

Authority: Planning and Growth Management Committee Item 27.11, as adopted by City of Toronto Council on November 13, 14, 15 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1073-2014

To amend City of Toronto Municipal Code Chapter 441, Fees and Charges and Chapter 363, Construction and Demolition, to make necessary technical amendments to update Toronto Building fee references.

Whereas authority is given to Council to adopt by-laws setting fees; and

Whereas it is necessary to update Toronto Municipal Code Chapter 441, Fees and Charges and Chapter 363, Construction and Demolition to reflect the changes to fees and charges approved by Council;

The Council of the City of Toronto enacts:

1. Appendix C - Schedule 8, Toronto Building of Municipal Code Chapter 441, Fees and Charges, is amended as follows:
 - (1) Reference number 147 is relabelled as reference number 116;
 - (2) The fee description and fee basis for reference number 76 are replaced with "Stand Alone Mechanical work - Heating, Ventilation and Air Conditioning (HVAC) - Group A & B Occupancies - Application intake, plan review and inspection activities" and "Per Square Metre" respectively;
 - (3) The fee description for reference number 77 is amended by capitalizing the term "Heating";
 - (4) The fee description for reference number 84 is replaced with "Stand Alone Mechanical work - Laboratories - Application intake, plan review and inspection activities";
 - (5) The fee description for reference number 85 is replaced with "Stand Alone Mechanical work - Parking garages - Application intake, plan review and inspection activities";
 - (6) The fee description for reference number 90 is replaced with "Fixtures, equipment, and roof drains for SFD - Application intake, plan review and inspection activities";
 - (7) The fee description for reference number 91 is replaced with "Fixtures, equipment, and roof drains for all other buildings - Application intake, plan review and inspection activities";
 - (8) The fee for reference number 103 is replaced with "\$80.29/hour"; and

- (9) The fee description for reference number 106 is amended by replacing the term "Section" with "Subsection".

2. Municipal Code Chapter 363, Construction and Demolition is amended as follows:

- (1) The heading "§ 363-2. Classes of permits; conflicts with Schedule A." is replaced with "§ 363-2. Classes of permits; conflicts with Chapter 441, Fees and Charges.";
- (2) Replacing the phrase "Schedule A to this article, at the end of this chapter." contained in § 363-2A with "Chapter 441, Fees and Charges.";
- (3) Replacing the phrase " Schedule A to this article" contained in § 363-2B with "Chapter 441, Fees and Charges.";
- (4) Deleting section § 363-6. Fees in its entirety and replacing it with the following:

§ 363-6. Fees.

- A. The Chief Building Official shall determine the required fees for the proposed work, calculated based on the formula below, and the applicant or owner shall pay the fees.

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

Where:

SI = Service index classification of the work proposed. The Service Index is the fee set out in Chapter 441, Fees and Charges

A = Floor area in m² of work involved

A "minimum fee" as outlined in Chapter 441, Fees and Charges, shall be charged for all work. "Activity types", "Building Records and Information" or "Other Services" outlined in Chapter 441, Fees and Charges are exempted from a "minimum fee" charge.

- B. Additional review fee.

If new, additional or revised information is submitted for a permit application which applies to some or all of the permit which has already been reviewed, the greater of the "Minimum fee" outlined in Chapter 441, Fees and Charges, or the additional review time spent, measured to the nearest whole hour, multiplied by the "Hourly Fee" shall be charged. This is to compensate the City for additional work and expense in plan examination.

C. Construction prior to Construction.

Additional fee equal to 50 percent of the permit fees for the project, or the amount set out in Chapter 441, Fees and Charges, whichever is greater, shall be charged when construction has commenced prior to the issuance of a building permit authorizing the construction. For construction projects where permit applications are submitted for each stage of construction, the additional fee shall be equal to 50 percent of the permit fees for the stage(s) of construction that has or have commenced prior to the issuance of the building permit authorizing the relevant stage of construction, to a maximum set out in Chapter 441, Fees and Charges.

D. Other applicable fees for classes of permits or services not described or included in this section shall be based on:

- (1) A fee per \$1,000.00 of prescribed construction value set out in Chapter 441, Fees and Charges; or
- (2) Where there is no prescribed construction value, the hourly rate shall be charged set out in Chapter 441, Fees and Charges, to account for processing of the permit and inspections. For the purposes of this section, "prescribed construction value" will be calculated based on the Toronto Area Chief Building Officials Committee (TACBOC) Construction Value Standard Schedule that is in effect at the time of the permit application.

E. Refusal of permit.

- (1) No permit shall be issued until the full fees for it have been paid.
- (2) Despite Subsection E(1), where permit fees are greater than \$20,000, a part permit for excavation and shoring may be issued before the full fees have been paid if the deposit required under § 363-3.1C(6) has been paid.

F. The fee for a zoning certificate shall be 25 percent of the total permit fee applicable to a proposal as calculated in accordance with Chapter 441, Fees and Charges provided that for each additional review required prior to the issuance of a zoning certificate the applicant shall pay an additional fee equal to 10 percent of the total permit fee applicable.

G. Where an applicant or owner submits and pays in full for a zoning certificate as defined in § 363-1, the fees for the review shall be credited in full to the subsequent permit application and reduce the amount to be paid under § 363-6A.

H. Upon written request the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with

Chapter 441, Fees and Charges provided that the request is received no later than one year after the application in the case of:

- (1) Withdrawal of the application;
- (2) Abandonment of an application under § 363-4
- (3) Refusal to issue a permit; or
- (4) A request for revocation of a permit under clause 8(10)(e) of the Act.

