

Appendix 1:

Proposed Amendments to Chapter 363, Construction and Demolition, of the Toronto Municipal Code

		DELETE	ADD
1	§ 363-2 Classes of permits; conflicts with Schedule A.	§ 363-2 Classes of permits; conflicts with Schedule A.	§ 363-2 Classes of permits; conflicts with the Municipal Code Chapter 441, Fees and Charges
2	§ 363-2. A	The classes of required permits and the corresponding permit fees for construction, demolition and change of use of buildings are set out in Schedule A to this article, at the end of this chapter.	The classes of required permits and the corresponding permit fees for construction, demolition and change of use of buildings are set out in the Municipal Code Chapter 441, Fees and Charges.
3	§ 363-2 B	In the event of a conflict between a provision in §§ 363-1 to 363-10.1, and a provision in Schedule A to this article, the provision in §§ 363-1 to 363-10.1 prevails.	In the event of a conflict between a provision in §§ 363-1 to 363-10.1, and a provision in the Municipal Code Chapter 441, Fees and Charges, the provision in §§ 363-1 to 363-10.1 prevails.
4	§ 363-6 Fees. A	The Chief Building Official shall determine the required fees for the proposed work, calculated in accordance with Schedule A to this article, at the end of this chapter, and the applicant or owner shall pay the fees.	<p>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.</p> <p style="text-align: right;">Permit fee = SI x A Where: SI = Service index classification of the work proposed. The Service Index is the fee set out in Chapter 441 of the Municipal Code A = Floor area in m² of work involved</p> <p>A "minimum fee" as outlined in the Municipal Code Chapter 441, Fees and Charges, shall be charged for all work. "Activity types", "Building Records & Information" or "Other Services" outlined in the Municipal Code Chapter 441, Fees and Charges are exempted from a "minimum fee" charge.</p>
5	§ 363-6 Fees		<p>B. Additional review fee</p> <p>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 the Municipal Code 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.</p>

6	§ 363-6 Fees		<p>C. Construction prior to Construction</p> <p>Additional fee equal to 50 percent of the permit fees for the project, or the amount set out in the Municipal Code 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 the Municipal Code Chapter 441, Fees and Charges.</p>
7	§ 363-6 Fees		<p>D. Other applicable fees for classes of permits or services not described or included in this section shall be based on:</p> <p>I. A fee per \$1,000.00 of prescribed construction value set out in the Municipal Code Chapter 441, Fees and Charges, OR</p> <p>II. Where there is no prescribed construction value, the hourly rate shall be charged set out in the Municipal Code 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.</p>
8	§ 363-6 Fees B	<p>B. Refusal of permit.</p> <p>(1) No permit shall be issued until the full fees for it have been paid.</p> <p>(2) Despite Subsection B(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.</p>	<p>E. Refusal of permit.</p> <p>(1) No permit shall be issued until the full fees for it have been paid.</p> <p>(2) Despite Subsection B(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.</p>
9	§ 363-6 Fees C	<p>C. The fee for a zoning certificate shall be 25 percent of the total permit fee applicable to a proposal as calculated in accordance with Schedule A to this article, at the end of this chapter, 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.</p>	<p>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 the Municipal Code 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.</p>
10	§ 363-6 Fees D	<p>D. 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.</p>	<p>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.</p>

11	§ 363-6 Fees E	E. Upon written request the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule A to this article, 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.	H. Upon written request the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with the Municipal Code 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.
12	§ 363-6 Fees F	F. For all applications made on or after January 1, 2006, the required fees shall be calculated in accordance with Schedule A to this article plus and amount equal to 4.6% of the amount in Schedule A.	
13	§ 363-6 Fees G	G. In addition to the fees set out above, there shall be a fee of \$40 for each new residential unit included in an application made on or after January 1, 2006.	I. In addition to the fees required under § 363-6 Fees. A,, there shall be an additional fee for each new residential unit included in an application made on or after January 1, 2006.
14	§ 363-6 Fees H	For all applications made on or after January 1, 2007, the required fees shall be the fee calculated under Subsections F and G together with an annual increase based upon a rate equal to the annual wage adjustment increase, effective January 1, 2007, provided that if the wage adjustment is not known on the first day of January then the rate of increase shall be the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada during the twelve-month period ending on October 1 in the year immediately preceding the rate increase, and the fees shall be so adjusted on the first day of January each successive year thereafter.	
15	§ 363-6 Fees I	I. Requests to the Chief Building Official to evaluate Alternative Solution Submissions shall be charged a fee of \$2,000 per Alternative Solution Submission.	J. Requests to the Chief Building Official to evaluate Alternative Solution Submissions shall be charged in accordance with the Municipal Code Chapter 441, Fees and Charges, for each evaluation.
16	§ 363-6 Fees J	J. Requests to the Chief Building Official to evaluate a building material, system or design shall be charged \$5,000 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.	K. Requests to the Chief Building Official to evaluate a building material, system or design shall be charged in accordance with the Municipal Code 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.

