

## **CITY OF HAMILTON**

A BY-LAW UNDER THE *BUILDING CODE ACT, 1992*  
RESPECTING PERMITS AND RELATED MATTERS

**BY-LAW NO. 15-058**

### **CONSOLIDATION**

This By-law is a consolidated version and includes amendments made by those amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

**CITY OF HAMILTON**  
**CONSOLIDATED BY-LAW NO. 15-058**

**Incorporating amendments made by:**

<b>By-Law No:</b>	<b>Effective Date:</b>	
15-189	August 14, 2015	Update to Section 4
15-280	December 9, 2015	Update to Section 10
16-328	December 14, 2016	Update to Section 2 and Schedule A
17-279	December 8, 2017	Update to Schedule A
18-330	December 19, 2018	Update to Schedule A
19-305	December 11, 2019	Update to Schedule A
20-259	December 16, 2020	Update to Section 4, 5, 7, schedule A and schedule C
21-242	December 15, 2021	Update to Schedule A

**CITY OF HAMILTON**

**BY-LAW NO. 15-058**

**A By-law under the *Building Code Act, 1992*  
respecting permits and related matters**

**WHEREAS** Council of the City of Hamilton desires to provide for the issuance of permits and related matters under the *Building Code Act, 1992* including its regulations to obtain sufficient information from applicants to determine compliance with the Act and applicable laws, for the purpose of providing for the safety and health of the public at large through compliant construction, demolition and other matters under the Act, and to fix fees covering the full costs of services provided;

**AND WHEREAS** public notice has been given and a public meeting held as required for this By-law, in addition to other public consultation;

**AND WHEREAS** section 7 of the *Building Code Act, 1992* authorizes Council of the City of Hamilton to pass by-laws concerning the issuance of permits and related matters;

**AND WHEREAS** sections 8, 9, and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 3, 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the financial management of the municipality, the economic, social, and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** section 391 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws to impose fees or charges on persons for services provided done by or on behalf of the City of Hamilton;

**NOW, THEREFORE**, the Council of the City of Hamilton enacts as follows:

**1. SHORT TITLE**

- 1.1** This By-law may be cited as the "Building By-law" or the "Hamilton Building By-law".

**BY-LAW NO. 15-058 BEING A BY-LAW RESPECTING BUILDING PERMITS**

**2. DEFINITIONS**

**2.1** In this By-law:

**"Act"** means the *Building Code Act, 1992*;

**"applicant"** means the person who applies for a permit or where an individual is signing on behalf of a corporation or partnership means the corporation or partnership;

**"Building Code"** means any regulation made under section 34 of the Act;

*("Building Code" definition amended by By-law 16-328, effective Jan. 1, 2017)*

**"business day"** means 8:30 a.m. to 4:30 p.m. on any day on which the City of Hamilton's administration buildings are open for business;

**"Chief Building Official"** means the person, or his or her designate, appointed by the City to that office or holding the office pursuant to the Act;

**"City"** means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

**"complete permit application"** means an application satisfying the requirements of sentence 1.3.1.3(5) of Division C of the Building Code and the requirements of this By-law;

**"owner"** means the person registered as the owner on title to the land, and includes a person who has the right under an agreement or statute to carry out demolition or other work under a permit as if he/she were the registered owner;

**"permit"** means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and the Building Code, or to occupy a building or part thereof, or to change the use of a building;

**"permit holder"** means the person to whom the permit has been issued and who has the primary responsibility for complying with the Act and the Building Code;

**"prescribed value"** means the value established by the Chief Building Official for the work for which a permit is applied for;

**"Registered Code Agency"** means a person or entity that has the qualifications and meets the requirements set out in the Act and the Building Code.

**2.2** Terms not defined in this By-law shall have the meaning ascribed to them in the Act, excepting sections 15.1 through 15.8, or the meaning ascribed them in the Building Code.

- 2.3** For the purposes of interpretation of this By-law and subject to the Act and the Building Code;
- (a) the requirements herein are in addition to the requirements of the Act and the Building Code; and
  - (b) classes of permits with respect to the construction, demolition and change of use of buildings shall be as set out in Schedule "A" to this By-law.

**3. LIST OF SCHEDULES**

- 3.1** The following schedules are attached to and form a part of this By-law:
- (a) Schedule "A" being the general formula for calculation of fees, minimum fees and classes of permits required for construction, demolition or change of use;
  - (b) Schedule "B" being for the calculation of refunds of permit fees and the deductions from fees based upon work performed under the permit;
  - (c) Schedule "C" being an additional fee required to be paid where indicated stages of the work have been commenced or completed prior to issuance of the permit;
  - (d) Schedule "D" being the list of plans and documents required to be submitted with permit applications; and
  - (e) Schedule "E", being the Code of Conduct for building officials.

