

CITY OF TORONTO

BY-LAW 49-2022

To make amendments to Articles 1, 2, 3 and 4 of City of Toronto Municipal Code Chapter 363, Building Construction and Demolition to implement the Zoning Applicable Law Certificate application process and to amend City of Toronto Municipal Code Chapter 441, Fees and Charges to impose the applicable fees.

Whereas *section 7 of the Building Code Act, 1992* authorizes a municipal council to pass by-laws prescribing classes of permits under the Act, providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed, requiring the payment of fees and prescribing the amounts of the fees, providing for refunds of fees under such circumstances as are prescribed, and other related matters; and

Whereas Council has enacted City of Toronto Municipal Code Chapter 363, Building Construction and Demolition which sets out the application requirements and procedures associated with building permits and preliminary reviews of construction proposals; and

Whereas Council has enacted City of Toronto Municipal Code, Chapter 441, Fees and Charges, which includes fees and charges for preliminary reviews of construction proposals; and

Whereas the City of Toronto finds it desirable to make certain amendments to City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition to replace the existing preliminary project review and zoning certificate applications with a new one-stream preliminary review program for building permit applicants and other applicants seeking preliminary review of a construction proposal;

The Council of the City of Toronto enacts:

1. Section 363-1.1 of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by repealing the definitions of "Preliminary Project Review" and "Zoning Certificate" and adding the following new definitions:

Zoning Applicable Law Certificate - A certificate issued by the Chief Building Official after a detailed preliminary review of a proposal confirming its compliance with zoning and all applicable law related to the proposal as defined in sentence 1.4.1.3 of Division A of the Building Code.

Zoning Use Review - A one-time review to determine whether a proposed use is permitted under the City's zoning by-laws.

2. Article 2, Preliminary Reviews, of City of Toronto Municipal Code Chapter 363, Building Construction and Demolition is amended by deleting the existing wording and replacing it with the following:

Article 2
Preliminary Reviews

§ 363-2.1. Zoning Use Review.

- A. An application for a zoning use review may be made to the Chief Building Official by:
- (1) Filing an application form as prescribed by the Chief Building Official; and
 - (2) Paying the applicable fee as set out in Chapter 441, Fees and Charges.
- B. Following a review of the zoning use review application, the Chief Building Official shall issue a written notice indicating whether the proposed use described by the applicant is permitted under the City's zoning by-laws.

§ 363-2.2. Zoning Applicable Law Certificate application.

- A. A Zoning Applicable Law Certificate application may be made to the Chief Building Official in respect of a proposal prior to making an application for a building permit or independent of an application for a building permit.
- B. Zoning Applicable Law Certificate applications may be made to the Chief Building Official in respect of a proposal by:
- (1) Filing an application form as prescribed by the Chief Building Official; and
 - (2) Paying the applicable fee in accordance with Chapter 441, Fees and Charges.
- C. Every Zoning Applicable Law Certificate application shall be accompanied by:
- (1) Information identifying and describing in detail the work, use and occupancy for which the proposal is made;
 - (2) Information identifying and describing in detail the existing use and proposed use of the building; and
 - (3) Plans, specifications and documents in accordance with and that meet the requirements of § 363-3.5.
- D. Following a review of the Zoning Applicable Law Certificate application, the Chief Building Official shall issue:

- (1) A Zoning Applicable Law Certificate where the proposal has been deemed to comply with the City's zoning by-laws and applicable law as per sentence 1.4.1.3.(1) of Division A of the Building Code relevant to the proposal; or
 - (2) a written notice identifying any one or more of the following:
 - (a) additional information that the Chief Building Official deems necessary to complete the review;
 - (b) areas of non-compliance with the City's zoning by-laws; and
 - (c) applicable law in accordance with sentence 1.4.1.3.(1) of Division A of the Building Code relevant to the proposal.
- E. Where additional information is provided to the Chief Building Official in response to a written notice provided under Subsection D(2) or at any time requiring additional review or re-examination of the proposal by the Chief Building Official, the Zoning Applicable Law Certificate applicant shall be entitled to a maximum of two additional re-examinations (for a total of three reviews) as part of the Zoning Applicable Law Certificate application without having to pay an additional fee.
- F. Where a total of three reviews or examinations have been completed without the issuance of a Zoning Applicable Law Certificate, further review of the proposal will require the submission of a new Zoning Applicable Law Certificate application in accordance with Subsection B (including paying the applicable fee in accordance with § 363-4.2) and accompanied by the documentation set out in Subsection C.
- G. If substantial changes are made to a proposal which result in a change to the application type as per Subsection 363-4.2.A, a new Zoning Applicable Law Certificate application must be made accompanied by the full fees required by § 363-4.2 and Chapter 441, Fees and Charges.
- H. A Zoning Applicable Law Certificate issued by the Chief Building Official pursuant to Subsection D may only be filed with a building permit application pursuant to §§ 363-3.2A and 363-3.3A provided the building permit application is made within one year of the date of the issuance of the Zoning Applicable Law Certificate.

§ 363-2.3. Transition

- A. Where an application for *preliminary project review* or for a *zoning certificate* (as those terms were defined in this Chapter prior to March 1, 2022) was made to the Chief Building Official prior to March 1, 2022, the provisions set out Schedule B apply to those applications in lieu of § 363-2.1, § 363-2.2 and the provisions in Articles 3 and 4 of this Chapter.

3. Section 363-3.2 of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by deleting the existing wording and replacing it with the following:

§ 363-3.2. Building permit applications with a Zoning Applicable Law Certificate.

