

**THE CORPORATION OF THE TOWNSHIP OF WARWICK**

**BY-LAW NUMBER 79 OF 2024**

*Being a By-law respecting construction, demolition, change of use permits and inspections*

*“Building By-law”*

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**WHEREAS** Section 3(1) of the Building Code Act, 1992. SO. 1992, c. 23 (the “Act”) as amended, mandates that the council of each municipality is responsible for the enforcement of the Act in the municipality;

**AND WHEREAS** Section 3(5) of the Act states that the council of an upper-tier municipality and one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier municipality of the Act in the municipalities and for charging the municipalities the whole or part of the cost;

**AND WHEREAS** Section 3(6) of the Act states that where such agreement is in effect, the upper-tier municipality has jurisdiction for the enforcement of the Act in the municipalities that are parties to the agreement and shall appoint a chief building official and such inspectors as are necessary for that purpose;

**AND WHEREAS** Section 7 of the Act, empowers council to pass certain By-Laws respecting construction, demolition and changes of use, conditional permits, inspections, and enforcement-related matters of the Act;

**AND WHEREAS** Section 7 (1) (c) of the Act provides for a municipality to set By-Laws requiring the payment of fees and prescribing the amounts of the fees, on application for and on issuance of permits;

**AND WHEREAS** The Corporation of the Township of Warwick and The Corporation of the County of Lambton (“County”) have entered into an agreement to provide for the enforcement by the County of the Act within The Township of Warwick;

**NOW THEREFORE**, the Municipal Council of The Corporation of the Township of Warwick enacts as follows:

## 1. DEFINITIONS

For the purposes of this By-Law:

- 1.1 **ACT** means the *Building Code Act, 1992, S.O. 1992, c.23*, as amended.
- 1.2 **AGREEMENT** means an agreement under Section 3(5) of the Act.
- 1.3 **APPLICABLE LAW** means applicable law as identified by Division A, 1.4.1.3.(1) of the Ontario Building Code, as amended.
- 1.4 **APPLICANT** means the owner of a building or property who applies for a permit, or any 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.
- 1.5 **APPLICATION** means in order to obtain a permit, the owner, or agent authorized in writing by the owner, shall submit the prescribed application form to the Chief Building Official in a paper format or through an online electronic software portal acceptable to the Chief Building Official. A complete application shall include the completion of the prescribed forms, along with information as outlined below in this By-Law. The same prescribed forms shall be used for all permit applications.
- 1.6 **AS CONSTRUCTED PLANS** means as constructed plans as defined in the Ontario Building Code.
- 1.7 **ARCHITECT** means the holder of a license, certificate of practice or a temporary license issued under the Architects Act as defined in the Ontario Building Code.
- 1.8 **BUILDING** means a building as defined in Section 1(1) of the Act, and "structure" has a corresponding meaning.
- 1.9 **BUILDING DEPARTMENT** shall mean the County's Building Department.
- 1.10 **BUSINESS DAY** mean any day falling on or between Monday and Friday of each week but does not include any statutory holidays prescribed in Ontario, wherein the Municipality is not open for the transaction of business with the public.

- 1.11 **CHIEF BUILDING OFFICIAL** means a Chief Building Official appointed by By-Law by the Corporation of the Township of Warwick for the purposes of enforcement of the Act.
- 1.12 **CONSTRUCT** means construct as defined in subsection 1(1) of the Act, including to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or removed from elsewhere and “constructed” has a corresponding meaning.
- 1.13 **DEMOLISH** means demolish as defined in subsection 1(1) of the Act, including to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning.
- 1.14 **FARM BUILDING** means a farm building as defined in Division A, 1.4.1.3.(1) of the Ontario Building Code.
- 1.15 **FIREWALL** means a Firewall as defined in Division A, 1.4.1.3.(1) of the Ontario Building Code.
- 1.16 **INSPECTOR** means an inspector appointed by By-Law by the Township of Warwick for the purposes of enforcement of the Act.
- 1.17 **LOT GRADING AND DRAINAGE PLAN** means a plan that details and specifies the design elevations, surface gradients, swale locations and other drainage information that are required for lot grading and completed by a qualified individual, licensed in the Province of Ontario.
- 1.18 **MUNICIPAL PUBLIC WORKS DEPARTMENT** means Manager of Public Works as appointed by the Township of Warwick. – this is subject to the Municipality’s Specific title.
- 1.19 **MUNICIPALITY** means the Corporation of the Township of Warwick.
- 1.20 **ONTARIO BUILDING CODE** means O. Reg. 332/12 of the Act.
- 1.21 **OWNER** means the owner as defined by Division C, 1.3.1.2., “owner” of the Ontario Building Code.
- 1.22 **PARTY WALL** means a Party wall as defined in Division A, 1.4.1.3.(1) of the Ontario Building Code.

- 1.23 **PERMIT** means written permission or authorization given in writing from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Ontario Building Code.
- 1.24 **PERMIT HOLDER** means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Ontario Building Code.
- 1.25 **PRESCRIBED FORMS** The forms prescribed for use as applications for permits, for orders and for inspection reports as set out in Schedule “G” to this By-Law.
- 1.26 **PROFESSIONAL ENGINEER** or **ENGINEER** means a person who holds a license or temporary license under the Professional Engineers Act, R.S.O. 1990, c. P.28, as defined in the Building Code.
- 1.27 **SURFACE DRAINAGE** means the requirements set out in subsection 9.14.6.1 (1) of the Ontario Building Code, as amended or replaced.
- 1.28 **SURVEYORS REAL PROPERTY REPORT** means a survey and report that locates a building or structure in relation to the boundaries of a unit of land.

