



BY-LAW NO. 2025-XXXX

A By-law to provide for the administration and enforcement of the Building Code Act within the Town of Halton Hills and to repeal By-law 2016-0030.

WHEREAS Section 7.(1) of the Building Code Act, 1992, S.O. 1992, Chapter .23, as amended, empowers Council to pass certain by-laws with respect to construction, demolition, change of use Permits, inspections and related matters.

AND WHEREAS Subsection 3.(2) of the Building Code Act, S.O. 1992, Chapter 23, as amended, requires Council to appoint a Chief Building Official and Inspectors for the enforcement of the Building Code Act;

AND WHEREAS Subsection 7.1(1) of the Building Code Act, S.O. 1992, Chapter 23, as amended, requires Council to establish and enforce a Code of Conduct for the Chief Building Official and Inspectors;

AND WHEREAS on February 10, 2025, Council for the Town of Halton Hills adopted Report No. TPW-2025-004, dated February 10, 2025, in which certain recommendations were made relating to 2025 Building By-law.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law may be referred to as the “Building By-law”.

2. DEFINITIONS

2.1 In this by-law

“Act” means the Building Code Act, 1992, S.O. 1992, chapter 23, as amended from time to time, and any successor thereto;

“Applicable Law” means the list of Applicable Law found in Division A, Part 1 of the Building Code.

“Applicant” means the Owner of a Building or property who applies for a Permit or the person authorized by the Owner to apply for a Permit on the Owner’s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a Building or Buildings and anyone acting under the authority of such person or corporation;

“Application” means a submission of plans, documents, prescribed forms and fees as described in this By-law for the purpose of Permit issuance and Building Code compliance review for a Certified Model and as required by the Chief Building Official.

“Architect” means the holder of a license, a certificate of practice, or a temporary license under the Architects Act as defined in the Building Code;

“Building” means a Building as defined in Section 1(1) of the Act;

“Building Code” means the regulations made under Section 34 of the Act;

“Certified Model” means a Building design that has been approved by the Chief Building Official having compliance with the Building Code and is intended for construction pursuant to a Permit issued under the Act. A Certified Model approval is not itself a Permit;

“Chief Building Official” means the person appointed as Chief Building Official by the Council for the purpose of enforcement of the Act;

“Conditional Permit” means a Permit issued for a stage of construction as approved by the Chief Building Official as described in Section 8 of the Act.

“Construction Value” means the value prescribed by the Chief Building Official to represent the total value of all work, services and material associated with the construction for which a Permit is applied, including all professional and related services;

“Council” means the Council of the Corporation of the Town of Halton Hills;

“Complete Application” means an Application that meets the requirements set out in the Building Code for Applications where the Chief Building Official is required to make a decision within a prescribed time period, and further that meets the requirements set out in Section 4, Schedule “A”, and Schedule “B” to this By-law;

“Electronic Submission” refers to the digital Building Application submission system whereby all Permit Applications are submitted, reviewed and issued;

“Inspector” means a person appointed as an Inspector by the Council for the purposes of enforcement of the Act;

“Mandatory Sewage Systems Maintenance Inspection Program” means inspections program established under the authority of Section 34.(2).(b) and Section 34.(2.2) of the Building Code Act and Sub-Section 1.10.2., Division C of the 2024 Building Code.

“Owner” means the registered Owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property;

“Partial Permit” means a Permit issued by the Chief Building Official to construct part of a Building;

“Permit” means Permission or authorization given in writing by the Chief Building Official to perform work, to change the use of a Building or part of it or to occupy a Building or part of it, as regulated by the Act and Building Code;

“Permit Holder” means the Owner to whom the Permit has been issued or, where the Permit has been transferred, the new Owner to whom the Permit has been transferred;

“Pre-application Review” means the review of forms, documents and drawings which precedes the acceptance of a Permit Application to determine if it qualifies for an electronic submission for a Permit;

“Professional Engineer” means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the Building Code.

“Registered Code Agency” means a Registered Code Agency as defined in Subsection 1(1) of the Act,

“Town” means the Corporation of the Town of Halton Hills.

Words not defined

- 2.2 Any word or term not defined in this By-law that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or Building Code.

3. CLASSES OF PERMITS

- 3.1 Classes of Permits with respect to the construction, demolition, change of use and occupancy of buildings, or part of it, and Permit fees shall be as set out in Schedule "A" to this By-law.

4. PERMIT APPLICATIONS

General Requirements

- 4.1 To obtain a Permit, an Applicant shall file a Complete Application on the form prescribed by the Ministry of Municipal Affairs and Housing or by the Chief Building Official, together with the applicable requirements set out in Subsections 4.2 to 4.14 to this Section; and
- (a) unless otherwise determined by the Chief Building Official, be in the form of an Electronic Submission filed by the Owner or Applicant;
 - (b) unless otherwise determined by the Chief Building Official, shall not be accepted until a Pre-application Review has been completed to the satisfaction of the Chief Building Official; and
 - (c) to be considered a Complete Application, every Permit Application shall be accompanied by the approval documents issued by the agencies responsible for the Applicable Laws listed in the Building Code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed; and
 - (d) an Application for a Permit may be refused by the Chief Building Official where it is not a Complete Application.
 - (e) the Chief Building Official may, as the Chief Building Official deems appropriate, provide prescribed forms in an electronic format and may allow for the Electronic Submission of completed Permit Application forms; and
 - (f) notwithstanding clause (e), completed forms generated electronically shall be accepted subject to the endorsement by the Applicant; and
 - (g) when filing an Application, the Owner and the Applicant shall provide an electronic mailing address(s) for the purpose of receiving communications from the Chief Building Official regarding the construction, demolition, change of use, or occupancy associated with a Permit Application or issued Permit. The Owner or authorized agent of the Owner shall inform the Chief Building Official immediately in writing when the electronic mailing address(s) provided change or become not functional.
- 4.2 All documents and drawings accompanying an Application shall be coordinated and consistent with the description of the proposed work.
- 4.3 Where this By-law requires the Owner or Applicant to submit a form or document, and the required form or document is not prescribed by applicable federal, provincial or municipal legislation, the Chief Building Official is authorized to design, prepare, produce and provide to the Owner or Applicant the required form or document, and the Owner or Applicant shall use the form or document so provided in completing the required submission.

Building Permits

- 4.4 Every Permit Application, Certified Model Application and Application for an Alternative Solution shall meet the requirements of Subsections 4.1 to 4.3 and shall:
- (a) identify and describe in detail the work to be done and the existing and proposed use and occupancy of the Building, or part thereof, for which the Application for a Permit is made;
 - (b) be accompanied by the plans, specifications, documents and other information prescribed in Section 5 and Schedule "B" to this By-law; and
 - (c) be accompanied by the appropriate fee calculated in accordance with the Fees as listed Schedule "A" to this By-law.