- A. Where an application for a building permit is made with a Zoning Applicable Law Certificate along with all the required information set out in § 363-3.3A, the building permit application shall be deemed by the Chief Building Official to be complete such that the periods within which a building permit shall be issued or refused as prescribed in sentence 1.3.1.3 of Division A of the Building Code shall apply as at the date of the filing of the application.
- B. Where an application for a building permit is made to the Chief Building Official without a Zoning Applicable Law Certificate or where the drawings submitted with the building permit application are not in accordance with the approved Zoning Applicable Law Certificate drawings, the building permit application shall be deemed by the Chief Building Official to be incomplete such that the periods within which a building permit shall be issued or refused as prescribed in sentence 1.3.1.3 of Division A of the Building Code will not apply.
4. Section 363-3.3.A of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by replacing the words "Zoning Certificate" with the words "Zoning Applicable Law Certificate", removing the word "and" after § 363-3.3.A(15), adding the word "and" after § 363-3.3.A(16), and by adding § 363-3.3.A(17) as follows:
- (17) Be accompanied by a declaration, in a form prescribed by the Chief Building Official, that the owner is authorized to use Zoning Applicable Law Certificate drawings with the building permit application in the event that the Zoning Applicable Law Certificate application was made by and the Zoning Applicable Law Certificate issued to someone other than the owner or authorized agent of the owner.
5. Section 363-3.3.B of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by replacing the words "Zoning Certificate" with the words "Zoning Applicable Law Certificate".
6. Section 363-3.5.A of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by replacing the words "Zoning Certificate" with the words "Zoning Applicable Law Certificate".
7. Section 363-4.2 of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by deleting the existing wording and replacing it with the following:

§ 363-4.2. Zoning Applicable Law Certificate fees.

- A. Zoning Applicable Law Certificate applications shall be divided into the following categories for the purposes of paying the applicable fee in accordance with Chapter 441, Fees and Charges, with different fees applying to each category:
- (1) Ancillary residential buildings or structures (which include but are not limited to detached garages, detached sheds, decks, canopies and carports);
 - (2) New houses and additions, conversions, and alterations to new houses (and a house for this purpose includes:
 - detached houses;
 - semi-detached houses;
 - individual townhomes;
 - duplexes; and
 - laneway suiteswith all of the above containing no more than two dwelling units);
 - (3) New residential buildings (excluding houses) and new non-residential buildings less than or equal to 300 square metres in gross floor area, and additions to residential buildings (excluding houses) or non-residential buildings where the addition is less than or equal to 300 square metres in gross floor area;
 - (4) New residential buildings (excluding houses) and new non-residential buildings greater than 300 square metres in gross floor area, and additions to residential buildings (excluding houses) or non-residential buildings where the addition is greater than 300 square metres in gross floor area; and
 - (5) Other proposals not captured by (1) to (4) above and proposals where no building permit is required (proposals not requiring a building permit include but are not limited to driveway widening, landscaping, and pools).
- B. Where a Zoning Applicable Law Certificate application includes a proposal that falls under two or more of the categories set out in subsection A, the fee for the application will be in accordance with the category that has the highest fee.
- C. Where an application for a building permit is made with a Zoning Applicable Law Certificate, the fee paid for the Zoning Applicable Law Certificate will be

credited to the building permit application such that the building permit fees will be reduced by the amount of the Zoning Applicable Law Certificate fee.

- D. Where an application for a building permit is made with a Zoning Applicable Law Certificate and the Zoning Application Law Certificate fee exceeds the total building permit fees, the Zoning Applicable Law Certificate fee will be credited to the building permit fees for the total amount of the building permit fees, and there shall be no refund for the difference in fees.
8. Section 363-4.10 of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by deleting the existing wording and replacing it with the following:

§ 363-4.10. Minimum fee exemptions.

- A. The minimum fee set out in Chapter 441, Fees and Charges, shall not apply to:
- (1) Subscription for Building Permit Activity Reports;
 - (2) Inspection status reports;
 - (3) Printing, scanning and copying; and
 - (4) Routine disclosure.
9. Section 363-4.11 of City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by inserting a new § 363-4.11.F before the existing § 363-4.11.F as follows:
- F. Notwithstanding Subsection E, the amount of fees refundable for a Zoning Applicable Law Certificate application shall be calculated as follows:
- (1) If the application is cancelled prior to carrying out any review, the refund shall be equal to 75 percent of the total required fees for the application;
 - (2) If the application is cancelled after the review has started, there shall be no refund; and
 - (3) Where the amount of fees refundable as calculated under this section is less than the minimum fee for all work as set out in Schedule 8 of Appendix C to Chapter 441, Fees and Charges (Ref. No. 1), there shall be no refund.

and by renumbering the existing § 363-4.11.F such that it becomes § 363-4.11.G.

10. City of Toronto Municipal Code, Chapter 363, Building Construction and Demolition is amended by adding Schedule B, Transition – *Preliminary Project Review and Zoning Certificate Applications*, which is attached as Schedule A to this by-law, to the Chapter following Schedule A, Demolition Permit Application Information.

11. City of Toronto Municipal Code, Chapter 441, Fees and Charges, Appendix C – Schedule 8 is amended by deleting the fees found at reference numbers 141 to 144, 146, and 157 to 160 and adding the following fees as reference numbers 161 to 166:

TORONTO MUNICIPAL CODE CHAPTER 441, FEES AND CHARGES						
Appendix C - Schedule 8, Toronto Building						
	I	II	III	IV	V	VI
Ref. No.	Service	Fee Description	Category	Fee Basis	Fee	Annual Adj.
161	Building Permission & Information	Preliminary Zoning Applicable Law review fee; Ancillary residential buildings or structures (which include but are not limited to detached garages, detached sheds, decks, canopies and carports)	Full Cost Recovery	Up to a total of 3 reviews	\$198.59	Yes
162	Building Permission & Information	Preliminary Zoning Applicable Law review fee; New houses and additions, conversions, and alterations to new houses containing no more than two dwelling units (and a house for this purpose includes; detached houses; semi-detached houses; individual townhomes; duplexes; and laneway suites)	Full Cost Recovery	Up to a total of 3 reviews	\$595.77	Yes

