



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA BUILDING BY-LAW 0203-2019

(Amended by 0262-2020, 0016-2021, 0278-2021)

**WHEREAS** Section 7 of the *Building Code Act, 1992*, S.O. 1992, Chapter 23, as amended authorizes Council to pass by-laws with respect to (but not limited to) prescribing classes of permits under the Act, providing for applications for permits, requiring applications to be accompanied by such plans, specifications, documents and other information as is prescribed and requiring the payment of fees on applications (the "Building By-law");

**AND WHEREAS** the Council of the City of Mississauga desires to repeal By-law 251-13, as amended and enact a new Building By-law;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga ENACTS as follows:

### **PART I - DEFINITIONS**

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
  - (1) "**Act**" means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended (or its successor);
  - (2) "**applicant**" means the owner of a building or property who applies for a permit or the person authorized by the owner to apply for a permit on the owner's behalf;
  - (3) "**architect**" means a holder of a licence, a certificate of practice, or a temporary licence under the *Architects Act*;
  - (4) "**as constructed plans**" means as constructed plans as defined in the *Building Code*;
  - (5) "**building**" means a building as defined in subsection 1(1) of the Act;
  - (6) "**Building Code**" means O. Reg. 332/12 (or its successor);
  - (7) "**change of use permit**" means a permit issued under subsection 10 of the Act;
  - (8) "**Chief Building Official**" means the Chief Building Official appointed by Council under subsection 3(2) of the Act for purposes of enforcement of the Act;
  - (9) "**City**" means The Corporation of the City of Mississauga;
  - (10) "**conditional permit**" means a permit issued under subsection 8(3) of the Act;
  - (11) "**construct**" means to construct a building as defined in Section 1(1) of the Act;
  - (12) "**demolish**" means to do anything in the removal of a building or any material part thereof as defined in Section 1(1) of the Act;
  - (13) "**ePlans**" means the electronic application and plans submission made to the City to obtain a permit using the forms and/or format as determined by the Chief Building Official;

- (14) “**forms**” means the applicable Provincial or municipal prescribed forms as set out in Schedule “C” to this By-law;
  - (15) “**inspector**” means an inspector appointed under subsection 3(2) of the Act;
  - (16) “**owner**” includes, in respect of the property on which the construction or demolition will take place, the registered owner, a lessee and a mortgagee in possession;
  - (17) “**partial permit**” means a permit issued by the Chief Building Official to construct part of a building;
  - (18) “**permit**” means permission or authorization from the Chief Building Official in either written or electronic form, to perform work regulated by this By-law and the Act, or to change the use of a building or part of a building or parts thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code;
  - (19) “**plans and specifications**” means documentation in support of a permit application in either physical paper or other durable material or electronically generated as further described in this By-law including Schedule “D” and any other information as required by Division C, Part 1, Sentence 1.3.1.3.(5) of the Building Code;
  - (20) “**plumbing**” means plumbing as defined in subsection 1(1) of the Act;
  - (21) “**pre-screening**” means the review which precedes the acceptance of an ePlan to determine if it meets the requirements of this By-law for acceptance of an ePlan by the City;
  - (22) “**professional engineer**” means a person who holds a licence or a temporary licence under the *Professional Engineers Act*;
  - (23) “**registered code agency**” means a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Act;
  - (24) “**regulations**” means regulations made under the Act;
  - (25) “**sewage system**” means a sewage system as defined in subsection 1(1) of the Act; and
  - (26) “**work**” means construction or demolition of a building or part thereof, as the case may be.
2. Terms not defined in this By-law shall have the meaning ascribed to them in the **Act** or the **Building Code**.

## **PART II - CLASSES OF PERMIT**

3. Classes of permits with respect to the construction, demolition, change of use and occupancy of buildings and **permit** fees shall be as set out in Schedules A-1, A-2 and A-3, and Schedules B-1, B-2 and B-3 to this By-law.