Demolition Permits

- 4.5 Every Application for a Permit to demolish a Building shall meet the requirements of Subsections 4.1 to 4.4 and shall:
- (a) identify and describe in detail the work to be done and the existing use and occupancy of the Building, or part thereof, for which the Application for a Permit is made, and the proposed use and occupancy of that part of the Building, if any, that will remain upon completion of the demolition.
 - (b) when Sentence 1.2.2.3.(1), Division C of the Building Code applies, be accompanied by a signed statement of the Professional Engineer on the form provided by the Chief Building Official, undertaking to provide general review of the demolition of the Building;
 - (c) be accompanied by confirmation that:
 - (i) arrangements have been made with the proper authorities for the safe and complete disconnection of all existing water, sanitary and storm sewer, gas, electric, telephone and other utilities; and
 - (ii) arrangements have been made with Heritage Halton Hills to satisfy their interest in the history of the subject Building.

Partial Permit

- 4.6 Every Application for a Permit to construct part of a Building shall meet the requirements of Subsections 4.1 to 4.4 and shall:
- (a) be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which Application for a Partial Permit is made, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.
 - (b) the Chief Building Official may issue a Partial Permit when the Chief Building Official determines it is appropriate to expedite substantial construction before a Permit for the entire building is available and where the relevant provisions of this By-law and the Act are met.
 - (c) when determining whether to issue a Partial Permit, the Chief Building Official shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.
 - (d) the Chief Building Official shall not, by reason of the issuance of a Partial Permit pursuant to this By-law, be under any obligation to grant any additional Permits.

Conditional Building Permits

- 4.7 Where the issuance of a conditional building Permit respecting the construction of a Building or part of a Building is sought, an Application for a Building Permit respecting the complete construction of the Building meeting the requirements of Subsections 4.1 to 4.4 to this By-law, shall be submitted, and the plans, specifications, documents and other information as required, shall be supplemented by:
- (a) an Application on a form prescribed by the Chief Building Official for the scope of work to be completed;
 - (b) be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which Application for a Conditional Permit is made, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official;
 - (c) a written acknowledgement from the Applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time period in which such approvals shall be obtained by the Applicant; and
 - (d) a written agreement from the Applicant to assume all risk in commencing the construction; and
 - (e) a written agreement, in a form provided by the Chief Building Official, executed by the Applicant, the Owner and such other necessary persons the Chief Building Official determines for the purpose set out in clause 8(3)(c) of the Act; and
 - (f) financial securities for compliance with subclause 8.(3)(c)(iv) of the Building Code Act.
- 4.8 Where a conditional building Permit is sought, and where the Applicant has complied with Subsection 4.7 to this By-law, and where the Chief Building Official is satisfied that the compliance required under clause 8(3)(a) of the Act has been achieved, and where the Chief Building Official is of the opinion that unreasonable delays in construction would result if a Conditional Building Permit were not issued, the Chief Building Official is hereby authorized to execute on behalf of Town the written agreement referred to in Clause 4.7(e) to this By-law as part of the Conditional Building Permit Application.
- 4.9 Where deemed necessary by the Chief Building Official, the agreement referred to in clause 4.7(d) of this By-law may be registered on title to the lands upon which is located or will be located the Building, or part thereof, for which the Application for Permit has been made, and the Chief Building Official shall require financial securities be provided to the Town.
- 4.10 the Chief Building Official shall not, by reason of the issuance of a Conditional Building Permit pursuant to this By-law, be under any obligation to grant any additional Permits.

Change of Use Permits

- 4.11 Every Application for a change of use Permit shall meet the requirements of Subsections 4.1 to 4.4 and shall:
- (a) identify and describe in detail the existing and proposed use and occupancy of the Building, or part thereof, for which the Application for a Permit is made; and
 - (b) be accompanied by plans and specifications which show the current and proposed occupancy of all parts of the Building and which contain sufficient information to establish compliance with the Building Code, including but not necessarily limited to, floor plans, details with wall, ceiling and roof assemblies identifying existing fire resistance ratings and load bearing capacities and details of the existing sewage system, if any;

Certified Model

- 4.12 Every Application for a Certified Model shall meet the requirements of Subsections 4.1 to 4.4 and shall:
- (a) be submitted using the Application form as prescribed by the Chief Building Official, and
 - (b) be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 4 and Schedule "B" of this By-law; and
 - (c) plans and specifications forming part of each Certified Model Application shall be deemed to form part of the Permit documents of each Permit subsequently issued under the Act.

Occupancy Permit - General

- 4.13 Where an Application is made for an occupancy Permit as set out in Division C 1.3.3.1 of the Building Code, the Application shall meet the requirements of Subsections 4.1 to 4.3 and shall:
- (a) be submitted using the Application form as prescribed by the Chief Building Official; and
 - (b) be accompanied by the appropriate fee calculated in accordance with the Fees as listed Schedule "A" to this By-law; and
 - (c) describe the Building, or part thereof, for which an occupancy Permit is requested; and
 - (d) where the Application for an occupancy Permit relates to the partial occupancy of a Building prior to its completion, a separate Application is required for each stage of occupancy.

Sewage Systems

- 4.14 Where an Application is made for an on-site sewage system, the Application shall meet the requirements of 4.1 to 4.4 and shall:
- (a) Include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (i) the date the evaluation was done; including the name, address, telephone number and signature of the person who prepared the evaluation; and
 - (ii) include depth to bedrock; and
 - (iii) depth to zones of soil saturation; and
 - (iv) soil properties, including soil permeability; and
 - (v) soil conditions, including potential for flooding; and
 - (b) a scaled map of the site showing;
 - (i) the date the evaluation was done; including the name, address, telephone number and signature of the person who prepared the evaluation; and
 - (ii) the legal description, lot size, property dimensions, existing

- right of-ways, easements or municipal/utility corridors; and
- (iii) the location of items listed in Division B, Part 8, Column 1 of Tables 8.2.1.6.A: 8.2.1.6.B; and 8.2.1.6.C. of the Building Code; and
- (iv) the location of the proposed sewage system; and
- (v) the location of any unsuitable, disturbed or compacted areas of soil.

5. REQUIREMENTS FOR PLANS AND SPECIFICATIONS

- 5.1 Every Applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed Building, construction, demolition or change of use will contravene the Act, the Building Code or any other Applicable Law.
- 5.2 The Chief Building Official shall determine the plans, specifications, documents and other information required to be submitted with an Application in order to deem it complete according to sentence 1.3.1.3.(5), Division C of the Building Code, having regard for:
 - (a) the scope of the proposed work; and
 - (b) the requirements of the Building Code, the Act and all Applicable Law; and
 - (c) the requirements of this Section and Schedule "B" to this By-law.
- 5.3 Plans, specifications, documents and other information shall be submitted electronically or in a form approved by the Chief Building Official and shall contain text that is legible and drawings that are legible, complete, fully dimensioned and to scale.
- 5.4 Upon issuance of the Building Permit, the Owner or authorized agent of the Owner shall ensure that that a hard copy of the Permit card and approved Permit plans are available on site at all times. Hard copies of the approved plans are required to be legible and printed to scale.
- 5.5 The Chief Building Official shall determine any additional submission standards for electronically submitted plans and specifications.
- 5.6 Site plans submitted by an Applicant shall be referenced to a current plan of survey prepared and certified by a registered Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission, except where the Chief Building Official waives the requirement to do so. Site plans shall show:
 - (a) lot size and the dimensions of property lines and setbacks to any existing or proposed Buildings; and
 - (b) existing and finished ground levels or grades; and
 - (c) existing rights-of-way, easements and municipal services.
- 5.7 A certificate, prepared by a registered Ontario Land Surveyor, confirming the location of the foundation(s) on the property for the buildings and the top of foundation elevations, shall be submitted and approved prior to the commencement of above-grade framing or structure.

