

**MUNICIPAL CORPORATION OF THE TOWNSHIP
OF KILLALOE, HAGARTY AND RICHARDS**

BY-LAW NO. 42 – 2026

Being a By-Law to repeal and replace By-Law #18-2021, Being a By-Law respecting Construction, Demolition and Change of Use Permits and Inspections.

WHEREAS, subsection 5(3) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that the powers of every Council are to be exercised by By-Law;

AND WHEREAS, section 7 of the *Building Code Act*, 1992, S.O. 1992, C 23 authorizes a municipal Council to pass by-laws respecting construction, demolition and change of use permits and inspections;

NOW THEREFORE, the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

**Part 1
Definitions and Interpretation**

1.0 Short Title:

1.01 This by-law may be cited as the "Building By-Law".

2.0 Definitions:

2.01 In this by-law:

"Act" means the *Building Code Act*, 1992, S.O. 1992, Chapter 23, as amended;

"Applicant" means the owner of a building or property who applies for a permit or any authorized agent who applies for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation;

"Authorized Agent" means a person who has been authorized in writing by the owner to act on his/her behalf;

"As Constructed Plans" means construction plans and specifications that accurately reflect the building and its precise location on the property, incorporating all changes made during the actual construction process, as defined by the *Ontario Building Code*;

"Architect" means a holder of a valid license, a valid certificate of practice, or a valid temporary license under the *Architect's Act*, as amended;

"Basement" means one or more storeys of a building located below the first storey and shall include walkout basements;

"Building" means a building as defined in Section 1(1) of the *Act as amended*;

"Building Code or Code" means the regulations made under Section 34 of the *Act*, as amended;

"Chief Building Official" means the Chief Building Official appointed pursuant to subsection 3(2) of the *Act* and by by-law for the Corporation of the Township of Killaloe, Hagarty and Richards for the purposes of enforcement of the *Act*;

"Code of Conduct" means conduct for Chief Building Officials and Inspectors as set out in Schedule "B" of the By-Law;

"Complete Application" means an application that meets the requirements set out in the *Building Code* and this By-Law for applications where the Chief Building Official is required to make a decision within a prescribed time period, and Part 3 and 4 of this By-Law;

"Construct" means "Construct" as defined in subsection 1(1) of the *Act as amended*;

"Demolish" means "Demolish" as defined in subsection 1(1) of the *Act as amended*;

"First Storey" means the storey with its floor closest to grade and having its ceiling more than 1.8m above grade;

"Fixture" means "Fixture" as defined in Sentence 1.4.1.2(1) of the *Code*;

"Inspector" means an inspector appointed pursuant to subsection 3(2) of the *Act* and by by-law of the Township of Killaloe, Hagarty and Richards for the purposes of enforcement of the *Act*;

"Owner" means the registered owner of the land, and includes a lessee, mortgagee in possession, and the person in charge of the property;

"Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law, The *Ontario Building Code* and the *Act*, or to change the use of a building or part of a building or parts thereof as regulated by the *Act*, and in the case of an occupancy permit, to occupy any building or part thereof;

"Permit Holder" means the owner to whom the permit has been issued or, where the permit has been transferred, the new owner to whom the permit has been transferred to;

"Plumbing" means "plumbing" as defined in subsection 1(1) of the *Act as amended*;

"Professional Engineer" means a person who holds a valid license or a temporary valid license under the *Professional Engineer's Act*, as amended;

"Registered Code Agency" or "RCA" means a "Registered Code Agency" as defined in subsection 1(1) of the *Act as amended*;

"Sewage System Inspector" means an inspector appointed by by-law of the Municipal Corporation of the Township of Killaloe, Hagarty and Richards and who possesses the qualifications as prescribed under the *Act*;

"Sewage System" means "Sewage System" as defined in the *Code*;

"Storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;

"Township" shall mean the Township of Killaloe, Hagarty and Richards;

"Work" means to do anything in the construction, demolition, or change of use of a building, which is regulated by the *Act* and the *Building Code*.

