

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN**

**BY-LAW NO. 2019-031**

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**Being a By-law respecting Construction, Demolition, Change of Use, Inspections and Fees, and to Repeal By-law No. 2018-018 and all other By-laws and Resolutions, or parts thereof, contrary hereto or inconsistent herewith.**

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WHEREAS pursuant to Section 7. of the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended, empowers Council to pass certain by-laws respecting construction, demolition and changes of use, conditional permits, inspections and enforcement related matters of the *Building Code Act*;

AND WHEREAS the Council of each municipality is responsible for the enforcement of this *Act* in the municipality;

AND WHEREAS Section 391 of the *Municipal Act* S.O. 2001, c. 25 as amended, a municipality may pass by-laws imposing fees or charges for services of activities provided or done by or on behalf of it;

AND WHEREAS Sections 8, 9 & 10 of the *Municipal Act* S.O. 2001, c. 25 as amended gives broad authority to the Municipality to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to Municipal issues.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEGUIN ENACTS AS FOLLOWS:**

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**1. SHORT TITLE**

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

**2. DEFINITIONS**

2.1 In addition to those definitions found in the Ontario *Building Code Act*, the Building Code and the current edition of the Seguin Zoning By-law, the following definitions shall apply for the purposes of the By-law:

2.1.1 *Act* means the Ontario *Building Code Act, 1992*, S.O. 1992, c. 23 as amended.

2.1.2 **Additional Inspection** means an inspection that is requested or required and carried out (at the discretion of the Chief Building Official) in connection with an existing permit where the work was not substantially complete or deficient. This includes inspections requested on permits that are more than twelve (12) months old that were issued under a previous or present version of the Building Code and with or without records of an inspection being performed or requested for at least one (1) year. This also includes inspections required to be re-booked due to Township-approved building plans being absent from site for reference during inspection, as required by the Building Code.

2.1.3 **As Constructed Plans** means the same as defined in the Building Code.

2.1.4 **B.M.E.C.** means the Building Materials Evaluation Commission.

2.1.5 **Building** means the same as defined in Section 1.(1) of the *Act*.

2.1.6 **Building Area** means the greatest horizontal area of a building above grade within the outside surface of the exterior walls occupied by the building, or within the outside surface of the exterior walls occupied by the building and the centre line of firewalls within the building’s exterior walls.

2.1.7 **Building Code** means the Ontario Building Code Compendium, being the regulations made under section 34 of the *Act*.

2.1.8 **Chief Building Official or C.B.O.** means the Chief Building Official appointed by a By-law of The Corporation of the Township of Seguin for the purposes of enforcement of the *Act*.

2.1.9 **Conditional Permit** means a permit issued by the Chief Building Official even though all the requirements under 8.(2) of the *Act* have not been met and shall include an agreement as described in 8.(3)(c) of the *Act*.

2.1.10 **Construct** means the same as defined in Section 1.(1) of the *Act*.

2.1.11 **Contractor** means a person or organization that will provide labour, material, supervision, equipment or any combination of them directly to the Proponent in order to perform the Works, but may include a sub-contractor if appropriate in the context, and also includes the Proponent and the land owner if they undertake to do the work of a contractor.

- 2.1.12 **Corporation** means The Corporation of the Township of Seguin.
- 2.1.13 **Council** means the Council of the Corporation of the Township of Seguin.
- 2.1.14 **Demolish** means the same as defined in Section 1.(1) of the *Act*.
- 2.1.15 **Designer** means a person who produces or provides some or all of the documents which are submitted in support of a building permit application or performs review of the construction project, and is restricted to design and/or review in the matters only for which they are qualified (unless exempt as prescribed in the Building Code).
- 2.1.16 **Farm Building** means the same as defined in the Building Code.
- 2.1.17 **Finished Floor Area** means the floor area of any room or space in a building to which a finish material has been applied to the floors, walls and/or ceiling.
- 2.1.18 **Floor Area** means the floor area of any room or space in a building that may or may not be finished.
- 2.1.19 **Grade** means the same as defined in the Building Code.
- 2.1.20 **Habitable Space** means the finished floor area of all storeys, half-storeys or basements in a dwelling, guest cabin or boathouse (as applicable), and shall not include a garage, open deck, covered porch, or unfinished floor area in a basement and shall be measured to the outside surface of the exterior walls.
- 2.1.21 **Inspector** means the same as defined in Section 1.(1) of the *Act*.
- 2.1.22 **Minister** means the Minister of Municipal Affairs.
- 2.1.23 **Occupancy** means the same as defined in the Building Code.
- 2.1.24 **Open Boat Storage Building** means a shelf and/or rack structure intended for the seasonal storage of dry stacked boats or other watercraft.
- 2.1.25 **Permit** means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the *Act*.
- 2.1.26 **Person** means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and includes the heirs, executors, assigns, successors or legal representative of the Person.
- 2.1.27 **Plumbing** means the same as defined in Section 1.(1) of the *Act*.
- 2.1.28 **Principal Authority** means the Council of the Township of Seguin.
- 2.1.29 **Proponent** means the person who will ultimately pay for the Works, but does not include a perspective tenant who will pay only rent, and does not include a landlord who will not ultimately pay for any portion of the Works and remains at arm's length from the building permit process.
- 2.1.30 **Sewage System** means the same as defined in the Building Code.
- 2.1.31 **Special Inspection** means an inspection that is required and carried out, not in connection with a permit, at the discretion of the Chief Building Official. This includes inspections requested on permits that are more than twelve (12) months old that were issued under a previous or present version of the Building Code and with or without records of an inspection being performed or requested for at least one (1) year.

2.1.32 **Township** means Township of Seguin.

2.1.33 **Works** means any construction, demolition or activity which is regulated by the Building Code, and is subject to application for a permit or has been permitted as required under the *Act*.