- 5.8 Where a fire route is required and indicated on the approved Site Plan, as-constructed layout of the fire route must be certified by an Ontario Land Surveyor and must be submitted prior to giving the Town notice for an occupancy inspection.
- 5.9 On completion of the construction of a Building, or part of a Building, the Chief Building Official may require submission of a set of plans of the Building or part of a Building, as constructed, together with a plan of survey, prepared and certified by an Ontario Land Surveyor, showing the location of the Building.
- 5.10 Plans and specifications submitted in accordance with this By-law or otherwise required by the Act become the property of the Town and will be disposed of or retained in accordance with relevant legislation or by-law.

General Review

- 5.11 In addition to the requirements of Sections 4 and 5 of this By-law, where Division C, Part 1, Subsection 1.2.2 of the Building Code applies, an Application for a Permit to construct or demolish a Building shall:
- (a) be accompanied by a signed acknowledgement of the Owner on the prescribed form that an Architect or Professional Engineer, or both, have been retained to carry out the general review of the construction or demolition of the Building; and
 - (b) be accompanied by a signed statement of the Architect or Professional Engineer, or both, on the form prescribed, undertaking to provide general review of the construction or demolition of the Building.

6. COMPLIANCE VIA ALTERNATIVE SOLUTIONS

- 6.1 Where an Application for a Permit or for authorization to make a material change to the plan, specification, document or other information on the basis of which a Permit was issued, contains an alternative solution for which approval in accordance with Division C, Part 2, Section 2.1. is required, the Application shall include documentation in accordance with Division C, Part 2, Article 2.1.1.1.
- 6.2 Where approval for an alternative solution under the Building Code is being sought, the Applicant shall submit:
- (a) an Application on a form prescribed by the Chief Building Official; and
 - (b) supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the Building Code; and
 - (c) payment of the required fee prescribed by Schedule "A".
- 6.3 The Chief Building Official may accept or reject any proposed alternative solution and may impose conditions or restrictions on its use.
- 6.4 Alternative solutions that are accepted under this section shall be applicable only to the location described in the Application and are not transferrable to any other Building Permit.

7. INCOMPLETE PERMIT APPLICATIONS

- 7.1 An Application shall be deemed not to be complete until all the requirements set out in article 1.3.1.3., Division C of the Building Code have been complied with.
- 7.2 The Chief Building Official may accept an incomplete Application. Where an Application does not contain sufficient information to enable the Chief Building

Official to determine whether the proposal will contravene the Act, the Building Code or any other Applicable Law, the Application is deemed to be incomplete and may not be accepted. Incomplete Applications, where accepted, are not subject to the time-frames set out in the Building Code.

8. ABANDONED PERMIT APPLICATIONS

- 8.1 An Application for a Permit shall be deemed to have been abandoned by the Applicant where:
- (a) the Application is inactive or incomplete for six months after it was submitted after the Applicant has been advised in writing of all the reasons for refusal; or
 - (b) the Chief Building Official has determined that the proposed Building, construction, demolition or change of use will not comply with the Act or the Building Code or will contravene any other Applicable Law, or
 - (c) where an Electronic submission has not been completed within 20 business days of creation, the Electronic submission may be deemed by the Chief Building Official to have been abandoned where the estimated Permit fees are unpaid, or the required Application or the required supporting documentation are not deemed complete.

9. PERMIT ISSUANCE

- 9.1 Where the applicable requirements of Section 4 to this By-law have been complied with, and the Chief Building Official has determined that the proposed Building, construction, demolition or change of use will not contravene the Act, the Building Code or any other Applicable Law, the Chief Building Official shall issue a Permit.
- 9.2 Where the issuance of a conditional Building Permit respecting construction of a Building or part of a Building is sought, and the requirements of Subsection 4.7 to this By-law have been complied with, an agreement under Subsections 4.7 has been executed, financial securities paid and, the Chief Building Official has determined that the proposed Building or construction will not contravene the Act, the Building Code or any other Applicable Law, the Chief Building Official may issue a Conditional Building Permit, but the Chief Building Official shall not be under any obligation, by reason of the issuance of such a Permit, to issue any further Permit or Permits relating to other parts of the Building or to the entire Building.

10. REVISION TO PERMITS

- 10.1 After the issuance of a Permit, notice of any material change to a plan, specification, document or other information on the basis of which the Permit was issued, shall be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without the prior written authorization of the Chief Building Official as required under Subsection 8.(12) of the Act.
- 10.2 Upon review of a material change, the Chief Building Official may require the Applicant to submit an Application for a revision to the Permit in which case a revision Permit must be issued by the Chief Building Official before any work described in the material change can be commenced.
- 10.3 The provisions of Section 4 and 5 of this By-law shall apply to such Application.

11. TRANSFER OF PERMITS

- 11.1 If the Ownership of the land changes after a Permit has been issued, the Permit may be transferred to the new Owner (the “transferee”) of the lands where an Application is filed with the Town in writing in accordance with Subsection 11.2 to this By-law.
- 11.2 Every Application for the transfer of Permit shall:
- (a) be submitted using the Application form as prescribed by the Chief Building Official, and
 - (a) include proof of Ownership of the lands by the transferee satisfactory to the Chief Building Official; and
 - (b) confirm that the work to be done and the existing and proposed use and occupancy of the Building or part thereof, for which the Application for the transfer of the Permit is made, is the same as that identified and described on the Application for the Permit; and
 - (c) state the name, address, telephone number, electronic mail address of the proposed Architect, Professional Engineer or other designer and their Building Code qualifications, where they are different from those identified in the Application for the Permit; and
 - (d) include a written confirmation from the original or proposed Architect or Professional Engineer(s), or both, that they have been retained to undertake general review of the construction or demolition on behalf of the transferee where required under the Building Code; and
 - (e) include, where the proposed transferee is a builder as defined in the Ontario New Home Warranties Plan Act, or any successor thereto, the proposed transferee’s registration number thereunder; and
 - (f) be signed by the transferee to certify as to the truth of the contents of the Application; and
 - (g) be accompanied by the appropriate fee in accordance with Schedule “A” to this By-law.
- 11.3 Upon the issuance of transfer of a Permit to the transferee, the transferee shall be deemed to be the Permit Holder and the original Permit Holder have no further rights or obligations under the Permit save and except for any obligations set out in any agreements entered into for the purposes of Clause 8(3)(c) of the Act.
- 11.4 Nothing in this Section 11 to this By-law shall be construed as relieving prior or current Owners from their obligations under the Building Code Act, Building Code and/or the Building By-law and/or as stopping the Chief Building Official from bringing charges and/or initiating proceedings and/or bringing any enforcement actions prescribed by law against any person who caused construction or demolition to take place in a manner contrary to the Building Code Act, Building Code and/or the Building By-law.

