

# THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH



BY-LAW NO. 2608-12

Being a by-law respecting Construction, Demolition and Change of Use Permits Fees and Inspections and to repeal By-laws Numbered 2393-09.

## Recitals

- a) Section 7.(1) of The Building Code Act, 1992 empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

THEREFORE THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH ENACTS AS FOLLOWS:

## TITLE

### 1. SHORT TITLE

- 1.1. This By-law may be cited as "The Building By-law".

### 2. DEFINITIONS OF WORDS OR PHRASES

In this By-law:

- 2.1. "Act" means the Building Code Act, 1992, including amendments thereto;
- 2.2. "As Constructed Plans" means construction plans and specifications that show the building and the location of the building on the property as the building has been constructed.
- 2.3. "Building" means:
- b) structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
  - c) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto;
  - d) plumbing not located in a structure, (c.1) a sewage system, or
  - e) structures designated in the Building Code.
- 2.4. "Building Code" means the regulations made under the Act.
- 2.5. "Chief Building Official" means the Chief Building Official appointed by by-law of The Corporation of the Municipality of Shuniah for the purposes of the enforcement of the Act.
- 2.6. "Construct" means 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 moved from elsewhere and "construction" has a corresponding meaning;
- 2.7. "Corporation" means The Corporation of The Municipality of Shuniah.
- 2.8. "Demolish" means to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning.
- 2.9. "Farm Building" means all or part of a building:
- a) that does not contain any area used for residential occupancy;
  - b) that is associated with and located on land devoted to the practice of farming;

- c) and that is used essentially for the housing of equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds.
- 2.10. "Permit" means written permission or written authorization in writing from the Chief Building Official to perform work regulated by this by-law and the Act and in the case of an occupancy permit, to occupy any building or part thereof.
- 2.11. "Plumbing" means a drainage system, a venting system and a water system or parts thereof.
- 2.12. "Inspector" means a Building Inspector, Building Plumbing Inspector, Fire Inspector, or other such person having jurisdiction for the enforcement of the Building Code and appointed by the Council of The Municipality of Shuniah and including the Chief Building Official and the Chief of the Fire Department of the Municipality of Shuniah.
- 2.13. "Fire Safety Matters" shall mean those portions of the Building Code Regulations respecting fire safety which require joint approval of all drawings submitted with a Building Permit application to construct a building by the Chief of the Fire Department and the Chief Building Official prior to the issuance of a permit by the Chief Building Official;
- 2.14. "Chief of The Fire Department" shall mean the Chief of the Fire Department of the Municipality of Shuniah or his designated Fire Inspectors;
- 2.15. "Architect" means a member or licensee of the Ontario Association of Architects under the Architects Act R.S.O. 1980;
- 2.16. "Professional Engineer" means a member or licensee of the Association of Professional Engineers of the Province of Ontario under the Professional Engineer Act R.S.O. 1980;
- 2.17. "Unsafe" when used in respect of a building, means, structurally inadequate or faulty for the purpose for which it is or is likely to be used or otherwise unsafe.

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

- 3.1. Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule "A" to this by-law.
- 3.2. Permits for work other than that referred to in this by-law shall be obtained from the appropriate authority having jurisdiction in accordance with the by-laws of the Corporation and include the following which are provided for illustration only and do not limit the generality of the foregoing, encroachments, plumbing, sewers, street cuts, swimming pool fences, and signs.

### **4. APPLICATION FOR PERMIT**

- 4.1. To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the municipality. The prescribed form as listed in Schedule "D" to this By-law.
- 4.2. An application for a permit to construct or demolish a building may be made by a person specified by regulation and the prescribed form must be used and be accompanied by the documents and information specified by regulation.
- 4.3. Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:
- 4.4. Where application is made for a building permit under Section 8. (2) of the

Act, the application shall:

- a) identify and describe in detail the work and occupancy to be covered by the permit for which the application is made,
- b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot,
- c) include plans and specifications as described in this by-law for the work to be covered by the permit and show the occupancy of all parts of the building,
- d) state the valuation of the proposed work and be accompanied by the required fee,
- e) state the names, addresses and telephone numbers of the owner, architect, or engineer, where applicable, or other designer or constructor,
- f) in the case of demolitions, be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting-off and plugging of all water, sewer, gas, electric and telephone services,
- g) be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code, and
- h) be signed by the owner or his authorized agent who shall certify the truth of the contents of the application,
- i) be accompanied by proof of water supply and sanitary field disposal bed where required,
- j) be accompanied by proof of ownership, tax notice, deed where required,
- k) be accompanied by clearances from other authorities such as, but not limited to, the Lakehead Region Conservation Authority, the Ministry of Transportation, Ministry of the Environment, where required,
- l) be accompanied by Committee of Adjustment approval for minor variances of zoning requirements where necessary.

4.5. Every application for a change of use permit issued under Section 10.- (1) of the Act shall be submitted to the Chief Building Official, and shall;

- a) describe the building in which the occupancy is to be changed by a description that will readily identify the building,
- 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 plans and specifications which show the current and proposed occupancy of all parts of the building, 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 capacities,
- d) be accompanied by the required fee,
- e) state the name, address and telephone number of the owner,
- f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.6. 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 an equivalent material, system or building design for which authorization under Section 8. (12) of the Act is requested, the following information shall be provided;

- a) a description of the proposed material, system or building design for which authorization under Section 8. (12) of the Act is requested,

- b) any applicable provisions of the Building Code,
- c) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

4.7. An application for a permit shall be deemed to have been abandoned six (6) months after the date of filing, if all necessary information has not been supplied to the Chief Building Official and a permit obtained.

## **5. ISSUANCE OF PERMITS**

5.1. The chief building official shall issue a permit unless:

- a) the proposed building, construction or demolition will contravene the Act, the building code or any other applicable law;
- b) the applicant is a builder or vendor as defined in the Ontario New Home Warranties Plan Act and is not registered under that Act;
- c) a person who prepared drawings, plans, specifications or other documents or gave an opinion concerning the compliance of the proposed building or construction with the building code does not have the applicable qualifications, if any, set out in the building code or does not have the insurance, if any., required by the building code;
- d) the plans review certificate, if any, required for the application does not contain the prescribed information;
- e) the application for the permit is not complete; or
- f) any fees due have not been paid.

5.2. If the application includes a plans review certificate that contains the prescribed information, the chief building official is not entitled to refuse to issue the permit on the grounds that the proposed construction of the building to which the certificate relates does not comply with the building code.

5.3. When an application for a permit contains the prescribed information, the chief building official is required to determine within the period prescribed by regulation whether to issue the permit or to refuse to issue it.

5.4. If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation.

## **6. PLANS AND SPECIFICATIONS**

6.1. Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed work will conform with the Act, the Building Code and any other applicable law.

6.2. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by three (3) complete sets of plans and specifications required under this by-law.

6.3. Plans shall:

- a) be drawn to scale upon paper, cloth or other substantial material;
- b) be legible and, without limiting the generality of the foregoing;
- c) include such working drawings as set out in Schedule "B" to this By-law unless otherwise specified by the Chief Building Official;
- d) indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish that the completed work will conform to the Act, the Building Code and any other applicable law.

6.4. Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, The Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.

- 6.5. Site plans shall show:
- a) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
  - b) existing and finished ground levels or grades, and
  - c) existing rights-of-way, easements and municipal services.
- 6.6. In lieu of separate specifications, the Chief Building Official may allow the essential information to be shown on the plans.

## **7. CONDITIONAL PERMITS**

- 7.1. Even though all requirements have not been met to obtain a permit under Section 8. (3) of the Act, the Chief Building Official may issue a conditional permit for any stage of construction if,
- a) 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;
  - b) the chief building official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted; and
  - c) the applicant and such other person as the chief building official determines agree in writing with the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Crown in right of Ontario to,
    - i) assume all risk in commencing the construction,
    - ii) obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,
    - iii) file plans and specifications of the complete building in the time set out in the agreement,
    - iv) at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement, and
    - v) comply with such other conditions as the chief building official considers necessary, including the provision of security for compliance.
- 7.2. When, in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the complete project, application shall be made and fees paid for the complete project and complete plans and specifications covering the portion of work for which immediate approval is desired shall be filed with the Chief Building Official.
- 7.3. If a permit is issued for part of a building, the holder of such permit may proceed without assurances that a permit for the entire building will be granted.
- 7.4. Permit fees based on preliminary estimates for construction not covered by the partial permit shall be subject to revision when permit for balance of construction is applied for.