### **3. CLASSES OF PERMITS**

3.1 Whereas clause 7.(1)(a) of the *Act* authorizes Council to prescribe classes of permits, the Council hereby prescribes the classes of permits, defined in Schedule A of this By-law. The classes of permits with respect to the construction, demolition, conditional and change of use of buildings and permit fees shall be as set out in Schedule A of this By-law.

3.2 Other types of inspections, reports and record searches are as set out in Schedule A of this By-law or Schedule A of the Fees and Charges By-law.

3.3 The Council hereby delegates authority to the Chief Building Official to create and use additional classes of permits if the necessity for such additional classes becomes apparent.

3.4 The Council hereby authorizes the Chief Building Official to issue a single permit which authorizes work in one or more classes, at the sole discretion of the Chief Building Official.

3.5 Where signs are sufficiently described in an application for a permit and compliance can be confirmed with the *Act*, the Building Code and the Sign By-law, any class of permit issued is deemed to include the signs.

### **4. REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS**

#### **4.1 Application - General**

4.1.1 Whereas clause 7.(1)(b) of the *Act* authorizes Council to prescribe that permit applications be accompanied by plans, specifications, documents or other information, and clause 7.(1)(f) of the *Act* authorizes Council to prescribe application forms, and paragraph 34.(1).28. of the *Act* authorizes application forms to be prescribed by the Minister, and whereas the Minister may not at the date of passing this By-law have prescribed forms, the Chief Building Official is hereby authorized to create and distribute suitable forms, and once created and distributed, the forms are hereby prescribed.

4.1.2 Where the Chief Building Official or Minister has created forms and distributed them or otherwise made them available, an application for a permit under this By-law shall be made on either the form created by the Chief Building Official or the Provincial standard form, whichever takes precedence. If the Provincial standard form is not suitable for class of permit requested, the Chief Building Official's form shall take precedence. If neither prescribed form takes precedence, either may be used at the discretion of the applicant.

4.1.3 To obtain a permit, the owner or an agent authorized by the owner shall file an application in writing by completing a prescribed form available at the Township of Seguin service counter, from our website [www.seguin.ca](http://www.seguin.ca) or from the Ministry website: [www.mah.gov.on.ca](http://www.mah.gov.on.ca), accompanied by the applicable plans, schedules, support documentation and with the applicable fees.

#### **4.2 Application for Permit to Construct**

Where application is made for a building permit under Subsection 8.(1) of the *Act*, the application shall:

4.2.1 Identify and describe in detail the work and the occupancy to be covered by the

permit for which the application is made.

- 4.2.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot and would give the legal description of the land.
- 4.2.3 Include a minimum of two (2) sets of complete plans and specifications for the work being covered by the permit and show the occupancy/use of all parts of the building. The list of plans or working drawings are described in Schedule C, attached to and forming part of this By-law.
- 4.2.4 State the valuation of the proposed work to be covered including materials and labour, and be accompanied by the required fee.
- 4.2.5 State the names, addresses and telephone numbers of the owner and of the architect(s) or engineer(s), other designer(s) or contractor(s) where applicable.
- 4.2.6 Be accompanied by written acknowledgement of the owner that he/she has retained an architect or professional engineer to carry out a field review of the construction where required by the Building Code.
- 4.2.7 Include approvals for any applicable federal and provincial statutes & regulations, municipal by-laws, B.M.E.C. authorizations for new & innovative products and any other applicable law.
- 4.2.8 Be signed and dated by the owner or his/her authorized agent who shall certify the truth of the contents of the application.

#### 4.3 **Application for Permit to Demolish**

Where application is made for a demolition permit under Subsection 8.(1) of the *Act*, the application shall:

- 4.3.1 Contain the information required by all clauses under 4.2 (where applicable).
- 4.3.2 At the discretion of the Chief Building Official, include satisfactory proof that arrangements have been made with the proper authorities and/or contractors for the cutting off and capping to make safe all water, sewer, electric, telephone and other utilities and services as applicable.
- 4.3.3 Include documentation which identifies each class of waste which will be generated by the demolition and specifies the means by which each class will be disposed, or any other drawings and information as required by the Chief Building Official.
- 4.3.4 The Chief Building Official may waive the requirement for any of the above documents or approvals where found not applicable to the class of permit sought.

#### 4.4 **Application for Conditional Permit**

Where application is made for a conditional permit under subsection 8.(3) of the *Act*, the application shall:

- 4.4.1 Contain the information required by all clauses under 4.2 (where applicable) covering the portion of the work for which immediate approval is desired.
- 4.4.2 Demonstrate that compliance with by-laws passed under sections 34 and 38 of the *Planning Act* and with such other applicable law as may be set out in the Building Code has been achieved in respect of the proposed building or construction.
- 4.4.3 State the reasons in writing why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.