12. REVOCATION OF PERMITS

- 12.1 Prior to revoking a Permit pursuant to Section 8(10) of the Act, the Chief Building Official may give written notice of intention to revoke the Permit to the Permit Holder’s address or electronic mail address shown on the Application or to such other address as the Permit Holder may provide to the Town for that purpose. If on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the Permit may be revoked without further notice and all submitted plans, specifications, documents and other information may be disposed of.

- 12.2 Notice under Subsection 12.1 to this By-law shall be given either personally or by electronic mail address or by mailing the notice by standard mail, to the Permit Holder, to the last address the Permit Holder has communicated to the Chief Building Official in writing; and where notice is served by mailing, the Permit Holder shall be conclusively deemed for all purposes to have been served with the notice on the fifth (5th) business day after the day of mailing.
- 12.3 Where a document is served by electronic mail address to the Permit Holder, it is deemed to have been served on the business day following the sending of the email or delivery of the notice.

13. DEFERRAL OF REVOCATION

- 13.1 A Permit Holder may, within thirty (30) days from the date of service of the notice of intention to revoke a Permit, if provided, request the Chief Building Official in writing to defer the revocation of the Permit.
- 13.2 A request for deferral shall set out the reasons why the Permit should not be revoked and the date by which the work will be commenced or resumed.
- 13.3 The Chief Building Official may allow the deferral and shall notify the Permit Holder of the decision.
- 13.4 A request for deferral of revocation shall be accompanied by the required fee as set out in Schedule "A" to this By-law.

14. FEES AND REFUNDS OF FEES

- 14.1 A fee is to be paid as part of a Permit Application, calculated in accordance with Schedule "A" to this By-law, and shall be due and payable, in full, upon the submission of the Application for a Permit. No Permit shall be issued until the fees therefore have been paid in full.
- 14.2 The Chief Building Official, or his designate, shall determine the appropriate Building category, floor area and/or value, and that determination shall be final.
- 14.3 Where fees payable in respect of an Application are based on a floor area, the floor area shall mean the total floor space of all storeys above grade, or below grade for an underground Building, measured as the horizontal area between the outer face of exterior walls and to the centre of party walls or demising walls.
- 14.4 Fees payable in respect of a Conditional Permit issued under Subsection 8(3) of the Act shall be paid for the complete project in accordance with Schedule "A" to this By-law.
- (a) where the conditions of the Conditional Permit agreement have not been met and the Conditional Permit expiration date is required to be extended, a non-refundable fee equal to the original Conditional Permit fee shall apply to each extension; and
 - (b) where there is an outstanding Order at the time of Conditional Permit extension, the non-refundable renewal fee will be equal to the original Conditional Permit fee plus 50%; and
 - (c) in addition to the non-refundable fee, a letter of credit is required for every Conditional Permit or phased Conditional Permit.
- 14.5 Where fees payable in respect of an Application for a change of use Permit issued under Subsection 10(1) of the Act are based on a floor area, the floor area shall mean the total floor space of all storeys subject to the change of use.

- 14.6 As deemed necessary by the Chief Building Official where an outside consultant is engaged to provide a third party review of a document or drawing submitted with a Permit Application, Alternative Solution proposal or partial occupancy Permit, the consultant's fees are to be fully paid by the Applicant.
- 14.7 Where construction has started prior to the issuance of a Building Permit and where an Order to Comply (OTC) and/or a Stop Work Order (SWO) has been issued, the Owner shall, if ordered to do so by the Chief Building Official,
- (a) provide proof that the construction complies with this By-Law, the Building Code and any Applicable Law;
 - (b) carry out test and investigations by independent agencies, at the cost of the Owner, to determine if the construction complies with the Building Code;
 - (c) carry out test and investigations by independent agencies, at the cost of the Owner, to determine appropriate remedial measures to ensure construction complies with the Building Code; and
 - (d) provide to the Chief Building Official, at the cost of the Owner, the result of any test and investigation ordered by the Chief Building Official, and
 - (e) provide documentation to the satisfaction of the Chief Building Official to establish that all remedial measures to ensure the construction complies with Building Code have been completed.
- 14.8 Where an Order issued under Sections 12(2), 13(1), 13(6), 14(1), 15.9 (4), 15.10.1 (2) or 18(1) of the Building Code Act and has been deemed Inactive, a maintenance fee of \$1,000 shall be charged immediately and \$1,000 per year thereafter until the Order has been deemed complied with by the Chief Building Official.

Plan Re-examination Fees

- 14.9 Where an Applicant substantially revises a proposed Building design after examination of a previous submission has already been undertaken, a re-examination fee shall apply as set out in Schedule "A" to this By-law.

Additional Inspection Fees

- 14.10 An additional inspection fee as set out in Schedule "A" to this By-law, where:
- (a) any of the prescribed notice requirements under the Building Code, or the additional notices required under this By-law, have not been complied with;
 - (b) any substantial portion of work required to be inspected is covered prior to an inspection being undertaken;
 - (c) more than two inspections are required due to construction being incomplete or not in compliance with the Building Code;
 - (d) a Building is occupied before a notice to inspect is received; or
 - (e) an inspection is requested to confirm that outstanding items have been completed or corrected.
- 14.11 An occupancy inspection will not be performed unless all outstanding additional fees per Subsection 14.10 of this By-law have been paid.

Additional Fee where the Construction Commenced without a Permit

- 14.12 Any person or corporation that commences construction, demolition, change of use of a Building before obtaining a Permit shall, in addition to any other penalty under the Act, Building Code or this By-law, pay an additional fee to offset the additional administrative and enforcement costs incurred by the Municipality, the Permit Fee prescribed in Scheduled "A" to this By-law shall be increased by 50% of the respective Building Permit Fee up to a maximum of \$50,000.00.

Fee Refunds

- 14.13 In the case of withdrawal, cancellation or abandonment of an Application for a Permit or abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall, upon written request of the Owner or Applicant, determine the amount of paid Permit fees that may be refunded to the Owner or Applicant, if any, in accordance with Subsections 14.14 to 14.19 to this By-law
- 14.14 Seventy-five per cent (75%) of the Permit fee paid in accordance with Schedule "A" to this By-law shall be refunded if only the Application administrative functions have been performed.
- 14.15 Fifty per cent (50%) of the Permit fee paid in accordance with Schedule "A" to this By-law shall be refunded if the following have been performed:
- (a) the functions described in Subsection 14.14 to this By-law,
 - (b) all or part of technical plans review functions; and
 - (c) the Permit has not been issued.
- 14.16 Twenty-five per cent (25%) of the fee paid shall be refunded if the Permit has been issued but no inspection has been performed.
- 14.17 Notwithstanding Subsections 14.11 and 14.13 to 14.16 to this By-law, no refund of any portion of the Permit fee paid in accordance with Schedule "A" to this By-law shall be made if any construction or demolition has commenced.
- 14.18 No refund shall be made where an Application has been cancelled or deemed abandoned by the Chief Building Official more than 2 years after the Permit Application date.
- 14.19 No refund shall be made where the amount is equal to or less than the minimum Permit Fee prescribed in Scheduled "A" to this By-law.
- 14.20 Any amount authorized by the Chief Building Official to be refunded shall be paid to the Applicant or Permit Holder, unless the Chief Building Official directs in writing that it be refunded to another person.