**4. PERMITS**

- 4.1** To obtain any permit, a person entitled to make application under the Act and the Building Code shall file a complete permit application with the Chief Building Official in writing or online (when available) and on the prescribed form available at the offices of the Chief Building Official, the City of Hamilton's website, or from the Ministry of Municipal Affairs and Housing's Ontario Building Code website and shall supply any other information or forms relating to the application as required by the Act, the Building Code, the Chief Building Official or this By-law.

**Building Permits**

- 4.2** The application for a building permit shall be accompanied by the required fees as calculated in accordance with this By-law and shall provide sufficient

information with the application to determine compliance with the Act, the Building Code, applicable law and this By-law, including:

- (a) identification and description in detail of the work, uses and occupancy to be covered by the permit for which the application is made;
- (b) identification and description in detail of the existing occupancy and uses and the proposed occupancy and uses for which the premises are intended;
- (c) a description of the land on which the work is to be done, that will readily identify and locate the site on which the construction or demolition is to occur;
- (d) plans and specifications as described in this By-law or as may be additionally necessary to determine the nature or extent of the construction, demolition or change proposed under the permit and compliance with the Act, the Building Code, applicable law and this By-law;
- (e) when subsection 1.2.2 of Division C of the Building Code applies, a signed acknowledgement of the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
- (f) when subsection 1.2.2 of Division C of the Building Code applies, a signed statement of the architect or professional engineer, or both, on a form prescribed by the Chief Building Official, undertaking to provide general review of the construction or demolition of the building; and
- (g) a statement of the following in respect of the work or change being carried out under the permit:
  - (i) where the owner or applicant is paying someone else to carry out the work, and where a price has been agreed in advance of the work, the actual price being paid, along with copies of the supporting receipts or documents; or
  - (ii) where the applicant or owner is carrying out the work themselves, where there is no agreed price above, or where the Chief Building Official is of the opinion that the price supplied by the applicant in (i) above is not sufficient to indicate the price being paid is representative of the cost of the work, the applicant shall supply an estimate of the total cost of all work regulated by the permit, considering the headings of cost as specified in subsection 6.1,

providing actual costs of those items where known, along with copies of supporting receipts or documents.

### **Demolition Permits**

**4.3** In addition to the requirements of subsections 4.1 and 4.2 above, every demolition permit application shall:

- (a) include, when subsection 1.2.2 of Division C of the Building Code applies, details of the structural design characteristics of the building and the method and proposed time schedule of the demolition;
- (b) provide written confirmation from the relevant authorities that arrangements have been made with the authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services connected to the property; and
- (c) include a completed Demolition Application Checklist.

*(Subsection 4.3 amended by By-law 20-259, effective January 1, 2021)*

### **Conditional Permits**

**4.4(1)** In addition to the requirements of subsections 4.1 and 4.2 above, every conditional permit application made under subsection 8(3) of the Act, shall:

- (a) contain such other information, executed agreements, plans and specifications concerning the complete project as the Chief Building Official may require, including but not limited to information supporting compliance with zoning and interim control by-laws, and the feasibility of returning the site to its original condition, and an agreement for the applicant or owner to do so on such terms and with security for such work in such amount as determined necessary by the Chief Building Official;
- (b) state the reasons and give supporting documentation as to why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- (c) 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
- (d) state the proposed time in which plans and specifications of the complete building will be filed with the Chief Building Official.



- 4.4(2) The Chief Building Official may, where conditions and requirements imposed under subsections 8(3) to 8(5) of the Act and this subsection have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law, the payment of the fees, and the provision of security and agreements.
- 4.4(3) A permit holder in respect of an issued conditional permit does not have permission to proceed to construct or demolish or cause or permit construction or demolition to proceed beyond the point authorized by the permit without obtaining a further permit therefore, and the Chief Building Official by reason of the issuance of a conditional permit or permits for a part or parts of the building shall not be under any obligation to grant any further permit or permits.
- 4.4(4) The Chief Building Official is authorized to enter into conditional permit agreements and to execute such agreements on behalf of the City.

