

Authority Planning and Growth Management Committee Item 20.2,  
as adopted by City of Toronto Council on December 1, 2 and 3, 2008  
Enacted by Council: December 3, 2008

## CITY OF TORONTO

### BY-LAW No. 1299-2008

#### **To amend City of Toronto Municipal Code Chapter 363, Construction and Demolition, with respect to certain technical and fee schedule amendments.**

WHEREAS it is desirable to introduce necessary technical and administrative amendments related to changes in the *Building Code Act* in 2006, including a cost recovery fee to facilitate approval of “alternative solutions” under the objective based code format; and

WHEREAS it is necessary to provide that Toronto Building has the ability to recover the cost of administering remedial work to former marijuana grow operation properties; and

WHEREAS it is desirable that Toronto Building be enabled to improve the efficiency and timeliness of responses to public requests for the disclosure of plans and records and to provide for the authority to recover costs related thereto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 363, Construction and Demolition, of The City of Toronto Municipal Code, is amended as follows:
  - A. In § 363-3.1A by deleting the words “On or after October 1, 2005”.
  - B. In § 363-3.1B(10) and (11) by deleting the words “If Section 2.3” and inserting the words “If Subsection 1.2.2 of Division C Part 1 of” before the words “the Building Code”.
  - C. In § 363-3.1B(15) by deleting the words “Article 1.1.3.3” and inserting the words “If Subsection 1.4.1.3 of Division A Part 1 of” before the words “the Building Code”.
  - D. In § 363-3.1C by deleting the words “A permit filed before October 1, 2005”.
  - E. In § 363-3.1C(8) and (9) by deleting the words “If Section 2.3” and inserting the words “If Subsection 1.2.2 of Division C Part 1 of” before the words “the Building Code”.
  - F. In § 363-3.2B(1) by deleting the words “If Section 2.3” and inserting the words “If Subsection 1.2.2 of Division C Part 1 of” before the words “the Building Code”.
  - G. By adding a new § 363-3.2B(2) with the words “If Article 1.2.2.3 of Division C Part 1 of the Building Code applies the applicant shall provide confirmation on a form prescribed by the Chief Building Official that a professional engineer has been retained to undertake the general review of the demolition.”

- H. By adding a new § 363-3.2B(3) with the words “If Article 1.2.2.3 of Division C Part 1 of the Building Code applies the professional engineer shall provide confirmation on a form prescribed by the Chief Building Official that a he or she has been retained to undertake the general review of the demolition in accordance with the performance standards of the Professional Engineers of Ontario (the “PEO”).”
- I. In § 363-3.3A by deleting the words “but on or after October 1, 2005”.
- J. By adding new § 363-5E, F, G, H, I, J, K, L, M and N as follows:
- “E. Plans submitted under Subsection A and as outlined in Schedule D to this article, at the end of this chapter, shall be legible and be drawn to scale upon paper or other suitable and durable material.
- (1) upon paper or other suitable and durable material, and
  - (2) in an electronic format conforming to all applicable guidelines as prescribed by the Chief Building Official.
- F. Except where the submitted document is a form describes in Section 363-3, the number of plans, specifications, documents and other information shall be submitted as follows:
- (1) One copy in electronic format, and
  - (2) Two hard copies on suitable, durable material.
- G. Forms described in Section 363-3 shall be submitted as one electronic copy, and one signed hard copy.
- H. Applications shall not be considered submitted until the requirements of Articles F and G are met.
- I. Submissions that do not meet electronic formatting guidelines prescribed shall be assessed a Printing/Scanning/Conversion Service Charge to recover the costs associated with bringing the submission into compliance.
- J. The original of any approval from other City Division, Board, Agency or other external agency shall be submitted together with an electronic version otherwise will be subject to H & I.
- K. The Chief Building Official may require the additional information to be provided any time prior to the completion of work.
- L. On completion of the construction of a building, the Chief Building Official may require a set of as-constructed plans, including a plan of survey showing the location of the building.

- M. Amendments to any part of a previously submitted electronic file, whether it is a document, form, specifications or plan, the new up-to-date version of the file shall be resubmitted electronically.
- N. Plans and specifications furnished according to this article or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.”
- K. By adding new § 363-6F, G, H and I as follows:
- “F. Requests to the Chief Building Official to evaluate Alternative Solution Submissions shall be charged a fee of \$2,000.00 per Alternative Solution Submission.
- G. Requests to the Chief Building Official to evaluate a building material, system or design shall be charged \$5,000.00 for each evaluation. Any cost of required third party review, testing, or evaluation deemed necessary by the Chief Building Official as part of the evaluation shall be added to the evaluation fee.
- H. Where a fee for Energy Devices and Equipment is paid under Part E of Schedule “A” no additional fee shall be payable to evaluate such Energy Devices and Equipment as an Alternate Solution Submission.
- I. Any demolition or building permit application associated with the renovation, remediation, demolition of a property that contain a marijuana grow operation shall be assessed a fee of \$5000.00 for plan review, inspection and administration in addition to any fee prescribed under § 363-6A, and an additional fee of \$750.00 for an assessment report, remediation plan review and clerical administration costs of Toronto Public Health.
- J. Request to the Chief Building Official for the disclosure of plans, files, drawings, or any other record shall be accompanied with a payment of \$65.00 for each plan, file, drawing or record requested.”
- L. In § 363-10A by deleting the words “2.4.5.1” and inserting “1.3.5.1 of Division C, Part 1” before the words “of the Building Code”.
- M. In § 363-10B by deleting the words “2.4.5.2.(1)(d), (f) and (g)” and inserting “1.3.5.2.(i), (d) and (g) of Division C, Part 1” before the words “of the Building Code”.
- N. In § 363-10D by deleting the words “2.4.5.3.” and inserting “1.3.5.3. of Division C, Part 1” before the words “of the Building Code”.
- O. In § 363-10.1C by deleting the words “1.1.3.3. (1)” and inserting “1.4.1.3.(1) of Division A, Part 1” before the words “of the Building Code”.

- P. In Part E of Schedule A to Chapter 363 by adding a new building classification “Energy efficiency devices and equipment” in the left hand column and a corresponding fee in the right hand column of “\$92.94 per installation”.
2. This by-law comes into force on the first day of January, 2009.

ENACTED AND PASSED this 3rd day of December, A.D. 2008.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)