15. REGISTERED CODE AGENCIES

- 15.1 Subject to the provisions of the Act and the Building Code, the Town may enter into agreements with Registered Code Agencies authorizing an agency to perform the functions specified in the agreement with respect to the construction of any Building or class of Building specified in the agreement.
- 15.2 Where the Town has entered into an agreement with a Registered Code Agency, the Chief Building Official is authorized to appoint the Registered Code Agency to perform specified functions in respect of the construction of a Building or a class of Buildings from time to time in order to maintain the time periods for Permits prescribed in Subsection 1.3.1, Division C of the Building Code.

15.3 An appointment under Section 20 may include any one or more of the specified functions described in Section 15.15 of the Act.

16. INSPECTION NOTICES

16.1 The Permit Holder shall give notice of the following stages of construction in addition to the notices prescribed per Article 1.3.5.1, Division C of the Building Code, where applicable;

(a) commencement of construction of:

- (i) masonry fireplaces and masonry chimneys; or
- (ii) factory-built fireplaces and allied chimneys; or
- (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys.

(b) substantial completion of site grading; or

(c) substantial completion of exterior cladding.

16.2 A notice required to be given by a Permit Holder to the Chief Building Official or Registered Code Agency pursuant to Subsection 1.3.5, Division C of the Building Code shall be given to the Chief Building Official or Registered Code Agency at least two days in advance of the construction stage of which notice is being given.

16.3 A notice given pursuant to Subsection 16.2 of this By-law is not deemed effective until actually received by the Chief Building Official or his designate, or Registered Code Agency as the case may be.

16.4 When a Mandatory Sewage Systems maintenance inspection is required in accordance with article 1.10.2.3., Division C, of the Building Code, the property Owner shall, within the given time

(a) contact the municipality to arrange for an inspection of the existing on-site sewage disposal system, or

(b) submit all documentation as deemed necessary for compliance with the requirements set out in Schedule "D" to this By-law.

17. FENCES AT CONSTRUCTION AND DEMOLITION SITES

17.1 Where in the opinion of the Chief Building Official, a construction or demolition site presents a hazard to the public, the Chief Building Official may under subsections 7(1)(i) and 7(1)(j) of the Act, require the erection of such fencing as the Chief Building Official deems necessary to abate that hazard.

17.2 Construction fencing shall;

(a) create a continuous barrier to deter unauthorized entry;

(b) have a height of not less than 1.2 metres above grade;

(c) be maintained in a vertical plane in good repair; and

(d) have all openings closed when the site is unattended.

17.3 In considering the necessity for fencing the hazard presented by the construction or demolition site, the Chief Building Official shall have regard for,

(a) the proximity of the construction or demolition site to other occupied Buildings;

(b) the proximity of the construction or demolition site to lands accessible to the

public, including but not limited to streets, pools, commercial and institutional activities;

(c) the hazards presented by the construction or demolition activities and materials;

(d) the feasibility and effectiveness of site fencing; and

(e) the duration of the hazard.

18. OFFENCES AND PENALTIES

18.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in the Act.

19. SEVERABILITY

19.1 Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid it shall not affect the validity of this By-law as a whole or any other part thereof, other than the provision declared to be invalid.

20. CODE OF CONDUCT FOR BUILDING OFFICIALS

20.1 Subsection 7.1(1) of the Act requires the Town to establish and enforce a Code of Conduct for the Chief Building Official and Inspectors. All building officials under the employ of the Town shall abide by the Code of Conduct set out in Schedule "C" to this By-law, with respect to exercising powers and performing duties under the Building Code Act.

21. INTERPRETATION AND IMPLEMENTATION

21.1 This By-law comes into effect on February 10, 2025.

21.2 By-law 2016-0030 is hereby repealed.

21.3 Schedules "A", "B", "C" and "D" as attached shall form part of this By-law.

BY-LAW read and passed by the Council for the Town of Halton Hills this 10th day of February, 2025.

MAYOR – ANN LAWLOR

TOWN CLERK – VALERIE PETRYNIAK

SCHEDULE "A"

A detailed list of the all fees and rates related to the administration and enforcement of the Building Code Act and Regulations (including Building, demolition and change of use Permit fees, and other applicable fees and rates) as well as the explanatory Notes are included in the Town of Halton Hills Rates and Fess By-law, as amended.

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SCHEDULE "B" - Part 1

DOCUMENTS & DRAWINGS REQUIRED FOR PERMIT APPLICATIONS

Row	Class of Permit	Documents and Drawings Required
1.	All Permits	<p>Documents</p> <ul style="list-style-type: none"> ▪ Building Permit Application Form ▪ Applicable Law Declaration Form ▪ Owners Agent Authorization Form
2.	<p>Residential - New</p> <ul style="list-style-type: none"> ▪ Detached houses ▪ Semi Detached/ Duplex houses ▪ Triplexes ▪ Fourplexes ▪ Town Houses 	<p>Documents</p> <ul style="list-style-type: none"> ▪ Confirmation of compliance with Applicable Law ▪ TARION Registration Form <p>Drawings & other technical design information</p> <ul style="list-style-type: none"> ▪ Site Plan ▪ Lot Grading Plan ▪ Architectural Drawings ▪ Structural Drawings ▪ HVAC Drawings ▪ Energy Efficiency documentation ▪ Sizing of Water Service line
3.	<p>Residential</p> <ul style="list-style-type: none"> ▪ Alterations ▪ Additions ▪ Accessory Buildings 	<p>Documents</p> <ul style="list-style-type: none"> ▪ Confirmation of compliance with Applicable Law <p>Drawings & other technical design information</p> <ul style="list-style-type: none"> ▪ Site Plan ▪ Lot Grading Plan ▪ Architectural Drawings ▪ Structural Drawings ▪ HVAC Drawings ▪ Assessment of the existing sewage system design, where applicable ▪ Energy Efficiency documentation ▪ Sizing of Water Service line*
4.	<p>Non-residential and other residential not provided for in Rows 2 and 3</p> <ul style="list-style-type: none"> ▪ New Buildings ▪ Additions 	<p>Documents</p> <ul style="list-style-type: none"> ▪ Confirmation of compliance with Applicable Law ▪ Commitment to General Reviews by Architect & Engineers* ▪ Ontario Building Code Data Matrix ▪ Land and Building Use Declaration ▪ Sizing of Water Service line* ▪ Development charges forms completed by the Owner/designer <p>Drawings & other technical design information</p> <ul style="list-style-type: none"> ▪ Site Plan (approved*) ▪ Grading Plan (approved*) ▪ Architectural Drawings ▪ Structural Drawings ▪ HVAC Drawings ▪ Site Servicing Drawings (approved*) ▪ Plumbing Drawings ▪ Electrical Drawings ▪ Fire Protection Systems Drawings* ▪ Energy Efficiency documentation ▪ Assessment of the existing sewage system*