- 4.4.4 Provide in writing that the applicant is committed to entering into an agreement as described in clause 8.(3)(c) of the *Act*, including submission of a monetary security as described in sub-clause 8.(3)(c)(v).
- 4.4.5 Limit the request for conditional permit to that portion of the building which has been fully proven through full and complete design, compliance with the Building Code and applicable laws to meet the requirements and provide adequate interim design for the rest of the building to fully demonstrate how they relate to each other. The balance of the final design shall fully maintain integration with the conditionally-approved portion of the building and within the requirements of the Building Code.
- 4.4.6 State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
- 4.4.7 State the time in which completed plans and specifications of the entire building with all components will be filed with the Chief Building Official by the applicant.
- 4.4.8 Contain any other information, plans and specifications concerning the complete project as required by the Chief Building Official.
- 4.4.9 The Chief Building Official shall review the information submitted, including the estimated timelines for the full set of final plans to be submitted, to ensure that they are reasonable and meet the requirements of the Building Code and contain enough information to fully satisfy the potential effects of the forth-coming remainder of the design without causing significant perceived modifications, problems and corrections to the initial conditional portion of the design. Should the information submitted not be adequate to satisfy the requirements of the Building Code and/or be unsatisfactory information affecting the conditional portion of the building in relation to the final design as a whole, the application will be rejected in whole until the required information is complete and meets the requirements and reasonable timelines, or until the completed project design is submitted in its entirety.
- 4.4.10 From the date of issuance of a Conditional Permit, a maximum time limitation of ninety (90) days is put in place to submit the balance of the required information and application in its entirety to the building department, after which time the appropriate actions may be taken as outlined in the Building Code.
- 4.4.11 The complete application and prescribed plans and specifications shall be accompanied by the required fee as prescribed in Schedule A of this By-law.
- 4.4.12 The Chief Building Official may waive the requirement for any of the above documents or approvals where found not applicable to the class of permit sought.
- 4.4.13 Where a permit is issued for part of a building or project, this shall not be construed to authorize beyond the plans for which approval was given nor will that approval necessarily be granted for the entire building or project.
- 4.4.14 The Council delegates the Chief Building Official to enter into agreements with the owner and/or applicant for a conditional permit within the guidelines of the Building Code provided all of the necessary requirements of all applicable laws including municipal by-laws have been met.
- 4.4.15 In considering whether a conditional permit should be granted, the Chief Building Official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained.
- 4.4.16 Any agreement entered into under clause 8.(3)(c) of the *Act* may be registered

against the land to which it applies and the Municipality is entitled to enforce its provisions against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

#### **4.5 Application to Permit Change of Use**

Where application is made for a change of use permit under subsection 10.(1) of the *Act*, the application shall:

- 4.5.1 Describe the building of which the occupancy is to be changed by a description that will readily identify and locate the building lot and would give the legal description of the land.
- 4.5.2 Identify and describe in detail the current and proposed occupancies of the building or part of the building for which the application is being made.
- 4.5.3 Include 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 requirements of the Building Code including floor plans, details of wall, ceiling and roof assemblies, identifying required fire resistance ratings and load bearing capabilities.
- 4.5.4 Be accompanied by the required fee as prescribed in Schedule A of this By-law.
- 4.5.5 State the name, address and telephone number of the owner and spouse, his/her authorized agent, and of the architect(s) or engineer(s), other designer(s) or contractor(s) where applicable.
- 4.5.6 Be signed and dated by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

### **5. PLANS AND SPECIFICATIONS**

#### **5.1 General**

- 5.1.1 Each application for a permit shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans, specifications and other documents from which the Contractor will build or undertake to perform the Works.  
All required documents shall be produced at the time of submission of a building permit application.  
The documentation referenced in 5.2, 5.3 and 5.4 must also accompany the permit application unless determined not to be applicable or otherwise excepted/waived by the Chief Building Official.  
Note that hardcopies required to be printed at the municipal office to complete the application may be subject to fees set out in Schedule A of the Fees and Charges By-law.
- 5.1.2 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition or change of use will conform to the *Act*, the Building Code and any other applicable law.
- 5.1.3 Notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued shall be submitted in writing to the Chief Building Official for review prior to causing the change to be made. The change is not to be made without the Chief Building Official's written authorization.
- 5.1.4 Plans shall be drawn and submitted on paper or other durable material, and shall be accurately scaled and dimensioned in a durable, clear and legible manner, and shall include, but not limited to, working drawings as set out in subsection 5.3 of

this By-law, unless otherwise specified by the Chief Building Official.

- 5.1.5 Written wording on all submitted plans and documents used as labels, notes, descriptions or otherwise shall be written in the English language and be legible.

## 5.2 Site Plan

- 5.2.1 Where a new building is proposed, an existing building is to be enlarged (in height or area) or moved, the exterior walls or overhangs of an existing building will be altered, or existing site work will be extended, altered or repaired, a site plan shall be submitted with the permit application. It shall be referenced to an up-to-date survey prepared by an Ontario Land Surveyor. At the discretion of the Chief Building Official, a legible hand-drawn plan (drawn to scale) in lieu of a surveyors plan may be submitted, provided such hand-drawn plan meets the requirements of subsections 5.2.2 and 5.2.3.

- 5.2.2 A site plan shall be drawn and submitted on paper or other durable material, and shall be accurately scaled and dimensioned to demonstrate compliance with the current comprehensive zoning by-law and/or applicable law, bearing the signature and date of the person that prepared the plan.

- 5.2.3 Site plans shall indicate the following (but is not limited to):

- a) The legal description, civic address, lot size, property lines with dimensions of each as well as bearing in relation to North.
- b) Size, area and use of all buildings currently and proposed on the subject property.
- c) Setbacks measured horizontally and at right angles from property lines to any existing and/or proposed buildings from respective property line designations as defined in the comprehensive zoning by-law.
- d) Existing and finished ground levels or grades when significant to the proposed project.
- e) Existing rights-of-way, easements and municipal or other services.
- f) The location of any existing or proposed sewage system (weeper bed location, tank location) and setbacks from these to other existing or proposed buildings, property lines, easements and water sources (well, pond, lake).
- g) The location and voltage of buried or overhead hydro-electric transmission lines.

- 5.2.4 Real property verification by an Ontario Land Surveyor of existing and/or proposed structure locations and/or service locations in relation to each other and/or the extents of the property lines and/or to relevant outlying features conforming to the Building By-law may be required prior to building permit issuance, prior to excavation, prior to proceeding past the foundation stage and/or once the building/structures' exterior is completed, if required by the Chief Building Official.