TORONTO MUNICIPAL CODE CHAPTER 441, FEES AND CHARGES						
Appendix C - Schedule 8, Toronto Building						
	I	II	III	IV	V	VI
Ref. No.	Service	Fee Description	Category	Fee Basis	Fee	Annual Adj.
163	Building Permission & Information	Preliminary Zoning Applicable Law review fee; New residential buildings (excluding houses) and new non-residential buildings less than or equal to 300 square metres in gross floor area, and additions to residential buildings (excluding houses) or non-residential buildings where the addition is less than or equal to 300 square metres in gross floor area	Full Cost Recovery	Up to a total of 3 reviews	\$821.13	Yes
164	Building Permission & Information	Preliminary Zoning Applicable Law review fee; New residential buildings (excluding houses) and new non-residential buildings greater than 300 square metres in gross floor area, and additions to residential buildings (excluding houses) or non-residential buildings where the addition is greater than 300 square metres in gross floor area	Full Cost Recovery	Up to a total of 3 reviews	\$1723.20	Yes
165	Building Permission & Information	Preliminary Zoning Applicable Law review fee, other proposals not described and where no building permit is required	Full Cost Recovery	Up to a total of 3 reviews	\$198.59	Yes

12. This By-law shall take effect on March 1, 2022.

Enacted and passed on February 3, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A

Schedule B

Transition – *Preliminary Project Review and Zoning Certificate Applications*

**Article 2
Preliminary Reviews**

§ 363-2.1. Preliminary Project Review.

- A. An application for preliminary project review may be made to the Chief Building Official in respect of a proposal by:
- (1) Filing an application form as prescribed by the Chief Building Official;
 - (2) Filing the plans, specifications and documents necessary for the review as may be required by the Chief Building Official; and
 - (3) Paying the applicable fee as set out in Chapter 441, Fees and Charges.
- B. Following a review of the preliminary project review application, the Chief Building Official shall issue a written notice identifying:
- (1) areas of non-compliance with the City's zoning by-laws; and
 - (2) laws relevant to the proposal from a subset of applicable law defined in sentence 1.4.1.3.(1) of Division A of the Building Code deemed to directly impact the City of Toronto as follows:
 - (a) Section 114 of the City of Toronto Act, 2006 with respect to the approval by the City of Toronto or the Ontario Local Planning Appeal Tribunal of plans and drawings;
 - (b) Subsections 27(3) and 30(2) and sections 33, 34, 42 of the Ontario Heritage Act and by-laws made under section 40.1 of the Ontario Heritage Act;
 - (c) Subsection 102 (3) of the City of Toronto Act, 2006;
 - (d) Section 33 of the Planning Act except where, in the case of the demolition of a residential property, a permit to demolish the property is obtained under that section;
 - (e) Development permit by-laws passed under the Planning Act or the City of Toronto Act, 2006;
 - (f) Section 46 of the Planning Act;

- (g) Section 47.3 of the Environmental Protection Act with respect to the issuance of a renewable energy approval;
- (h) Section 14 of Ontario Regulation 137/15 (General) made under the Child Care and Early Years Act, 2014 with respect to the approval of plans for a new building to be erected or an existing building to be used, altered or renovated for use as a child care centre or for alterations or renovations to be made to premises used by a child care centre;
- (i) by-laws made under section 108 of the City of Toronto Act, 2006, but only with respect to the issuance of a permit for the construction of a green roof if the construction of the roof is prohibited unless a permit is obtained;
- (j) Sections 28 and 53 of the Development Charges Act, 1997;
- (k) Sections 257.83 and 257.93 of the Education Act; and
- (l) Section 42 of the Planning Act with respect to the payment of money or making arrangements satisfactory to Council for the City of Toronto for the payment of money, where the payment is required under subsection 42(6) of that Act.

§ 363-2.2. Zoning Certificate application.

- A. A Zoning Certificate application may be made to the Chief Building Official in respect of a proposal prior to making an application for a building permit.
- B. Zoning Certificate applications may be made to the Chief Building Official in respect of a proposal by:
 - (1) Filing an application form as prescribed by the Chief Building Official; and
 - (2) Paying the applicable fee in accordance with § 363-4.2.
- C. Every Zoning Certificate application shall be accompanied by:
 - (1) Information identifying and describing in detail the work, use and occupancy for which the proposal is made;
 - (2) Information identifying and describing in detail the existing use and proposed use of the building; and
 - (3) Plans, specifications and documents in accordance with and that meet the requirements of § 363-3.5.
- D. Following a review of the Zoning Certificate application, the Chief Building Official shall issue:

- (1) A Zoning Certificate where the proposal has been deemed to comply with the City's zoning by-laws and which identifies applicable law as per sentence 1.4.1.3.(1) of Division A of the Building Code relevant to the proposal; or
 - (2) a written notice identifying any one or more of the following:
 - (a) additional information that the Chief Building Official deems necessary to complete the review;
 - (b) areas of non-compliance with the City's zoning by-laws; and
 - (c) applicable law in accordance with sentence 1.4.1.3.(1) of Division A of the Building Code relevant to the proposal.
- E. Where additional information is provided to the Chief Building Official in response to a written notice provided under Subsection D(2) or at any time requiring additional review or re-examination of the proposal by the Chief Building Official, the Zoning Certificate applicant shall be required to pay an additional fee equal to the greater of:
 - (1) 10 percent of the original Zoning Certificate application fee charged as per § 363-4.3.A; or
 - (2) the hourly rate for examination set out in Chapter 441, Fees and Charges.
- F. If substantial changes are made to a proposal after the review of the Zoning Certificate application has been completed, a new Zoning Certificate application must be made accompanied by the full fees in accordance with § 363-4.2.
- G. A Zoning Certificate issued by the Chief Building Official pursuant to subsection D may only be filed with a building permit application pursuant to §§ 363-3.2A and 363-3.3A provided:
 - (1) the building permit application is made within one year of the date of the issuance of the Zoning Certificate; and
 - (2) there have been no changes to the Building Code or to any applicable law as defined in sentence 1.4.1.3.(1) of Division A of the Building Code which apply to the proposal between the date the Zoning Certificate was issued and the date on which the building permit application is made.