- I. In addition to the fees required under § 363-6A, there shall be an additional fee for each new residential unit included in an application made on or after January 1, 2006.
- J. Requests to the Chief Building Official to evaluate Alternative Solution Submissions shall be charged in accordance with Chapter 441, Fees and Charges, for each evaluation.
- K. Requests to the Chief Building Official to evaluate a building material, system or design shall be charged in accordance with Chapter 441, Fees and Charges, for each evaluation. Any cost required for 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.
- L. Where a fee for Energy Devices and Equipment is paid according to Chapter 441, Fees and Charges, no additional fee shall be payable to evaluate such Energy Devices and Equipment as an Alternative Solution Submission.
- M. A property identified as a marijuana grow operation shall be charged the fee prescribed in Chapter 441, Fees and Charges, for an assessment report, remediation plan review and clerical administration costs of Toronto Public Health.
- N. Requests to the Chief Building Official for the disclosure of plans, files, drawings, or any other record shall be accompanied with a payment for each plan, file, drawing or record requested. The payment for this service shall be calculated in accordance with Chapter 441, Fees and Charges.
- O. Interpretation.

The following are explanatory notes for the calculation of permit fees:

- (1) The floor area of the proposed work is measured to the outer face of exterior walls and to the centre line of party walls or demising walls.

- (2) For interior alterations or renovations, the area of proposed work is the actual space receiving the work.
- (3) Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and balconies are to be included in all floor area calculations.
- (4) Except for interconnected floor spaces, no deductions are made for openings within the floor area.
- (5) Unfinished basements and attached garages for single detached, semi-detached, duplex and townhouse dwellings are not included in the floor area.
- (6) Fireplaces, porches, decks etc., are included in the permit fee for single detached, semi-detached, duplex and townhouse dwellings.
- (7) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable.
- (8) Ceilings are included in both new shell and finished (partitioned) buildings. The Service Index for ceiling applies only when alterations occur in existing buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable.
- (9) Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovations permit, no additional charge is applicable.
- (10) Corridors, lobbies, washrooms, lounges, etc., are to be included and classified according to the major classification for the floor area on which they are located.
- (11) The occupancy categories in Chapter 441, Fees and Charges 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 may be used, except where an occupancy category is less than 10 percent of the floor area.

P. Refunds.

The amount of fees refundable shall be calculated based on the total required fee as follows:

- (1) 75 percent if the application is cancelled prior to review.
- (2) 50 percent if the application cancelled prior to permit issuance.
- (3) 40 percent if a permit has been issued and the project has been cancelled, minus the minimum permit fee for each field inspection performed up to the cancellation date.
- (4) In cases where the deposit paid is less than the total required fee calculated using this Subsection A, the amount of the refund shall be reduced by the amount owing.
- (5) No refund is due for any charges paid classified as 'Building Records & Information' or "Other Services" in Chapter 441, Fees and Charges or for certification of plans.
- (6) If the amount of fees refundable as calculated under this section is less than the minimum permit fee applicable to the work, there shall be no refund.
- (7) The refund shall be made payable to the party who paid the permit fees, or to other persons authorized in writing by the party who paid the permit fees.
- (8) Refunds shall be issued up to two years from the date of withdrawal, abandonment, refusal to issue a permit or request for revocation of a permit.
- (9) Refunds shall be calculated in accordance with the refund schedule in effect at the time the refund request is made.

Q. Preliminary Project Review Fees.

- (1) As used in this section, the following terms shall have the meanings indicated:

APPLICATION - An application for a preliminary project review.

PRELIMINARY PROJECT REVIEW - A detailed review of a proposal to determine its compliance with the City's zoning by-laws, Municipal Codes and other regulations, and to indicate other approvals that are required prior to the issuance of a building permit or sign permit.

- (2) Every Person who requests or is required to have a preliminary project review in conjunction with that person's proposal shall pay a fee to the City Treasurer at the time of making an application in accordance with Chapter 441, Fees and Charges. The fee for a Preliminary review shall include the following proposals:
- (i) First-party identification signs;
 - (ii) Third party advertising signs;
 - (iii) Accessory residential buildings and structures, such as garages, porches, balconies, etc.;
 - (iv) Additions not exceeding 10 square metres;
 - (v) New houses;
 - (vi) New buildings, additions, or conversions, where the cost of construction is less than \$1 million, other than houses; and
 - (vii) Other proposals not described.

R. Unsafe Order Clearance Fee.

The fee prescribed in Chapter 441, Fees and Charges, shall be charged to recover the costs associated with investigations, inspections and administration of all unsafe orders, including unsafe orders related to Marijuana Grow Operations.

- (5) Replacing the phrase "Schedule A to this article, at the end of this chapter" contained in § 363-8C with "Chapter 441, Fees and Charges";
- (6) Replacing the phrase "Schedule A to this article" contained in § 363-9B with "Chapter 441, Fees and Charges";
- (7) Replacing the phrase "Schedule A to this article, at the end of this chapter." contained in § 363-10.1B with "Chapter 441, Fees and Charges.";
- (8) Replacing the phrase "Schedule A to this article, at the end of this chapter." contained in § 363-10.1F with "Chapter 441, Fees and Charges."; and
- (9) Deleting Schedule A to Chapter 363, Article I, Classes of Permits and Permit Fees in its entirety and reserving Schedule A for potential future use.

3. This by-law comes into force immediately.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)