## 5.3 Construction Plans

- 5.3.1 Floor Plan(s) – Scale drawing(s) showing the size and the use of all rooms and floor areas and the overall dimensions of the building, locations of structural elements (including, but not limited to lintels, point loads & supports, beams, pre-engineered products, etc.), interior wall locations, door/window and plumbing fixture locations and types, smoke alarm and carbon monoxide detection locations, attic and/or crawlspace access hatches, stair locations with direction of travel and any other pertinent information in regards to the energy efficiency requirements of the building.

- 5.3.2 Foundation Plan(s) – Scale drawing(s) of the foundation and floor system(s) showing size and spacing of footings, piers, posts/columns, type of materials used for foundation assembly, locations and sizes of supporting beams and joists, point



load supports, pre-engineered products, floor drains and/or sump pit locations, interior wall locations, plumbing fixture locations and types, smoke alarm and carbon monoxide detection locations, crawlspace access hatches, stair locations with direction of travel and any other pertinent information in regards to the energy efficiency requirements of the building.

- 5.3.3 Roof Plan(s) – Scale drawing(s) showing size and spacing of roof framing members, over-framing, roof slope(s), roof lines indicating change in slope direction, chimney location(s), roof-mounted equipment, roof overhang(s) and any other projection as permitted, outline of building below, structure to support point load framing (including ridge beams, girder trusses, etc.).
- 5.3.4 Framing Plan(s) – Scale drawing(s) of any structural components not able to be included on other plans (i.e. tall-wall framing, heavy timber layouts & details).
- 5.3.5 Sections & Details – Scale drawing(s) of (a) cross-section(s) of the proposed building from the foundation level to the roof peak and shall fully describe the details of the building, including applicable structure, wall, roof and floor assemblies, assembly thicknesses, footing depth(s), backfill height(s), storey heights, overall building height (as defined in the comprehensive zoning by-law), headroom height in stairwells, roof slope(s), chimney height(s), connection details and room uses and as described in 5.3.1 above.
- 5.3.6 Building Elevations – Scale drawings of the proposed building (minimum of 2 sides if building is symmetrical) from proposed grade to roof peak and include the building height (as defined in the comprehensive zoning by-law), roof slope(s), chimney height(s), outline of foundation, height of foundation above grade, doors & windows, stairs, rails and guards for decks and other exits, notes and/or hatching depicting exterior finishes and any exterior structural elements.
- 5.3.7 Electrical Drawing(s) – Scale drawing(s) of any electrical components not able to be included on other plans.
- 5.3.8 Heating, Ventilation & Air Conditioning Drawing(s) – Scale drawing(s) of the layout, types and sizing of all components (including type of heating system, ventilation system and fuel source), type & location of fire stops and/or fire rated closures where applicable, heat gain/loss calculations and an Energy Efficiency Design Summary as part of the application as described in Section 4 of this By-law.
- 5.3.9 Plumbing Drawing(s) – Scale drawing(s) of any plumbing components not able to be included on other plans.

#### **5.4 Other Plans/Specifications/Documents**

- 5.4.1 Written permission or a valid Onsite Sewage System Permit issued by North Bay-Mattawa Conservation Authority or the Ministry of the Environment in respect to the waste disposal system which will adequately service the proposed building(s).
- 5.4.2 Written approval or a valid Work Permit from the Ministry of Natural Resources and/or Department of Fisheries and Oceans where the proposed building is within the prescribed proximity to a Crown lake bed.
- 5.4.3 Written approval or a valid Building and Land Use Permit from the Ministry of Transportation where the proposed building is within the prescribed proximity to a provincial highway, as defined in the Building and Land Use Policy issued by the Ministry of Transportation.
- 5.4.4 Written approval or an Entrance Permit when a driveway is required to access the proposed building, either from the Ministry of Transportation where the proposed building is accessed from a provincial highway or from the Municipality where

the proposed building is accessed from a municipally-maintained road (either seasonally or year-round).

- 5.4.5 Written approval or an appropriate permit from any government agency which is required for the class of permit sought.
- 5.4.6 Written documentation and specifications/recommendations supporting other authorized agreements such as requirements for noise and/or vibration studies dependent on proximity to railway property, easements for view as may be outlined in subdivision agreements, easements for hydro lines or other applicable by-laws or applicable laws.
- 5.4.7 Drawing(s) and/or written specifications in respect to all materials and their uses for the proposed building, which are governed by the regulations under the *Act*, to fully explain how they are integrated within the design.
- 5.4.8 Scale drawing(s) and/or written specifications of structural, mechanical, electrical and fire detection & alarm systems for the proposed building when required by the Chief Building Official.
- 5.4.9 Stamped and signed engineered plans, sketches, or details as required by the Building Code and where pre-engineered products are used.
- 5.4.10 Manufacturer's layout for pre-engineered roof trusses and floor joists (may be preliminary with final layout & specifications being submitted to the Chief Building Official prior to installation).
- 5.4.11 Any documentation required to support objective-based proposals as described in Section 6 of this By-law.
- 5.4.12 Despite subsections 5.1.4 through 5.4.11 of this By-law, the Chief Building Official may accept a submission at his/her discretion which is in a digital (computer-readable) format.  
Refer to subsection 5.1.1 of this By-law in regards to hardcopy prints.