## **PART III - PERMIT APPLICATION**

### **General**

- 4. (1) To obtain a **permit**, the **owner** or an agent authorized by the **owner** shall file with the **Chief Building Official** an application in the prescribed form as set out in Schedule “C” to this By-law.
- (2) An application shall, unless otherwise determined by the **Chief Building Official**, be submitted using **ePlans**. All applications for a **permit** to be submitted using **ePlans** shall not constitute an acceptance of the application by the **Chief Building Official** until a **pre-screening** has been completed as determined by the **Chief Building Official**.
- (3) An **owner** may cancel an application at any time by providing written notice to the **Chief Building Official**. An authorized agent may cancel an application with the written authorization from the **owner**.

- (4) The **Chief Building Official** may refuse to accept an application for a **permit** if any of the requirements for the application set out in this By-law, **Act** or **Building Code** are deemed to be incomplete or insufficient at the time of application request.

### **Permit to Construct**

5. All applications for a **permit to construct a building** shall be made using the provincial application form, "Application for a Permit to Construct or Demolish" and in addition to meeting all other application requirements set out in this By-law shall:
  - (1) identify and describe in detail the **work**, use and occupancy to be covered by the permit for which the application is made;
  - (2) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
  - (3) include the legal description, the municipal address and where appropriate the unit number of the land on which the **work** is to be done;
  - (4) be accompanied by **plans and specifications** as described in Schedule "D" to this By-law and as required by the **Act**;
  - (5) be accompanied by the required fees as calculated in accordance with Schedule A-1, A-2 or A-3, and Schedule B-1, B-2 or B-3 to this By-law;
  - (6) state the name, address and telephone number of the **owner**, and where the **owner** is not the **applicant**, the authorized agent, and where applicable, the qualified **architect**, engineer or other designer and the constructor or person hired to carry out the construction or demolition, as the case may be;
  - (7) for residential buildings regulated by Division B, Part 9, be accompanied by a completed form prescribed by the **Chief Building Official** in Schedule "C" to this By-law;
  - (8) include, where applicable, the applicant's registration number where an **applicant** is a builder or vendor as defined in the Ontario New Home Warranties Plan Act;
  - (9) be signed by the **owner** or authorized agent who shall certify as to the truth of the contents of the application; and
  - (10) be deemed to be an incomplete application where a **partial permit** is requested.

### **Permit to Construct – Review by Architect or Professional Engineer**

6. In addition to the requirements of Sections 4 and 5 of this By-law, where Division C, Part 1, Subsection 1.2.2 of the **Building Code** applies, an application for a **permit to construct a building** shall:
  - (1) be accompanied by a signed acknowledgement of the **owner** on the prescribed form that an **architect** or **professional engineer**, or both, have been retained to carry out the general review of the construction or demolition of the **building**; and
  - (2) be accompanied by a signed statement of the **architect** or **professional engineer**, or both, on the form prescribed, undertaking to provide general review of the construction or demolition of the **building**.
7. In addition to the general requirements set out above, an application for a **permit to construct** part of a **building** shall: include **plans and specifications** covering the **work** for which more expeditious approval is desired, together with such information pertaining to the remainder of the **work** as may be required by the **Chief Building Official**.

### **Permit to Demolish**

8. In addition to the requirements of Sections 4, 5 and 6 of this By-law, an application to **demolish a building** or any material part thereof shall:
  - (1) when Division C, Part 1, Subsection 1.2.2. of the **Building Code** applies in

relation to a review by an **architect** or **professional engineer**, be accompanied by a completed "General Review Demolition Commitment Certificate" form prescribed by the **Chief Building Official** in Schedule "C" to this By-law;

- (2) include complete **plans and specifications**, documents and other information as required by Division C, Part 1, Sentence 1.3.1.3.(5) of the **Building Code** and as described in this By-law for the **work** to be covered by the **permit**; and
- (3) indicate the method of demolition.

### **Conditional Permit**

9. Even though all requirements have not been met to obtain a **permit** under this By-law and section 8(2) of the **Act**, the **Chief Building Official** may issue a **conditional permit** in accordance with section 8 of the **Act**.
10. In addition to the general requirements set out above, an application for a **conditional permit** pursuant to subsection 8(3) of the **Act**, shall:
  - (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
  - (2) include complete **plans and specifications**, documents and other information as required by Division C, Part 1, Sentence 1.3.1.3.(5) of the **Building Code** and as described in this By-law for the **work** to be covered by the **permit**;
  - (3) state the reasons why the **applicant** believes that unreasonable delays in construction would occur if a **conditional permit** is not granted;
  - (4) state the necessary approval which must be obtained in respect of the proposed **building** and the time in which such approvals will be obtained;
  - (5) state the time in which **plans and specifications** of the complete **building** will be filed with the **Chief Building Official**; and
  - (6) require the **owner** and such other persons as the **Chief Building Official** determines to enter into an agreement with the **City**.
11. The **Chief Building Official** is authorized to enter into agreements with respect to **conditional permits**.

