

Appendix 2: Proposed By-law concerning New Municipal Code Chapter for Infill Construction Public Notice

BY-LAW -2018

To adopt a new City of Toronto Municipal Code Chapter XXX, Infill Construction Public Notice.

The Council of the City of Toronto enacts:

1. The City of Toronto Municipal Code is amended by adding the chapter set out in Schedule 1, as Chapter **XXX, Infill Construction Public Notice**.
2. This by-law comes into force on the 4th day of September, 2018.

Schedule 1- CHAPTER XXX Infill Construction Public Notice

ARTICLE I General Provisions

1. Definitions

BUILDER – the person who is responsible for carrying out or causing the carrying out of all demolition and/or construction activities of an Infill Housing Project. Where the person who has assumed responsibility for carrying out or causing the carrying out of all demolition and/or construction activities of an Infill Housing Project is the Owner, the Owner will also be the Builder.

CHIEF BUILDING OFFICIAL - The Chief Building Official appointed by the Council of the City of Toronto pursuant to the *Building Code Act, 1992*, and any person authorized by him or her to carry out the duties of the Chief Building Official under this chapter.

DECLARANT – the person who submits a Declaration Form or a Revised Declaration Form to the Chief Building Official in accordance with the requirements of this chapter.

DECLARATION CONSTRUCTION FORM – a declaration form required to be submitted to the Chief Building Official pursuant to section 5 of this chapter where an application for an Infill Housing Construction Permit has been filed with the Chief Building Official.

DECLARATION DEMOLITION FORM – a declaration form required to be submitted to the Chief Building Official pursuant to section 4 of this chapter where an application for an Infill Housing Demolition Permit has been filed with the Chief Building Official.

DECLARATION FORM – a Declaration Demolition Form or a Declaration Construction Form required to be submitted to the Chief Building Official pursuant to the provisions of this Chapter.

INFILL HOUSING - demolition and/or construction in any of the following scenarios:

- a. the construction of a new detached or semi-detached house on a vacant lot;
- b. the demolition of an existing house and construction of a replacement new house;
- c. the demolition of an existing house where there is no proposed construction of a replacement new house;
- d. the construction of an addition or additions to an existing house where the combined total area of the additions is 100 m² or more; and

INFILL HOUSING CONSTRUCTION PERMIT – an Infill Housing Permit authorizing only construction and not demolition.

INFILL HOUSING DEMOLITION PERMIT – an Infill Housing Permit authorizing only demolition and not construction.

INFILL HOUSING PERMIT – a Permit issued for Infill Housing.

INFILL HOUSING PROJECT – the Infill Housing demolition and/or construction work authorized by an Infill Housing Permit on a Property.

INFORMATION NOTICE – the device as described in Schedule A of this Chapter that uses colour, form, graphic, illumination, symbol and writing to convey information to the public regarding an Infill Housing Project, and an Information Notice shall constitute an "Official Sign" for the purposes of 694-2.A of Chapter 694, Signs, General, of the City of Toronto Municipal Code.

INFORMATION NOTICE TEMPLATE – the digital file prepared by the Chief Building Official consisting of the template for the production of the Information Notice.

OCCUPANCY PERMIT – an occupancy permit issued by the Chief Building Official pursuant to Article 1.3.3 of Division C of the Ontario Building Code 2012.

OWNER - The registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.

PERMIT – a demolition or construction permit issued by the Chief Building Official pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended but shall not include plumbing, HVAC and mechanical permits.

PROPERTY – the land on which Infill Housing is authorized pursuant to an Infill Housing Permit.

REVISED DECLARATION FORM – the form required to be submitted to the Chief Building Official pursuant to section 10 of this chapter where there has been a change or changes to information provided in the original Declaration Construction Form.

REVISED INFORMATION NOTICE TEMPLATE – an Information Notice Template prepared by the Chief Building Official pursuant to subsection 10.D of this Chapter on the basis of information provided in the Revised Declaration Form.

STREET - A highway as defined in subsection 3(1) of the *City of Toronto Act, 2006*.

2. Administration

- A. The Chief Building Official shall be responsible for the administration and enforcement of this chapter.
- B. The Chief Building Official shall collect the information required by this chapter specifically for the purpose of creating and maintaining a record available to the general public.

ARTICLE II Information Notice Regulations

3. Requirement to post Information Notices

- A. Where an Infill Housing Permit has been issued by the Chief Building Official for an Infill Housing Project, one or more Information Notices shall be erected and displayed on the Property in accordance with the provisions of this chapter.
- B. Where an Infill Housing Project requires both an Infill Housing Demolition Permit and an Infill Housing Construction Permit, separate Information Notices shall be erected and displayed on the Property in respect of the demolition and construction, respectively, in accordance with the provisions of this chapter.