3.0 Interpretation:

- 3.01 Terms not defined in this by-law shall have the meaning ascribed to them in the *Act* or the *Ontario Building Code*, however, should there be an inconsistency between the *Act* and the *Ontario Building Code*, the definition of the terms within the *Ontario Building Code* shall be used.
- 3.02 In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 3.03 This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- 3.04 In this by-law, the word "metre" shall be represented by the abbreviation "m", the word "centimetre" shall be represented by the abbreviation "cm" and the word "millimetre" shall be represented by the abbreviation "mm".
- 3.05 It is declared that if any section, subsection or part of parts thereof be declared by any Court to be bad, illegal or ultra vires, such section, subsection or part of parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.

- 3.06 Where reference is made to a specific section of the *Act* or *Building Code*, such reference shall be automatically amended to reflect any changes or renumbering of the *Act* or *Building Code* and appropriate section of the *Act* or *Code* shall apply.

Part 2 Permits

4.0 Classes of Permits:

- 4.01 The classes of permits with respect to the construction, demolition or change of use of a building or part thereof shall be set out as per the User Fees and Charges By-Law, as amended.

5.0 General Permit Requirements

- 5.01 Roofing, shingling, building cladding and the replacement of windows do not require a permit, provided a structural change is not required, or provided otherwise by the Act or Code.

6.0 Additional Requirements for Building Permits

6.01 Driveway Entrances

- i) Prior to the issuance of a Building Permit, the Chief Building Official shall ascertain, through consultation with the Municipal Works Superintendent, whether the subject lot fronts on an existing, maintained township road or highway, or has other legal access such as frontage on another open maintained road, or has registered right of way which provides access to an open maintained road.
- ii) Approval of the driveway entrance location by the Municipal Works Superintendent, or his/her designate, is required before a building permit is issued if the lot is located adjacent to a Township Road or if the legal access to the lot is fronting a Township Road. If the entrance does not front onto a Township Road, and abuts another open road, then approvals from the appropriate road authorities must be obtained, related to the driveway entrance and otherwise, prior to the issuance of the building permit as determined by the Chief Building Official.
- iii) If a lot does not front an open maintained road or does not have legal access to an open maintained road, then a permit may be issued for a building or structure on the lot on the condition that the building or structures, contemplated by the permit, are not in violation of the Township's Zoning By-law and all other legal requirements are met. A permit which would result in a building, structure, or property being non-compliant with the Township's Zoning By-law shall not be issued. For clarity, a permit may be issued for a building or structure on a said lot, notwithstanding that it would result in the building, structure, or property being in violation of the Township's Zoning By-law, if "legal non conforming" status applies to the building or structure.

6.02 Civic Addressing

- i) The applicant, or his/her agent shall, prior to the issuance of a building permit, make application and make payment as per the User Fees and Charges By-Law, to cover the cost of provision and installation by the Municipal Works Department, of a property identification number sign (civic number) and post if applicable.

Part 3

Application for Permit

7.0 Information to be submitted with all applications:

7.01 Every application for a permit shall:

- i) Contain the information set out in Parts 3 & 4 of this by-law, as applicable;
- ii) Contain the prescribed building permit deposit form completed and signed;
- iii) Be signed by the owner, or their authorized agent, who shall certify the truth of the contents of the application;
- iv) Contain any other information as may be required by the Act or Code; and
- v) Be submitted to the Chief Building Official.

8.0 Application for Permit to Construct

8.01 Where an application is made for a permit to construct under subsection 8(1.1) of the *Act*, the owner shall file the following information:

- i) The prescribed application form entitled "Application for a Permit to Construct or Demolish";
- ii) Complete plans and specifications, site plan, drainage plan, documents and other information as required in Part 4 of this by-law;
- iii) Commitment to General Review by applicable Engineer/Architects, as required; and
- iv) All other information and documentation as required by the Chief Building Official.