*(Paragraph 4.4(4) added by By-law 15-189, effective August 14, 2015)*

#### **Change of Use Permit**

- 4.5 In addition to the applicable requirements of subsections 4.1 and 4.2 above, every change of use permit application shall:
- (a) describe the building and the parts thereof in which the occupancy is to be changed;
  - (b) include plans and specifications which show the current and proposed occupancy and use of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Act and the Building Code including floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities, and details of the existing sewage system if any;
  - (c) where the fee payable under this By-law, in respect of an application for a change of use permit issued under subsection 10(1) of the Act, is based on a floor area, the applicant shall supply the total floor area of all storeys subject to the change of use; and
  - (d) be accompanied by a completed and signed form as supplied by the Chief Building Official, and be signed by the owner or their authorized agent who shall certify the truth of the contents of the application.

#### **Additional Information**

- 4.6(1) The acceptance or processing of an application under this By-law by the Chief Building Official or the City of Hamilton, shall not be deemed to prohibit the

Chief Building Official from requiring the applicant to supply further or better information, plans and specifications or details, as may be necessary to:

- (a) determine compliance with the Act, the Building Code, this By-law, applicable law including but not limited to zoning and interim control by-law compliance, and to issue the permit; or
- (b) as may be needed to determine the fees under this By-law.

4.6(2) Failing the applicant supplying such further information requested, the application may be found incomplete or denied.

#### **Change to Information Supplied in Application**

4.7(1) An applicant or permit holder shall give the Chief Building Official written notice of any material change intended to be made to any plan, specification, document or other information on which the application was made and permit issued, and the applicant or permit holder shall supply the Chief Building Official with details of such changes, and no construction shall be carried out in respect of the change until written authorization is obtained from the Chief Building Official.

4.7(2) Notwithstanding paragraph 4.7(1) and the fact that construction or change has been made without authorization, the applicant or permit holder shall supply written notice to the Chief Building Official of any material change to any plan, specification, document or other information on which the application was made and permit issued, with details of all changes.

4.7(3) In respect of a material change and notice given under paragraphs 4.7(1) and 4.7(2), the Chief Building Official will pursuant to this By-law, the Act and the Building Code, determine whether a further application or other document must be filed and timelines extended to review, consider or approve the change, and the applicable fees under this By-law arising from the change.

#### **Incomplete or Inactive Permit Application**

4.8(1) Where an application for a permit remains incomplete or inactive for six months after it is made, the Chief Building Official may refuse to hold or process the application by deeming it to have been abandoned, and shall give written notice to the applicant by ordinary mail at the address indicated on the application.

4.8(2) Where an applicant who has been given written notice under paragraph 4.8(1) does not respond on the expiration of 10 business days from the date of such notice, the permit may be cancelled.

**4.8(3)** If a permit is cancelled under paragraph 4.8(2), all documents submitted as part of the application for the permit, including but not limited to plans and specifications, shall be destroyed in accordance with the Records Retention By-law.

## **5. PLANS AND SPECIFICATIONS**

**5.1(1)** Every complete permit application shall, unless otherwise specified by the Chief Building Official, be accompanied by the plans and documents listed on Schedule "D" and in accordance with the requirements of this section.

**5.1(2)** Every applicant shall furnish as part of the application:

- (a) sufficient plans, specifications, documents and other information, including design calculations, to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code and any other applicable law; and
- (b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a certified copy of such a survey shall be filed with the municipality unless this requirement is waived in writing because the Chief Building Official in his or her opinion is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code and any other applicable law. Such site plan shall include:
  - (i) the lot size and dimensions of the property;
  - (ii) all setbacks from existing and proposed buildings to property boundaries and to each other;
  - (iii) the proposed lot coverage;
  - (iv) the existing and finished grades and first floor elevations referenced to an established datum at or adjacent to the site in respect of which the application is made; and
  - (v) all existing rights-of-way, easements and municipal services.

**5.1(3)** Plans submitted shall be legible and be drawn to scale upon paper or such other suitable and durable material or in electronic format as the Chief Building Official may require. Plan size upon paper shall not exceed ISO 216 paper size A1 or 24 inch x 36 inch unless otherwise permitted by the Chief Building Official.

**5.1(4)** The Chief Building Official shall determine and specify the number of plans, specifications, documents and other information required to be furnished with

an application for permit having regard to the requirements of any Act, regulation or by-law respecting the examination or circulation of the application beyond the numbers specified in this By-law, which the applicant shall supply to complete the application.

- 5.1(5) Permit applications submitted through the ePLANS online service at [eplans.hamilton.ca](http://eplans.hamilton.ca) shall conform to this By-law and to the “File Naming Standards Guide” and “Submission Standards Guide” found at [www.hamilton.ca/eplans](http://www.hamilton.ca/eplans)

*(Paragraph 5.1(5) added by By-law 20-259, effective January 1, 2021)*

### **Plans of Survey**

- 52 The Chief Building Official may require from the persons responsible for construction, a certified plan of survey showing the location of the whole of, or any part of, any building shall be filed with the Chief Building Official prior to approval of occupancy.