## **8. REVISION TO PERMIT**

- 8.1. After the issuance of a permit under Section 8. (12) of 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.

- 8.2. Subject to Section 8. (12) of the Act, minor non-structural alterations to building plan layouts may be made without resubmission of drawings, but major alterations and structural changes shall not be made without reapplication and adjustment of permit.

**9. RESTRICTED PERMIT FOR A TEMPORARY BUILDING**

- 9.1. A restricted permit for a temporary building may be issued by the Chief Building Official or authorized by Council for a limited time only, the erection and existence of a building or part thereof, when application is made in writing to the Chief Building Official stating proposed use and expected time required.
- 9.2. A permit for a temporary building may be extended provided permission in writing is granted by the Chief Building Official and Council.

**10. REVOCAION AND RENEWAL OF PERMITS**

- 10.1. The Chief Building Official may revoke or issue a renewal of a permit;
- a) where, after six (6) months after its issuance, the construction or demolition in respect of which it was issued has not, in his opinion, been seriously commenced; or
  - b) where, the construction or demolition of the building is, in his opinion, substantially suspended or discontinued for a period of more than one (1) year; or
  - c) where, after two (2) years after its issuance, the structure has not received a Occupancy Permit and/or Final Inspection;
    - i) The Renewal Fee as per Schedule "A" to this by-law is based on the number of required outstanding inspections times the rate of Additional Inspections.
  - d) provided the required fee is paid for such renewal and the plans and specifications are made to comply with all the requirements of the Act in effect at the time of renewal, and all other laws applicable thereto.

**11. ASSIGNMENT OF PERMIT**

- 11.1. It is a condition of the issuance of any permit that the permit shall not be assigned without the approval of the Chief Building Official and payment of the required fee.

**12. FEE STRUCTURE**

- 12.1. Fees for a required permit shall be as set out in Schedule "A" to this By-law and are due and payable upon submission of an application for a permit.
- 12.2. Where an application is made for a revision to the permit and the Chief Building Official determines that the work involved in plan processing and enforcement is minor, such revision shall be processed without charge.
- 12.3. Where the fees payable in respect of an application of a construction or demolition permit issued under Section 8.- (1) of the Act or a conditional permit issued under Section 8.(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building. Provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 12.4. Where fees payable in respect of an application for a change of use permit issued under Section 10.(1) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys subject to the change of use.

**13. REFUNDS**

- 13.1. In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-abandonment of any project, the Chief Building Official shall determine that amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "C" to this By-law.
- 13.2. Notwithstanding section 13.1 hereof, no refund shall be made when the amount is calculated to be less than Seventy-five (\$75.00) Dollars.

**14. PRESCRIBED NOTICES**

- 14.1. This Article sets out the notices that are required under section 10.2 of the Act.
- 14.2. The person to whom a permit under section 8 of the Act is issued shall notify the chief building official or, where a registered code agency is appointed under the Act in respect of the construction to which the notice relates, the registered code agency of:
- a) readiness to construct footings;
  - b) substantial completion of footings and foundations prior to commencement of backfilling;
  - c) substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, if the building is within the scope of Part 9 of Division B;
  - d) substantial completion of structural framing and roughing-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment, if the building is not a building to which Clause (c) applies;
  - e) substantial completion of insulation, vapour barriers and air barriers;
  - f) substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems;
  - g) substantial completion of fire access routes;
  - h) readiness for inspection and testing of;
  - i) building sewers and building drains;
  - j) water service pipes;
  - k) fire service mains;
  - l) drainage systems and venting systems;
  - m) the water distribution system;
  - n) plumbing fixtures and plumbing appliances;
  - o) readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an outdoor pool, or a public spa;
  - p) substantial completion of the circulation/re-circulation system of an outdoor pool, a public pool or public spa and substantial completion of the pool before it is first filled with water;
  - q) readiness to construct the sewage system;
  - r) substantial completion of the installation of the sewage system before the commencement of backfilling;
  - s) substantial completion of installation of plumbing not located in a structure, before the commencement of backfilling, and
  - t) completion of construction and installation of components required to permit the issue of an occupancy permit or to permit occupancy, if the building or part of the building to be occupied is not fully completed.