## **2. TYPES OF PERMITS**

- 2.1 The types of permits set out in Schedule “A” of this By-Law are hereby established.
- 2.2 Any construction, demolition, and/or change of use to any structure or building defined in the Act requires a permit and a fee as defined in this By-Law.

## **3. APPLICATION FOR PERMIT**

- 3.1 No person shall construct, demolish, or cause to be constructed or demolished a building, within the Municipality, unless a permit has been issued for the construction or demolition by the Chief Building Official, as required under the Act.
- 3.2 To obtain a permit, the owner, or agent authorized in writing by the owner, shall submit the prescribed forms, as applicable to the Chief Building Official in paper format at the County of Lambton Administration Building, Wyoming Ontario, or through an online electronic software portal acceptable to the Chief Building Official. The same prescribed forms shall be used for all permit applications.

### 3.3 Building Permit

Where an application is made for a construction permit under subsection 8(1) the Act, the application shall include:

- a) a complete application;
- b) completed plans and specifications, documents, and other information as required by Division C, Article 1.3.1.3. of the Ontario Building Code and as described in this By-Law for the work to be covered by the permit;
- c) a completed form as set out in Schedule “E” where Division C, Subsection 1.2.2. of the Ontario Building Code applies; and
- d) include any other information necessary to, or required in accordance with the Ontario Building Code, the Act and applicable law.

### 3.4 Demolition Permit

Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall include:

- a) a completed application;
- b) completed plans and specifications, documents, and other information as required by Division C, Article 1.3.1.3. of the Ontario Building Code and as described in this By-Law for the work to be covered by the permit;
- c) a completed form as set out in Schedule “E” where Division C, Subsection 1.2.2. of the Ontario Building Code applies;
- d) include proof satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the disconnection of all services;
- e) include information concerning the rehabilitation of the site to a graded, level, and landscaped condition upon completion of the demolition and
- f) include any other information necessary to, or required in accordance with the Ontario Building Code, the Act and applicable law

### 3.5 Conditional Permit

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

- a) a complete application;
- b) complete plans and specifications, documents, and other information as required by Division C, Article 1.3.1.3. of the Ontario Building Code and as described in this By-Law for the work to be covered by the permit;
- c) a copy of an agreement between the applicant and the Municipality and confirmation that required securities as prescribed by the Municipality have been paid. and
- d) include any other information necessary to, or required in accordance with the Ontario Building Code, the Act and applicable law

### 3.6 Change of Use Permit

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

- a) Include a complete application;
- b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
- c) include complete plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Ontario Building Code, including floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing sewage system, if any, and,
- d) include any other information necessary to, or required in accordance with the Ontario Building Code, the Act and applicable law

### 3.7 Partial Permit

#### Partial Permit Requirements

- a) When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project and complete plans and specifications covering the portion of the overall work for which immediate approval is desired, shall be filed with the Chief Building Official;
- b) Where a partial permit is requested the application to construct the entirety of the Building is deemed to be incomplete as described in Section 3.1 of this By-Law; and
- c) include any other information necessary to, or required in accordance with the Ontario Building Code, the Act and applicable law;
- d) Should a permit be issued for part of a building or project, the holder of such Permit may proceed without assurances that the permit for the entire building or project will be granted.

### 3.8 Occupancy Permit

#### Occupancy Permit Requirements

- a) No person shall occupy, or permit to be occupied, any building which was constructed under a building permit except in conformance with the Act, the Ontario Building Code, and the provisions of this By-Law.
- b) Notice of intent to establish residential occupancy of a building constructed under a building permit must be given in writing to the Chief Building Official prior to establishing occupancy of any portion, in part or whole of the building under permit.
- c) Where notice of intent to occupy an unfinished Building is provided to the Chief Building Official, such notice shall be given in accordance with Section 11 of the Act, and Subsection 1.3.3. – Division C of the Ontario Building Code.
- d) The information to be provided to the Chief Building Official pertaining to the notice of intent to occupy shall include:
  - (i) The name of the person giving notice,
  - (ii) The date upon which occupancy is proposed to commence,
  - (iii) A description of the part, portion, or whole of the building, which is to be occupied, and
  - (iv) Where it is required general review by an Architect or Professional

Engineer, a written report from the Architect or Professional Engineer, or both when applicable, stating their opinion as to the general conformity of the construction in accordance with the approved permit drawings and specifications as issued.

- e) an occupancy permit can be issued when all inspections required under Div. C, 1.3.5.3. of the Building Code have been completed.
- f) An Occupancy Permit may only be issued by the Chief Building Official, as appointed under By-Law of the Municipality.

### 3.9 Incomplete Application

#### Incomplete Application Decision

- a) Where the Chief Building Official determines that an application is incomplete, the Chief Building Official may commence to process the application if the applicant acknowledges that the application is incomplete and completes the form as set out in Schedule "D".
- b) Where an application for permit remains incomplete or inactive for a period of not less than six months from the submittal, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.
- c) If an application is deemed to be abandoned, the application may be dismissed at the sole and unfettered discretion of the Chief Building Official.
- d) A new application must be filed before any work proposed in the abandoned application can be substantially commenced.