5.	<p>Non-residential</p> <ul style="list-style-type: none"> ▪ Alterations ▪ Renovations ▪ Tenant Improvements 	<p>Documents</p> <ul style="list-style-type: none"> ▪ Confirmation of compliance with Applicable Law ▪ Commitment to General Reviews by Architect & Engineers* ▪ Ontario Building Code Data Matrix ▪ Sizing of Water Service line* <p>Drawings & other technical design information</p> <ul style="list-style-type: none"> ▪ Site Plan ▪ Architectural Drawings ▪ Structural Drawings ▪ HVAC Drawings ▪ Site Servicing Drawings ▪ Plumbing Drawings ▪ Electrical Drawings ▪ Fire Protection Systems Drawings* ▪ Assessment of the existing sewage system*
6.	<p>Building Permits - Other than Rows 2 to 5</p>	<p>Documents</p> <ul style="list-style-type: none"> ▪ Confirmation of compliance with Applicable Law ▪ Documents from rows 2 to 5 or other documents which are applicable to the scope of work proposed <p>Drawings & other technical design information</p> <ul style="list-style-type: none"> ▪ Drawings from rows 2 to 5 which are applicable to the scope of work proposed
7.	<p>Change of Use Permit</p>	<p>Documents</p> <ul style="list-style-type: none"> ▪ Confirmation of compliance with Applicable Law ▪ Commitment to General Reviews by Architect & Engineers* ▪ Ontario Building Code Data Matrix* <p>Drawings & other technical design information</p> <ul style="list-style-type: none"> ▪ Location Plan ▪ Architectural Drawings ▪ Structural P. Eng.'s assessment report* ▪ HVAC Drawings ▪ Plumbing Drawings ▪ Electrical Drawings ▪ Fire protection Drawings* ▪ Sewage System Assessment Report*
8.	<p>Demolition Permit</p>	<p>Documents</p> <ul style="list-style-type: none"> ▪ Confirmation of compliance with Applicable Law ▪ Commitment to General Review by Engineer* ▪ Demolition Agreement/ confirmation of clearances <p>Drawings & other technical design information</p> <ul style="list-style-type: none"> ▪ Site Plan Drawing indicating a building to be demolished ▪ Description of the structural design characteristics and the method of demolition* ▪ Location of sewage system to be decommissioned*

Notes:

A description of the information required on drawings is contained in Part B of this Schedule.

Documents and/or drawings marked with an asterisk (*) represents “where applicable” and may not be required based on Building type, servicing or other applicable legislation.

The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of the work, Applicable Law or Building Code requirements does not necessitate its submission.

A Site Plan referenced to a current survey certified by a registered Ontario Land Surveyor shall be filed with the Municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code and any other Applicable Law.

Notwithstanding the above, if required for the scope of work proposed, the Chief Building Official may require additional design to be submitted.

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SCHEDULE "B" - Part 2

INFORMATION REQUIRED ON DRAWINGS

Item	Drawing Type	Information required
1.	Site Plan	Legal description, survey property lines, property dimensions, compass orientation, location and names of adjacent road
		Outline of all existing and proposed buildings and structures, building dimensions and their distance to property lines
		Dimensions and location of parking vehicle access and fire routes
		Dimensions and location of barrier-free parking, curb cuts, path of travel to a building and building access
2.	Grading Plan	Signature and seal of Professional Engineer, landscape Architect or Ontario land surveyor
		Property lines, easements sidewalks, driveways, building location, curb cuts, retaining walls
		Existing and proposed elevations within the site and at property lines (including adjacent lands), retaining wall elevation, slopes and driveways, drainage flow and swales
		Location of catch basins, above and below ground utilities, and connections to services
3.	Architectural	Existing plans showing construction and room and space identification of all floors in the area of proposed work or occupancy
		Plans of all floors including basements complete with all rooms and room names
		Roof plan showing roof slope, drainage, roof and roofing construction details
		Building elevations showing grade, floor and ceiling heights, overall building height, exterior finish materials, window heights and sizes and spatial separation requirements
		Residential construction details including proposed wall section from footing to roof, specifications of all wall, floor and roof assemblies and all building materials and construction specifications
		Stairs, guards and handrail dimensions and details, window sizes and height above floor level; location and fuel type of all fireplaces.
		Mezzanine plan showing construction, guardrails, egress
		Location and details of barrier free entrances and barrier free washrooms

		<p>Reflected ceiling plans, bulkhead details, horizontal service shaft details</p> <p>Roof equipment screening, anchorage for window washing, roof access</p> <p>Building cross sections showing grade, floor and ceiling heights, horizontal and vertical fire separations</p> <p>Enlarged sections and detail plans of washrooms and exit stairs</p> <p>Wall sections, plan and section construction details</p> <p>Exit stair enclosure, wall construction details, fire separations and listed design numbers, door numbers referenced to a door schedule</p> <p>Door and hardware schedule, door and frame details, window schedule, room finish schedule</p>
4.	Structural	<p>Foundation plans, floor and roof framing plans, footing, column and beam schedules, structural details and material specifications</p> <p>Design specifications, live and dead loading, wind and snow loading, earthquake loading, geotechnical report design basis</p> <p>Structural drawings sealed by a Professional Engineer for all structural elements not within the scope of part 9 of the Building Code</p> <p>Roof and floor truss drawings sealed by a Professional Engineer</p>
5.	HVAC	<p>Heating, ventilating and air conditioning plans, service shafts, equipment layout and schedules</p> <p>Heat loss and gain calculations, ventilation design summary</p> <p>Fire damper locations, kitchen exhaust equipment</p>
6.	Plumbing & Site Servicing	<p>Plumbing and drainage plans; location and sizing of under and above ground storm, sanitary and water supply piping and appurtenances</p> <p>Location of fire stopping; specifications of plumbing and fire-stopping materials</p>
7.	Electrical	<p>Electrical supply and distribution plans; location of power and lighting outlets; equipment schedules; transformer locations</p> <p>Location and specification of emergency lighting, emergency generations and exit signage</p>
8.	Fire Protection	<p>Fire hydrant locations, sprinkler and standpipe distribution plans and schedules; sprinkler head layout; fire hose cabinet locations</p>

		Location and specification of emergency lighting, emergency generators and exit signage; fire alarm system annunciator, diagrams and specifications
		Location of smoke alarms and carbon monoxide detectors

Notes:

- a) Required information may be located or consolidated on other drawings rather than as specified in this schedule.
- b) The Chief Building Official may waive the requirement for any required information specified in this schedule due to limited scope of work, Applicable Law or Building Code requirements.
- c) Notwithstanding the above, if required, for the scope of work proposed, the Chief Building Official may require additional information to be submitted.

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SCHEDULE "C"

CODE OF CONDUCT FOR BUILDING OFFICIALS

PURPOSE

The following are the purposes of this code of conduct:

1. To promote appropriate standards of behaviour and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code by the Chief Building Official and Inspectors.

ENFORCEMENT GUIDELINES

Compliance with this code of conduct is a serious matter to the Town and the public, and will be treated as such. Compliance shall constitute a condition of employment as a Chief Building Official or Inspector appointed under the *Building Code Act*. Any appointed Chief Building Official or Inspector who fails to act in accordance with the provisions of this code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this code shall be made in writing.