### **Alternative Solutions**

- 53 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 alternative solution for which approval in accordance with section 2.1 of Division C of the Building Code is required, the application shall include documentation in accordance with subsection 2.1.1.1 of Division C of the Building Code together with any other information or documentation as required by the Chief Building Official.

### **Plans Property of Municipality**

- 54 Plans and specifications furnished according to this By-law or otherwise required by the Act or the Building Code become the property of the municipality and will be disposed of or retained in accordance with the Records Retention By-law.

## **6. FEES**

- 6.1 The Chief Building Official shall determine the required fees for the application, calculated in accordance with Schedule "A" for the work proposed, and where the fees payable are based on the prescribed value of the proposed work in respect of an application, the prescribed value of the proposed work shall mean the total cost of all work, including labour, regulated by the permit and shall include the following:

- (a) all design and consultation fees, including architectural and engineering disciplines;
- (b) all administrative and office costs associated with the co-ordination and supervision of the project;
- (c) land surveyor's fees associated with the construction of the building;
- (d) legal fees directly related to the construction of the building, not including legal costs leading up to commencement of the project;
- (e) the installation costs of site development and services for the building;
- (f) all test reports, including those for soil, material and equipment associated with the project;
- (g) all permanently fixed equipment or machinery associated with building services, but does not include non-fixed furnishings; and
- (h) all interior finishes, millwork, mechanical and electrical fixtures and appurtenances, but does not include the cost of land.

### **Fees Payable Upon Application**

- 6.2** Except as provided by subsection 2(b) of Schedule "A", the applicant shall pay the required fees upon application and no permit shall be issued until the fees therefore, including those imposed under Schedule "C", have been paid in full.

### **Fees for Conditional Permits**

- 6.3** The conditional permit fee in Schedule "A" shall be in addition to other applicable permit fees under this By-law and shall not be used as a credit towards any other permit fees.

### **Refunds**

- 6.4(1)** Subject to paragraph 6.4(2), upon written request by the permit holder, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "B" in the case of:
- (a) withdrawal of an application;
  - (b) abandonment of an application pursuant to subsection 4.8;
  - (c) refusal to issue a permit;

- (d) permit issued in error; or
- (e) request for revocation of a permit pursuant to paragraph 8(10)(e) of the Act.

6.4(2) There shall be no refund of permit fees where a permit has been revoked under paragraphs 8(10)(a) or (f) of the Act.

#### **Work Commenced Prior to Permit Issuance**

6.5 Every person applying for a permit, when construction, demolition, or a change in the use of the building has commenced prior to the issuance of the required permit, shall pay the additional fee required by Schedule "C" as well as the permit fee set out in Schedule "A".

### **7. PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER**

#### **Revocation of Permit**

7.1 Where the Chief Building Official considers revoking a permit under subsection 8(10)(b) or (c) of the Act, the Chief Building Official shall give written notice by regular mail of the intention to revoke to the permit holder at their last known address and, if on the expiration of 10 business days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information will be disposed of in accordance with the Records Retention By-law.

#### **Deferral of Revocation**

7.2(1) Within 10 business days of receipt of a notice of intention to revoke a permit, a permit holder may request of the Chief Building Official in writing, that the Chief Building Official defer the revocation of such permit, subject to the following conditions and processes in paragraphs 7.2(2), 7.2(3) and 7.2(4).

7.2(2) A request for deferral shall set out the reasons why the permit should not be revoked, the date by which the work will be commenced, resumed or completed, and include the required permit extension fee set out in Schedule "A".

7.2(3) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date, and shall notify the permit holder in the same manner above.

- 7.2(4) A request for deferral of revocation is subject to an additional 5% refund reduction in accordance with Subsection 1(e) of Schedule "B" when a permit is subsequently revoked.

*(Paragraph 7.2(4) added by By-law 20-259, effective January 1, 2021)*

### **Transfer of Permit**

- 7.3(1) Permits may be transferred by the Chief Building Official only upon the new owner completing a permit application pursuant to the requirements of section 4, submitting the application and any permission required for use of existing plans, specifications or documents submitted or used for the original permit or such new information relied upon in compliance with paragraphs 4.7(1), 4.7(2) and section 5.
- 7.3(2) A fee, as calculated by the Chief Building Official under Schedule "A", shall be payable upon application for a transfer of a permit, except where there are no changes to the project, the professional services required, or the information supplied on or with the application other than the identity of the owner in which case the flat fee provided in Schedule "A" shall apply. Upon approval of the transfer by the Chief Building Official, the new owner shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

## **8. NOTICES**

- 8.1(1) Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least two business days in advance of each stage of construction specified in the Code.
- 8.1(2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

## **9. FENCING**

- 9.1(1) In addition to the requirements pertaining to Public Way Protection as set out in the *Occupational Health and Safety Act*, the permit holder shall comply, and shall not cause or permit any builder or constructor under the permit to fail to comply with the provisions of this section.
- 9.1(2) Where, in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, the Chief Building Official may require the erection of fencing around the construction or demolition site as set out in this section.

