

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW NUMBER 14-74

*repeal
by-law 35-73*

A By-law passed pursuant to the Planning Act R.S.O. 1970, c. 349, sec. 38, to, inter alia, regulate the construction, erection or repair of buildings.

WHEREAS the Planning Act, R.S.O. 1970, c. 349, sec. 38, par. 24 authorized any By-law passed under such section to adopt by including in the By-law in whole or in-part the National Building Code of Canada,

NOW THEREFORE, the Council of the Corporation of The City of Brampton ENACTS as follows:

ADMINISTRATION

Section 1

- 1.1 This By-law may be cited as the Building By-law of the City of Brampton.
- 1.2 This By-law shall be administered by the Building and Zoning Co-Ordinator, and in his absence, this By-law shall be administered by the Deputy Building and Zoning Co-Ordinator or his representatives.

Section 2 - Adoption of the National Building Code of Canada 1970,
as amended

- 2.1 Parts 2, 5 and 8 of the National Building Code 1970 Edition as amended shall apply to all buildings.
- 2.2 Parts 3, 4 and 6 of the National Building Code 1970 Edition as amended apply to:
 - (a) all buildings used for assembly, institutional and high hazard industrial occupancies.
 - (b) all buildings exceeding 6,000 square feet (558 square meters) in building area or exceeding 3 stories in building height used for residential, business and personal services, mercantile and medium and low hazard industrial occupancies.
- 2.3 Part 9 of the National Building Code 1970 Edition applies to buildings three stories or less in height, having a building area not exceeding 6,000 square feet (558 square meters) and which are used for residential, business and personal service, mercantile and medium and low hazard industrial occupancies.

- 2.4 (a) This By-law does not apply to farm buildings, other than those used as single family residences, and storage area for residential family car.
- (b) This By-law shall not apply to buildings of less than 50 square feet, used for storage purposes, but such buildings must comply with the Zoning By-law requirements.

2.5 Where

- (a) a building is built, this By-law shall apply to the excavation for, and the construction of the building;
- (b) the whole or any part of a building is moved, this By-law applies to all parts of the building whether moved or not;
- (c) the whole or any part of a building is wrecked, this By-law applies to any remaining part and to work involved in the wrecking;
- (d) a building is altered, this By-law applies to the whole building except that the By-law applies only to part if that part is completely self-contained with respect to the facilities and safety measures required by this By-law;
- (e) the occupancy of any (or part of any) building is changed, and a different purpose or use is embodied by such change, this By-law shall apply to all parts of the building affected by the change.

2.6 Parts of the National Building Code, as amended and as revised by this By-law are made part of this By-law as follows:

<u>Part of Code</u>	<u>Schedule to this By-law</u>
Climatic Data	A
2	B
3	C
4	D
5	E
6	F
8	G
9	H
Permit Fees	J

2.7 Where the provisions of any Provincial Statute or regulation having the force of law that require approval of plans, specifications and equipment by other authorities and in particular, but without limiting the foregoing approval is

required by,

1. The Egress from Public Buildings Act.
2. The Hotel Fire Safety Act.
3. The Theatres Act.
4. The Tourism Act
5. The Liquor Control Act,
6. The Fire Marshall's Act,
7. The Gasoline Handling Act.
8. The Environmental Act,
9. The Conservation Authorities Act.
10. The Public Health Act.

Such approval shall, where possible, be obtained prior to the issuance of a permit by the Building and Zoning Co-Ordinator. In no event is a building permit to be issued where the approval of the Regional Health Unit of Peel or the Conservation Authorities is withheld.

Where the requirements of this By-law are more stringent than the requirements of any other laws, this By-law shall govern.

Section 3 - Responsibility of the Owner

- 3.1 Subject to the provisions of Subsections 5.3 and 5.4, neither the granting of a permit nor the approval of the drawings and specifications, nor inspections made by the City Inspectors during erection of the building shall in any way relieve the Owner of such building from full responsibility for carrying out the work in accordance with the requirements of this By-law..
- 3.2 The Owner of the property or his agent shall give at least 48 hours written notice to the Building and Zoning Co-Ordinator of the intention to start and shall give 24 hours written notice to the Building and Zoning Co-Ordinator of the time that work will be reqdy for the following inspections:
 - (a) After excavation, but before pouring footings,
 - (b) After the foundation walls are adequately supported laterally, drainage tiles installed, dampproofing completed, but before backfilling,

- (c) After the roof, walls, bracing and other framing members are in place, roughed-in wiring and plumbing and before any work is concealed by insulation, lath or by any other means,
- (d) After insulation is placed and before boarding,
- (e) After concrete floors are prepared and before pouring,
- (f) when construction is completed and ready for use or occupancy, but before the building is in use or occupied.