4. Declaration Demolition Form

- A. On the same date that an application for an Infill Housing Demolition Permit is filed with the Chief Building Official, a Declaration Demolition Form shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official, and the Declarant shall pay the fee prescribed in Chapter 441, Fees and Charges.
- B. The Declaration Demolition Form shall contain the following information:
 - a. the Infill Housing Demolition Permit application number;
 - b. the municipal address of the Property;
 - c. the name of the Owner of the Property, and where the Owner is a corporation, the name of an officer of the corporation responsible for the Property;
 - d. a working contact phone number and contact e-mail address for the Owner both of which shall at all times be active and reliable, and where the Owner is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in (c) above;
 - e. the name of the Builder, and where the Builder is a corporation, the name of an officer of the corporation responsible for the Infill Housing Project;

- f. a working contact phone number and contact e-mail address for the Builder both of which shall at all times be active and reliable, and where the Builder is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in (e) above; and
- g. any other information required and prescribed by the Chief Building Official.

5. Declaration Construction Form

- A. At any time following the filing of an application for an Infill Housing Construction Permit with the Chief Building Official but no later than the date of issuance of the Infill Housing Construction Permit, a Declaration Construction Form shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official, and the Declarant shall pay the fee prescribed in Chapter 441, Fees and Charges.
- B. Notwithstanding subsection A, where no Builder has assumed responsibility for the Infill Housing Project as at the date of issuance of the Infill Housing Construction Permit such that construction of the Infill Housing Project will not yet be commencing, the Declaration Construction Form shall be submitted to the Chief Building Official within 24 hours of a Builder assuming responsibility for the Infill Housing Project.
- C. The Declaration Construction Form shall contain the following information:
 - a. the Infill Housing Construction Permit number or Infill Housing Construction Permit application number;
 - b. the municipal address of the Property;
 - c. a description of the Infill Housing Project;
 - d. the name of the Owner of the Property, and where the Owner is a corporation, the name of an officer of the corporation responsible for the Property;
 - e. a working contact phone number and contact e-mail address for the Owner both of which shall at all times be active and reliable, and where the Owner is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in (d) above;
 - f. the name of the Builder, and where the Builder is a corporation, the name of an officer of the corporation responsible for the Infill Housing Project;
 - g. a working contact phone number and contact e-mail address for the Builder both of which shall at all times be active and reliable, and where the Builder is a corporation, the contact phone number and e-mail address shall be those of the officer of the corporation identified in (f) above;
 - h. the decision file numbers and decision dates of any decision of the Committee of Adjustment, Ontario Municipal Board, and/or Toronto Local Appeal Body pertaining to the Infill Housing Project; and
 - i. any other information required and prescribed by the CBO.
- D. The Declaration Construction Form shall be accompanied by a rendering of the building at the Property as it is expected to look following the completion of the Infill Housing Project, and the rendering shall meet the following requirements:

- a. shall be in black and white;
- b. shall consist of a line drawing of the front and rear elevation of the Infill Housing Project; and,
- c. in a minimum resolution of 300 dpi

6. Preparation and Delivery of the Information Notice Template

- A. Where the Chief Building Official is satisfied that the Declaration Form contains all the required information, the Chief Building Official shall prepare an Information Notice Template in a design prescribed by the Chief Building Official.
- B. Where the Declaration Form submitted to the Chief Building Official is a Declaration Demolition Form, the Information Notice Template shall contain the following information:
 - a. the Infill Housing Demolition Permit application number;
 - b. the municipal address of the Property;
 - c. the name of the Builder and the contact phone number and e-mail address for the Builder;
 - d. reference to Toronto Building's website;
 - e. Toronto Building Inspections contact phone number; and
 - f. any other information required by the Chief Building Official.
- C. Where the Declaration Form submitted to the Chief Building Official is a Declaration Construction Form, the Information Notice Template shall contain the following information:
 - a. the Infill Housing Construction Permit number;
 - b. the date of issuance of the Infill Housing Construction Permit;
 - c. the municipal address of the Property;
 - d. the name of the Builder and the contact phone number and e-mail address for the Builder;
 - e. the decision file numbers and decision dates of any decision of the Committee of Adjustment, Ontario Municipal Board, and/or Toronto Local Appeal Body pertaining to the Infill Housing Project;
 - f. the rendering filed with the Declaration Construction Form pursuant to subsection 5.D;
 - g. reference to Toronto Building's website;
 - h. Toronto Building Inspections contact phone number; and
 - i. any other information required by the Chief Building Official.
- D. In the case of a Declaration Demolition Form, the Chief Building Official shall deliver the Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official within two business days of the date of receipt of the completed Declaration Demolition Form to the Chief Building Official's satisfaction.