**Note: The Chief Building Official may specify that not all of the above- mentioned plans specified in Sections 5.2 to 5.4 are required to accompany an application for permit.**

## **6. ALTERNATIVE SOLUTIONS FOR THE OBJECTIVE-BASED BUILDING CODE**

- 6.1 Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued contains alternative solutions for materials, systems or building designs for which authorization of the Building Code Div. A, 1.2.1. is required, any of the following information shall be provided where considered relevant/applicable:
  - 6.1.1 A description of the proposed material, system or building design complying with the applicable acceptable solutions in Division B, as requested.
  - 6.1.2 Documentation of alternative solutions that will achieve the level of performance required by the applicable acceptable solutions in respect of the objectives and functional statements attributed to the applicable acceptable solutions in Supplementary Standard SA-1 found in Vol. 2 of the Building Code.
  - 6.1.3 Any other applicable provisions of the Building Code.
- 6.2 For the purposes of 6.1.2, the level of performance in respect to a functional statement refers to the performance of the functional statement as it relates to the objective with which it is associated in Supplementary Standard SA-1.

- 6.3 The application for an alternative solution shall be submitted to the Chief Building Official using the prescribed form provided by the Township.
- 6.4 The processing of an application for alternative solution is subject to a fee which is specified in Schedule A of this By-law.
- 6.5 In addition to the fee as described in 6.4, the applicant shall pay any additional costs that may be incurred by the Township in relation to the evaluation process of the alternative solution.

## **7. REVIEW OF PERMIT APPLICATION**

- 7.1 Where the Building Code specifies time periods for processing a complete application (Div. C, 1.3.1.3.), if during preliminary review of an application it is found to be incomplete or found to contravene applicable law, the applicant will be advised and given the reasons in writing for the determination within two (2) working days after the application submission date.
- 7.2 If an application has been found to be incomplete or contravenes applicable law, review of the application will be suspended and is no longer subject to the time periods set out in the Building Code.

## **8. PERMIT FEES & REFUNDS**

- 8.1 The fees payable for the various classes of permits shall be as set out in Schedule A of this By-law and are due upon submission of an application for a permit, or as directed by the Chief Building Official.
- 8.2 Where the fees payable in respect of an application for a construction or demolition permit issued under Subsection 8.1) of the *Act* or a conditional permit under subsection 8.3) of the *Act* are based on the cost of valuation of proposed work, the cost of valuation of the proposed work shall mean the total value of all work described in the permit, including the cost of all material, labour, equipment, overhead and professional and related services, provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 8.3 Permit applications for other classes of permits which are not listed in Schedule A shall have a value affixed by the Chief Building Official for the purposes of establishing the permit fee and statistical reporting, and shall be based on the rate structure calculations shown in Schedule A.
- 8.4 When a permit fee is disputed, the applicant shall pay the required fee under protest and, within six (6) months of completion of the project, submit an audited statement of the actual costs. If the audited value is determined to be less than the initial valuation, the Chief Building Official shall issue a refund for the difference.
- 8.5 The audited statement noted in section 8.4 must be properly and clearly summarized, indexed and organized in a manner that allows for simple review, and shall be submitted to the Chief Building Official within 3 years of the permit issue date to be eligible for any partial permit fee refund.
- 8.6 In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant or permit holder, if any, in accordance with Schedule B of this By-law. Application for refund must be made within six (6) months of the date of permit application or date of permit issue (whichever case applies) in order to be eligible for a refund of any permit fee. The amount of the refund may be nil.
- 8.7 Every request for a fee refund shall be in writing, and shall unequivocally withdraw an application, state that a project will not commence, or state that the work is abandoned

and will not resume. Upon receipt of such request, the Chief Building Official will cancel all applicable permit applications and/or revoke all applicable permits. Refer to Schedule B of this By-law for refunds schedule.

## **9. ADMINISTRATION FEES AND TIME LIMITATIONS**

### **9.1 Description**

As permitted in the *Ontario Municipal Act, 2001*, S.O. 2001, c.25 as amended, Part 12, sentence 391.(3), the following are descriptions of costs related to administration found in Schedule A of this By-law.

### **9.2 Resubmission of Permit Application**

9.2.1 Where 7.1 above has been applied, review of an application will be resumed when all of the required documentation has been provided which corrects the deficiency identified within the context above, and the re-submission fee has been paid. The re-submission fee is specified in Schedule A.

9.2.2 The Chief Building Official may, at his/her discretion, waive the re-submission fee provided the Designer (as described in the *Act* and the Building Code) submits the required corrected document(s) promptly.

### **9.3 Revisions to Permit Plans**

9.3.1 Where drawings, specifications or other documentation are submitted as a request for change on a permit already issued (as described in 5.1.3 of this By-law), a review of the change must be performed by the Chief Building Official and written authorization given prior to the change taking place at the project site.

9.3.2 The processing of the supplementary/altered information is subject to a revision fee which is specified in Schedule A of this By-law.

9.3.3 The Chief Building Official may, at his/her discretion, waive the revision fee depending on the extent or complexity of the proposed changes.

### **9.4 Transfer of Permits**

9.4.1 When property changes ownership after a building permit has been issued, an open/active building permit may be transferred to the new owner upon submitting an application (Application to Transfer Building Permit(s) to New Owner, including any applicable Letter of Authorization) and the required fee in accordance with Schedule A.

9.4.2 When a building permit is transferred, the new owner assumes all responsibility for the ownership of the property including outstanding permits and/or orders against it. New owners may be required to provide additional information and, if necessary, proof of engagement of a design professional.

9.4.3 Changes made to plans submitted for the original building permit may require payment of an additional fee, as per section 9.3.2 above. Additional fees will reflect the differences (if any) in fee increases plus the transfer fee in Schedule A.

### **9.5 Open Building Permit Annual Maintenance Fee**

9.5.1 Any permit that remains in an "open/issued" status for a period of greater than three (3) years shall be subject to an administrative fee applied annually to each open permit file on a property until such time that the permit is closed. The fee applied is specified in Schedule A of this By-law.

9.5.2 A letter reminding each property owner shall be sent requesting payment. In the event that payment is not made, the fee will be applied to the property owner's tax

roll.