## 4. **PLANS AND SPECIFICATIONS**

- 4.1 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 with the Act, the Ontario Building Code and any other applicable law. The applicant shall illustrate that Surface Drainage does not negatively impact any neighbouring or receiving property. Each application shall, unless otherwise specified by the Chief Building Official, include a complete set of the plans and specifications required under this By-Law.
- 4.2 Plans shall be drawn to scale in a digital format, shall be legible, and without limiting the generality of the foregoing, shall include:
  - a) Plot Plan Diagram, as outlined in section 5 of this By-Law;
  - b) Floor plans, for each level, whether finished or unfinished, to include the percentage of windows on each exterior wall;
  - c) Foundation plans;
  - d) Framing plans;
  - e) Roof plans, including truss drawings stamped by an engineer and layout drawings signed by the building's designer as being reviewed
  - f) Reflected ceiling plans;
  - g) Sections and details;
  - h) Building elevations;
  - i) Electrical drawings;

- j) Heating, ventilation and air conditioning, including heat loss calculations
- k) One or more of the following to ensure appropriate plumbing and Surface Drainage at the discretion of the Chief Building Official and subject to Municipal approval:
  - i. site servicing plan prepared by a professional engineer;
  - ii. overall grading plan prepared and stamped by a professional engineer which shall include details of the entire property on which the proposed structure may be permitted and lands beyond the property line;
  - iii. a drainage system plan/report prepared and stamped by a professional engineer;
- l) geotechnical reports to ensure appropriate design of footings;
- m) hydrogeological reports to ensure adequate water supply for the building and meeting of Required Connections by the Building Code, as amended or replaced;
- n) sewage system drawings; and
- o) any other more specific plans the Chief Building Official deems to be required to accompany an application for a permit, at his or her discretion;

all to the satisfaction of the Chief Building Official for a building permit application to be deemed completed. The Chief Building Official may at his or her discretion, specify that not all the above-mentioned plans are required or that other more specific plans be required to accompany an application for a permit. See Schedule "F" for more information.

## **5. PLOT PLAN DIAGRAM**

- 5.1 Plot Plan Diagrams may be requested, including that an up-to-date survey be provided by an applicant to the Chief Building Official in order to demonstrate compliance with the Act, the Ontario Building Code and other applicable law.
- 5.2 Plot Plan Diagrams shall clearly demonstrate:
  - a) lot size and the dimensions of the proposed building, including setbacks to property lines and any other existing or proposed buildings;
  - b) existing and finished sewage system, plumbing, Surface Drainage (including without limitation, ground levels, and grades);
  - c) if required by the Chief Building Official, a foundation and/or lot grading plan prepared by a professional engineer or by an Ontario Land Surveyor and certified by a professional;
  - d) existing rights-of-way, easements, hydro poles, other utilities, and municipal services; and
  - e) copies of all agreements or leases registered to title.

## **6. SITE PLAN**

- 6.1 Where applicable, a Site Plan shall be submitted and approved by the Clerk of the Municipality in accordance with the provisions and requirements of the Municipality's Site Plan Control By-Law.
- 6.2 All Site Plans shall reference to a current survey and, when required to demonstrate compliance with the Act, the Ontario Building Code or other applicable law, a copy of the survey shall be submitted, unless otherwise specified by the Chief Building Official.
- 6.3 A copy of the approved Site Plan shall be submitted with the Building Permit Application documentation and shall include the following information:
- a) the proposed location of the building with dimensions shown to all lot lines;
  - b) location of all potable water, storm, and sanitary sewer services;
  - c) dimensional location of any existing building(s) on the property; and
  - d) existing right of way, easements, and services.

## **7. LOT GRADING AND DRAINAGE PLANS**

- 7.1 Lot Grading and Drainage Plans shall be submitted as follows:
- a) in the case of land in respect of which an accepted area or subdivision grading plan has been filed with the Municipality, a lot grading and drainage plan bearing the signature and seal of the subdivider's professional engineer who is responsible for the overall subdivision grading certifying thereon that the lot grading and drainage plan conforms with the accepted area or subdivision grading plan filed with the Municipality; or
  - b) in the case of land in respect of which no accepted subdivision grading plan has been filed with the Corporation, a lot grading and drainage plan may be required at the discretion of the Chief Building Official bearing the signature and seal of a Professional Engineer, a Landscape Architect (a member of the Ontario Association of Landscape Architects) or an Ontario Land Surveyor who certifies thereon that the drainage scheme depicted by the plan will be compatible with the existing drainage patterns
- 7.2 The information required to be provided upon the Site Plan may be merged with the information provided in a Lot Grading and Drainage Plan, unless otherwise required by the Chief Building Official.
- 7.3 The Lot Grading and Drainage Plan shall include the following details:
- a) Existing elevations at lot corners;
  - b) Proposed elevations at lot corners;
  - c) Proposed elevations for top of footings and top of foundation walls;
  - d) All drainage swales, swale slopes, embankments, retaining walls, catch basins and related infrastructure proposed;
  - e) Location and design details pertaining to an on-site sanitary sewage

- disposal system where required by the Building Code;
- f) Existing elevation of curb and/or street along the frontage of the proposed building lot;
- g) Existing elevation of lot corners on the abutting lots as well as the existing elevation of the finished grades around the structures located on these lots;
- h) An existing approved Subdivision Grading Plan will be accepted for the above list requirements.

#### 7.4 As Constructed Plans

- a) Upon completion of the construction of a building, or part of a building, the Chief Building Official may require a set of as-constructed plans, including a land survey, including the proposed and actual grading elevations showing the location of the building and any such details of the construction that have been significantly altered from the plans as they may have been approved for issuance of a building permit.
- b) A final land and grading survey be prepared and sealed by an Ontario Land Surveyor may be required to be submitted to the Chief Building Official prior to the return of a deposit.
- c) The Surveyor's Real Property Report will show:
  - i. All yard dimensions from the foundation wall to the lot lines; and
  - ii. The elevation of the top of the foundation wall.
  - iii. In addition, if the lot is located outside of a Settlement Area or Rural Cluster as defined by the Municipality Zoning By-Law, the Surveyor's Real Property Report will show:
  - iv. Distances separating a Settlement Area or Rural Cluster from Livestock housing or nutrient storage structures; and,
  - v. Distances separating Livestock housing or nutrient storage structures from municipal drains or wells, if applicable.