### **Change of Use Permit**

12. In addition to the general requirements as set out in this By-law, an application for a **change of use permit** shall:
  - (1) describe the **building** in which the use is to be changed, by a description that will readily identify and locate the **building**;
  - (2) identify and describe in detail the current and proposed uses of the **building** or part of a **building** for which the application is made; and
  - (3) include **plans and specifications** showing the current and proposed use of all parts of the **building**, and which contain sufficient information to establish compliance with the requirements of the **Building Code**.

### **Occupancy Permit - General**

13. An application for a **permit** to occupy a **building** pursuant to Division C, Part 1, Subsection 1.3.3.1 of the **Building Code** shall:
  - (1) use the application form in Schedule "C" to this By-law, "Application for Permit to Occupy a Building Prior to Completion";
  - (2) indicate the total floor area proposed for occupancy;
  - (3) indicate the total number and location of units proposed for occupancy; and
  - (4) be signed by the **owner** or authorized agent who shall certify to the truth of the contents of the application.

### **Occupancy Permit – Certain Buildings of Residential Occupancy**

14. An application for a **permit** to occupy a **building** of residential occupancy pursuant to Division C, Part 1, Article 1.3.3 of the **Building Code** shall use the application form as required by the **Chief Building Official**.

### **Permits – Sewage Systems**

15. In addition to the general requirements set out in this By-law, an application for a **sewage system permit** shall:
- (1) use the provincial application form “Application for a Permit to Construct or Demolish”;
  - (2) include complete **plans and specifications**, documents and other information as required under Division C, Part 1, Sentence 1.3.1.3.(5) of the **Building Code** and as described in this By-law for the **work** to be covered by the **permit**;
  - (3) include a site evaluation which shall include all of the following items, unless otherwise specified by the **Chief Building Official**:
    - (a) include the date the evaluation was done;
    - (b) include name, address, telephone number and signature of the person who prepared the evaluation; and
    - (c) a scaled map of the site showing:
      - (i) the legal description, lot size, property dimensions, existing right-of-ways, easements or municipal/utility corridors;
      - (ii) the location of items listed in Division B, Part 8, Column 1 of Tables 8.2.1.6.A: 8.2.1.6.B; and 8.2.1.6.C. of the **Building Code**;
      - (iii) the location of the proposed **sewage system**;
      - (iv) the location of any unsuitable disturbed or compacted areas;
      - (v) proposed access routes for system maintenance;
      - (vi) depth to bedrock;
      - (vii) depth to zones of soil saturation;
      - (viii) soil properties, including soil permeability; and
      - (ix) soil conditions, including potential for flooding.

### **PART IV: ISSUING PERMITS**

16. The **Chief Building Official** shall issue a **permit** (including a **partial permit**) in accordance with this By-law subject to compliance with the **Act** and **Building Code**.
17. 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, shall be given in writing, to the **Chief Building Official** together with the details of such change, which is not to be made without the prior written authorization of the **Chief Building Official**.
18. Where a material change set out in Section 17 of this By-law is substantial, then the **Chief Building Official** may require the **applicant** to submit an application for a revision to the **permit** in which case a revision **permit** must be issued by the **Chief Building Official** before any **work** described in the material change can be commenced.
19. The **Chief Building Official** may, where the relevant provisions of this By-law and subsections 8(3) to 8(5) of the **Act** are met, issue a **conditional permit** for a **building** subject to compliance with the **Act**, the **Building Code** and any other applicable law.

20. The issuance of a **permit** for a part of a **building** or a **conditional permit** shall not be construed to authorize construction beyond that for which approval was given nor obligate the **Chief Building Official** to grant any further **permit** or permits for the **building**.
21. A **permit to demolish** shall not be issued until a demolition control permit is issued pursuant to By-law 45-2019 (or its successor), where applicable.