Article 3 **Permits**

§ 363-3.1. Classes of permits.

- A. The classes of required permits and the corresponding permit fees for construction, demolition and change of use of buildings are set out in Chapter 441, Fees and Charges.

§ 363-3.2. Building permit applications with a Zoning Certificate.

- A. Where an application for a building permit is made with a Zoning Certificate along with all the required information set out in § 363-3.3A, the building permit application shall be deemed by the Chief Building Official to be complete such that the periods within which a building permit shall be issued or refused as prescribed in sentence 1.3.1.3 of Division A of the Building Code shall apply as at the date of the filing of the application.
- B. Where an application for a building permit is made to the Chief Building Official without a Zoning Certificate or where the drawings submitted with the building permit are not in accordance with the approved Zoning Certificate drawings, the building permit application shall be deemed by the Chief Building Official to be incomplete such that the periods within which a building permit shall be issued or refused as prescribed in sentence 1.3.1.3 of Division A of the Building Code will not apply.

§ 363-3.3. Building permit application requirements.

- A. Where an application for a building permit is made with a Zoning Certificate, it shall:
 - (1) Be in a form prescribed by the Minister;
 - (2) Identify and describe in detail the work, use and occupancy for which the building permit application is made;
 - (3) Identify and describe in detail the existing use and the proposed use for the premises;
 - (4) Identify the subject municipal address and legal description;
 - (5) Be accompanied by the plans, specifications, documents and other information necessary for the complete review of the building permit submission, as required by the Chief Building Official and in accordance with § 363-3.5 including all architectural, structural, mechanical, plumbing and electrical drawings and details, including shoring drawings and details, where the construction method will require such systems;
 - (6) Where required by the Chief Building Official, be accompanied by a code compliance report prepared by an architect or professional engineer;
 - (7) Where required by the Chief Building Official, be accompanied by a geotechnical report prepared by a professional engineer;
 - (8) Where required by the Chief Building Official, be accompanied by a report from a professional engineer with respect to the impact of vibration from the proposed construction methods and the measures to be employed to mitigate such impacts;
 - (9) Be accompanied by the full building permit fees required by this article;
 - (10) State the names, addresses, telephone numbers and email addresses of the owner, applicant, architect, engineer, or other designer for the work applied for;

- (11) If Subsection 1.2.2 of Division C Part 1 of the Building Code applies, be accompanied by a signed acknowledgement of the owner on the form prescribed, that an architect or professional engineer or both have been retained;
 - (12) If Subsection 1.2.2 of Division C Part 1 of the Building Code applies, be accompanied by a signed statement from the architect or professional engineer or both on the form prescribed, undertaking to provide a general review;
 - (13) Include where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
 - (14) State the estimated valuation of the proposed work, including material, labour and related direct cost associated with the work, exclusive of the cost of the land;
 - (15) State the erection and removal date for all temporary buildings; and
 - (16) Be accompanied by documentation that confirms or demonstrates compliance with any required applicable law as set out in sentence 1.4.1.3 of Division A Part 1 of the Building Code.
- B. An application for a building permit without a Zoning Certificate will only be accepted by the Chief Building Official provided:
- (1) It meets the requirements of Subsections A(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13) and (14); and
 - (2) It is accompanied by a payment equal to the preliminary estimate of the fees required by this chapter, or if the preliminary estimate of the fees required is more than \$20,000, the payment shall be the greater of \$20,000 or an amount equal to 60 percent of the estimated full building permit fees required by this chapter.
- C. As part of the first building permit application on each lot within a newly created plan of subdivision, in addition to the requirements of Subsection A, the application shall include a lot grading and building siting control plan prepared by a professional engineer.
- D. As part of a building permit application to construct a new house, in addition to the requirements of Subsection A, the application shall include a lot grading plan prepared by:
- (1) An Ontario Land Surveyor;
 - (2) An engineer registered as a member of the Professional Engineers of Ontario;
 - (3) An architect registered as a member of the Ontario Association of Architects;
 - (4) A member of the Ontario Association of Landscape Architects;
 - (5) A certified member of Association of Architectural Technologists of Ontario;

- (6) A certified member of Ontario Association of Certified Engineering Technicians and Technologists; or
- (7) Any other professional deemed qualified by the Chief Building Official to prepare a lot grading plan.

§ 363-3.4. Demolition permit application requirements.

A. Every building permit application that includes demolition shall:

- (1) Meet the requirements of § 363-3.3A or B as applicable;
- (2) Be accompanied by plans, specifications, documents and other information necessary for the complete review of the demolition permit submission;
- (3) Be accompanied by the information set out in Schedule A to this chapter unless the building to be demolished is a house;
- (4) If Article 1.2.2 of Division C Part 1 of the Building Code applies, be accompanied by structural design characteristics of the building and the method and time schedule of demolition; and
- (5) If Sentence 1.2.2.3 of Division C Part 1 of the Building Code applies, be accompanied by 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.

§ 363-3.5. Plans and specifications general requirements.

A. Every application for Preliminary Project Review, Zoning Certificate and permit shall include:

- (1) Sufficient plans, specifications and documents, as required by the Chief Building Official, to determine whether the proposed construction, demolition or change of use will conform to the Act, the Building Code, and any other applicable law;
- (2) A site plan referenced to an up to date plan of survey certified by an Ontario Land Surveyor, and a copy of the survey shall be filed with the City unless this requirement is waived because the Chief Building Official is able, without having an up to date plan of survey, to determine whether the proposed work conforms to the Act, the Building Code or any other applicable law; and
- (3) For the purpose of Subsection A(2), an up to date plan of survey means a survey that accurately reflects the property as at the time the application is submitted to the Chief Building Official regardless of when the survey was prepared.