#### 7.5 Plans Property of Municipality

- a) Plans and specifications furnished according to this By- law or otherwise required by the Act become the property of the Municipality and will be disposed of or retained in accordance with applicable legislation.

### 8. REGISTERED CODE AGENCIES

#### 8.1 Registered Code Agencies (RCA's)

- a) The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permits prescribed in subsection 2.4.1. of the Ontario Building Code.
- b) The Registered Code Agency may be appointed by the Chief Building Official to perform one or more of the specified functions described in section 15.15 of the Act.

## **9. FEES**

### **9.1 Determination of Fees**

- a) The Municipality shall determine the required fees calculated in accordance with Schedule “A” of this By-Law, and the applicant shall pay such fees upon submission of an application for a permit.
- b) 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 the proposed work, the cost of valuation of the proposed work shall mean the total cost of all work regulated by 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.
- c) The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited cost statement indicating the lesser valuation, at which time the Chief Building Official shall issue a refund equal to the different between the initial permit fee and the audited cost statement.
- d) Where the fees are based on square footage of a building, this shall include garages, all porches, decks, canopies, basement, walkouts and all storeys above grade.
- e) 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 issued under subsection 8(3) of the Act, full fees shall be remitted.

### **9.2 Work Without An Approved Permit**

- a) Any person or corporation who commences construction or demolition or changes the use of a building before obtaining a permit and required inspections completed and approved for the prescribed works, shall in addition to any other penalty under the Act, Ontario Building Code, or this By-Law pay an additional fee equal to 100% of the amount calculated as the regular permit fee, to compensate the Municipality for the additional expenses incurred by such early start of work.

## **10. DEPOSITS**

### **10.1 Taking, Use and Refunding of Funds Deposited for permits.**

- a) In addition to the provisions of Section 7 of the Act, the Chief Building Official shall collect deposits as specified in Schedule “A” of this By-Law.
- b) Prior to issuance of a building permit, the applicant shall submit the required deposit as security to the fulfillment of the applicant’s statutory obligations to request inspections and give notice of intent under the Act

and the Ontario Building Code.

- c) The deposit will be returned to the applicant when the Chief Building Official deems that the applicant has fulfilled the statutory obligations to request inspections and provided adequate notice of intent as prescribed by the Act and the Ontario Building Code and in accordance with Schedule “C” to this By-Law.

## **11. CHANGING OF PERMIT FEES**

11.1 In accordance with Article 1.9.1.2. – Division C of the Ontario Building Code, the Municipality, prior to the passing of a By-Law to introduce or change a fee imposed for application for permits or for the issuance of permits shall:

- a) Hold at least one (1) public meeting at which any person who attends has an opportunity to make representations with respect to the matter;
- b) Provide a minimum of twenty-one (21) day notice of the public meeting by advertisement in the local newspapers, placed on the Municipality website and also given to every person and organization that has, within five (5) years before the day of the meeting, requested such a notice;
- c) Ensure that the notice includes an estimate of the costs for administering and enforcing the Act, the amount of the fee or any change to the existing fee and the rationale for imposing or changing the fee.
- d) The Building Department is responsible for maintaining the list of persons or organizations requesting notice of amended permit fees.

## **12. ADMINISTRATIVE PROCEDURES RELATING TO PERMITS**

### **12.1 Revision and Revocation**

- a) **Revision to Permit**  
After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without his or her written authorization, together with the payment of any additional fees due at the discretion of the Chief Building Official, in accordance with the fee schedule.
- b) **Revocation of Permits**  
The Chief Building Official, subject to provisions outlined in Subsection 8(10) of the Act has the authority to revoke a permit issued under the Act.
- c) **Cancellation of Permits**
  - i. An application for a permit shall be deemed to have been abandoned and cancelled six months after the date

of filing unless such application is being seriously proceeded with, in the opinion of the Chief Building Official and such notice shall be provided as set out in section 3.9 of this By-Law.

ii. A permit holder can request the cancellation of any issued permit or application, in writing, to the Chief Building Official.

d) **Renewal of Permits**

The Chief Building Official may renew a permit, subject to Section 8 of the Act, provided that the plans and specifications comply with the Act, at the time of renewal.

### **13. REFUNDS**

13.1 In the case of withdrawal of an application or the abandonment of all or a portion of the work, or refusal of a permit, 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, if any, in accordance with Schedule “C” of this By-Law.

### **14. REQUIREMENTS FOR INSPECTIONS**

#### **14.1 Notice of Required Inspections**

- a) Every permit holder shall notify the Chief Building Official at least two (2) business day prior to each stage of construction for which notice is required under Article 1.3.5.1. – Division C of the Ontario Building Code and as provided on the approved building permit.
- b) With respect to “additional notices” under Article 1.3.5.2. – Division C of the Ontario Building Code, every permit holder shall notify the Chief Building Official or an inspector at least two (2) business day prior to each stage of construction for which notice in advance is required under the Ontario Building Code.
- c) The time periods referred to in 11.1.1 & 11.1.2 under the Ontario Building Code shall begin upon the business day following the business day which the notice is given.
- d) Every permit holder shall provide the notice of completion as prescribed by section 11 of the Act, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements Section 11 of the Act and Subsection 1.3.3 – Division C of the Building Code are met.