#### **PART V: REVOCATION OF PERMITS**

22. Subject to section 25 of the Act, the **Chief Building Official** may revoke a **permit** issued under the **Act**:
  - (1) if it was issued on mistaken, false or incorrect information;
  - (2) if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the **Chief Building Official**, been seriously commenced;
  - (3) if the construction or demolition of the **building** is, in the opinion of the **Chief Building Official**, substantially suspended or discontinued for a period of more than one year;
  - (4) if it was issued in error;
  - (5) if the holder requests in writing that it be revoked; or
  - (6) if a term of the **conditional permit** agreement has not been complied with.
23. For the purposes of subsection 22(2) of this By-law, “not seriously commenced” shall include (but not be limited to) correspondence that has not been received from the **applicant** for a consecutive period of at least six months.

#### **PART VI - PLANS AND SPECIFICATIONS**

24. Every **applicant** shall submit sufficient information, including plans, specifications, documents and other information, 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 **Building Code** and any other applicable law.
25. Each application shall, unless otherwise determined by the **Chief Building Official**, be accompanied by electronic copy of **plans and specifications** required under this By-law.
26. Plans shall be drawn to scale, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule “D” to this By-law.
27. Site Plans submitted shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the **City** unless this requirement is waived by the **Chief Building Official** because he or she is able, without having a current plan of survey, to determine whether the proposed **work** is in compliance with the **Act**, the **Building Code**, and any other applicable law. The site plan shall show:
  - (1) lot size and the dimensions of property lines and setbacks to any existing or proposed **buildings**;
  - (2) existing and finished ground levels or grades; and
  - (3) existing right-of-way, easements and municipal services.
28. On completion of the construction, the **Chief Building Official** may require that a set of plans of the **building** or any class of **buildings** as constructed including a plan of survey showing the location be filed with the **Chief Building Official**.

## **PART VII - ALTERNATIVE SOLUTIONS**

29. Where an application for a **permit** or for authorization to make a material change to the plan, specification, document or other information on the basis of which a **permit** was issued, contains an alternative solution for which approval in accordance with Division C, Part 2, Section 2.1. is required, the application shall include documentation in accordance with Division C, Part 2, Article 2.1.1.1.
30. Such information shall be accompanied with the prescribed **forms** "Alternative Solution Authorization Form" and "Alternative Solution Application" as prescribed by the **Chief Building Official** in Schedule "C" to this By-law.

## **PART VIII - PRESCRIBED NOTICES AND INSPECTIONS**

31. The person to whom a **permit** has been issued under subsection 8 of the **Act** shall give to the **Chief Building Official** notice of the readiness for inspection in accordance with prescribed notices described in Division C, Part 1, Article 1.3.5.1., and Division C, Part 1, Article 1.3.5.3. of the **Building Code**. These mandatory notification stages and inspections are listed in Schedule "E" to this By-law.

## **PART IX - REGISTERED CODE AGENCIES**

32. Where the **City** has entered into agreements with registered code agencies the **Chief Building Official** is authorized to enter into services agreements with registered code agencies and appoint them to perform specified functions from time to time pursuant to Section. 4.1 of the **Act**.

## **PART X - FEES**

33. The **Chief Building Official** shall determine the required fees for the **work** proposed and the **applicant** shall pay the fees calculated in accordance with Schedule A-1, A-2 or A-3 and Schedule B-1, B-2 or B-3 to this By-law. No **permit** shall be issued until the fees therefore have been paid in full.
34. Any person who commences construction, demolition or changes the use of a **building** before a **permit** has been issued, shall in addition to any other penalty under the **Act**, **Building Code** or this By-law pay an additional fee in accordance with Schedule A-1, A-2 or A-3 to this By-law, in order to compensate the **City** for the additional **work** incurred as a result of the commencement of the construction.
35. Where fees payable in respect of an application for a construction or demolition **permit** issued under section 8 of the **Act** or a **conditional permit** issued under subsection 8(3) of the **Act** are based on a floor area, the floor area shall mean the total floor space of all stories above and below grade, measured as the horizontal area between the outer face of exterior walls and to the centre of party walls or demising walls.
36. Fees payable in respect of a **conditional permit** issued under subsection 8(3) of the **Act** shall be paid for the complete project plus the applicable additional fee in accordance with Schedule A-1, A-2 or A-3 to this By-law.
37. Where fees payable in respect of an application for a **change of use permit** issued under subsection 10 of the **Act** are based on a floor area, the floor area shall mean the total floor space of all stories subject to the change of use.