Any person who has reason to believe that this code of conduct has been breached may bring the matter to the attention of the Chief Building Official. Where the allegation concerns the actions of the Chief Building Official, the matter may be brought to the attention of the senior staff person to whom the Chief Building Official reports.

Any Chief Building Official or senior staff person who receives information in writing concerning a significant breach of this code shall review the allegations of breach and, where justified, shall direct an investigation. Where appropriate, the Chief Building Official or senior staff person shall recommend disciplinary action in accordance with the employment standards of the place of work. All communications received by a Chief Building Official or senior staff person concerning a breach of this code shall be held in confidence. The Chief Building Official or senior staff person shall advise Council in writing about the particulars of the alleged breach, its investigation and the final disposition of the matter upon its conclusion.

Disciplinary action arising from violations of this code of conduct is the responsibility of the Town and the Chief Building Official, and will be based on the severity and frequency of the violation in accordance with employment laws and standards, and relevant collective agreements.

CODE OF CONDUCT

In exercising powers and performing duties under the *Building Code Act*, the Chief Building Official and Inspectors shall:

1. Exercise powers in accordance with the provisions of the *Building Code Act*, the Building Code and other Applicable Law that governs the authorization, construction, occupancy and safety of buildings and designated structures, and the actions, duties and qualifications of Chief Building Officials and Inspectors;

2. Act to identify and enforce compliance where significant contraventions of the Act or regulations are known to exist;
3. Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties;
4. Not accept any personal benefit which may create conflict with their duties; or perform duties where a personal interest may create a conflict;
5. Act honestly, reasonably, professionally, efficiently and in a timely manner, and with integrity, objectivity and impartiality, in the discharge of their duties.
6. Act in the public interest with respect to health and safety issues related to Buildings, and take all reasonable precautions to ensure the safety of the public, Town staff and themselves.
7. Act within the area of qualification obtained under the Act, seek assistance when required, and participate in training as required by the Occupational Health and Safety Act, the Building Code Act and other legislation.
8. Conduct themselves with the highest degree of ethical behaviour and integrity; ensure that public confidence and trust are maintained at all times; protect and promote the best interests of the Town; ensure the protection and appropriate use of the Town's resources and assets; and perform duties without misleading the public.
9. Be ambassadors and reflect a professional image at all times; treat the public and each other with respect at all times; be reasonable and fair in their expectations of others; resolve conflicts in a professional manner; be courteous and considerate to all through language and actions; recognize the barriers of discrimination and disadvantage faced by human rights protected groups; and recognize the dignity of all people by equitable treatment of the public and staff.
10. Obtain qualifications as required to be appointed and to remain appointed under the Act; maintain qualifications as requirements evolve and/or change; keep current on construction practices and standards through continuous education and training; and be mentors to each other at all time.
11. Maintain confidentiality regarding Town business; disclose information only in compliance with the Municipal Freedom of Information and Protection of Privacy Act; and ensure that no information collected, produced or obtained in the course of duties, whether reports, memos, verbal/written/electronic communication is disclosed without proper approval.

The conduct of non-union Town staff, elected officials and citizen appointees is governed by the Code of Conduct set out in the Town's Personnel Policy Manual. In the event of a conflict between the provisions of that Code of Conduct and those contained herein, the more stringent provision shall apply.

This code of conduct shall be brought to the attention of the public by posting on the Town website.

SCHEDULE "D"

MANDATORY SEWAGE SYSTEMS MAINTENANCE INSPECTION PROGRAM

Authority for Inspections

The Clean Water Act, 2006 (CWA) was developed as a result of Justice O'Connor's Walkerton report, which identified improperly installed and poorly maintained septic systems as a potential threat to drinking water. In order to establish and govern Mandatory Sewage Systems Maintenance Inspection Programs (MSSMIPs), the CWA included requirements for amendments to the Ontario Building Code (Ontario Regulation 315/10). Article 1.10.2.3., Division C of the Ontario Building Code requires that principal authorities (i.e. municipalities) to establish and administer these programs. Under the CWA and its Regulation, Source Protection Areas, Source Protection Regions, and 19 corresponding Source Protection Committees were established in Ontario. A Source Protection Plan that was developed for each Source Protection Area provided a strategy and set of policies which outlined how water quantity and quality for municipal drinking water systems will be protected from current and future threats.

These threats were identified through technical and scientific work in the Assessment Reports. Mandatory on-site sewage systems maintenance inspection programs relate to vulnerable areas described in the Source Water Protection Plans and Assessment Reports, both developed under the Clean Water Act.

The Town of Halton Hills is located in the CTC Source Protection Region (CTC SPR). There are three (3) Source Protection Authorities in the CTC SPR: Credit Valley, Toronto and Region, and Central Lake Ontario. Each of these authorities has developed its Assessment Program. These programs provided land-uses information, identified the locations of drinking water sources, and highlighted threats and issues that result in overuse and contamination of drinking water sources. The CVC Assessment Report applicable to the Halton Hills area was approved in January 2012.

The original CTC Source Protection Plan (CTC SPP) was submitted for approval in October, 2012. Throughout 2013-2014, the CTC SPP was amended to address new drinking water threats and vulnerable areas. The amended CTC SPP submitted for approval to the Minister of the Environment and Climate Change in December, 2014 was approved on July 28, 2015 (effective date: December 31, 2015).

The CTC SPP identified private on-site sewage systems as potential significant threats to our municipal drinking water systems. Small on-site sewage disposal systems (for single-family dwellings and small businesses) are regulated under the Building Code Act, 1992. Large systems (greater than 10,000 l/day) are regulated under the Ontario Water Resources Act, 1990.

Based on the current information, there are approximately seventy three (73) properties and sewage systems within vulnerable areas surrounding municipal water supply systems within the Halton Hills Source Protection Area. The vulnerable areas within Halton Hills SPP are shown on CTC SPP Maps(as may be amended by the Source Water Protection authority): #1.11 - Prospect Park, Acton; #1.12 - Fourth Line, Acton; #1.13 – Davidson Well, Acton; #1.14 - Cedarville, Princes Anne Drive & Lindsay Court Wells, Georgetown – Attachments I, II, III, IV.

The Building Code requires properties which are identified in the vulnerable areas to be subject to the Mandatory Sewage Systems Inspection Program. The initial inspections must occur:

- no later than five (5) years after the date of the Approval of the Vulnerable Area Mapping in the Assessment Report for sewage systems constructed before the date of that Approval, and
- five (5) years after the construction for sewage systems installed after the date of the Approval.

Each sewage system within the defined areas must then be inspected every five (5) years after the most recent inspection of the sewage system has been conducted.

Alternatively, the Building Code authorizes municipalities to accept a Certificate from the property Owner as an alternative to conducting inspections under mandatory maintenance inspection programs. These certificates must be in a form approved by the Minister of Municipal Affairs and Housing and be signed by a qualified person (as set out in the Regulation).

Maintenance Inspections

The purpose of the Mandatory Sewage Systems Maintenance Inspection Program is to identify operational and maintenance concerns as defined under Section 8.9, Division B., of the Ontario Building Code.