9.5.3 The Annual Maintenance Fee only applies to permits issued after April 3, 2017.

#### **9.6 Additional/Special Inspections**

9.6.1 Additional/Special inspections (as defined in 2.1 of this By-law) deemed necessary by the Chief Building Official may be subject to a fee. This fee would be applicable to existing buildings or defective/deficient new buildings, and would apply to portions of projects deemed requiring extensive re-inspections due to major faults or over-sights found in the project/construction. The fee also applies to inspections required due to plans being absent from site and inspections being called for prematurely before the work is actually ready for an inspection.

9.6.2 The fee applied is specified in Schedule A of this By-law, and shall be paid at the municipal office prior to the actual additional/special inspection taking place.

#### **9.7 Final Inspections on Old Permits**

9.7.1 Any Final inspections requested by a property owner in order to close an old permit (greater than five (5) years old) are be subject to a fee by the Chief Building Official. The fee applied is specified in Schedule A of this By-law, and shall be paid at the municipal office prior to the actual Final inspection taking place.

#### **9.8 Building Without a Permit**

9.8.1 At the discretion of the Chief Building Official, an additional fee for constructing or demolishing, or causing the construction or demolition of a building, prior to obtaining a municipal permit may be applied. In addition, charges of constructing/demolishing without a valid building permit may be filed with the Ontario Court of Justice.

9.8.2 All pertinent requirements of the latest issue of the Building Code shall be met including obtaining a valid permit(s) and all required inspections. This may include the uncovering of any or all aspects of the project and a detailed engineering evaluation of all or part of the project by a qualified professional engineer, complete working drawings submitted and specifications for all aspects of the project.

### **10. NOTICE FOR INSPECTION**

10.1 As per the *Building Code Act* 10.2(1), Notice of Readiness for Inspection, the prescribed person (owner or an authorized agent) shall notify the Chief Building Official that the construction is to be inspected.

10.2 In regards to both prescribed and additional notices as specified in the Building Code, the owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to inspection of each stage of construction for which notice in advance is required under the Building Code.

10.3 Notice of readiness to inspect may be given in one of the following ways:

1. Phone message given to the Township of Seguin Building Department at (705) 732-4300.
2. Fax sent to the Township of Seguin Building Department at (705) 732-6347.
3. E-mail sent to the General Inquiries address via the [seguin.ca](http://seguin.ca) website
4. In person at the Township of Seguin Building Department counter.

10.4 Notice must include permit number, name of person requesting inspection, type of inspection requested, civic address of property and owner's name. A contact telephone number may be left if you wish confirmation of receipt of your request, or requested as a

contact number for the inspector.

- 10.5 Subsequent to receiving a notice of readiness to inspect pursuant to subsection 10.2(1) of the *Act*, the Chief Building Official shall cause an inspection to be made to which the notice relates.
- 10.6 The Chief Building Official will make every reasonable effort to schedule an inspection at the convenience of a permit holder, but the Chief Building Official has the right to cause an inspection to be made at any time during the two full business days following the day upon which a notice is received.
- 10.7 Notification of readiness to construct the sewage system and readiness to inspect the substantial completion of the installation of the sewage system before the commencement of backfilling shall be directed to the conservation authority having jurisdiction (North Bay Mattawa Conservation Authority).
- 10.8 Notification of readiness to construct the electrical system shall be directed to the electrical authority having jurisdiction (Electrical Safety Authority).

## **11. PLANS ON SITE**

- 11.1 One copy of the building plans used as supporting documentation for the permit application that were reviewed and approved for construction/demolition by the Building Department shall be kept on site at all times until final completion of the building.
- 11.2 One copy of any other authorizations from the B.M.E.C or rulings from the Minister used as supporting documentation for the permit application shall be kept on site at all times until final completion of the building.

## **12. AS CONSTRUCTED PLANS**

- 12.1 Whereas clause 7.(1)(g) of the *Act* authorizes requirements being made with respect as to As Constructed Plans and as indicated in Sentence 1.3.6.1(1) of Div. C of the Building Code, the Council hereby enacts that the Chief Building Official may, at his/her sole discretion, require any person responsible for construction of a building or any class of buildings to provide plans for the entire building, or any part or system of it, showing the as constructed state within sixty (60) days of the construction having been completed, and prior to the closing and archiving of the permit.

## **13. OCCUPANCY AND COMPLETION OF A BUILDING**

- 13.1 In addition to the regulations of subsection 11.(1) of the *Act* which provide that no person shall occupy or use, or permit to be occupied or used, any building newly erected or renovated until notice of the date of this completion is given to the Chief Building Official (as per Div. C, 1.3.3.1.(1) of the Building Code), the following requirements must also be fulfilled:
  - a) An inspection request is made pursuant to such notice as outlined in Section 10 of this By-law.
  - b) The occupancy inspection took place as requested and was deemed to be complete.
  - c) There has been prior compliance with any Order made by the Chief Building Official pursuant to the provisions of this By-law or of the *Building Code Act* or regulations.
- 13.2 Final inspections are required prior to closing of a building permit. They may be in conjunction with or subsequent to a required occupancy inspection.
- 13.3 Final interior and exterior inspections are to be requested once all substantial interior and exterior work related to the project is done including interior wall and ceiling facings, plumbing, heating/ventilating (HVAC), all exterior facings are in place, exterior grading (immediately adjacent to the building) extending to surface drainage, all safety

requirements (both interior and exterior), all structural, all sewage system and electrical requirements have been met and any other mandatory requirements under the Building Code have been completed and outstanding Orders complied with.

- 13.4 It is the responsibility of the owner of the property to request a final inspection (once all other inspections have been completed and passed) on all projects at the time of substantial completion.
- 13.5 Should there be any changes at any time to the *Building Code Act* which would create a conflict with the requirements stated, the *Act* shall supersede this By-law (as per 35.(1) of the *Act*).