B. The site plan referred to in Subsection A(2) shall include:

- (1) Lot size and dimensions of the property and setbacks to any existing or proposed buildings;

- (2) Existing and finished ground elevations of the property and the elevations of the streets abutting the property;
 - (3) Existing rights-of-way, easements and municipal services;
 - (4) Dimensions of setbacks of proposed buildings from buildings located on adjacent lots; and
 - (5) Dimensions of setbacks of buildings located on adjacent lots from their respective front property lines.
- C. Plans and forms submitted under Subsection A and as required by the Chief Building Official shall be legible and be drawn to scale, in an electronic format conforming to all applicable guidelines as prescribed by the Chief Building Official.
- D. Applications will not be accepted unless the requirements of Subsections A to C have been met and the applicable fees have been paid.
- E. The Chief Building Official may request the submission of one hard copy of the plans specifications, documents, or other information necessary for the complete review of the permit submission upon paper or other suitable or durable material.
- F. The original of any approval from another City Division, Board, Agency or other external agency shall be submitted together with an electronic version.
- G. The Chief Building Official may require additional information to be provided at any time prior to the completion of work.
- H. 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.
- I. On completion of the construction of a house in a new created plan of subdivision, a site certificate of conformance prepared by a professional engineer shall be provided to the Chief Building Official confirming that the building permit drawings conform to the subdivision grading and building siting control plan and the lot grading and building siting control plan submitted in accordance with § 363-3.3C.
- J. On completion of the construction of a new house, a lot grading certificate shall be provided to the Chief Building Official from one of the professionals listed in § 363-3.3D confirming that the grading was carried out in accordance with the lot grading plan submitted in accordance with § 363-3.3D.
- K. Plans and specifications furnished according to this chapter or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

§ 363-3.6. Partial permit.

- A. Where a building permit application for the construction of a building has been accepted by the Chief Building Official, a building permit application for part of the building may be made.
- B. The Chief Building Official's review of a building permit for part of a building shall be based on the plans and specifications submitted with the original building permit application for the building, and no further documentation need be submitted unless required by the Chief Building Official.
- C. Where a building permit is issued for part of a building, the partial permit does not authorize construction beyond the plans for which the approval is given, nor does it represent or imply that approval will be granted for the entire building.

§ 363-3.7. Conditional permit.

- A. Where an application for a conditional permit is made under subsection 8(3) of the Act, the application shall:
 - (1) Meet the requirements of § 363-3.3B as applicable;
 - (2) State the reasons why the owner believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - (3) Identify the necessary approvals which must be obtained in respect to the proposed building and the time in which such approvals will be obtained; and
 - (4) Be subject to the registered owner and such other person as the Chief Building Official determines entering into an agreement as provided in Subsection 8(3) of the Act.
- B. The Chief Building Official is authorized to take the following actions with respect to the processing of conditional permit agreements under section 8 of the Act:
 - (1) Approve entering into a conditional permit agreement and executing the agreement on behalf of the City;
 - (2) Approve an assignment of a conditional permit agreement and execute the consent to the assignment of the agreement on behalf of the City; and
 - (3) Approve the release of a registered conditional permit agreement when the agreement is no longer necessary and execute the release of the agreement on behalf of the City.
- C. Where the conditions in subsections 8(3) to 8(5) of the Act and Subsection A have been satisfied, the Chief Building Official may issue a conditional permit for a building subject to compliance with the Act, the Building Code and any other applicable law.

- D. Where a conditional permit is issued for all or part of a building or project, the conditional permit does not authorize construction beyond the plans for which approval is given, nor does it represent or imply that approval will be granted for the entire building or project.

§ 363-3.8. Change of use permit.

- A. Where an application is made for a change of use permit under subsection 10(1) of the Act, the application shall:
- (1) Meet the requirements of § 363-3.3B or C as applicable;
 - (2) Describe the building or part of it in which the occupancy is to be changed;
 - (3) Include plans and specifications which show the current and proposed occupancy of all parts of the building, and include sufficient information to establish compliance with the requirements of the Building Code including but not limited to floor plans, and details of wall, floor and roof assemblies identifying required fire-resistance ratings and load-bearing capacities; and
 - (4) Shall include any other information which may be required by the Chief Building Official.

§ 363-3.9. Certified plans application.

- A. A certified plans application may be made to the Chief Building Official by:
- (1) Filing an application form as prescribed by the Chief Building Official;
 - (2) Filing the plans proposed to be certified along with any other specifications, documents and information necessary for the review of the submission and as may be required by the Chief Building Official; and
 - (3) By paying the applicable fee as set out in Chapter 441, Fees and Charges.
- B. Plans and forms submitted under Subsection A(2) shall be legible and drawn to scale, in an electronic format conforming to all applicable guidelines as prescribed by the Chief Building Official, and if required by the Chief Building Official, upon paper or other suitable or durable material.
- C. All certified plans shall be assigned a certification number by the Chief Building Official.
- D. Where an application for permit is made to the Chief Building Official in reliance upon certified plans, the permit application shall not be accompanied by the certified plans provided the certification number for the certified plans is provided with the permit application, unless otherwise required by the Chief Building Official.

§ 363-3.10. Authority to approve and execute limiting distance agreements.

- A. The authority to approve entering into limiting distance agreements under the Building Code and to execute such agreements on behalf of the City is delegated to the Chief Building Official where the following conditions are met:
- (1) No land owned by the City is affected by the agreement;
 - (2) The agreement does not impose any obligations on the City; and
 - (3) The agreement is satisfactory to the City Solicitor.

§ 363-3.11. Alternative solutions.