#### **14.2 Request for Inspections**

Notice may be given in any one of the following ways:

- i. by phoning (519) 845-5420 and speaking with the Building Department;

- ii. by requesting the inspection through the electronic software portal, as referenced on the applicable permit.

14.3 Inspection Results

The written consent of the Chief Building Official is required before construction proceeds to the next stage of construction.

**15. ANNUAL REPORT AND RESERVE FUND**

15.1 An annual report shall be prepared which will enumerate the direct and indirect costs of delivering building services related to the administration and enforcement of the Act. The said report shall also set out the amount of the reserve fund at the end of the previous fiscal year. The annual report shall be provided to Council for the Municipality no later than three months after the end of the previous year.

15.2 A cost stabilization reserve fund is hereby established for the purposes of setting aside surplus revenues from building permit fees. The reserve fund shall be used exclusively for the operation of the Building Department for any subsequent fiscal year(s). The Municipality shall maintain all records related to the reserve fund.

**16. CODE OF CONDUCT**

16.1 The Code of Conduct

- a) The Code of Conduct and the associated policy, as required under Section 7.1 of the Act, are set out in the County of Lambton H08 Policy #1, a copy of which shall be available, upon request.

**17. CONTRAVENTION OF BY-LAW – OFFENCE**

17.1 Contravention

- a) Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the Act.

**18. SEVERABILITY**

18.1 Severability

If any section(s) of the By-Law or parts thereof are found in any court to be illegal or beyond the power of Council to enact, such section(s) of parts thereof shall be deemed severable, and all other sections or parts of this By-Law shall be deemed separate and independent therefrom and enacted as such.

**19. SHORT TITLE**

**19.1 Short Title**

The short title of this By-Law shall be "Building By-Law".

**20. REPEAL**

20.1 By-Law 19 of 2010 and all amendments thereto is hereby repealed.

**21. EFFECTIVE DATE**

21.1 This By-Law shall come into force and take effect on September 1, 2024.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29<sup>th</sup> DAY  
OF JULY, 2024.



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MAYOR  
Todd Case



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ACTING CLERK  
Heather Willemse

SCHEDULE "A"  
TO  
BY-LAW 79 of 2024

**Insert Municipal Fee Schedule  
CORPORATION OF THE TOWNSHIP OF WARWICK**

<b>Type of Permit</b>	<b>Fee</b>	<b>Required Deposit</b>
Single Family Dwelling Includes: <ul style="list-style-type: none"> <li>• Residential and non-farm, including attached garage</li> <li>• Farm related and accessory farm related</li> <li>• Accessory farm trailer or mobile home</li> </ul>	\$1,800	\$2,000
Multiple Family Dwellings (fee is per dwelling unit)	\$7,500	\$2,000
Attached garage (if built separately from house)	\$750	\$2,000
Residential Addition or Enlargement	\$1,000	
Residential alterations or repairs	\$750	
Commercial and Industrial Building Renovations/Alterations	\$2,500	\$2,000
Detached Accessory Buildings Residential	\$450	\$2,000
Agricultural Accessory Building (pole barn, etc.)	\$850	\$2,000
Agricultural Building Livestock	\$3,000	\$2,000
Grain Bins/Silos	\$500	\$2,000
Manure Pits	\$1,500	\$2,000
New Commercial, Industrial and Institutional Buildings	\$2,500	\$2,000
Decks/Porches/Verandas (Uncovered)	\$350	n/a
Decks/Porches/Verandas (Covered)	\$400	n/a
Swimming Pools/Fencing	\$300	n/a
Min. Charge for other Permit	\$300	n/a
Wind turbine	\$14,000	Requires a road use agreement

Type of Permit	Fee	Required Deposit
Solar Panels (> 10 kw)	\$550	\$2,000
Other Designated Structures as Follows: a) Retaining wall exceeding 1,000mm in exposed height adjacent to public property, access to a building or private property to which the public is admitted. b) a pedestrian bridge appurtenant to a building c) a crane runway d) an exterior storage tank and its supporting structure that is not regulated by the Technical Standards and Safety Act. e) signs regulated by Section 3.15 of Division B of the 2006 Building Code that are not structurally supported by a building f) a solar collector that is mounted on a building and has a face area equal to or greater than 5m sq. g) a dish antenna that is mounted on a building and has a face area equal to or greater than 5m sq. h) a communication tower exceeding 16.6m above ground level i) an outdoor pool that has a water depth greater than 304m at any point j) a public pool and/or a public spa	\$500	\$2,000
Special Occasion Tent	\$300	n/a
Building Demolition	\$250	\$2,000
Building Relocation	\$1,200	\$3,000 Other conditions apply
Change of Use	\$350	n/a
Renewal of Expired, Cancelled or Abandoned Permits	\$125	n/a

## REFUND OF PERMIT FEES

1.1 The fees that may be refunded shall be a percentage of the fee payable under this by-law, as follows:

- a) 80% if administrative function only have been performed;
- b) 70% if administrative and zoning function have been performed;
- c) 45% if administrative, zoning and plan examination functions have been performed;
- d) 35% if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
- e) 5% shall additionally be deducted for each field inspection that has been performed after the permit has been issued;

1.2 Notwithstanding paragraph A above, no refund shall be made if the amount is \$100.00 or less.

Fees will increase January 1<sup>st</sup> of each year (starting in 2026) by the cost of living percentage as provided by the Consumer Price Index (CPI) on September 30<sup>th</sup>, up to a maximum of 5%.