9.1(3) In considering the hazard presented by a construction or demolition site and the necessity for fencing the Chief Building Official shall have regard for:

- (a) the proximity of the construction or demolition site to occupied dwellings;
- (b) the proximity of the construction or demolition site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
- (c) the hazards presented by the construction or demolition activities and materials;
- (d) the feasibility and effectiveness of site fencing; and
- (e) the duration of the hazard.

9.1(4) Every fence required under this section shall be a minimum of 1.2 metres and a maximum of 1.8 metres in height, as measured from the highest adjacent grade.

9.1(5) (a) Every fence required under this section shall be located on the perimeter of the construction site as determined by the Chief Building Official and constructed as follows:

- (i) if of chain link construction, the chain link shall be securely fastened to at least 38mm diameter metal tube or pipe or the same thickness T-bar posts. Such metal posts shall not be more than 3.04m on centre and embedded into the ground, providing a secure and rigid support;
- (ii) if of wood construction, the exterior face shall be at least 12.7mm thick exterior grade plywood, particle board or equivalent material constructed so as not to provide footholds for climbing. The fencing shall be supported by at least 38mm wide by 89mm thick posts spaced at not greater than 2.43m on centre and embedded into the ground, providing a secure and rigid support;
- (iii) if the fence is of the snow fence or plastic mesh type, the fencing shall be securely fastened to T-bar posts at not greater than 2.43m on centre and embedded into the ground, providing a secure and rigid support.

*(Paragraph 9.1(5)(a) amended by By-law 16-328, effective January 1, 2017)*



(b) Other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety and support provided.

9.1(6) The fence may be provided with openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the construction site provided that these openings are closed off when no construction is being carried out on site including daily shut-downs.

9.1(7) Every fence required under this section shall be removed no later than 20 business days after completion of the construction or demolition work.

## **10. REGISTERED CODE AGENCIES AND LIMITING DISTANCE AGREEMENTS**

10.1(1) The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods prescribed in subsection 1.3.1 of Division C of the Building Code.

10.1(2) The Registered Code Agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act.

10.2 The Chief Building Official is authorized to enter into and sign limiting distance agreements under the Building code when the following conditions are met:

- (a) no land is owned by the City is affected by the agreement; and
- (b) the agreement does not impose any obligations on the City.

*(Subsection 10.2 added by By-law 15-280, effective December 9, 2015)*

## **11. CODE OF CONDUCT**

11.1 The Chief Building Official and inspectors shall be governed by the Code of Conduct set out in Schedule "E", with respect to exercising powers and performing duties under the Act.

## **12. SEVERABILITY**

12.1 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

**13. REPEAL**

**13.1** City of Hamilton By-laws No. 03-119 and No. 08-161 are repealed.

**13.2** All applications made and permits issued under By-law No. 08-161 shall be deemed to be applications made and permits issued under this By-law and all rules, requirements and regulations of this By-law shall apply, with all necessary modifications.

**14. EFFECTIVE DATE**

**14.1** This By-law comes into force on the day it is passed.

**PASSED** this 25<sup>th</sup> day of February, 2015.

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Fred Eisenberger  
Mayor

\_\_\_\_\_  
Rose Caterini  
City Clerk

**SCHEDULE “A”  
(as amended by By-law 21-242 – Effective January 1, 2022)**

**RESPECTING CLASSES OF PERMITS AND FEES**

**PERMIT FEES**

1. Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

Where SI = Service Index for the applicable Classification under Section 3 below of the work proposed, and A = floor area in m<sup>2</sup> of work involved.

2. (a) Permit fees shall be rounded off to the nearest full dollar.
- (b) Where the permit fee is in excess of \$50,000 an applicant may elect to pay 55% of the full permit fee at the time of building permit application and the balance at the time of permit issuance.
- (c) Fees noted in this Schedule are subject to Harmonized Sales Tax (H.S.T.) where applicable.