- A. Where an alternative solution is being proposed pursuant to section 2.1 of Division C of the Building Code in connection with a building permit application or building permit issued, an application for approval of the alternative solution shall be made to the Chief Building Official by:
- (1) Filing an application form as prescribed by the Chief Building Official;
 - (2) Filing the plans, specifications, tests and documents necessary for the review in accordance with sentences 2.1.1.1 and 2.1.1.2 of Division C of the Building Code as applicable and as may be required by the Chief Building Official; and
 - (3) Paying the applicable fee as set out in Chapter 441, Fees and Charges.
- B. After reviewing the documentation filed with the application for approval of an alternative solution, the Chief Building Official may require the applicant to obtain a Peer Review of the application if deemed necessary by the Chief Building Official to evaluate the proposed alternative solution.
- C. Where the Chief Building Official requires a Peer Review in accordance with Subsection B, the Chief Building official may identify specific questions required to be addressed and considered in the Peer Review.
- D. Where the Chief Building Official requires a Peer Review in accordance with Subsection B, the applicant shall file a Peer Review Report with the Chief Building Official.
- E. A Peer Review Report filed with the Chief Building Official in accordance with Subsection D shall:
- (1) include a summary of the expert's qualifications, and a copy of the expert's curriculum vitae shall be attached;
 - (2) provide comments regarding all questions specifically identified by the Chief Building Official pursuant to Subsection C;

- (3) clearly explain the basis for the expert's opinion and set out what documentation is relied upon by the expert in support of the opinion; and
 - (4) be accompanied by a certificate as prescribed by the Chief Building Official signed by the expert acknowledging:
 - (a) the expert's duty to provide an independent opinion regarding the proposed alternative solution; and
 - (b) that the Chief Building Official may rely on the Peer Review Report in considering the proposed alternative solution.
- F. The cost of obtaining a Peer Review and a Peer Review Report shall be borne by the applicant and shall be paid by the applicant directly to the expert carrying out the Peer Review.
- G. Where the Chief Building Official requires a Peer Review in accordance with Subsection B, the Chief Building Official will not render a decision regarding the proposed alternative solution unless the requirements of Subsections D and E are met.

§ 363-3.12. Abandoned application.

- A. Where any application made under this chapter and/or the Act remains inactive or incomplete for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned without notice.

§ 363-3.13. Transfer of permit.

- A. Where a property which is the subject of a permit or permit application has been sold, the permit or permit application will be transferred by the Chief Building Official to the new registered owner of the property only upon receipt of:
- (1) a declaration form, as prescribed by the Chief Building Official, executed by the new registered owner of the property declaring that the transfer of the permit or permit application has been authorized by the previous owner of the property;
 - (2) a copy of the transfer deed of land registered in accordance with the provisions of the Land Titles Act; and
 - (3) the applicable fee as set out in Chapter 441, Fees and Charges.
- B. Where the holder of a permit issued by the Chief Building Official is a tenant of the subject property or where a permit application has been made by or on behalf of a tenant of the subject property, and where the subject property is thereafter leased by a new tenant, the permit or permit application will be transferred by the Chief Building Official to the new tenant of the subject property only upon receipt of:
- (1) a declaration form, as prescribed by the Chief Building Official, executed by the new tenant declaring that the transfer of the permit or permit application has been authorized by the previous tenant; and

- (2) the applicable fee as set out in Chapter 441, Fees and Charges.

§ 363-3.14. Notice of readiness for inspection.

- A. In addition to the notices of readiness for inspection required pursuant to section 10.2 of the Act at each stage of construction set out in sentence 1.3.5.1 of Division C, Part 1, of the Building Code, notice of readiness for inspection shall be provided to the Chief Building Official at the stages of construction set out in sentence 1.3.5.2.(1)(a), (d), (g) and (j) of Division C, Part 1, of the Building Code.
- B. All notices of readiness for inspection shall be provided to the Chief Building Official by means specified by the Chief Building Official and posted on the City of Toronto website.

§ 363-3.15. Revocation of permit.

- A. As used in this section, the following terms shall have the meanings indicated:

Notice of Intention to Revoke - A written notice from the Chief Building Official advising of the Chief Building Official's intention to revoke a permit.

Notice of Objection to Revocation - A written notice from the permit holder or the authorized agent of the permit holder on a form prescribed by the Chief Building Official objecting to the revocation of a permit and setting out the reasons why the permit should not be revoked.

Notice of Revocation - A written notice from the Chief Building Official advising that a permit was revoked on the date of this notice.

- B. Where a permit holder requests in writing that a permit be revoked pursuant to subsection 8(10)(e) of the Act, the Chief Building Official may revoke the permit by serving the permit holder with a notice of revocation.
- C. Prior to revoking a permit pursuant to subsections 8(10)(a), (b), (c), (d) and/or (f) of the Act, the Chief Building Official shall serve the permit holder with a notice of intention to revoke setting out the date upon which the permit will be revoked and the reasons for the revocation.
- D. Where a notice of intention to revoke has been served on a permit holder by the Chief Building Official in reliance upon subsection 8(10)(b) of the Act:
- (1) If no request for inspection has been made to the Chief Building Official by the date of intended revocation set out in the notice of intention to revoke, the Chief Building Official shall revoke the permit and serve the permit holder with a notice of revocation;
 - (2) If a request for inspection is made to the Chief Building Official prior to the date of intended revocation set out in the notice of intention to revoke, and if the Chief Building Official is satisfied upon inspection that the construction or demolition

in respect of which the permit was issued has been seriously commenced, the permit will not be revoked; and