9.0 Application for Permit to Demolish

9.01 Where an application is made for a permit to demolish under subsection 8(1.1) of the *Act*, the owner shall file the following information:

- i) The prescribed application form entitled "Application for a Permit to Construct or Demolish";
- ii) Complete plans and specifications, site plan, documents and other information as required in Part 4 of this by-law;
- iii) Proof satisfactory to the Chief Building Official that arrangements have been made for the disconnection of water/sewer services, gas, electric and all other private services.
- iv) That in circumstances where Division C, Section 1.2 of the *Building Code* applies, be accompanied by a "Commitment to General Review by Architects or Engineers" form;
- v) The applicant shall retain a professional engineer to undertake the general review of the project during demolition, where:
 - a. The building is greater than 3 storeys in height, or 600m² in building area,
 - b. The building includes pre tensioned or post tensioned members,
 - c. Excavation will be within the angle of response of a footing on an adjacent structure, or
 - d. Explosives or lasers are to be used during the demolition; and
- v) All other information and documentation as required by the Chief Building Official.

10.0 Application for Conditional Permit

10.01 Where an application is made for a conditional permit under subsection 8(3) of the *Act*, the owner shall file the following information:

- i) The prescribed application form entitled "Application for a Permit to Construct or Demolish";

- ii) Complete plans and specifications, site plan, drainage plan, documents and other information as required in Part 4 of this by-law;
- iii) A statement of the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit was not granted;
- iv) A statement of the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
- v) The time in which plans and specifications of the complete building will be filed with the Chief Building Official;
- vi) The conditional permit agreement to be signed by the applicant and filed with the Chief Building Official;
- vi) All other information and documentation as required by the Chief Building Official.

11.0 Application for Change of Use Permit

11.01 Where an application is made for a change of use permit issued under subsection 10(1) of the *Act*, the owner shall file the following information:

- i) The application form prescribed by the Chief Building Official;
- ii) Complete plans and specifications showing the current and proposed occupancy of all parts of the building contained in the *Building Code* including:
 - a. Floor plans,
 - b. Details of wall, ceiling and roof assemblies identifying required fire-resistant ratings and load bearing capacities, and
 - c. Details of the existing sewage system, if any, and
- iii) All other information and documentation as required by the Chief Building Official.

12.0 Application for Permit to Construct Sewage System

12.01 Where an application is made for a permit to construct a sewage system under subsection 8(1.1) of the *Act*, the owner shall file the following information:

- vi) The prescribed application form entitled "Application for a Permit to Construct Sewage System";
- vii) Complete plans and specifications, site plan, documents, soil samples/analysis', filter/stone receipts, and other information as required in Part 4 of this by-law;
- viii) At the Sewage System Inspector's discretion, provide a test hole to a depth as determined by the Sewage System Inspector; and
- ix) All other information as required by the Chief Building Official or Sewage System Inspector.

13.0 Incomplete Application

13.01 Every application is deemed to be incomplete if it does not contain the prescribed information or is not accompanied by the plans, specifications and documents specified in this By-Law and Division C, Sentence 1.3.1.3.(5) of the *Building Code*. An incomplete application shall not be accepted by the Chief Building Official.

13.02 Notwithstanding Section 13.01 of this By-law, an incomplete application may be accepted by the Chief Building Official if the Applicant acknowledges the Application is incomplete and provides this acknowledgement in writing to the Chief Building Official. If such an Application is accepted by the Chief Building Official, then the timelines stipulated by the *Building Code* shall be postponed until the Application is deemed complete.

14.0 Abandoned Application

14.01 Where an application for a permit remains incomplete or inactive for six months or more, a Notice of pending cancellation may be given to the owner or authorized agent by the Chief Building Official. The Notice shall provide that the Chief

Building Official shall deem the application as “abandoned” in 30 days from the date of the Notice, unless information is provided by the Applicant to the Chief Building Official which shall satisfy the Chief Building Official that the permit should not be “abandoned”. Said information must be received within 30 days of the date of the said Notice.