## **PART XI - CHANGING PERMIT FEES**

38. Prior to passing a By-law to change the fees, the **City** shall:
  - (1) give notice of the proposed changes in fees to such persons as may be prescribed in the **Building Code**;
  - (2) hold a public meeting concerning the proposed changes in accordance with the **Act** and Division C, Part 1, Section 1.9.1.2 of the **Building Code**; and
  - (3) otherwise comply with the **Act** and **Building Code**.
- 38.1 Any person or organization wishing to receive notice as set out above should make such request in writing to the Clerk's office.

## **PART XII - REFUNDS**

39. In the case of withdrawal of an application or, abandonment of all or a portion of the **work** or, the non-commencement of the **work** or, the refusal or revocation of a **permit**, upon written request by the **applicant**, 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 A-1, A-2 or A-3, to this By-law.

## **PART XIII - FENCING**

40. Where, in the opinion of the **Chief Building Official**, a construction or demolition site presents a particular hazard to the public, the **Chief Building Official** may, under clauses 7(1)(i) and 7(1)(j) of the **Act**, require the erection of such fencing as the **Chief Building Official** deems necessary to abate that hazard.
41. The height of every fence shall be a minimum of 4 feet (1.2 meters) and a maximum of 6 feet (1.8 meters), to be measured from the highest adjacent grade and, shall be of a description as determined by the **Chief Building Official**.

## **PART XIV - TRANSFER OF PERMITS**

42. Every person who acquires land on which construction or demolition is occurring in respect of which a **permit** has been issued, shall apply to transfer the **permit**.
43. Every application for a transfer of **permit** shall be submitted to the **Chief Building Official** and shall:
- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
  - (2) include such information as may be determined by the **Chief Building Official**; and
  - (3) be accompanied by the required fee as required in Schedule A-1, A-2 or A-3 to this By-law.

## **PART XV - PENALTY**

44. Any person who contravenes any provision of this By-law is guilty of an offence and liable;
- (1) on a first conviction to a fine of not more than \$50,000.00 and
  - (2) on any subsequent conviction, to a fine of not more than \$100,000.00.
45. When the person convicted is a corporation, the maximum fine is \$100,000.00 on a first offence and \$200,000.00 for any subsequent offence.

## **PART XVI – MISCELLANEOUS**

46. All Schedules to this By-law form part of this By-law.
47. A reference to the singular or the masculine shall be deemed to refer to the plural or feminine as the context may require.
48. Should any section, subsection, clause or provision in this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

## **PART XVII – SCHEDULES**

49. The following Schedules are attached to and form part of this By-law:
- |                |  |
|----------------|--|
| Schedule "A-1" | Permit Fees and Refunds (January 1, 2020 to December 31, 2020) |
| Schedule "A-2" | Permit Fees and Refunds (January 1, 2021 to December 31, 2021) |
| Schedule "A-3" | Permit Fees and Refunds (January 1, 2022 to December 31, 2022) |



Schedule "B-1"	Building Classification and Permit Fees (January 1, 2020 to December 31, 2020)
Schedule "B-2"	Building Classification and Permit Fees (January 1, 2021 to December 31, 2021)
Schedule "B-3"	Building Classification and Permit Fees (January 1, 2022 to December 31, 2022)
Schedule "C"	Forms
Schedule "D"	Plans and Specifications
Schedule "E"	Prescribed Notices/Inspections

**PART XVIII - REPEAL**

50. The Building By-law 251-13, as amended, is hereby repealed effective at the end of the day on which this By-law is enacted and passed.

**PART XIX - SHORT TITLE**

51. This By-law shall be known and may be cited as the "Building By-law".

**PART XX - EFFECTIVE DATE**

52. This By-law comes into force at the beginning of the day after the day this By-law is enacted and passed.

**ENACTED and PASSED this 11<sup>th</sup> day of December, 2019**

**Signed by: Karen Ras, Acting Mayor and Diana Rusnov, City Clerk**