- (3) If a request for inspection is made to the Chief Building Official prior to the date of intended revocation set out in the notice of intention to revoke but the Chief Building Official is not satisfied upon inspection that the construction or demolition in respect of which the permit was issued has been seriously commenced, the Chief Building Official shall revoke the permit and serve the permit holder with a notice of revocation.
- E. Where a notice of intention to revoke has been served on a permit holder by the Chief Building Official in reliance upon subsection 8(10)(c) of the Act:
- (1) If no request for inspection has been made to the Chief Building Official by the date of intended revocation set out in the notice of intention to revoke, the Chief Building Official may revoke the permit and serve the permit holder with a notice of revocation;
 - (2) If a request for inspection is made to the Chief Building Official prior to the date of intended revocation set out in the notice of intention to revoke, and if the Chief Building Official is satisfied upon inspection that the construction or demolition in respect of which the permit was issued has seriously resumed, the permit will not be revoked; and
 - (3) If a request for inspection is made to the Chief Building Official prior to the date of intended revocation set out in the notice of intention to revoke but the Chief Building Official is not satisfied upon inspection that the construction or demolition in respect of which the permit was issued has seriously resumed, the Chief Building Official shall revoke the permit and serve the permit holder with a notice of revocation.
- F. Where a notice of intention to revoke has been served on a permit holder by the Chief Building Official in reliance upon subsection 8(10)(a), (d) and/or (f) of the Act:
- (1) If no notice of objection to revocation is served on the Chief Building Official within 20 days of the date of service of the notice of intention to revoke, the Chief Building Official shall revoke the permit and serve the permit holder with a notice of revocation;
 - (2) If a notice of objection to revocation is served on the Chief Building Official within 20 days of the date of service of the notice of intention to revoke, the Chief Building Official shall consider the reasons for objection and then may:
 - (a) determine that no grounds exist to revoke the permit in which case the Chief Building Official shall not revoke the permit;
 - (b) determine that there are grounds to revoke the permit, revoke the permit and serve the permit holder with a notice of revocation; or

- (c) determine that there are grounds to revoke the permit but may, where appropriate, provide the permit holder with an opportunity to take the necessary steps to eliminate the grounds of revocation in which case the Chief Building Official:
 - [1] shall not revoke the permit if the steps necessary to eliminate the grounds of revocation have been successfully taken by the permit holder;
 - [2] shall revoke the permit and serve a notice of revocation if the steps necessary to eliminate the grounds of revocation have not been taken by the permit holder within the time specified by the Chief Building Official or within a reasonable time if no time has been specified; or
 - [3] shall revoke the permit and serve a notice of revocation if steps taken by the permit holder have not been successful in eliminating the grounds of revocation.
- (3) Notwithstanding Subsections F(1) and (2), the Chief Building Official may revoke a permit at any time following the service of a notice of intention to revoke by serving a notice of revocation on the permit holder where:
 - (a) the permit authorized the demolition or partial demolition of a building; or
 - (b) work pursuant to the permit has continued following the service of the notice of intention to revoke on the permit holder and prior to a final determination by the Chief Building Official regarding whether the permit will be revoked in accordance with Subsections F(1) and (2).
- G. Notices of intention to revoke and notices of revocation may be served by the Chief Building Official on the permit holder personally, by e-mail, by regular mail, or by registered mail to the permit holder's last known address. When served by e-mail, the notice shall be deemed to have been served on the date the e-mail is sent. When served by regular mail or registered mail, the notice shall be deemed to have been served on the third day after it is mailed.

Article 4

Fees

§ 363-4.1. General.

- A. All fees required by this chapter shall be as set out in Chapter 441, Fees and Charges, subject to the provisions of this chapter.

§ 363-4.2. Zoning Certificate application fees.

- A. The fee for a Zoning Certificate application shall be:

- (1) 25 percent of the total building permit fees applicable to the proposal as calculated in accordance with Chapter 441, Fees and Charges, and this chapter; and
 - (2) an additional 10 percent of the amount calculated under (1) for each additional review required prior to the issuance of a Zoning Certificate.
- B. Notwithstanding Subsection A, the fee for a Zoning Certificate application shall not be less than the minimum hourly rate set out in Chapter 441, Fees and Charges.
- C. Provided the drawings submitted with a building permit application are in accordance with the approved Zoning Certificate drawings, the Zoning Certificate application fees paid in accordance with Subsection A(1) shall be credited in full to the subsequent building permit application such that the total building permit fees calculated under § 363-4.3B shall be reduced by these Zoning Certificate application fees.

§ 363-4.3. Permit fees.

- A. When an application for a permit is made, the permit fees as calculated by the Chief Building Official shall be paid.
- B. The Chief Building Official shall calculate the required permit fees using the formula below:

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

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 square metres of the proposed work

- C. Notwithstanding subsection B, the total permit fees shall not be less than the minimum fee set out in Chapter 441, Fees and Charges.
- D. If new, additional or revised information is submitted in connection with a permit application which relates to or revises information which has already been reviewed, the additional review time spent, measured to the nearest whole hour, multiplied by the Hourly Rate outlined in Chapter 441, Fees and Charges, shall be charged in order to compensate the City for the additional plan examination work and expense and shall be paid by the applicant or owner in addition to the fees calculated in Subsection B.
- E. Where construction has commenced prior to the issuance of a building permit authorizing the construction, in addition to the fees calculated under Subsection B, an additional fee totalling 50 percent of the total permit fees calculated under Subsection B to a maximum amount set out in Chapter 441, Fees and Charges, shall be charged and paid.
- F. In addition to the fees calculated in Subsection B, there shall be an additional fee for each newly proposed residential unit in accordance with Chapter 441, Fees and Charges.