14.02 At the conclusion of the 30 day Notice period as described in section 14.01 the Chief Building Official, at their sole discretion, may deem the application as “abandoned”.

14.03 If the application has been deemed abandoned by the Chief Building Official, the application and associated records may be removed/destroyed from the Township’s records at the discretion of the Chief Building Official. For clarity, a new application would then be required should the applicant decide to proceed with construction or demolition as applicable.

15.0 Transfer of Permits

15.01 In the event that the ownership of a property, which is the subject of a building permit is transferred, the person or entity to whom it is transferred shall apply to the Chief Building Official to transfer the building permit to the new owner within 30 days of the change of ownership, and the original permit holder and the proposed new permit holder shall complete the prescribed form set out in Schedule “A” within 30 days of the change of ownership.

- i) For clarity, in the event that the Chief Building Official or the Township seeks to enforce the provisions of the *Act*, its regulations, or this by-law, with respect to the work done pursuant to the permit, the property owner may be responsible for its compliance notwithstanding that the property owner did not apply for the original permit.

16.0 Conditional Permit – Limitations

16.01 Where a permit is issued for part of the work for a building, the permit holder may proceed with part of the said work. The issuance shall not be construed as to authorize construction beyond the plans for which approval was given, or guarantee that approval will necessarily be granted for the entirety of the work.

Part 4 Plans and Specifications

17.0 Sufficient Information to be Supplied

17.01 The applicant shall submit sufficient information 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*, *Building Code*, any applicable law and whether or not the adjacent property may be affected.

18.0 Plan Submission Format

18.01 The applicant, shall submit two complete sets of hard copy plans and specifications along with one set of electronic plans, unless otherwise specified by the Chief Building Official.

18.02 Plans that are submitted to the Chief Building Official shall be:

- i) Drawn to scale, unless otherwise specified by the Chief Building Official;
- ii) Legible and durable; and

- iii) Indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish that the complete work will conform to the *Act*, the *Building Code* and any applicable law.

18.03 Plans and Construction Drawings shall include the following unless specified otherwise by the Chief Building Official:

- i) Floor Plans
- ii) Foundation Plans
- iii) Framing Plans
- iv) Roof Framing Plans
- v) Sections and Details
- vi) Building Elevations
- vii) Heating, Ventilation and Air Conditioning Drawings
- viii) Shop Drawings (including applicable truss' and joists)
- ix) Plumbing Drawings
- x) Energy Efficiency Design Summary (Sb-12)
- xi) Fire Separations
- xii) Other drawings as required by the Chief Building Official

19.0 Plan of Survey

19.01 If required by the Chief Building Official, the applicant shall submit a copy of a plan of survey certified by a Registered Ontario Land Surveyor to the Chief Building Official to demonstrate compliance with the *Act*, the *Building Code*, or any applicable law.

20.0 Site Plan

20.01 The owner and applicant shall ensure that site plans submitted to the Chief Building Official demonstrate compliance with the *Act*, the *Building Code*, the Township's Zoning By-Law, and any applicable law and shall contain the following information:

- i) lot size, lot lines, lot dimensions and setbacks to the same from any existing or proposed buildings;
- ii) the similarly dimensioned location of every other adjacent existing building on the property;
- iii) applicable grading, lot drainage and stormwater management;
- iv) existing right-of-ways, easements, municipal services, private services (including septic and well), hydro;
- v) driveway location and dimensions, and
- vi) any other information as may be required by the Chief Building Official.

21.0 As Constructed Plans

21.01 On completion of the construction of the building, if required by the Chief Building Official, the owner or applicant shall submit to the Chief Building Official a set of as-constructed plans for the work, including a plan of survey showing the location of the building.