3.3 The owner shall obtain the written consent of the Building and Zoning Co-Ordinator before erasing, altering or modifying any drawings or specifications bearing the approval stamp of the Building and Zoning Co-Ordinator and/or his representatives. If during the progress of the work it is desired to deviate from the stamped drawings or specifications, notice of such deviation shall be made in writing to the Building and Zoning Co-Ordinator.

Section 4 - Prohibition

- 4.1 No person shall commence or continue any of the work referred to in Section 2 unless the owner of the building to be constructed, or in respect of which the work is to be carried out, has obtained a Building Permit.
- 4.2 No person shall commence or continue any part of the work referred to in Section 2, for which part a permit is required by this By-law, unless he has obtained a permit to carry out that part of the work.
- 4.3 No person shall commence or continue any part of the work referred to in Section 2 in respect of which a permit is required under any other By-law unless he has obtained a permit under that By-law.

Section 5 - Permits

- 5.1 Subject to Subsections 5.3 and 5.4 and Clause 8.1 where
 - (a) an application has been made, and

- (b) the proposed work set out in the application conforms with this By-law and all other applicable By-laws, the City Building and Zoning Co-Ordinator and/or his representative shall issue the permit for which the application is made.
- 5.2 (a) Every permit is issued upon the condition that every permit shall expire if active work is not commenced on the structure within a six month period from the date of its issue. The owner or his agent prior to expiry date may make application in writing to the Building and Zoning Co-Ordinator for a further six month period, providing that the proposed work is found to comply with the provisions of all applicable By-laws as revised to the time of the proposed renewal. The Building and Zoning Co-Ordinator and/or his representatives may re-issue the permit upon receipt of the prescribed fee of 10% of the original permit fee, not to exceed \$1,000.00 or less than \$5.00, and
- (b) Refund of Permit Fees: Where a Building Permit has not been acted upon and expires or in the event that the holder of the permit returns same for cancellation prior to the commencement of work on the project, the holder of the permit shall be entitled to a refund of 90% of the original building permit fee paid, provided however, that no refund shall be made which shall result in the retention by the Corporation of the City of Brampton of a sum of more than \$1,000.00 and less than \$5.00 on each permit.
- (c) Every building shall be completed in accordance with the terms of the building permit application, or as modified and approved by the Building and Zoning Co-Ordinator and/or his representatives, within eighteen (18) months from the date of issuance of the permit and failure to conform to the terms of this paragraph, shall render the owner liable to the penalties of this By-law. The

extension for the completion of the building or structure may be granted by the Building and Zoning Co-Ordinator upon application by the owner or his agent for a further period of one year, upon satisfactory evidence that plans and incomplete construction shall be made to comply with all the requirements of this By-law and all applicable By-laws at the time of the application for extension is being reviewed.

- 5.3 The City Building and Zoning Co-Ordinator shall refer to the Council plans and specifications for any building or structure that is not provided for in this By-law and for which application for a Building Permit has been received.
- 5.4 No permit shall be issued for a building or structure referred to in Subsection 5.3 without the prior approval of the Council.
- 5.5. The application referred to in Subsection 5.1 shall
- (a) be made on the form provided by the Building and Zoning Co-Ordinator,
 - (b) be signed by the applicant,
 - (c) state the intended use of the building,
 - (d) include copies in triplicate of the specifications and scale drawings of the building with respect to which the work is to be carried out showing:
 - (i) the dimensions of the building
 - (ii) the proposed use of each room or floor area,
 - (iii) the dimensions of the land on which the building is, or is to be situated,
 - (iv) the grades of the streets and sewers abutting the land referred to in subclause (iii) and
 - (v) the position, height and horizontal dimensions of the buildings on the land referred to in subclause (iii),
 - (e) contain any other information required by this By-law or by the Building and Zoning Co-Ordinator and

- (f) the fee if any for the permit applied for be paid upon issuance of the permit.

5.6 Public buildings to be erected, constructed or altered shall be designed by and the specifications therefor shall be prescribed by and the erection, construction and alterations thereof shall be controlled and supervised by:

- (a) a member or licensee of the Ontario Association of Architects under the Architects Act, or
- (b) A Civil or Structural Engineer who is a member or licensee of the Association of Professional Engineers of the Province of Ontario, under the Professional Engineers Act.

5.7 The Building and Zoning Co-Ordinator and/or his representatives may approve and issue a foundation permit providing the Owner or his agent submits with his applications,

- (a) registered survey and plot plan showing elevations and location of buildings and services,
- (b) soil test report,
- (c) foundation structural plans,
- (d) the prescribed fee and a letter of intent stating operation to be carried on,
- (e) permits shall be issued for Industrial, Commercial and Institutional uses only - and where all zoning and other applicable City By-laws have been complied with.