**CLASSES OF PERMITS AND FEES**

3. Permit fees shall be calculated using the following table:

**TABLE 1 – CLASSES OF PERMITS AND FEES**

Minimum Fee	
Minimum fee for processing and issuance of permits, except where specifically noted otherwise in this By-law	\$265
Group A (Assembly Occupancies)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$24.78
Portable Classrooms	\$396 (flat fee)
Shell only	\$21.51
Finishing only	\$5.63
Non-Residential – Outdoor Patio	\$199 (flat fee)

<b>Group B (Institutional Occupancies)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$29.62
Shell only	\$23.70
Finishing only	\$6.55
<b>Group C (Residential Occupancies)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Single Family Dwelling, semi, duplex, row house, townhouse	\$16.69
Apartment buildings	\$16.69
Hotels, Motels	\$22.07
<b>Group D (Business and Personal Services)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Office Buildings (up to 10 storeys) (Shell only)	\$16.66
Office Buildings (up to 10 storeys) (Finishing only)	\$5.33
Office Buildings (up to 10 storeys) (Finished)	\$21.99
Office Buildings (more than 10 storeys) (Shell only)	\$20.14
Office Buildings (more than 10 storeys) (Finishing only)	\$5.66
Office Buildings (more than 10 storeys) (Finished)	\$25.79
<b>Group E (Mercantile)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Retail (Shell only)	\$13.66
Retail (Finishing only)	\$4.61
Retail (Finished)	\$18.29
<b>Group F (Industrial)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Industrial (Shell only)	\$8.28
Industrial (Finishing only)	\$4.53
Industrial (Finished)	\$12.83

<b>Group F (Industrial) (continued)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Parking Garages	\$7.56
Gas Stations	\$13.80
<b>Subsurface Works (in addition to the regular permit fee)</b>	Flat Fee Unless otherwise indicated
Foundation Permits	
Residential under Part 9 of Division B of the Building Code	\$412
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1200 m <sup>2</sup> )	\$1,025
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1200 m <sup>2</sup> )	\$3,077
Excavation and Shoring	\$11.38 per linear metre
New water service (low density residential only)	\$170
New water service when included with a complete building permit application for a new building (low density residential only)	\$153
New sewer service (low density residential only)	\$170
New sewer service when included with a complete building permit application for a new building (low density residential only)	\$153
<b>Designated Structures</b>	Flat Fee
Communication Tower, Crane Runway, Retaining Wall, Silos	\$477
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$477
Pedestrian Bridge/Walkway	\$477
Satellite Dish (face area equal to or greater than 5 m <sup>2</sup> )	\$477
Outdoor Public Spa	\$976
Outdoor Public Swimming Pool	\$1,932

<b>Fire Protection Systems</b> (stand alone – excludes relocation of components for existing system)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Electromagnetic Locks/Electric Strikes	\$226 each (maximum \$675)
Fire Alarm System	\$396 (flat fee)
Emergency Lighting/Exit Signs	\$396 (flat fee)
Sprinkler System	\$0.66
Standpipe System	\$396 (flat fee)
Combined Sprinkler and Standpipe System	\$0.66 (minimum \$396)
<b>Mechanical Systems</b> (stand alone)	Flat Fee
Commercial Cooking Exhaust System	\$396
<b>Demolition</b> (complete or partial building – not issued under Demolition Control By-law)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Residential – single/two family dwelling and townhouses	\$0.49
Accessory structures to a residential use or partial demolition of a single/two family dwelling and townhouses	\$0.49 (\$170 minimum)
Non-residential and multi residential	\$0.49 (\$422 minimum)
<b>Plumbing Devices</b> (stand alone)	Flat Fee
Backflow Preventer	
For first premise or zone device	\$265
For each additional premise or zone device	\$170
Backwater Valve	\$265
Grease/Oil Interceptor	\$265

<b>Renewable (Green) Energy Systems</b>	<b>Flat Fee</b>
Geothermal System for a Single/Two Family Dwelling	\$477
Geothermal System for all other Buildings	\$639
Solar Collector for a Single/Two Family Dwelling	\$265
Solar Collector for all other Buildings	\$477
Wind Turbine	\$477
<b>Sewage Systems</b>	<b>Flat Fee</b>
To construct a sewage system pursuant to the provisions of the Act	\$921
To construct a Class 5 sewage systems or to repair a sewage system pursuant to the provisions of the Act	\$564
Sewage System Maintenance Inspection Program	\$258
<b>Signs</b>	<b>Flat Fee</b>
Ground Sign with a sign area of less than or equal to 2.5 m <sup>2</sup>	\$237
Ground Sign with a sign area of greater than 2.5 m <sup>2</sup> and up to 4.0 m <sup>2</sup>	\$417
Ground Sign with a sign area greater than 4.0 m <sup>2</sup>	\$835
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$417
Billboard	\$835
<b>Other Classifications</b> (not previously listed)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Accessory structures, garage, storage shed, new basement, cold cellar, unenclosed canopies, air supported structures	\$5.99
Farm Buildings	\$3.06
Greenhouses	\$1.83 (Maximum \$6030)