**15. PRESCRIBED INSPECTIONS**

- 15.1. An inspector, not later than two days after receipt of a notice shall undertake a site inspection of the building to which the notice relates.
- 15.2. An inspector, shall, not later than five days after receipt of the notice, undertake a site inspection of the sewage system to which the notice relates.
- 15.3. When undertaking an inspection required under Section 10.2 (1) of the Act, the inspector, may consider reports concerning whether the building or a part of the building complies with the Act or this by-law.
- 15.4. The time periods referred to in Section 10.2 (2) of the Act shall begin on the day following the day on which the notice is given.
- 15.5. The time periods referred to in Section 10.2 (2) of the Act, shall not include Saturdays, holidays and all other days when the offices of the Municipality are not open for the transaction of business with the public.

**16. PRESCRIBING FORMS**

- 16.1. The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as listed in Schedule "D" to this By-law.

**17. AS CONSTRUCTED PLANS**

- 17.1. The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

**18. PENALTY AND OFFENCES**

- 18.1. Any person who contravenes the provisions of the Ontario Building Code Act is guilty of an offence as provided for under Section 36, of the Building Code Act, 1992, S.O. 1992, c.23 and amendment thereto and upon conviction may be liable to a fine as set out in Schedule "E" to this By-law, pursuant to the Provincial Offences Act, R.S.O. 1990.
- 18.2. In addition to the penalties prescribed in Sections 18.1, the Chief Building Official may apply under provisions of the Act for an order directing compliance with the Act.
- 18.3. In addition to the penalties prescribed if construction begins before the issuance of a building permit, there may be an additional administration fee equal to fifty (50) percent of the full permit fees or \$200.00, whichever is greater.
- 18.4. If any section, subsection, paragraph, sentence, clause, or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any other reason, all other provisions of this By-law shall remain and continue in full force and effect and shall remain valid and binding.

**19. GENERAL**

- 19.1. Schedules "A", "B", "C", "D" and "E" attached hereto are an integral part of this by-law.



**20. ENACTMENT**

20.1. This by-law shall come into force and take effect on

- a) Schedule "E" to this By-law being forwarded to and approved by the Senior Regional Justice of Ontario Court of Justice;
- b) The Third and Final reading thereof

**21. REPEALS**

21.1. Upon passage of this By-law the following is hereby repealed: By-law No. 2393-09.

READ A FIRST AND SECOND TIME THIS 26<sup>th</sup> DAY OF March 2012

maria kasding  
Reeve

[Signature]  
Deputy Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 11<sup>th</sup> DAY OF June 2012

[Signature]  
Reeve

[Signature]  
Deputy Clerk

**SCHEDULE "A" TO BY-LAW NO. 2608-12**

**BUILDING PERMIT FEES**

Residential Dwellings, Commercial and Industrial Buildings are based on \$7.00 per \$1,000.00 of the construction value. This calculation also applies to accessory buildings, additions, interior or exterior renovations, plumbing when part of construction and moving a building onto a lot.

The minimum fee for any building permit is \$100.00.