- G. No permit shall be issued until the total amount of fees charged and owing has been paid.
- H. Notwithstanding Subsection G, where the total permit fees are greater than \$20,000, a part permit for excavation and shoring may be issued before the total amount of fees charged and owing has been paid provided the payment required by § 363 3.3B(2) has been paid.
- I. The following directions shall be followed by the Chief Building Official when calculating permit fees:
- (1) The floor area of the proposed work shall be measured to the outer face of exterior walls and to the centre line of party walls or demising walls, including attached garages;
 - (2) For interior alterations or renovations, the calculated area of work shall be the total area affected by the proposal;
 - (3) Mechanical penthouses and floors, mezzanines, lofts, habitable attics, balconies, terraces and exterior amenity areas shall be included in all floor area calculations;
 - (4) Porches and decks shall be charged the stand-alone rate as outlined in Chapter 441, where there is a proposal for a new single detached, semi-detached, duplex or townhouse dwellings;
 - (5) No deductions shall be made for openings within the floor area with the exception of interconnected floor spaces;
 - (6) Unfinished basements for new single detached, semi-detached, duplex and townhouse dwellings shall not be included in the floor area;
 - (7) Fireplaces proposed within new floor area of a single detached, semi-detached, duplex or townhouse dwelling shall be charged the Group C rate for the area that they occupy;
 - (8) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge shall apply. Where interior alterations and renovations require replacement or extensive modification of sprinkler heads or fire alarm components, the applicable fee rate shall apply;
 - (9) The Service Index for ceiling shall apply only when stand-alone ceiling alterations occur in existing applications. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements shall not be chargeable;
 - (10) The Service Index for structural floor replacement shall apply only when stand-alone structural floor replacement occurs;
 - (11) Corridors, circulation space, lobbies, washrooms, and lounges and other such common areas shall be included and classified according to the major classification for the floor area on which they are located;

- (12) Where it is proposed to replace a pre-engineered fire suppression system, the minimum fee shall be charged;
- (13) Where a sales pavilion is proposed, the fee shall be the new Group D construction fee index;
- (14) Window replacements in existing opening for single detached, semi-detached, duplex and townhouse dwellings shall not be charged;
- (15) No additional fee shall be charged if a green roof is part of permit application for a new building or where a green roof is included as part of an addition to an existing building; and
- (16) 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 any of the applicable occupancy categories may be used except where an occupancy category makes up less than 10 percent of the floor area.

§ 363-4.4. Purpose built rental fee.

- A. Where an applicant or owner submits written authorization from Council of the City of Toronto exempting the charge of building permit fees given that the proposed building contains purpose-built rental units, the purpose built rental fee shall be charged in accordance with Chapter 441, Fees and Charges, instead of the permit fees calculated under § 363-4.3.

§ 363-4.5. Alternative solution request fee.

- A. The fee for an application to the Chief Building Official for approval of an alternative solution submission shall be as set out in Chapter 441, Fees and Charges.

§ 363-4.6. Energy devices and equipment fee.

- A. Notwithstanding § 363-4.5, where a fee for energy devices and equipment is charged and paid in accordance with Chapter 441, Fees and Charges, no additional fee shall be payable to evaluate such energy devices and equipment as an alternative solution submission.

§ 363-4.7. Marijuana grow operation assessment fee.

- A. Enforcement charges, as defined in Chapter 565, Marijuana Grow Operations, incurred by the Chief Building Official in respect of a property identified as a marijuana grow operation shall be as prescribed in Chapter 441, Fees and Charges.

§ 363-4.8. Records disclosure fee.

- A. Requests to the Chief Building Official for the disclosure of plans, files, drawings, or any other record shall be accompanied by the payment of a fee for each plan, file, drawing or

record requested calculated in accordance with the fees prescribed in Chapter 441, Fees and Charges.

§ 363-4.9. Fees for other services

- A. Applicable fees for classes of permits or services not described or included in this article shall be calculated on the following basis:
- (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 as set out in Chapter 441, Fees and Charges.
- B. For the purposes of Subsections A(1) and (2), prescribed construction value will be established by the Chief Building Official on an annual basis.

§ 363-4.10. Minimum fee exemptions.

- A. The minimum fee set out in Chapter 441, Fees and Charges, shall not apply to:
- (1) Preliminary Project Reviews;
 - (2) Zoning Certificate application resubmissions;
 - (3) Subscription for Building Permit Activity Reports;
 - (4) Inspection status reports;
 - (5) Printing, scanning and copying; and
 - (6) Routine disclosure.

§ 363-4.11. Refunds.

- A. A written request for the refund of fees may be made to the Chief Building Official in the case of and no later than one year after:
- (1) The withdrawal or cancellation of an application made under this chapter;
 - (2) The abandonment of an application pursuant to § 363-3.12; and
 - (3) Revocation of a permit pursuant to subsections 8(10)(b), (d) and (e) of the Act.
- B. Any written request to the Chief Building Official to cancel or withdraw an application made under this chapter and any written request to the Chief Building Official to revoke a permit pursuant to Subsection 8(10)(e) of the Act shall be deemed to be a written request for the refund of fees for the purposes of Subsection A.

- C. Notwithstanding Subsection A, no written request for the refund of fees shall be made and no refund of fees is payable in respect of preliminary project reviews, certified plans applications, Subscription for Building Permit Activity Reports, Property Information Reports, Inspection Status Reports and Conditional Permit applications.
- D. Where a written request for the refund of fees is made to the Chief Building Official in accordance with Subsection A, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Chapter 441, Fees and Charges, and this chapter.
- E. The amount of fees refundable shall be calculated as follows:
- (1) If an application is cancelled prior to carrying out any review, the refund shall be equal to 75 percent of the total required fees for the application;
 - (2) If an application is cancelled prior to issuance but the review had started, the refund shall be equal to 50 percent of the total required fees for the application;
 - (3) If a permit has been issued, the refund shall be equal to 40 percent of the total required permit fees minus the minimum permit fee for each field inspection carried out up to the date of revocation;
 - (4) Where the amount of the fees paid was less than the total required fees, the amount of the refund shall be reduced by the amount of fees owing;
 - (5) Where the amount of the fees paid exceeded the total required fees, the amount of the refund shall equal the difference between the amount paid and total required fees;
 - (6) Where the amount of fees refundable as calculated under this section is less than the minimum fee applicable to the work, there shall be no refund; and
 - (7) Notwithstanding subsections (1) to (6), costs associated with printing, scanning and copying are not refundable.
- F. Refunds shall be made payable to the party who paid the fees or to other persons if so authorized in writing by the party who paid the fees.