5.8 The fee for a permit to perform work regulated by the provisions of this By-law with respect to buildings, alterations, repairs, additions, swimming pools and pool fences, advertising devices and storage tanks, shall, except where otherwise herein provided, be calculated in relation to the cost of the work (including the cost of all materials; labour and services and the installation of equipment or things for which a permit is required). No plans for the erection of a building shall be considered by the Building and Zoning Co-Ordinator unless accompanied by an application for a permit. Upon approval of the plans and application, the permit fee shall be evaluated in Schedule "J" of this By-law.

- 5.9 The City Building and Zoning Co-Ordinator shall refuse a permit for any building or structure that, if constructed, would be contrary to any By-law of the City of Brampton.
- 5.10 The person receiving such permit shall provide a surity company bond or a liability policy providing public liability and property damage limits of \$500,000.00 to indemnify and save harmless the Corporation of the City of Brampton against all damages or injuries occasioned to any person or persons by reason of construction on any portion of a street.

Section 6 - Duties of the Owner

- 6.1 Every owner of the property shall
- (a) permit the City Building and Zoning Co-Ordinator and/or his representatives to enter any building or premises at any reasonable time for the purpose of administering this By-law,
 - (b) obtain, where applicable, from the appropriate authority, permits relating to building, zoning, grades, sewers, watermains, plumbing, signs, blasting, street occupancy, electricity, highways and all other permits required in connection with the proposed work,
 - (c) give written notice to the City Building and Zoning Co-Ordinator within 30 days of completion of the work described in the permit, and
 - (d) obtain an occupancy permit from the City Building and Zoning Co-Ordinator prior to any
 - (i) occupancy of a building or part thereof after construction, wrecking or alteration of that building or part,
 - or
 - (ii) change in the class of occupancy of any building or part thereof.

- 6.2 Where tests of any materials are made to ensure conformity with the requirements of this By-law, records of the test data shall be kept available for inspection during the construction of the building and copies of all such reports sent to the office of the Building and Zoning Co-Ordinator.
- 6.3 The person to whom a permit is issued shall, during construction, keep
- (a) posted in a conspicuous place on the property in respect of which the permit was issued a copy of the building permit or poster or placard in lieu thereof, and
 - (b) a copy of the approved drawings and specification referred to in Clause 5.5.(d) on the property in respect of which the permit was issued.

Section 7 - Duties of the City Building and Zoning Co-Ordinator.

- 7.1 The Building and Zoning Co-Ordinator and/or his representatives shall examine all applications for permission to do work in connection with the construction of buildings.
- 7.2 When the prescribed fee has been paid, plus a receipt for road entrance culvert, where applicable, permission to use municipal owned property, where applicable, and the application, drawings, specifications, and block plan or survey conform to the requirements of this By-law, and all other applicable governmental regulations. The Building and Zoning Co-Ordinator or his representatives stamp the drawings and specifications with the approval stamp of the Building Department, issue the permit together with one set of the approved drawings and specifications to the applicant, and retain the other set.
- 7.3 No permit shall be issued by the Building and Zoning Co-Ordinator and/or his representatives under the provisions of this By-law for any building or structure, which building or structure requires to be served by a septic tank system save and until the written approval of the Medical Officer of Health for the establishment of such septic tank system has been lodged with the Building and Zoning Co-Ordinator.

7.4 If the matters mentioned in any application for a permit or if the drawings, specifications or block plan or survey submitted with the application indicate to the Building and Zoning Co-Ordinator and/or his representatives that the work proposed to be done will not comply in all respects with the provisions of this By-law and all applicable governmental regulations, he shall refuse to issue a permit therefor and no permit shall be issued until the application, drawings, specifications and the block plan are made to conform to the requirements of this By-law and all applicable governmental regulations.

7.5 Whenever, in his opinion, any building, fence, or erection or part thereof, is, by reason of its ruinous or delapidated state, faulty construction or otherwise, in an unsafe condition as regards danger from fire or risk of accident, the Building and Zoning Co-Ordinator shall give notice in writing to the owner of such building, fence, or erection, or his authorized agent, specifying wherein such unsafe condition exists and upon receipt of such notice, the said owner or his agent shall forthwith put such building, fence, or erection or part thereof in a safe condition or demolish same, at the expense of the owner.

7.6 The Building and Zoning Co-Ordinator shall, whenever necessary, notify all owners or authorized agents of the procedure in which applications must be made, and further, notify the applicant of the other authorities to whom he is required to submit plans for approval. The Building and Zoning Co-Ordinator shall notify, whenever necessary, all other authorities (affected by the construction of a building) of applications received and/or permits issued in a method satisfactory to all parties concerned.

Section 8 - Powers of the City Building and Zoning Co-Ordinator.