17	§ 363-6 Fees K	K. 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 Alternative Solution Submission.	L. Where a fee for Energy Devices and Equipment is paid according to the Municipal Code Chapter 441, Fees and Charges, no additional fee shall be payable to evaluate such Energy Devices and Equipment as an Alternative Solution Submission.
18	§ 363-6 Fees L	L. Any demolition or building permit application associated with the renovation, remediation, demolition of a property identified as a marijuana grow operation shall be assessed a fee of \$5,000 for plan review, inspection and administration in addition to any fee prescribed under § 363-6A, and an additional fee of \$750 for an assessment report, remediation plan review and clerical administration costs of Toronto Public Health.	M. Any demolition or building permit application associated with the renovation, remediation, demolition of a property identified as a marijuana grow operation shall be assessed in accordance with the Municipal Code Chapter 441, Fees and Charges, for plan review, inspection and administration in addition to any fee prescribed under § 363-6A, and an additional fee set out in Chapter 441. An additional fee is to be charged for an assessment report, remediation plan review and clerical administration costs of Toronto Public Health.
19	§ 363-6 Fees M	M. Requests to the Chief Building Official for the disclosure of plans, files, drawings, or any other record shall be accompanied with a payment of \$65 for each plan, file, drawing or record requested.	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 the Municipal Code Chapter 441, Fees and Charges.

20	363-6 Fees		<p>O. Interpretation.</p> <p>The following are explanatory notes for the calculation of permit fees:</p> <ul style="list-style-type: none">(a) 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.(b) For interior alterations or renovations, the area of proposed work is the actual space receiving the work.(c) Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and balconies are to be included in all floor area calculations.(d) Except for interconnected floor spaces, no deductions are made for openings within the floor area.(e) Unfinished basements and attached garages for single detached, semi-detached, duplex and townhouse dwellings are not included in the floor area.(f) Fireplaces, porches, decks etc., are included in the permit fee for single detached, semi-detached, duplex and townhouse dwellings.(g) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable.(h) 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.(i) Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovations permit, no additional charge is applicable.(j) 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.(k) The occupancy categories in the Municipal Code, 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% of the floor area.
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21	363-6 Fees		<p>P. Refunds.</p> <p>The amount of fees refundable shall be calculated based on the total required fee, as follows:</p> <ul style="list-style-type: none">(a) 75 percent if the application is cancelled prior to review.(b) 50 percent if the application cancelled prior to permit issuance.(c) 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.(d) 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.(e) No refund is due for any charges paid classified as 'Building Records & Information' or "Other Services" in Municipal Code Chapter 441, Fees and Charges or for certification of plans.(f) 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.(g) 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.(h) 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.(i) Refunds shall be calculated in accordance with the refund schedule in effect at the time the refund request is made.
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22	§ 363-6 Fees.		<p>Q. Preliminary Project Review Fees</p> <p>(a) As used in this section, the following terms shall have the meanings indicated:</p> <p>APPLICATION — An application for a preliminary project review.</p> <p>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.</p> <p>(b) 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 the Municipal Code Chapter 441, Fees and Charges. The fee for a Preliminary review shall include the following proposals:</p> <p>(i) First-party identification signs</p> <p>(ii) Third party advertising signs</p> <p>(iii) Accessory residential buildings and structures, such as garages, porches, balconies, etc.</p> <p>(iv) Additions not exceeding 10 square meters</p> <p>(v) New houses</p> <p>(vi) New buildings, additions, or conversions, where the cost of construction is less than \$1 million, other than houses</p> <p>(vii) Other proposals not described</p>
23	§ 363-8 Deferral of revocation. C.	C. The non-refundable fee for a request for a deferral, set out in Schedule A to this article, at the end of this chapter, shall accompany a request for deferral.	C. The non-refundable fee for a request for a deferral, set out in the Municipal Code, Chapter 441, Fees and Charges, shall accompany a request for deferral.
24	§ 363-9. Transfer of permit. B.	B. The fee set out in Schedule A to this article shall be paid by the permit holder.	B. The fee set out in the Municipal Code Chapter 441, Fees and Charges, shall be paid by the permit holder.

25	§§ 363-10.1. Request for zoning certificate. B.	B. An applicant or owner shall pay a fee at the time of request for a zoning certificate that is equal to 25 percent of the calculated permit fees in accordance with Schedule A to this article, at the end of this chapter.	B. An applicant or owner shall pay a fee at the time of request for a zoning certificate that is equal to 25 percent of the calculated permit fees in accordance with the Municipal Code Chapter 441, Fees and Charges.
26	§§ 363-10.1. Request for zoning certificate. F.	F. Where after a re-examination additional submissions are made by the applicant or owner requesting further examination for a pre-application applicable law review, the applicant or owner shall, before the issuance of a notice under Subsection C (1), pay additional fees based on the hourly rate of examination set out in Schedule A to this article at the end of this chapter.	F. Where after a re-examination additional submissions are made by the applicant or owner requesting further examination for a pre-application applicable law review, the applicant or owner shall, before the issuance of a notice under Subsection C(1), pay additional fees based on the hourly rate of examination set out in the Municipal Code Chapter 441, Fees and Charges.
27	SCHEDULE A TO CH. 363, ART. I CLASSES OF PERMITS AND PERMIT FEES	Delete: ALL CONTENT	For all Permit fees refer to the Municipal Code Chapter 441, Fees and Charges.