22.0 Plans Property of the Township of Killaloe, Hagarty and Richards

22.01 Plans and specifications furnished in accordance with the Township's requirements of this by-law or otherwise required by the *Act* become the property of the Township of Killaloe, Hagarty and Richards and shall be retained in accordance with the relevant legislation and the Township's Records Retention By-Law, as amended. Notice is hereby given that such plans, specifications, and under records may be disclosed pursuant to the Municipal Freedom of Information and Protection of Privacy Act.

23.0 Deviations from Plans and Specifications

- 23.01 No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without first notifying, filling details and obtaining the authorization of the Chief Building Official.

24.0 Equivalents and Alternative Solutions

- 24.01 Where a request 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 or alternative material, system or building design for which authorization under Section 8 of the *Act* is requested, the following information shall be provided by the owner to the Chief Building Official;
- i) a description of the proposed material, system or building design for which authorization is requested;
 - ii) any applicable provisions of the *Building Code*; and
 - iii) evidence that the proposed material, system or building design will provide the level or performance required by the *Building Code*.

Part 5 Prescribed Notices and Inspections

25.0 Notice at Each Stage

- 25.01 The permit holder shall notify the Chief Building Official or a Registered Code Agency, where one is appointed, of each stage of construction for which a notice is required under Division C, Article 1.3.5.1. and Division C, Article 1.3.5.2. of the *Building Code*.

26.0 Inspections

- 26.01 Upon receipt of proper notice, the Chief Building Official, Inspector or Registered Code Agency, where one is appointed, shall undertake a site inspection of the building to which the notice relates in accordance with the prescribed time periods set out in Division C, Article 1.3.5.3. of the *Building Code*.

27.0 Required Inspections

- 27.01 The following inspections are required under this By-Law unless otherwise stipulated by the Chief Building Official:
- i) Excavation, underside of footing
 - ii) Footings prior to pouring
 - iii) Foundation, piers, posts, etc prior to pouring
 - iv) Foundation prior to backfill (damp proofing, water proofing, drainage layer, drainage tile, granular layer)
 - v) Underground Plumbing
 - vi) Framing
 - vii) Windows/Doors
 - viii) Plumbing Rough-In
 - ix) Mechanical
 - x) Insulation/Vapor/Air Barrier Systems
 - xi) Occupancy – which includes final interior/exterior, final grading, completion of all aspects of the structure for which the permit was issued
 - xii) Other notices as may be required by the Chief Building Official

27.02 At each stage of construction specified in Section 27.01 and the *Code*, the permit holder or authorized agent shall notify the Chief Building Official or Inspector that the construction is ready to be inspected.

28.0 Notice of Completion

28.01 Except as authorized by the *Building Code*, a person shall not occupy or use a part of a building that is newly erected or installed or permit it to be occupied or used until the Chief Building Official has provided authorization.

28.02 It is the sole duty of the permit holder to provide notice of completion as prescribed by the *Act*.

Part 6 Revocation

29.0 Revocation of Permits

29.01 The Chief Building Official, subject to the provisions outlined in subsection 8(10) of the *Act*, as amended, may revoke a permit issued under the *Act* pursuant the following:

- i) Prior to revoking a permit under the *Act*, the Chief Building Official shall serve the permit holder or cause the permit holder to be served with written notice of his or her intention to revoke the permit.
- ii) Notice under section 29.01(i) may be served personally, by email to the last known email address of the person to whom service is required to be made or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.
- iii) Where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.
- iv) Where notice has been served by email, the service shall be deemed to have been made on the day of sending unless,
 - a. The document was sent after 5 P.M., which case service shall be deemed to have been made on the following day; or
 - b. The person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

29.02 If on the expiration of thirty (30) days from the date of service of the notice of intention to revoke the permit described in section 29.01 of this by-law, and the ground for revocation continues to exist as determined by the Chief Building Official, the Chief Building Official may revoke the permit without further notice to the permit holder.