<b>Cost of Construction:</b>	
Residential Dwellings - Main Floor	\$0.84 per ft <sup>2</sup>
- Second Floor	\$0.42 per ft <sup>2</sup>
- Attached Garages	\$0.35 per ft <sup>2</sup>
Alterations and Additions	\$0.50 per ft <sup>2</sup>
Accessory Buildings	\$0.35 per ft <sup>2</sup>
Commercial, Industrial, Institutional	\$0.84 per ft <sup>2</sup>
<b>Fees for Permits</b>	
Patio /Deck Permit	\$75.00
Permits for Fireplace or solid fuel burning appliance manufactured or masonry	\$75.00
Permits for Temporary Buildings	\$50.00
Plumbing Perm	\$100.00
HVAC Perm	\$75.00
Demolition I Moving Permit	\$50.00
Additional Inspections	\$75.00
Occupancy Permit	\$100.00
Certificate of Occupancy (Cottage Conversion Policy)	\$150.00
Swimming Pool Permit	\$75.00
Letter(s) of Compliance	\$50.00
Inspection Requests	\$75.00
Permits for Designated Structures as follows:	\$1,000.00
a) Towers, Wind Towers and Communication Towers Exceeding 16.6 m above ground level, exterior storage Tank and its supporting structure, which is not regulated by the Gasoline Handling Act or the Energy Act.	
b) Retaining Wall exceeding 1m in exposed height adjacent to <ul style="list-style-type: none"> <li>i) Public property</li> <li>ii) Access to a building, or</li> <li>iii) Private property to which the public is Admitted.</li> </ul>	\$250.00

**SCHEDULE "B" TO BY-LAW NO. 2608-12**

**List of Plans or Working Drawings to accompany applications or permits**

- 1) The Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Reflected Ceiling Plans
- 7) Section and Details
- 8) Building Elevations
- 9) Electric Drawings
- 10) Heating, Ventilation and Air Conditioning Drawings
- 11) Plumbing drawings

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

**SCHEDULE "C" TO BY-LAW NO. 2608-12**

<b>REFUNDS</b>		
<b>Status of Permit Application</b>		<b>Percentage of Fee Eligible for Refund</b>
1)	Application filed. No processing or review of plans submitted.	<b>90%</b>
2)	Application filed. Plans reviewed and permits issued.	<b>45%</b>
3)	Additional deduction for each filed inspection that has been performed.	<b>5%</b>
4)	Permits valued at less than \$75.00.	<b>0%</b>

**SCHEDULE "D" TO BY-LAW NO. 2608-12**

**LIST OF PRESCRIBED FORMS**

Form 1	Application for a Permit to Construct or Demolish
Form 2	Schedule 1: Designer Information Form
Form 3	Application for a Plumbing Permit
Form 4	Mechanical Ventilation Design Review Form
Form 5	Zoning and Grading Approval Form
Form 6	Mechanical Ventilation Installation Review Form
Form 7	Application for a Permit to Construct Detached Garage / Shed
Form 8	Zoning and Grading Approval Form - Campers Associations
Form 9	Energy Efficiency Design Summary
Form 10	Occupancy Permit

**ORDERS**

Form 10	Order Requiring Tests and Samples
Form 11	Stop Work Order
Form 12	Order to Uncover
Form 13	Order Not to Cover or Enclose
Form 14	Order to Comply

**MUNICIPALITY OF SUNIAH**  
**SET FINE SCHEDULE "E"**  
**TO BY-LAW No. 2608-12**

**PART 1 PROVINCIAL OFFENCES ACT**

**Building Code Act, 1992, S.O. 1992, c. 2**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
1.	Constructing a building without a permit	Section 8 (1)	\$250.00
2.	Demolish a building without a permit	Section 8 (1)	\$250.00
3.	Making a material change to approved plans without obtaining approval from the Chief Building Official	Section 8 (12)	\$250.00
4.	Constructing a building contrary to the approved plans, specifications, documents and other information	Section 8 (13)	\$50.00
5.	Change the use of a building or part thereof without permit.	Section 10 (1)	\$150.00
6.	Fail to notify Official of required inspection.	Section 10.2 (1)	\$75.00
7.	Occupy a new building before lawfully permitted.	Section 11 (1)	\$200.00
8.	Using a new building before lawfully permitted.	Section 11 (1)	\$150.00
9.	Fail to comply with an order to cease construction or demolition.	Section 14 (4)	\$200.00
10.	Hinder or obstruct a chief building official or inspector.	Section 19 (1)	\$150.00
11.	Attempt to hinder or obstruct a chief building official or inspector	Section 19 (1)	\$150.00
12.	Neglecting to produce documents, drawings, specifications or things lawfully required by a Chief Building Official or Inspector.	Section 19 (4) (a)	\$150.00
13.	Refusing to produce documents, drawings, specifications or things lawfully required by a Chief Building Official or Inspector.	Section 19 (4) (a)	\$150.00
14.	Unauthorized removal of posted order under the Building Code Act.	Section 20	\$100.00