The Town of Halton Hills proposes two compliance models for implementation of the Inspection Program:

Model 1: *Full Municipal Service* - All administrative, inspection and enforcement processes will be delivered by municipal staff.

Model 2: *Hybrid model* - Municipal staff will deliver administrative and enforcement services and a third party/qualified person [which can be a person with a Building Code Identification Number (BCIN) registered with the Ministry of Municipal Affairs and Housing (MMAH) for septic design, a Septic Supervisor (with BCIN), an Architect, or a Professional Engineer] will inspect the sewage system and complete the Inspection Report and the MSSMIP Certificate. The certificate must be in a form approved by the Minister of Ministry of Municipal Affairs and Housing and must be signed by a qualified person.

The Town will implement a two tiered approach to maintenance inspections: Initial inspections (Phase I) are designed to be non-intrusive tests and will generally avoid significant disturbance to the system and the surrounding soil area. Where the Phase I inspection indicates a defect or failure more investigation (Phase II) will follow.

Phase I – Maintenance Inspections

The purpose of a Phase I maintenance inspection is to:

- a) Obtain the most recent information on the system, as well as the size of the building and the number of fixtures and bedrooms that it is servicing;
- b) Locate the sewage system's components;
- c) Identify any obvious or outward signs of malfunction or failure; and
- d) Identify systems that are at risk of malfunction or failure.

During the course of a Phase I maintenance inspection, the inspector would normally identify:

- a) The type of occupancy to determine the source and type of the sanitary sewage;
- b) The source of water supply (municipal, well, lake, etc);
- c) The approximate volume of sewage generated;
- d) The use of special devices such as garbage grinders or water softeners;
- e) The general nature of the system (class, components, type, layout, etc);

- f) The location of the system's components with respect to wells, surface water, and other environmental features;
- g) The approximate level of ground water;
- h) The size, material and the condition of the septic tank, or the holding tank;
- i) The frequency of tank pump-out and the last time the tank was cleaned;
- j) Any indication of sewage system failure, including:
 - Evidence of backup of effluent,
 - Signs of hydraulic failure (breakout of sewage, wetting conditions in the leaching bed area),
 - Condition of surface vegetation, and
 - Odour problems;
- k) Documentation of previous effluent sampling test results, where required (i.e., under Article 8.9.2.4. of the Building Code).

Phase II – Follow-Up Maintenance Inspections

More intensive follow-up maintenance inspections will be undertaken where:

- The Phase I maintenance inspection has identified that the septic system is at risk of future malfunction or failure, or
- The Phase I inspection detected a malfunction or failure, but did not reveal the reason (e.g., location or nature) of malfunction or failure.

Phase II inspections may typically include examinations of the following elements:

- a) The depth of the sludge layer and the distance from the top of the sludge layer and the outlet tee;
- b) The thickness of the scum layers;
- c) The distance between the bottom of the scum/grease layer and the bottom of the outlet tee;
- d) The distance between the top of the scum layer and the top of the outlet tee;
- e) The physical condition of the inlet and outlet; and
- f) The condition of the effluent filter, if utilized.
- g) For sewage systems utilizing treatment units, Phase II inspections may also include a review of:
 - The existence of a maintenance agreement and the date of latest servicing;
 - The test results of a new round of effluent sampling (if otherwise required by the Building Code, or by an authorization issued by the BMEC); and
 - Operational problems or system malfunction before or, at the time of inspection.
- h) Where used in sewage systems, distribution boxes, dosing tanks and pumps may be inspected to determine their condition and functionality.
- i) Phase II inspections of leaching beds may also include:
 - Clearance distances to environmental features, wells and surface water intakes;
 - Soil type and its permeability;
 - Additional sources of hydraulic loading (e.g. surface discharge, roof drains);
 - Evidence of ponding;

- Encroachments into the leaching bed area (e.g. building additions, patios, driveways, pools), and
 - Trees and deep rooting shrubs in the vicinity of the bed.
- j) Blockages in the leaching bed and pollution sources may be identified by following measures:
- Evaluation of in-home plumbing and estimates of water usage;
 - Conducting a leak diagnostics;
 - Conducting a flow trial;
 - Conducting a dye tracing test; or
 - Excavating a cross section of the leaching bed.

Inspection Reports and MMAH Certificate

The Town will maintain inspection documentation (inspection reports) in respect of maintenance inspections, which will include the following information:

- a) Identification of the property attended;
- b) Identification of any information collected as part of the inspection;
- c) Deficiencies identified during the current visit;
- d) Enforcement actions, if any;
- e) The legislative authority for the inspection program; and
- f) Property flagged for re-inspection every five years.

The MMAH Certificate and the Sewage System Inspection Report, where applicable (Model 2) will be submitted to the Town of Halton Hills, Building Services five days after completion of the inspection by a qualified person.

All information related to the administration of the Mandatory Sewage Systems Maintenance Inspection Program will be utilized for the required reporting to the Source Water Protection authority.

Enforcement

When as the result of the MSSMIP, it was determined that repairs to a malfunctioning sewage disposal system are necessary, a building Permit may be required. Building Permits related to the on-site sewage disposal systems are currently set out in the Town of Halton Hills Fees and Service Rates By-law for the installation of new systems and repairs and/or replacements of the malfunctioning systems. The same fees will be applicable for systems in need of repair or replacement as a result of the mandatory maintenance inspections. This fee is over and above the fees associated with the administration of MSSMIP. The process of Permit review and site inspections for new systems and system repairs are already set out in the Building Code Act and the Building Code. The same process will be used for the Permits and inspections arising from the MSSMIP.

An Order to Remedy an Unsafe Building will be issued if the property Owner does bring the on-site sewage disposal system into voluntary compliance based on items identified during the Phase I or II inspections. The penalties for noncompliance with orders issued by building inspectors and for contraventions of the Building Code Act and Building Code are currently set out in the Building Code Act and will be applicable for the enforcement of the Mandatory Sewage Systems Maintenance Inspection Program.

Fees associated with MSSMIP

The Building Code Act allows for a cost recovery funding model.

A new fee to cover all administrative and inspection costs associated with administration of the Mandatory Sewage Systems Maintenance Inspection Program utilizing the Model 1 (Full Municipal Service) have been established and included in the Town of Halton Hills Building By-law.

Mandatory Sewage Systems Maintenance Inspection Program utilizing the Model II (Hybrid model/Certificate alternative) would result in all costs associated with the work carried out by a qualified person being direct between the property Owner and the qualified person. An additional fee for the administration work carried out by the Town staff (reviewing and filling of the inspection reports and Certificates) have been established and included in the Town of Halton Hills Building By-law. This admin fee will have to be paid to the Town by property Owners who choose the Hybrid compliance model.

Notification

The Building Code requires that all systems within the mandatory inspection areas be inspected every five (5) years from date of construction or from date of the most recent maintenance inspection.

All property Owners affected by the Mandatory Sewage Systems Maintenance Inspection Program will be sent a letter. Notification to property Owner shall include:

- A contact name within the Town;
- The legislative authority for the inspection program;
- Procedural information of the Maintenance Certificate as an alternative
- Any applicable fees to be charged.