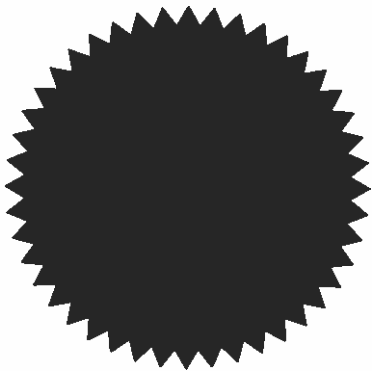
**14. GENERAL PROVISIONS & SEVERABILITY**

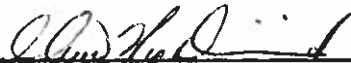
- 14.1 If any provision, or part of a provision, of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 14.2 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed prior, the provisions of this by-law shall prevail.

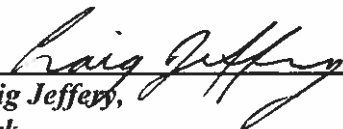
**15. TRANSITION, COMMENCEMENT AND REPEAL OF BY-LAWS**

- 15.1 By-law No. 2019-031 of The Corporation of the Township of Seguin comes into force and takes effect upon the passing of this By-law, and By-law No. 2018-018 and all other By-laws and Resolutions, or parts thereof, contrary hereto or inconsistent herewith are hereby repealed.

**Read a FIRST, SECOND and THIRD TIME, ENACTED and PASSED this 1st day of April, 2019.**



  
\_\_\_\_\_  
Ann MacDiarmid,  
Mayor

  
\_\_\_\_\_  
Craig Jeffery,  
Clerk

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW No. 2019-031

**SCHEDULE A – BUILDING PERMIT FEES & ADMINISTRATION FEES**

	<b><u>TYPE OF STRUCTURE / PROJECT</u></b>	<b><u>RATE TO DETERMINE ESTIMATED CONSTRUCTION VALUE (CV) <sup>(1)</sup></u></b>	<b><u>PERMIT FEE CALCULATION <sup>(2)</sup></u></b>
A.1	Dwelling, boathouse (habitable space only), guest cabin (bunkie), and other habitable space up to and including 1000 ft <sup>2</sup>	\$125/ft <sup>2</sup> of finished floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
A.2	Dwelling, boathouse (habitable space only), guest cabin (bunkie), and other habitable space over 1000 ft <sup>2</sup>	Total area (ft <sup>2</sup> ) of finished floor of all storeys minus (-) 1000 ft <sup>2</sup> times (x) 0.025 plus (+) \$125 times (x) total area (ft <sup>2</sup> ) of finished floor of all storeys	\$11 per \$1000 of CV (or part thereof)
A.3	Dwelling, boathouse (habitable space only), guest cabin (bunkie), and other habitable space over 8000 ft <sup>2</sup>	\$300/ft <sup>2</sup> of finished floor area	\$11 per \$1000 of CV (or part thereof)
A.4	Addition(s) to dwelling, boathouse (habitable space only), guest cabin (bunkie), and other habitable space where the total finished floor area after the addition is up to and including 1000 ft <sup>2</sup>	\$125/ft <sup>2</sup> of additional finished floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
A.5	Addition(s) to dwelling, boathouse (habitable space only), guest cabin (bunkie), and other habitable space where the total finished floor area of the entire building after the addition is over 1000 ft <sup>2</sup>	Total area (ft <sup>2</sup> ) of finished floor after the addition minus (-) 1000 ft <sup>2</sup> times (x) 0.025 plus (+) \$125 times (x) total area (ft <sup>2</sup> ) of finished floor of addition	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
B.1	Commercial, Industrial or Institutional buildings (New or addition(s) to existing)	\$100/ft <sup>2</sup> of total floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$200</b>
B.2	Accessory building to Commercial, Industrial or Institutional uses	\$45/ft <sup>2</sup> of total floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$200</b>
C	Accessory building (boathouse*, boatport*, garage, carport, shed, porch, solarium, etc.), open boat storage building, farm building, and Addition(s) to such a building  *Boathouse fee is separate from dock fee and is calculated based on the building area of the first storey of the building	\$45/ft <sup>2</sup> of total floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
D	Hunt Camp	\$100/ft <sup>2</sup> of total floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
E	Any dock or open deck that is over 108 ft <sup>2</sup> , or addition(s) to such structures where the total building area after the addition is over 108 ft <sup>2</sup>	\$35/ft <sup>2</sup> of total floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
F	Plumbing (only)	\$25/fixture	<b>Minimum \$150</b>
G	Temporary tent	\$5/ft <sup>2</sup> of total floor area	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
H	Renovation or repair, including to foundation	Value to be determined by Chief Building Official	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
I	Designated Structure (as per A.1.3.1.1. of OBCC) (i.e. solar PV panels, signs, etc.)	Value to be determined by Chief Building Official	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
J	Foundation (new/replacement), or Building relocation on same property	Value to be determined by Chief Building Official	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
K.1	HVAC system	Value to be determined by Chief Building Official	\$11 per \$1000 of CV (or part thereof) <b>Minimum \$150</b>
K.2	Solid Fuel Burning Appliance	Flat Rate	\$100/unit
L	Demolition	Flat Rate	\$60
M	Conditional permit		\$300, plus the permit fee for the entire building as per the above fees, plus security deposit
N	Change of Use	Flat Rate	\$100