- E. In the case of a Declaration Construction Form, the Chief Building Official shall deliver the Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official within two business days of the later of:
 - a. the issuance of the Infill Housing Construction Permit by the Chief Building Official; and
 - b. the date of receipt of the completed Declaration Construction Form by the Chief Building Official to the Chief Building Official's satisfaction.
- F. The Information Notice Template shall be deemed to have been received by the Declarant on the date it is delivered by the Chief Building Official.

7. Production and Erection of Information Notice

- A. Using the Information Notice Template provided by the Chief Building Official to the Declarant, the Owner or Builder shall, at the Owner's or Builder's own cost, produce or arrange for the production of the number of Information Notices, required pursuant to subsection B which shall comply with the following standards:
 - a. Be sized in accordance with Schedule A of this chapter;
 - b. Be constructed entirely of Coroplast or corrugated Polypropylene plastic;
 - c. Prominently display the colours, forms, graphics, illuminations, symbols and writing as indicated in Schedule A of this chapter and the Information Notice Template delivered by the Chief Building Official; and,
 - d. be constructed out of a material specified in Schedule A of this chapter.
- B. One Information Notice shall be required for every lot line of a Property facing a Street.
- C. Where the Infill Housing Project is pursuant to an Infill Housing Demolition Permit, the Owner or Building shall erect and display or cause the erection and display of the number of Information Notices required by subsection B on the Property at least five business days prior to the commencement of demolition.
- D. Where the Infill Housing Project is pursuant to an Infill Housing Construction Permit, the Owner or Builder shall erect and display or cause the erection and display of the number of Information Notices required by subsection B on the Property within five business days of the commencement of construction.
- E. All Information Notices shall be erected and displayed on the Property either on the construction fence constructed pursuant to Chapter 363, Construction and Demolition, Article III, Fencing of Construction and Demolition Sites, of the City of Toronto Municipal Code or in any other visible and conspicuous location on the Property and in accordance with the following requirements:

- a. each Information Notice shall face a street;
 - b. each Information Notice shall be erected and displayed such that the bottom of the Information Notice is not less than 0.61 metres from grade;
 - c. nothing shall obscure or block the view of the Information Notice; and
 - d. each Information Notice shall be erected in a safe and secure manner.
- F. Within 24 hours of erecting the required number of Information Notices at the Property, a photograph of each Information Notice erected shall be provided to the Chief Building Official in the manner prescribed by the Chief Building Official confirming that the Information Notices have been erected and are being displayed in accordance with the provisions of this chapter.

9. Removal of the Information Notice

- A. All Information Notices shall remain erected and displayed on the Property to which they relate until an Occupancy Permit has been issued by the Chief Building Official at which time they may be removed.
- B. Notwithstanding subsection A, where the Information Notice relates to an Infill Housing Demolition Permit, the Information Notice shall remain erected and displayed on the Property until all demolition work authorized by the Infill Housing Demolition Permit has been completed at which time it may be removed.

9. Maintenance

- A. Information Notices shall at all times be maintained in good condition and, without limiting the foregoing, shall not become unsafe, damaged, structurally unsound, or dangerous.
- B. Should an Information Notice become damaged, unsafe, structurally unsound, dangerous, obstructed or no longer visible for any reason, it shall immediately be replaced with a new Information Notice produced using the Information Notice Template provided by the Chief Building Official pursuant to subsection 6.D or subsection 6.E.

10. Revisions

- A. Should any information provided in the Declaration Construction Form change following the submission of the Declaration Construction Form to the Chief Building Official by the Declarant pursuant to section 5, a Revised Declaration Form with the revised information shall be submitted to the Chief Building Official in the manner prescribed by the Chief Building Official.
- B. A Revised Declaration Form is not required where the only change following the submission of the Declaration Construction Form to the Chief Building Official is to the rendering provided pursuant to subsection 5.D.