30.0 Request for Deferral

30.01 A permit holder may, within thirty (30) days from the date of service of the notice described in Section 29 of this by-law, request in writing that the Chief Building Official defer the revocation by providing reasons why the permit should not be revoked.

31.0 Deferral of Revocation

- 31.01 The Chief Building Official having regard to the changes in the *Act*, *Building Code* or any applicable law may allow the deferral of the revocation at their discretion.

Part 7 Fees and Refunds

32.0 Fees Payable

- 32.01 The Chief Building Official shall calculate the required fees for the work proposed in accordance with the User Fees and Charges By-Law, as amended, and the owner shall pay such fees upon issuance of a permit.
- 32.02 A refundable deposit shall accompany the fees payable in section 32.01 with each application, as per the User Fees and Charges Bylaw, unless otherwise authorized by the Chief Building Official. Where multiple classes of permit are incorporated in the same permit (EX: dwelling with an attached deck), the deposit with the higher value shall be the deposit amount utilized for the purposes of calculating the permit deposit total.

33.0 Calculation of Fees

- 33.01 Where the fees payable in respect of an application for a construction permit issued under Subsection 8(1) of the *Act* or a conditional permit issued under Subsection 8(3) of the *Act* are based on floor area, floor area shall mean the total floor space of all storeys above grade and all basement areas, measured as the horizontal area between the outside face of the exterior walls of the building. In the case of a cantilevered or otherwise projecting floor system, floor area shall be calculated to the outermost edge of the floor assembly. In the case where a roof structure is supported by posts, such as a covered porch or pole shed, the outside edge of the outermost posts shall be considered the exterior wall for the purposes of square footage calculation. Where an application is made for a conditional permit, the fees shall be paid for the conditional permit, in addition to, fees applicable to the permit for the complete project.
- 33.02 Any person who replaces a building or part thereof that has been destroyed by fire or natural disaster with a building of the same type and size, is exempt from the building/demolition permit fee, provided that the application for the building/demolition permit is made within two years of the date of the fire or natural disaster. If the new building, or part thereof, is larger than the building or part thereof that was destroyed by fire or natural disaster, the area of the destroyed building shall be subtracted from the area of the new building, and the building permit fee shall be charged on the new area. What is a 'natural disaster' for the purposes of this section shall be determined by the Chief Building Official in their sole and absolute discretion acting reasonably. Evidence shall also be provided to the satisfaction of the Chief Building Official for the purposes of determining the damage and subsequent remedial work that resulted directly from the fire or natural disaster.

34.0 Additional Fees

- 34.01 Any person who commences construction, demolition or changes the use of a building or part thereof prior to the issuance of a permit to construct, demolish or change the use of a building or part thereof shall, in addition to any other penalty imposed the *Act* or *Building Code*, pay a non-refundable administrative surcharge of double the permit fee, as per the User Fees and Charges By-Law, as amended.
- 34.02 To offset additional administrative costs associated with the investigation, inspection and administering of Orders issued pursuant to Sections 12,13,14,

15.9(4), 15.10(1), 15.9(6) and 18 of the *Act*, a fee shall be paid for each Order issued as prescribed in the User Fees and Charges Bylaw, as amended.

- 34.03 Should the Chief Building Official issue an Order under Section 12,13,14, 15.9(4), 15.9(6), 15.10(1) or 18 of the *Act*, any and all costs incurred by the Township associated with the registration and/or discharge of any orders on property title through the Land Registry Office, pursuant to the *Act* shall be subject to full cost recovery fees as per the User Fees and Charges By-Law, as amended.
- 34.04 The surcharges outlined in Section 34.01 through to 34.03 of this By-Law shall not relieve any individual or corporate entity from complying with the *Building Code*, and other applicable law, or from any penalty prescribed by the *Act*, for commencing construction
- 34.05 Without limiting any other provision of this By-Law providing for fees; additional inspection fees, as prescribed in Schedule "D" of the User Fees and Charges By-Law, shall apply and shall be paid prior to each inspection being undertaken on any Building where:
- i) Additional inspections are required due to construction not being substantially completed as required for inspection, construction is incomplete or construction is not in compliance with the *Building Code*;
 - ii) The Chief Building Official is required to re-inspect outstanding items that have been completed or corrected in respect to deficiencies from a previous inspection for the same; and
 - iii) The Work Site is determined to be unsafe, according to the *Occupational Health and Safety Act, R.S.O. c.0.1* or the Chief Building Official, for him/her to carry out their duties.