**SCHEDULE "B"**  
**TO**  
**BY-LAW 79 of 2024**

Refundable Deposit

A deposit shall be collected as specified in Schedule "A"  
Deposits will be returned upon verification of compliance by the Public Works Manager or designate.

A refundable deposit is secured to ensure that all works associated works commenced under a building or demolition permit is completed, inspected, and finalized in conformance with the provisions of this By-Law, the Building Code, the Act and all municipal requirements.

All deposits are to be held to secure compliance with the provisions of the Building Code which describe the prescribed inspections, notice of intent to occupy, conditions to the issuance of an occupancy permit, and requirement to request final inspections, including municipal standards.

Use of the Deposit may be deemed necessary when, in the opinion of the Public Works Manager or designate;

- The lot grading (including topsoil) has not been completed in accordance with the approved Engineered Grading and Drainage plan, or
- Grass sodding has not been placed, or there is no established growth from seeding within one year from the last date of inspection.
- Damage to municipal property has occurred which shall include but not limited to roads, boulevards, sidewalks, shutoffs, and curbs etc.

The deposit may be used when the depositor does not complete the work in compliance, as approved in accordance with the issuance of a Building Permit or through the construction or demolition process has caused damage to municipal property.

In such a case, the deposit shall be used in balance against the cost of any work necessary to conform to the approved plan, the requirements of Building Code and municipal standards.

**REFUND OF DEPOSITS**

This deposit less any portion expended by the municipality or their agent to obtain compliance.

The balance of the deposit remaining, if any, is refundable, without interest, when the subject project is substantially completed.

Where there is a balance owing to achieve compliance, the depositor will be invoiced for the additional costs incurred.

This deposit, less any portion expended by the municipality in enforcement of compliance, will be refunded without interest upon:

- confirmation of final inspection by the Building Department and the Municipal Roads Superintendent or designate.

**FORFEITURE OF DEPOSIT**

In the event that a building permit is revoked in accordance with Subsection 8.(10) of the Building Code Act, or where construction or demolition occurs in contravention of Subsection 8.(13) of the Building Code Act, the deposit shall be forfeited to the Corporation. The balance of the deposit shall be retained by the Corporation and dispensed to the Building Department Cost Stabilization Reserve Fund.

**EXTENSION**

The applicants shall have the right to request an extension to any of the time periods prescribed under the DEPOSITS section of Schedule "A" as described above, provided such requests are received in writing no later than thirty days prior to the set time period.

The Chief Building Official in consultation with the municipality will consider such requests made upon the merits of the explanation and may, upon his or her discretion, allow a refund of the deposit in part or in full, without interest.

SCHEDULE "C"  
TO  
**BY-LAW 79 of 2024**

**Refund of Permit Fees**

- A. The fees that may be refunded shall be a percentage of the fees payable under this By-Law as follows:
- i) 80 per cent if administrative functions only have been performed;
  - ii) 70 per cent if administrative and zoning functions have been performed;
  - iii) 45 per cent if administrative, zoning and plan examination functions have been performed;
  - iv) 35 per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
  - v) 5 per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
- B. Notwithstanding paragraph A above, no refund shall be made if the amount is \$100.00 or less.

SCHEDULE "D"  
TO  
**BY-LAW 79 of 2024**

**Acknowledgement by Applicant of an Incomplete Application**

Pursuant to Sentence 1.3.1.3.(6) of Division C of the Ontario Building Code

**PART A – Submittal of an Incomplete Application to Construct or Demolish**

A prescreening of the application to \_\_\_\_\_

(describe work)

at \_\_\_\_\_

(location of work)

has been completed, and has reveal that the application is incomplete, in that the following items are missing:

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As such, the processing time periods prescribed in Sentence 1.3.1.3.(1) of Division C of the Building Code are not applicable at the time of initial receipt of the above reference application.

The Corporation of the Township of Warwick will hold the submittal and continue processing the incomplete application if the Acknowledgement below is completed.

**PART B – Declaration of Incomplete Application**

I, \_\_\_\_\_  
(print name of applicant)

am the owner or am the person described by Sentence 1.3.1.2. of Division C of the Ontario Building Code, in reference to the property as Described in Part A and have authority to bind the corporation or partnership as applicable.

I acknowledge that the application as describe in Part A to this Letter does not meet the requirements of Division C, 1.3.1.3.(6) of the Building Code, and as the below date the processing time periods prescribed in Table 1.3.1.3. of the Building Code are not applicable to the submittal of the application referenced in Part A.

Notwithstanding the above, I request that the Corporation commence processing of the incomplete application. I understand that a permit cannot be issued until such time as all the required information is submitted, reviewed for compliance and all applicable fees, charges and deposits are paid in full.

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(Date)

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(Signature of Applicant)

SCHEDULE "E"  
TO  
**BY-LAW 79 of 2024**

# COMMITMENT TO GENERAL REVIEWS BY ARCHITECT AND ENGINEERS

THIS FORM TO BE COMPLETED BY THE OWNER OR OWNER'S AUTHORIZED AGENT, AND SIGNED BY ALL CONSULTANTS RETAINED FOR GENERAL REVIEWS.

## Part A – Owner's Undertaking

Permit Application No.

Project Description:

Address of Project:

Municipality:

WHEREAS the Ontario Building Code requires that the project described above be designed and reviewed during construction by an architect, professional engineer or both that are licensed to practice in Ontario;

NOW THEREFORE the Owner, being the person who intends to construct or have the building constructed hereby warrants that:

1. The undersigned architect and/or professional engineers have been retained to provide general reviews of the construction of the building to determine whether the construction is in general conformity with the plans and other documents that form the basis for the issuance of a building permit, in accordance with the performance standards of the Ontario Association of Architects (OAA) and/or Professional Engineers Ontario (PEO);
2. All general review reports by the architect and/or professional engineers will be forwarded promptly to the Chief Building Official, and
3. Should any retained architect or professional engineer cease to provide general reviews for any reason during construction, the Chief Building Official will be notified in writing immediately, and another architect or engineer will be appointed so that general review continues without interruption during construction.

THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE HAS READ AND AGREES TO THE ABOVE.

Name of Owner:

Date:

Address of Owner:

Telephone:

Signature of Owner (or officer of corporation):

Print Name:

Fax:

Coordinator of the work of all consultants:

Telephone:

Address:

Fax:

## Part B - Consultants

The undersigned architect and/or professional engineer(s) hereby certify that they have been retained to provide general reviews of the parts of construction of the building indicated, to determine whether the construction is in general conformity with the plans and other document that form the basis for the issuance of a building permit, in accordance with the performance standards of the OAA and/or PEO.

SHADED PORTION TO BE COMPLETED BY CONSULTANTS

ARCHITECTURAL  STRUCTURAL  MECHANICAL  ELECTRICAL  SITE SERVICES  OTHER (SPECIFY)

Consultant Name:

Signature:

Print Name:

Date:

Telephone:

Fax:

Address:

ARCHITECTURAL  STRUCTURAL  MECHANICAL  ELECTRICAL  SITE SERVICES  OTHER (SPECIFY)

Consultant Name:

Signature:

Print Name:

Date:

Telephone:

Fax:

Address:

ARCHITECTURAL  STRUCTURAL  MECHANICAL  ELECTRICAL  SITE SERVICES  OTHER (SPECIFY)

Consultant Name:

Signature:

Print Name:

Date:

Telephone:

Fax:

Address:

ARCHITECTURAL  STRUCTURAL  MECHANICAL  ELECTRICAL  SITE SERVICES  OTHER (SPECIFY)

Consultant Name:

Signature:

Print Name:

Date:

Telephone:

Fax:

Address:

NOTE: All final review reports are to be submitted to the Chief Building Official by:

Mail: The Corporation of the Township of Norwich, 285767 Airport Road, Norwich, Ontario N0J 1P0

Fax: (519) 468-2414 or E-mail: bsmale@norwich.ca

SCHEDULE "F"  
TO  
**BY-LAW 79 of 2024**

LIST OF DRAWINGS, SPECIFICATIONS AND INFORMATION TO ACCOMPANY  
APPLICATION FOR PERMITS:

In further to Section 4.1 of the Building By-Law, and in order an application to construct or demolish to be considered a complete application pursuant to section 1.3. of Division C of the Ontario Building Code, not less than\* the following drawings, specifications and documents are required to be submitted in accordance with the correlating type of Building proposed as categorized and referenced below.

**NOTE:**

\* Upon request, the Chief Building Official may specify that not all the below-mentioned plans are required to accompany an application for a permit. Conversely, the Chief Building Official may also determine that additional drawings specifications, or documentation may be needed where the minimum submittal is insufficient in order to determine compliance with the Code, the Act, or applicable law thereto.

- 1) Demolition (Full or partial)
  - a. Demolition Declaration Form
  - b. Commitment to General Review by a professional engineer where Division C, 1.2 applies
  - c. Site/grading plan prepared by a professional engineer (P.Eng.), and an Ontario land surveyor (OLS)
  - d. Where a building is designated under the Heritage Act, approval of the demolition work under permit must be obtained from Council and the Heritage Committee
- 2) Residential Deck or Porch Permit
  - a. Site plan
  - b. Floor plan, foundation and framing plan
  - c. Elevation(s)
  - d. Section or detail of guard
  - e. Detail Section (through deck view)
- 3) Residential Accessory Buildings
  - a. Site Plan or survey
  - b. Foundation plan
  - c. Floor Plan (framing)
  - d. Building Elevations (two sides minimum)
  - e. Detail or Building Section
  - f. Grading and Drainage Plan

- 4) Residential Addition
  - a. Site Plan
  - b. Grading and Drainage Plan prepared by a professional engineer (P.Eng.), if applicable
  - c. Foundation plan
  - d. Floor Plan(s) (one per floor, including framing elements, all dimensions, room names or uses, and any new plumbing facilities)
  - e. Building Elevations
  - f. Building and Detail Section
  - g. Letter of verification from heating designer of the sufficiency of capacity of the existing heating
  - h. Additional information on Existing System Sewage System may be required (where applicable)
  - i. Completed EEDS form (OBC Part 12, SB 12)
- 5) Residential Renovation/Alteration, Change of Use
  - a. A location plan or Site Plan where required
  - b. Approved Site Development Plan and Agreement (for townhouses, multi's and apartments)
  - c. Any of the following construction plans as applicable
    - i. Foundation plan
    - ii. Floor Plan(s) (one per floor, including framing elements, all dimensions, room names or uses, and any new plumbing facilities)
    - iii. Building Elevations
    - iv. Building and Detail Section
  - d. Letter of verification from heating designer of the sufficiency of capacity of the existing heating
  - e. Additional information on Existing System Sewage System may be required (where applicable)
  - f. Where renovation is extensive or a Change of Use occurs a completed EEDS form may be required (OBC Part 12, SB 12)
- 6) New Residential House, Semi-Detached, Duplex, Townhouse, Multi-Unit or Apartment Buildings (Part 9 Building)
  - a. Approved Site Development Plan and Agreement (for townhouses, multi's and apartments)
  - b. Site Plan, Grading and Drainage Plan prepared by a professional engineer (P.Eng.), or Ontario land surveyor (OLS)
  - c. Completed EEDS form
  - d. TARION (ONHWP) Registration Form
  - e. Where applicable a complete Private Sewage System Permit Application (see 2., above)
  - f. Verification of potable water supply if applicable
  - g. Foundation Plan
  - h. Floor Plan (one per floor, including all structural framing elements, dimensions, room names and proposed plumbing fixtures)
  - i. Engineered Floor and Roof Framing Plans (include engineered floor and roof truss drawings)