- C. The Revised Declaration Form need not be accompanied by a new rendering of the building at the Property as it is expected to look following the completion of the Infill Housing Project.
- D. Where a Revised Declaration Form is submitted to the Chief Building Official after the Chief Building Official has delivered the Information Notice Template to the Declarant, and where the changes to the information in the original Declaration Construction Form relate to the information required by subsection 5.C.a, f and/or g,
 - a. the Chief Building Official shall prepare a Revised Information Notice Template and shall, within two business days of receiving the Revised Declaration Form, deliver the Revised Information Notice Template to the Declarant in the manner prescribed by the Chief Building Official; and
 - b. the Declarant shall be deemed to have received the Revised Information Notice Template on the date it is delivered by the Chief Building Official.
- E. Using the Revised Information Notice Template provided by the Chief Building Official to the Declarant, the Owner or Builder shall produce or arrange for the production of new Information Notices which comply with the requirements of section 7.
- D. Within three business days of receipt of the Revised Information Notice Template by the Declarant, the Owner or Builder shall erect and display or cause the erection and display of new Information Notices on the Property which comply with the requirements of section 7.
- E. Within 24 hours of erecting the new Information Notices at the Property, a photograph of each Information Notice erected shall be provided to the Chief Building Official in the manner prescribed by the Chief Building Official confirming that the Information Notices have been erected and are being displayed in accordance with the provisions of this chapter.

11. Inspection

- A. The Chief Building Official may enter upon the Property at any reasonable time to:
 - a. determine whether Inspection Notices have been erected and displayed as required by this chapter; and
 - b. inspect an Information Notice for the purpose of determining whether it complies with the provisions of this chapter.

ARTICLE III Enforcement

12. Offences and penalties

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of not less than \$500 and no more than \$100,000.
- B. In addition to offences referred to in subsection A, every person is guilty of an offence under this chapter who:
- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, application or other document prepared, submitted or filed under this chapter;
 - (3) Fails to submit a Declaration Form or a Revised Declaration Form as required pursuant to this chapter;
 - (4) Fails to erect and display an Information Notice as required pursuant to this chapter;
 - (5) Fails to erect and display the number of Information Notices required pursuant to this chapter;
 - (6) Erects and displays or causes to be erected and displayed an Information Notice without first obtaining an Information Notice Template from the Chief Building Official;
 - (7) Erects and displays or causes to be erected and displayed an Information Notice contrary to the Information Notice Template or Revised Information Notice Template delivered by the Chief Building Official;
 - (8) Erects and displays an Information Notice which does not comply with the provisions of this chapter;
 - (9) Fails to maintain an Information Notice in accordance with the provisions of this chapter;
 - (10) Produces or causes to be produced an Information Notice for which an Information Notice Template has not been prepared by the Chief Building Official;
 - (11) Produces or causes to be produced an Information Notice which does not comply with the provisions of this chapter;
 - (12) Removes an Information Notice contrary to the provisions of this chapter; and
 - (13) Is a director or officer of a corporation and knowingly concurs with actions taken by or on behalf of the corporation in relation to an offence described in subsections C(1) to (12).
- D. Each offence in subsection C with the exception of the offences in subsections C(12) and (13), is designated as a continuing offence and is subject to, for each day or part of a day

that the offence continues, a minimum fine of no less than \$250 and a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence in subsection C may exceed \$100,000.

13. Enforcement

- A. The Chief Building Official may issue a Notice of Violation requiring compliance with this chapter within 14 days to any person who:
 - a. Has failed to erect and display or cause to be erected and displayed an Information Notice as required pursuant to this chapter;
 - b. Has erected and displayed or caused to be erected and displayed an Information Notice contrary to the Information Notice Template or Revised Information Notice Template delivered by the Chief Building Official; or
 - c. Has erected and displayed or caused to be erected and displayed an Information Notice which does not comply with the provisions of this chapter.
- B. Where a Notice of Violation has been issued under subsection A and the matter has not been brought into compliance with this chapter within 14 days, the Chief Building Official may take any action deemed necessary to achieve compliance including but not limited to erecting and displaying or causing to be erected and displayed Information Notices on the Property, removing or causing to be removed an Information Notice, altering or causing to be altered an Information Notice, and repairing or causing to be repaired an Information Notice, and the City may recover the costs incurred by action or by adding the costs to the tax roll for the Property and collecting them in the same manner as property taxes.
- C. The Chief Building Official may enter onto the Property for the purpose of actions taken pursuant to subsection B.

14. Title

- A. The short title of this chapter is "The Infill Notice By-law".

SCHEDULE A, Information Notice Specifications

Colours, forms, graphics, illuminations, symbols and writing Requirements:

(Diagrams, and associated requirements, consistent with the requirements of the designs as indicated in Appendix 3: Proposed Designs for the Residential Infill Construction Public Notice, and Residential Infill Demolition Public Notice, of the April 23, 2018 Report, of the Chief Building Official and Executive Director, Toronto Building to be inserted.)

Sizing Requirements:

Information Notices shall be erected and displayed in accordance with the following dimensions:

- a) a horizontal measurement of no less than 0.61 metres; and
- b) a vertical measurement of no less than 0.46 metres.