have been performed.
  - (d) **35 percent (35%)** if the permit has been issued and no field inspections have been performed subsequent to permit issuance.
4. Renewal or re-assignment of permit where there is no change in proposed work - \$25.00 or one-half the original permit fee, whichever is lesser.

**THE CORPORATION OF THE TOWNSHIP OF NIPIGON**  
**Schedule "B" to By-law No. 1987**

**List of Plans or Working Drawings that shall accompany applications for permits (if applicable):**

1. Site Plan (two sets of Plans)
2. Floor Plans (two Sets)
3. Foundation Plans (two Sets)
4. Framing Plans (two Sets)
5. Roof Plans (two Plans)
6. Reflected Ceiling Plans (two Sets)
7. Sections and Details (two Sets)
8. Building Elevations (two Sets)
9. Electrical Drawings (two Sets)
10. Heating, Ventilation and Air Conditioning Drawings (two Sets)
11. Plumbing Drawings (two Sets)
12. Fire Alarm and Sprinkler Plan (two Sets)

Note: The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for a permit.

**The following are authorized forms to be completed when applying for a building permit (if applicable):**

Form 1 Application for Change of Use Permit (1)  
Form 2 Application for the use of an equivalent (1)  
Form 3 Change of Use Permit  
Form 4 Field Review Report  
Form 5 Confirmation of Commitment  
Form 6 ASHRAE 90.1 Forms  
Form 7 Building Code Assessment Sheet

**THE CORPORATION OF THE TOWNSHIP OF NIPIGON**  
**Schedule "C" to By-law No. 1987**

**Township of Nipigon - Code of Conduct for Chief Building Official and Inspectors**

**Purpose**

The Code of Conduct for Building Officials is enacted in accordance with Section 7.1 of the Building Code Act 1992 ("the Act") which requires a code of conduct for the following purpose:

1. To promote appropriate standards of behavior and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Building Code Act or Building Code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Building Code Act or the Building Code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the Building Code Act or Building Code by the Chief Building Official and Inspectors.

**Application**

This Code of Conduct applies to the Chief Building Official for the Township of Nipigon and each Deputy Chief Building Official or Inspector(s) appointed by Council.

**Enforcement Guidelines**

Compliance with this Code of Conduct shall constitute a condition of employment as a Chief Building Official or Inspector appointed under the Building Code Act. Any appointed Chief Building Official or Inspector who fails to act in accordance with the provisions of this code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this code shall be made in writing.

Any person who has reason to believe that this Code of Conduct has been breached may bring the matter to the attention of the Chief Building Official. Where the allegation concerns the actions of the Chief Building Official, the matter may be brought to the attention of the Department Head to whom the Chief Building Official reports.

Any Chief Building Official or Department Head who receives information in writing concerning a breach of this Code shall review the allegations of breach and, where justified, shall direct an investigation.

Where appropriate, the Chief Building Official or Department Head shall recommend disciplinary action in accordance with the employment standards of the place of work. All communications received by a Chief Building Official or Department Head concerning a breach of this Code shall be held in confidence.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Township of Nipigon and the Chief Building Official and will be based on the severity and frequency of the violation in accordance with employment laws and standards and relevant collective agreements.

**Code of Conduct**

1. Act in the public interest, particularly with regard to the safety of buildings, designated structures and related works.
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 and the public at large and their personal interests.

3. Administer and enforce all relevant building laws, codes and standards appropriately without favor and without influence of interested parties.
4. Comply with the provisions of the Building Code Act, the Ontario Building Code and any other Act or Law that regulates or governs Building Officials or their functions.
5. Perform inspections and plan review duties impartially and in accordance with the highest professional standards.
6. Not to act beyond their level of competence or outside of their area of expertise or qualifications as a registered Building Official.
7. Maintain their knowledge and understanding of the best current building practices, the building laws and regulations relevant to their building certifying functions.
8. Maintain current accreditation to act as an Ontario Building Official and the related duties assigned to them.
9. Not to divulge any confidential or sensitive information or material that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
10. Extend professional courtesy at all times and conduct themselves with fairness and good faith towards customers, colleagues and their co-workers.
11. Exemplify compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.
12. Recognize the appointment under the Building Code Act as a symbol of good public faith.
13. To comply with and maintain their knowledge of safe working practices in accordance with the requirements of the Occupational Health and Safety Act and established municipal health & safety policies.
14. Adhere to the Township of Nipigon Employee Conduct Policy in addition to this Code of Conduct.