Note: The general penalty provision for the offences listed above is Section 36, of the Building Code Act, 1992, S.O. 1992, c.23

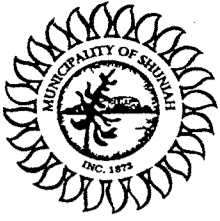
**MUNICIPALITY OF CHUNIAH**  
**SET FINE SCHEDULE "E"**  
**TO BY-LAW No. 2608-12**

**PART 1 PROVINCIAL OFFENCES ACT**

**Building Code Act, 1992, S.O. 1992, c. 2**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
15.	Knowingly furnishing false information in an application or certificate	Section 36 (1) (a)	\$150.00
16.	Fail to comply with an order under section 12(2) of the Building Code Act	Section 36 (1) (b)	\$200.00
17.	Fail to comply with an order not to cover under section 13. (1) of the Building Code Act	Section 36 (1) (b)	\$200.00
18.	Fail to comply with an order to uncover under section 13 (6) of the Building Code Act	Section 36 (1) (b)	\$200.00
19.	Fail to comply with an order under section 15.9 (4) of the Building Code Act	Section 36 (1) (b)	\$275.00
20.	Fail to comply with an order under section 15.9 (6) of the Building Code Act	Section 36 (1) (b)	\$275.00
21.	Fail to comply with an order to repair a dangerous building under section 15.10 (1) of the Building Code Act	Section 36 (1) (b)	\$275.00

Note: The general penalty provision for the offences listed above is Section 36, of the Building Code Act, 1992, S.O. 1992, c.23



# MUNICIPALITY OF SHUNIAH

420 Leslie Avenue, Thunder Bay, Ontario P7A 1X8  
Phone: (807) 683-4545 Fax: (807) 683-6982  
E-mail: [shuniah@shuniah.org](mailto:shuniah@shuniah.org) [www.shuniah.org](http://www.shuniah.org)

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June 12, 2012

Kerry Lee Thompson  
Crown Counsel  
Ministry of the Attorney General  
720 Bay Street, 10<sup>th</sup> Floor  
Toronto, ON  
M5G 2K1

Dear Ms. Thompson:

We are enclosing herein a certified copy of By-law No. 2608-12 respecting Construction, Demolition and Change of Use Permits, Fees and Inspections in the Municipality of Shuniah. Also enclosed is the short form wording and suggested fines for the infractions to the said by-law.

These documents are filed in accordance with the instructions for the establishment of set fines under Part I of the Provincial Offences Act.

The following is enclosed as part of our application:

1. Two (2) copies of the set fine schedule for By-law Number 2600-12 one with the set fine amounts filled in and a second with the set fine amounts left out.
2. A certified copy of the By-law Number 2608-12, being the By-law respecting Construction, Demolition and Change of Use Permits the Municipality of Shuniah.

We trust this application is complete however should you require any additional information or documentation please contact the undersigned at telephone number 807-683-4540 or by email at [nhunley@shuniah.org](mailto:nhunley@shuniah.org).

Yours truly,

Nadene Hunley,  
Deputy Clerk  
Encls.



OFFICE OF THE REGIONAL SENIOR JUSTICE  
NORTHWEST REGION  
ONTARIO COURT OF JUSTICE

COURTHOUSE  
1805 EAST ARTHUR STREET  
THUNDER BAY, ONTARIO P7E 2R6



CABINET DU JUGE PRINCIPAL RÉGIONAL  
RÉGION DU NORD-OUEST  
JUGE DE LA COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE  
1805, RUE ARTHUR EST  
THUNDER BAY (ONTARIO) P7E 2R6

TELEPHONE/TÉLÉPHONE (807) 625-1625  
FAX/TÉLÉCOPIEUR (807) 625-1601

August 9<sup>th</sup>, 2012

Municipality of Shuniah  
420 Leslie Avenue  
Thunder Bay, Ontario  
P7A 1X8

Attention: Nadene Hunley, Deputy Clerk

Dear Ms. Hunley:

RE: Municipality of Shuniah, Thunder Bay District  
Part I Provincial Offences Act, Building Code Act

Enclosed herewith is the original Order with original schedule of set fines for Building Code Act, S.O. 1992, Chapter 23 as amended, indicated in the schedules for the Municipality of Shuniah, Thunder Bay District, together with your certified copy of the Building Code Act, S.O. 1992, Chapter 23 as amended and your certified copy of the By-law Number 2608-12.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

A copy of the Order and the schedule of the set fines are being held in the Office of the Regional Senior Justice at Ontario Court of Justice in Thunder Bay.

Yours truly,

A handwritten signature in blue ink that reads "Marc Bode".

The Honourable Marc L. Bode  
Regional Senior Justice  
Northwest Region

MLB:mz

Encls.

cc: Ms. Kerry-Lee Thompson, Crown Law Office, Toronto  
Ms. Kathy Dallaire, POA Supervisor, Thunder Bay

MUNICIPALITY OF SHUNIAH  
**RECEIVED**  
AUG 24 2012

Per KH

OFFICE OF THE REGIONAL SENIOR JUSTICE  
NORTHWEST REGION  
ONTARIO COURT OF JUSTICE

COURTHOUSE  
1805 EAST ARTHUR STREET  
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TELEPHONE/TÉLÉPHONE (807) 625-1625  
FAX/TÉLÉCOPIEUR (807) 625-1601

August 9<sup>th</sup>, 2012

Ms. Kerry Lee Thompson  
Crown Counsel, Crown Law Office  
Ministry of the Attorney General  
9<sup>th</sup> Floor, 720 Bay Street  
Toronto, Ontario  
M5G 2K1

Dear Ms. Thompson:

RE: Municipality of Shuniah, Thunder Bay District  
Part I Provincial Offences Act, Building Code Act

I have enclosed the following for your information:

1. Copy of signed Order and accompanying schedule of set fines for Building Code Act, , S.O. 1992, c. 23 as amended.
2. Copy of letter to Nadene Hunley, Deputy Clerk, Municipality of Shuniah.

Please note that a copy of the Order and the schedule of the set fines are being held in the Office of the Regional Senior Justice at Ontario Court of Justice in Thunder Bay. The original Order and schedule of set fines have been forwarded to the Municipality of Shuniah, Thunder Bay District.

Yours truly,

A handwritten signature in black ink, appearing to read 'M - Bode'.

The Honourable Marc L. Bode  
Regional Senior Justice  
Northwest Region

MLB:mz

Encls.

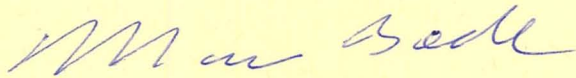
cc:

Ms. Kathy Dallaire, POA Supervisor, Thunder Bay  
✓Nadene Hunley, Deputy Clerk, Municipality of Shuniah

**PROVINCIAL OFFENCES ACT**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite the offences in the attached schedules of offences under the Provincial Statutes and Regulations thereunder and Building Code Act, S.O. 1992, Chapter 23, as amended, Part I, of the Municipality of Shuniah, Thunder Bay District, attached hereto are the set fines for these offences, to take effect August 9<sup>th</sup>, 2012.

Dated at Thunder Bay this 9<sup>th</sup> day of August, 2012.



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The Honourable Marc L. Bode  
Regional Senior Justice  
Northwest Region