8.1 The City Building and Zoning Co-Ordinator and/or his authorized representatives may

- (a) enter any building or premises at any reasonable time for the purpose of administering this By-law.

(b) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof is necessary to determine whether the material, device, construction or foundation condition meets the requirements of this By-law.

(c) refuse a permit where in his opinion the results of the tests referred to in Clause (b) are not satisfactory.

8.2 Every person receiving a permit from the Building and Zoning Co-Ordinator with the approval of the City Engineer or Council to occupy a part of any street for the purpose of constructing or altering any building or erection, shall, if required by the Building and Zoning Co-Ordinator, erect and maintain a close board fence or barricade at least six feet high between the part of the street left for public use and the part occupied for the purpose of building operations.

8.3 Notice of Violation: The Building and Zoning Co-Ordinator and/or his representatives shall serve a written notice of violation on the owner or person responsible for the rerection, construction, alteration, extension, repair, use or occupancy of a building or structure in violation of the provisions of this By-law, or in violation of any detail statement or plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this By-law; and such notice shall direct the discontinuance of the illegal action or condition and the correction of the violation within 24 hours.

8.4 Stop Work Order: The Building and Zoning Co-Ordinator and/or his representatives shall upon failure of the owner or his agent to comply with the written notice, issue a Stop Work Order and post it on the construction site and all work shall immediately cease. Notice of the Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work;

8.5 Prosecution of Violation: If the notice of violation is not complied with promptly, or the Stop Work Order violated, the Building and Zoning Co-Ordinator shall request the By-law

Enforcement Officer to institute proceeding in a Provincial Court pursuant to Section 9.

Section 9 - Penalties:

9.1 Every person who contravenes any provision of this By-law commits an offence and upon conviction therefor shall be liable to a fine not exceeding \$1,000.00 exclusive of costs, and every such penalty shall be recoverable under the Summary Convictions Act.

Section 10 - Relief from Personal Responsibility:

10.1 The inspector or employee charged with the administration of this By-law while acting for the City, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any inspector or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this By-law shall be defended by the legal representative of the Corporation until the final termination of the proceedings. In no case shall the inspector or any of his subordinates be liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of this By-law; and an inspector of the Building Department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

Section 11 - Temporary Buildings:

11.1 A permit may be issued by the Building and Zoning Co-Ordinator and/or his representatives for a temporary building or structure for a period not to exceed one year. Further extensions may be granted upon receipt of the permit fee and approval of Council.

Section 12 - Repeal of By-laws

12.1 The following By-laws of the former Corporation of The Township of Chinguacousy insofar as they apply to any area now within the City of Brampton are repealed:

98-72 as amended by
129-72,
180,72, . . .
251-72,
303-73, and
264-73.

The following By-laws of the former Corporation of The Township of Toronto-Gore insofar as they apply to any area now within the City of Brampton are repealed:

1056.

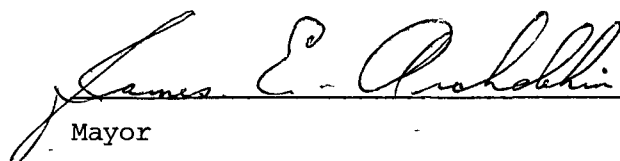
The following By-laws of the former Corporation of The Township of Mississauga insofar as they apply to any area now within the City of Brampton are repealed:

7431 as amended by
7917,
9191,
10415,
10678 and
10679.

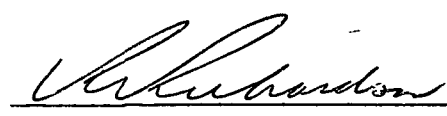
The following By-laws of the former Corporation of The Town of Brampton are hereby repealed:

1273 as amended by
1279,
1291,
1460,
1542,
1627,
1721,
1823 and
2765.

READ A FIRST, SECOND and THIRD TIME and PASSED in Open Council this
11th day of February , 1974



Mayor



Clerk

SCHEDULE "J"

TO

BY-LAW NUMBER 14-74

PERMIT FEES

1. New building construction, alterations, additions, repairs, Swimming Pools and Swimming Pool Fences

For the first \$1,000.00 or part thereof - \$ 5.00
For each additional \$1,000.00 or part thereof - \$ 3.00

2. Occupancy permits, Residential \$ 5.00
Occupancy permits, Industrial - \$50.00
Commercial and Institutional

3. Miscellaneous Permits:

Demolition or Removal of Buildings - \$15.00
Storage Tanks (1000 gal. & over) - \$10.00
Gasoline Pumps - \$ 2.00
Advertising Devices - \$25.00
Carport or Garage (Single car - 200 sq. ft.) - \$ 5.00
Two Car Garage (400 sq. ft.) - \$10.00
Three Car Garage (600 sq. ft.) - \$15.00