35.0 Refunds

- 35.01 The Chief Building Official, at their discretion, may issue a partial or full refund of the fees paid in Section 32, where:
- i) The applicant or permit holder withdraws, in writing, an application for a permit, or requests for an issued permit to be revoked;
 - ii) An application is deemed to have been abandoned in accordance with Section 14 of this By-Law;
 - iii) The Chief Building Official refuses to issue a Permit for which an application and payment has been made; or
 - iv) The Chief Building Official revokes a permit after it has been issued.
- 35.02 The fees that may be refunded shall be a percentage of the fees payable as follows:
- i) Ninety (90%) percent if application is filed and no processing or review functions have been performed.
 - ii) Eighty (80%) percent if administrative and zoning functions have been performed.
 - iii) Fifty (50%) percent if administrative, zoning and plans examination functions have been performed.
 - iv) Forty (40%) percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance.
 - v) \$40.00 shall be additionally deducted for each field inspection that has been performed after the permit has been issued.
 - vi) No refund shall be issued for an application deemed to have been abandoned by the Chief Building Official as per Section 14 of this By-Law.
 - vii) No refund shall be issued for a permit in which construction or demolition of the building has commenced, but in the opinion of the Chief Building Official, has been substantially suspended or discontinued for a period of more than one year.

- 35.03 Upon successful completion or final occupancy of a building permit, as authorized by the Chief Building Official, the building permit deposit shall be returned to the permit holder.
- 35.04 Notwithstanding subsection 35.01(i-iv) and 35.02(i-v), building permit deposits shall be refunded at their full value to the permit holder.
- 35.05 In the case of a permit which has been subject to a transfer to a new permit holder as per Section 15 of this by-law, the applicable refundable fees and deposits shall be returned to the new permit holder.

Part 8 General

36.0 Offences

- 36.01 Any person who contravenes any provision of this by-law is guilty of an offence. pursuant to **and shall, upon conviction be liable to payment of a fine as provided for under the *Provincial Offences Act* R.S.O. 1990, c. P.33 or the *Act* as applicable.**

37.0 Collection

- 37.01 In addition to any penalties imposed through prosecution of an offence pursuant to this By-Law, or the *Act*, the Township is entitled to use all legal means at its disposal to collect the fees applicable, pursuant to the by-law, and to recover its costs if remedial action is taken. All collection methods lawfully applicable may be relied upon. An amount owing to the Township for a payment or charge pursuant to this By-law, may be to the tax roll to a property of a property owner liable for the payment or charge and collected in the same manner as taxes together with interest thereon at the same rate as payable on unpaid taxes.

38.0 Documents On-Site

- 38.01 During the duration of the work, the permit holder shall:
- xiii) Post, in a conspicuous place on the property in respect to which the permit was issued, a copy of the permit; and
 - xiv) Have a copy of the drawings and specifications for which formed the basis of the issuance of the permit and ensure that those documents are readily available for the inspector on-site unless indicated otherwise by the inspector.