<b>Other Classifications</b> (not previously listed) (continued)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Tents	\$1.99 (Maximum \$422)
Temporary Structures	
Sales Offices	\$16.31
Construction Trailers	\$12.90
Stages	\$265 (flat fee)
Other Structures (intended to be used for less than 6 months)	\$265 (flat fee)
Residential greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$4.88
Alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	\$3.69
Exterior barrier free access in existing single and two family dwellings	\$0.00
Re-roofing without any structural changes (except for buildings containing less than 4 dwelling units or townhouses)	\$0.32
<b>Administrative Fees</b>	Flat Fee
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$170 (per hour of review time)
Additional Permit Fee (Revision) Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time)	\$170
For each additional hour, or part thereof, of review time	\$170
Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	\$616
For each additional hour, or part thereof, of review time	\$170
Applicable Law Review Review and consultation for Applicable Law requirements	\$260



Administrative Fees (continued)	Flat Fee
Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code	\$170 (per hour of review time)
Change of Use Permit Change of use Permit with no construction	\$265
Conditional Permit Fee Review and approval of Conditional Permit Agreements/Undertakings	10% of permit fee (minimum \$1,110, maximum \$3,887)
Fire Watch/Fire Plan Review and approval of Fire Watch/Fire Plans during construction	\$556
Limiting Distance Agreements For Review and approval of Limiting Distance Agreements under the Ontario Building Code	\$601
Occupancy Permit of an Unfinished Building Occupancy inspection prior to completion as per Subsection 1.3.3 of Division C of the Building Code	\$170 (per unit)
Permit or Application Extensions Extension of a building permit or permit application where no revisions are required	\$170
Pre-Consultation Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted	\$170 (per hour of review time)
Premature/Additional Inspections Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required	\$226 (per inspection)
Stock Plans Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted	\$432
Suspended Permit Where an inspection is requested for a Permit that has been suspended	\$226 (per inspection)

Administrative Fees (continued)	Flat Fee
Transfer of Permit Where ownership changes on a property and there are no other changes to the project or the professional services required.	\$170

4. Where no new floor area is created, or where materials, systems or equipment regulated by the Building Code render it impossible to determine the permit fee on the basis of the classifications noted in this Schedule, the permit fee payable shall be 1% of the prescribed value as determined by the Chief Building Official under Subsection 6.1 of this By-law, subject to a minimum fee as per Section 3 of this Schedule.
5. The total fees under this Schedule and Schedule “C” shall be paid prior to the issuance of a permit.

**6. INTERPRETATION**

In addition to referring to the Act and the Building Code in determining the fees under this By-law, the Chief Building Official may have regard to the following explanatory notes as may be needed in the calculation of permit fees:

- (a) Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (but excluding residential garages);
- (b) In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (e.g. tenant space);
- (c) Mechanical penthouses and floors, mezzanines, lofts, habitable attics and interior balconies are to be included in all floor area calculations;
- (d) Except for interconnected floor spaces, no deduction is made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, and similar openings);
- (e) Unfinished basements for single family dwellings, semis, duplexes and townhouses are not included in the floor area;
- (f) Attached garages and fireplaces are included in the permit fee for individual dwelling units;
- (g) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;

- (h) Corridors, lobbies, washrooms, lounges, and similar areas are to be included and classified according to the major classification for the floor area on which they are located;
- (i) The occupancy categories in the Schedule correspond with the major occupancy classifications in the Building Code. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories shall be used and the floor area associated with the major occupancy;
- (j) For Rack Storage use apply the square footage charge for industrial for the building;
- (k) A temporary building is considered to be a building that will be erected for not more than one year; and,
- (l) Where a change of use permit is subject to a fee based on floor area, "floor area" shall mean the total floor space of all storeys subject to the change of use.