	<u>ADMINISTRATION FEES</u>	<u>PAYABLE FEE</u>
O	Re-submission Fee - when submissions are deemed incomplete or contravene applicable law, they are required to be re-submitted with the required changes as noted upon the initial plans review. An administrative fee may be applied at the discretion of the Chief Building Official for the subsequent review(s).	\$100
P	Revisions to plans - submission of some or all permit plans for review and approval due to changes to the proposed construction.	\$50/page if plans are reviewed only, \$100/page if required after inspection(s)
Q	Transfer of Permit	\$100
R	Open Building Permit Annual Maintenance Fee - an administrative fee applied annually to each open permit file on a property until such time that the permit is closed. The applied fees are:	
	a) for any permit fee value under \$1,500	\$75
	b) for any permit fee value of \$1,500 or more but less than \$5,000	\$100
	c) for any permit fee value of \$5,000 or more but less than \$10,000	\$150
	d) for any permit fee value of \$10,000 or more	\$200
S	Additional / Special Inspections - inspections that are deemed necessary by the Chief Building Official or for a call-back inspection where the work was not substantially complete or the Township-approved permit drawings absent from site (applicable to existing buildings or defective/deficient new buildings)	\$150/inspection
T	Final Inspections on Old Permits - inspections on permits deemed to be "old" (open over 5 years) and a request must be made in writing to the Chief Building Official:	
	a) permit issued 5-10 years prior to request	\$150/inspection
	b) permit issued more than 10 years prior to request	\$300/inspection
U	Building Without a Permit - additional fee for constructing or demolishing a building/structure without a permit and is at the discretion of the Chief Building Official:	
	a) for any class of permit with construction value up to \$10,000	\$100
	b) for any class of permit with construction value of \$10,001 up to \$25,000	\$250
	c) for any class of permit with construction value over \$25,000	\$11 per \$1000 of CV (or part thereof) <b>Maximum \$1500</b>
	* Note that the BWOP admin fee may not be more than the actual permit fee.	
V	Review of Application for Alternative Solution	\$500 + additional costs

Footnotes:

(1) For the purposes of calculating permit fees from this Building By-law Fee Schedule A, *Floor Area* and *Finished Floor Area* may be measured to the exterior surface of the structure.

(2) For the purposes of calculating permit fees from this Building By-law Fee Schedule A, the Construction Value given on the application may be used to generate the permit fee (whichever CV is greater).

\*\*Under Special Circumstances, the fees noted in Schedule A may be waived by the Chief Administrative Officer or the Chief Building Official.

**THE CORPORATION OF THE TOWNSHIP OF**

**SEGUIN BY-LAW NO. 2019-031**

**SCHEDULE B**

**REFUNDS**

<u>Stages of Permit Application Process</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application filed (No processing or review of plans submitted)	75%
2. Application filed (Plans reviewed but permit not issued)	60%
3. Application filed. (Plans reviewed and permit issued)	50%
4. Permit Issued. (Site inspections carried out)	Additional 25% per inspection not refundable

**NOTES:**

- A. No refund shall result in the retention by the Township of Seguin of an amount less than \$150.00;
- B. No refund will be given when application or written request for refund is not made within six (6) months of date of application or issue date of permit (whichever case applies).
- C. No refund of the “cost” portion of any permit will be made.

**THE CORPORATION OF THE TOWNSHIP OF**

**SEGUIN BY-LAW NO. 2019-031**

**SCHEDULE C**

**LIST OF CONSTRUCTION PLANS OR WORKING DRAWINGS  
TO ACCOMPANY APPLICATIONS FOR PERMITS**

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Roof Plans
5. Framing Plans
6. Sections & Details
7. Building Elevations
8. Electrical Drawings
9. Heating, Ventilation and Air Conditioning Drawings
10. Plumbing Drawings
11. Sewage System

See sections 5.2 to 5.4 of this By-law for details on listed plan/drawing types.

**NOTE:** The Chief Building Official may specify that not all of the above-mentioned plans are required to accompany an application for permit.

**THE CORPORATION OF THE TOWNSHIP OF**

**SEGUIN BY-LAW NO. 2019-031**

**SCHEDULE D**

**CODE OF CONDUCT FOR BUILDING OFFICIALS**

The Code of Conduct applies to the Chief Building Official and inspectors appointed under the *Building Code Act* in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code. The standards listed below form part of Seguin Township Policy # 2005-01 approved under Resolution 2005-275.

The purpose of this Code of Conduct is to promote appropriate standards of behavior and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

In addition to any Policy with respect to any Code of Conduct applying to all municipal staff, the Township of Seguin Building Officials shall undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of building works and structures.
2. Maintain their knowledge and understanding of the best current building practices, the building laws and regulations relevant to their building certifying functions (inspection and plan examination).
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties.
4. Comply with the provisions of the *Building Code Act*, the Building Code and any other Act or Law that regulates or governs Building Officials or their functions.
5. Avoid situations where there may be, or where they may reasonably appear to be, a conflict between their duties to their clients, their professions, their peers and the public at large and their personal interests.
6. Not act beyond their level of competence or outside their area of expertise.
7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties.
8. Perform their inspections and certifying (plan examination) duties impartially and in accordance with the highest professional standards.
9. Not divulge any confidential or sensitive information or material that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
10. To avoid any conduct that could bring Building Officials or the Township of Seguin into disrepute.
11. Extend professional courtesy to all.
12. Accept responsibility for the conduct of their subordinate employees.
13. Maintain current accreditation to perform the functions assigned to them.
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties.
15. Exemplify compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.

Guideline for responding to Misconduct Allegations

The Building Code Act provides that the performance of Building Officials will be measured against this Code of Conduct. In response to any allegation of a breach of this Code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct. Where the allegation is against the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable. In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the Official's powers and responsibilities, as well as the severity of any misconduct.

Disciplinary Action arising from violations of this Code of Conduct is the responsibility of the Council of the Township of Seguin and is subject to relevant employment laws and standards.