39.0 Registered Code Agencies

- 39.01 The Chief Building Official is authorized to negotiate and execute service agreements with a Registered Code Agency (RCA) to perform specified functions pursuant to section 4.1 of the *Act*, provided that the RCA meets all requirements of the *Act*.
- 39.02 Agreements with the RCA shall be in writing and contain all prescribed requirements to the meet the *Act* and *Building Code*, including, without limiting the generality of the foregoing; those related to plan examination, inspections, issuing or orders, termination of appointments, record keeping, information sharing and operational policies.
- 39.03 Fees for RCAs shall be specified in the written agreement and shall be based on a cost for service of each project, including any reduction in fees, as per section 7(3) of the *Act*, and the RCA shall detail the list of services in the agreement.

39.04 RCAs shall provide other necessary documents and/or services, as determined by the Chief Building Official.

40.0 Forms

40.01 Forms prescribed for use as applications for permits, orders and administrative matters shall be as set out by the Chief Building Official from time to time.

41.0 Code of Conduct

41.01 The Chief Building Official and all inspectors appointed by the Council of the Township of Killaloe, Hagarty and Richards shall abide by a Code of Conduct as described in Section 7.1(1) of the *Building Code Act*, 1992, S.O. 1992 c.23 as amended, and forming a part of this bylaw attached as Schedule "B".

41.02 A complaint of breach of such Code of Conduct shall be submitted in writing, detailing the concerns, to the CAO/Clerk of the Township.

42.0 Repeal

42.01 By-Law No. 18-2021 entitled 'A By-law respecting construction, demolition and change of use permits and inspections' is hereby repealed and replaced with this by-law.

43.0 Effective Date

43.01 This by-law shall come into force and effect on the date of passing.

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED THIS 7th DAY OF JULY 2026.

Mayor – Dave Mayville

CAO/Clerk – Tammy Gorgerat

Schedule "A"
to By-Law No. 42 – 2026

APPLICATION TO TRANSFER A BUILDING PERMIT

Building Permit No:_____

Original Applicant Name:_____

Address:_____

Permit Transferred To:

(Name)

(Address)

Phone No. (Home)_____ Email_____

I, the undersigned, understand that the transfer of a Permit shall not be deemed to be a waiver of any of the provisions of any by-law or requirements under the Building Code Act, or Regulations made thereunder, notwithstanding anything included in or omitted from the plans or other materials filed in support of or in connection with the Building Permit.

I acknowledge that in the event that the permit is transferred, any changes to plans or specifications filed for the Building Permit, is prohibited, unless first authorized by the Chief Building Official, and such changes could result I an Order to Comply, and/or a charge being preferred, and a summons issued by the Provincial Court.

I acknowledge that in the event that the Chief Building Official or the Township of Killaloe, Hagarty and Richards seeks to enforce the provisions of the Building Code, its Regulations, or this by-law, with respect to the work to be done pursuant to the permit, I shall be responsible for compliance.

Date Signature (Original Applicant)

Date Signature (New Owner)

Date Signature (Chief Building Official)

Schedule "B"

To By-Law No. 41 – 2026

Township of Killaloe, Hagarty and Richards

Code of Conduct for Building Officials

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 or the Building Code. The purpose of this Code is to promote appropriate standards of behavior and enforcement actions to ensure 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 undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works 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 and the public at large and their personal interests.
3. Apply all relevant building by-laws, codes and standards appropriately and without favour.
4. Perform their inspections and plan examination duties impartially and in accordance with the highest professional standards.
5. At all times abide by the highest moral and ethical standards and avoiding any conduct, which could bring or tend to bring Building Officials into disrepute.
6. 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. Maintain current accreditation to act as an Ontario Building Official.
9. Maintain their knowledge and understanding of the best current building practices, the building laws and Codes relevant to their inspection and plan examination function.
10. Extend professional courtesy to all.

Breaches of the Code of Conduct

The Ontario Building Code Act provides that the performance of Building Officials will be measured against this Code of Conduct. The municipal administration will review any allegations brought forward that the Code of Conduct has been breached. Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Municipal employer and will be based on the severity and frequency of the violation in accordance with relevant employment standards.