**SCHEDULE “B”**

**REFUND OF PERMIT FEES**

1. The permit fees that may be refunded under subsection 6.4 of this By-law, are to be a percentage of the permit fees payable under this By-law subject to section 2 of this Schedule, as follows:

<u>Work Performed</u>	<u>Refund</u>
(a) Administrative functions only have been performed	80%
(b) Administrative and zoning functions only have been performed	70%
(c) Administrative, zoning and plan examination functions only have been performed	45%
(d) The permit has been issued and no field inspections have been performed subsequent to the permit issuance	35%
(e) The permit has been issued and field inspections have been performed subsequent to the permit issuance	35% reduced by 5% for each field inspection performed

2. Notwithstanding section 1 above, no refund is to be made of an amount less than the minimum permit fee.

**SCHEDULE “C”  
(as amended by By-law 20-259 – Effective January 1, 2021)**

**Percentage Increase in Applicable Permit Fees for Work Commenced or Completed Without Permit**

1. An additional fee is required to be paid as set out below when work is commenced without the required permit. The Schedule “C” fees are intended to cover the additional costs associated with the additional administrative and regulatory actions of the City made necessary by the commencement of work without the required permit. The additional fee is calculated as a percentage increase in the permit fee prescribed in Schedule “A”, as follows:

Work Commenced/Completed Prior to Permit Issuance	Applicable Increase in Permit Fee
(a) Footings/Foundations commenced	25%
(b) Structural Framing commenced	50%
(c) Structural Framing completed	75%
(d) Building is completed	100%
(e) Any other work requiring the issuance of a building permit:	
(i) if 25% of the scope of work is completed	25%
(ii) if 50% of the scope of work is completed	50%
(iii) if 75% of the scope of work is completed	75%
(iv) if 100% of the scope of work is completed	100%
(f) Demolition or partial demolition has commenced	100%

## **SCHEDULE “D”**

### **Plans and Documents Required for Permit Applications**

1. Except as noted in section 2 of this Schedule, every permit application shall be accompanied by two copies of the following plans and documents:

- (1) **Residential** - Detached and Semi-detached houses

1. Site Plan
2. Grading Plan
3. Floor Plans
4. Building Elevations
5. Cross Sections
6. Roof and floor truss drawings sealed by a Professional Engineer
7. Heat loss calculations and duct layout
8. Mechanical Ventilation Design Summary

- (2) **All Other Uses**

1. Ontario Building Code Matrix
2. Site Plan
3. Grading Plan
4. Floor Plans
5. Foundation Plans
6. Roof Plans
7. Reflected Ceiling Plans
8. Building Elevations
9. Cross Sections and Assemblies
10. Structural Plans
11. Mechanical Plans
12. Plumbing Plans
13. Electrical Plans
14. Fire Separation Plan
15. Fire Protection Plans
16. Door and Window Schedules

### **Exceptions**

2. (1) The Chief Building Official may waive the requirement for multiple copies and any required information specified in this schedule due to limited scope of work, applicable law or Building Code requirements; and
- (2) The Chief Building Official may also require additional documents, copies and drawings in addition to any required information specified in this schedule due to the scope of work, in order to ensure compliance with applicable law, the Act, the Building Code and this By-law.

## **SCHEDULE “E”**

### **CODE OF CONDUCT FOR BUILDING OFFICIALS**

#### **Introduction**

This Code of Conduct applies to the Chief Building Official and inspectors appointed by the City under the *Building Code Act, 1992* in the exercise of a power or the performance of a duty under the *Building Code Act, 1992* or the Building Code. The purposes of this Code of Conduct are to promote appropriate standards of behaviour and enforcement actions by the Chief Building Official and inspectors, to prevent practices, which may constitute an abuse of power, including unethical or illegal practices, and 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, 1992* or the Building Code by the Chief Building Official and inspectors.

#### **Standard of Conduct**

In addition to any existing Code of Conduct Policy which the City of Hamilton already has in place for its municipal employees, the Chief Building Official and inspectors of the City of Hamilton undertake to:

- (1) Act in the public interest, particularly with regard to the safety of buildings and structures.
- (2) Conduct themselves with a high degree of personal integrity and ethics, and in particular they should not place themselves, or permit themselves to be placed, in a position which would constitute, or on an objective basis give a reasonable apprehension, of a conflict of interest or breach of trust.
- (3) Exercise powers in accordance with the provisions of the *Building Code Act, 1992*, the Building Code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures.
- (4) Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties.
- (5) Act honestly, reasonably and professionally in the discharge of their duties.

- (6) Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.

### **Breaches of the Code of Conduct**

Compliance with this Code of Conduct shall constitute a condition of employment as a Chief Building Official or inspector for the City of Hamilton appointed under the *Building Code Act, 1992*. Any appointed Chief Building Official or inspector who fails to act in accordance with the provisions of this Code of Conduct may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this Code of Conduct 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 General Manager of Planning and Economic Development to whom the Chief Building Official reports.

Disciplinary actions arising from violations of this Code of Conduct are the responsibility of the City of Hamilton as the employer and will be based on the severity and frequency of the violation in accordance with relevant employment or collective agreements, employment standards and privacy requirements.