**MUNICIPALITY OF SHUNIAH**  
**PART 1 PROVINCIAL OFFENCES ACT**  
**Building Code Act, 1992, S.O. 1992, c. 2**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
1.	Constructing a building without a permit	Section 8 (1)	\$250.00
2.	Demolish a building without a permit	Section 8 (1)	\$250.00
3.	Making a material change to approved plans without obtaining approval from the Chief Building Official	Section 8 (12)	\$250.00
4.	Constructing a building contrary to the approved plans, specifications, documents and other information	Section 8 (13)	\$50.00
5.	Change the use of a building or part thereof without permit.	Section 10 (1)	\$150.00
6.	Fail to notify Official of required inspection.	Section 10.2 (1)	\$75.00
7.	Occupy a new building before lawfully permitted.	Section 11 (1)	\$200.00
8.	Using a new building before lawfully permitted.	Section 11 (1)	\$150.00
9.	Fail to comply with an order to cease construction or demolition.	Section 14 (4)	\$200.00
10.	Hinder or obstruct a chief building official or inspector.	Section 19 (1)	\$150.00
11.	Attempt to hinder or obstruct a chief building official or inspector	Section 19 (1)	\$150.00
12.	Neglecting to produce documents, drawings, specifications or things lawfully required by a Chief Building Official or Inspector.	Section 19 (4) (a)	\$150.00
13.	Refusing to produce documents, drawings, specifications or things lawfully required by a Chief Building Official or Inspector.	Section 19 (4) (a)	\$150.00
14.	Unauthorized removal of posted order under the Building Code Act.	Section 20	\$100.00
15.	Knowingly furnishing false information in an application or certificate	Section 36 (1) (a)	\$150.00

Note: The general penalty provision for the offences listed above is Section 36, of the Building Code Act, 1992, S.O. 1992, c.23

**MUNICIPALITY OF SHUNIAH**  
**SET FINE SCHEDULE "E"**  
**TO BY-LAW NO. 2608-12**

**PART 1 PROVINCIAL OFFENCES ACT**

**Building Code Act, 1992, S.O. 1992, c. 2**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
15.	Knowingly furnishing false information in an application or certificate	Section 36 (1) (a)	\$150.00
16.	Fail to comply with an order under section 12(2) of the Building Code Act	Section 36 (1) (b)	\$200.00
17.	Fail to comply with an order not to cover under section 13. (1) of the Building Code Act	Section 36 (1) (b)	\$200.00
18.	Fail to comply with an order to uncover under section 13 (6) of the Building Code Act	Section 36 (1) (b)	\$200.00
19.	Fail to comply with an order under section 15.9 (4) of the Building Code Act	Section 36 (1) (b)	\$275.00
20.	Fail to comply with an order under section 15.9 (6) of the Building Code Act	Section 36 (1) (b)	\$275.00
21.	Fail to comply with an order to repair a dangerous building under section 15.10 (1) of the Building Code Act	Section 36 (1) (b)	\$275.00

Note: The general penalty provision for the offences listed above is Section 36, of the Building Code Act, 1992, S.O. 1992, c.23

**MUNICIPALITY OF SHUNIAH**  
**SET FINE SCHEDULE "E"**  
**TO BY-LAW NO. 2608-12**

**PART 1 PROVINCIAL OFFENCES ACT**

**Building Code Act, 1992, S.O. 1992, c. 2**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
1.	Constructing a building without a permit	Section 8 (1)	
2.	Demolish a building without a permit	Section 8 (1)	
3.	Making a material change to approved plans without obtaining approval from the Chief Building Official	Section 8 (12)	
4.	Constructing a building contrary to the approved plans, specifications, documents and other information	Section 8 (13)	
5.	Change the use of a building or part thereof without permit.	Section 10 (1)	
6.	Fail to notify Official of required inspection.	Section 10.2 (1)	
7.	Occupy a new building before lawfully permitted.	Section 11 (1)	
8.	Using a new building before lawfully permitted.	Section 11 (1)	
9.	Fail to comply with an order to cease construction or demolition.	Section 14 (4)	
10.	Hinder or obstruct a chief building official or inspector.	Section 19 (1)	
11.	Attempt to hinder or obstruct a chief building official or inspector	Section 19 (1)	
12.	Neglecting to produce documents, drawings, specifications or things lawfully required by a Chief Building Official or Inspector.	Section 19 (4) (a)	
13.	Refusing to produce documents, drawings, specifications or things lawfully required by a Chief Building Official or Inspector.	Section 19 (4) (a)	
14.	Unauthorized removal of posted order under the Building Code Act.	Section 20	

Note: The general penalty provision for the offences listed above is Section 36, of the Building Code Act, 1992, S.O. 1992, c.23