- j. Building Elevations (4 sides)
  - k. Building and Detail Section
  - l. Mechanical Ventilation Design Summary Form
  - m. Heat Loss / Heat Gain Calculations and Furnace make/model
  - n. Energy Efficiency Design Summary form
  - o. Information sheet for MDS I calculation (if applicable)
  - p. Copy of deed or Record of Transfer may be required for newly created lots in Registered Plans (if applicable)
- 7) New Residential Townhouse, Multi-Unit and Apartment Building (Part 3 Building)
- a. Approved Site Development Plan and Agreement (see Township Site Plan Control By-Law)
  - b. Geotechnical Investigation Report
  - c. Site Plan, Grading and Site Servicing Plan (s) prepared by a professional engineer (P.Eng.), and an Ontario land surveyor (OLS)
  - d. Commitment to General Review by a professional engineer and Architect where Division C, 1.2 applies
  - e. Verification of on-site water supply for firefighting
  - f. Architectural Drawings (sealed)
  - g. Structural Drawings (sealed)
  - h. Mechanical Drawings (sealed)
  - i. Electrical Drawings (sealed)
  - j. Sprinkler and Standpipe Drawings (sealed) where applicable
  - k. Energy efficiency design compliance summary form (OBC Part 12; SB 10)
  - l. Copy of deed or Record of Transfer may be required for newly created lots in Registered Plans (if applicable)
- 8) New Non-Residential Building or Addition (Part 3 or 9 Building)
- a. Approved Site Development Plan and Agreement (see Site Plan Control By-Law)
  - b. Geotechnical Investigation Report
  - c. Site Plan, Grading and Site Servicing Plan (s) prepared by a professional engineer (P.Eng) and an Ontario land surveyor (OLS)
  - d. Commitment to General Review by a professional engineer and/or Architect, where Division C, 1.2 applies
  - e. Verification of on-site water supply for firefighting
  - f. Where applicable, a complete Private Sewage System Permit Application (see 2., above)
  - g. Architectural Drawings (sealed)
  - h. Structural Drawings (sealed)
  - i. Mechanical Drawings (sealed)
  - j. Electrical Drawings (sealed)
  - k. Sprinkler and Standpipe Drawings where applicable (sealed)
- 9) Non-Residential Alteration/Renovation/Change of Use (Part 3 or 9 Building)
- a. Approved Site Development Plan and Agreement (see Township Site Plan Control By-Law)
  - b. Commitment to General Review by a professional engineer and/or architect,

- where Division C, 1.2 applies
  - c. Architectural Drawings (sealed), and includes applicable;
    - i. Elevations, Sections and Details
    - ii. Structural Drawings (sealed)
    - iii. Mechanical Drawings (sealed)
    - iv. Electrical Drawings (sealed)
    - v. Evaluation of the existing private septic system.
- 10) Farm Building (livestock housing facility, or nutrient storage facility and fixed transfer systems)
- a. Site Plan (confirmation of location of building by OLS for MDS II purpose may be required)
  - b. Commitment to General Review by professional engineers, where OBC Division C, 1.2 applies
  - c. Site Characterization Report and Commitment to General Review (where required by the Nutrient Management Regulations)
  - d. Foundation Plan (sealed)
  - e. Floor Plan including interior penning and room layouts and uses (sealed)
  - f. Structural Plans and Specifications (sealed)
  - g. Building Section (sealed)
  - h. Engineered Roof Framing Plans
  - i. Confirmation of Drain relocate/disconnection (by Municipal Drainage Superintendent, where applicable)
- 11) Farm Building (Accessory Uses)
- a. Site Plan
  - b. Commitment to General Review by professional engineers, where OBC Division C, 1.2 applies
  - c. Foundation Plan (sealed)
  - d. Floor Plan including room layouts and uses (sealed)
  - e. Structural Plans and Specifications (sealed)
  - f. Building Section (sealed)
  - g. Engineered Roof Framing Plans
- 12) Designated Structures (including agricultural commodities storage bunkers and bins)
- a. Site Plan
  - b. Geotechnical review where new foundation system or ballasting is required
  - c. Structural Drawings or specifications
  - d. Elevations where applicable
  - e. Sections and Detail where applicable
  - f. MDS II calculations if applicable (nutrient storage facilities)

SCHEDULE "G"  
TO  
**BY-LAW 79 of 2024**

PRESCRIBED FORMS

- A) Application to Construct or Demolish, Change the Use of a Building [Pursuant to Subsection 8.(1) of the Building Code Act, 1992]
- B) Order to Comply [Pursuant to Subsection 12.(2) of the Building Code Act, 1992]
- C) Stop Work Order [Pursuant to Subsection 14.(1) of the Building Code Act, 1992]
- D) Order Not to Cover or Enclose [Pursuant to Subsection 13.(1) of the Building Code Act, 1992]
- E) Order to Uncover [Pursuant to Subsection 13.(6) of the Building Code Act, 1992]
- F) Order Requiring Tests and Samples [Pursuant to Subsection 18.(1)(f) of the Building Code Act, 1992]