

(4) Every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1) (c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2).

Same

(5) The principal authority shall make its report available to the public in the manner required by regulation. 2002, c. 9, s. 11 (2).

Change in fees

(6) If a principal authority proposes to change any fee imposed under clause (1) (c), the principal authority shall,

- (a) give notice of the proposed changes in fees to such persons as may be prescribed; and
- (b) hold a public meeting concerning the proposed changes. 2002, c. 9, s. 11 (2); 2006, c. 22, s. 112 (6).

Same, notice

(7) The notice of proposed changes in fees must contain the prescribed information, including information about the public meeting, and must be given in the prescribed manner. 2002, c. 9, s. 11 (2).

Same, public meeting

(8) The public meeting concerning proposed changes in fees must be held within the period specified by regulation before the regulation, by-law or resolution to implement the proposed changes is made. 2002, c. 9, s. 11 (2).

Fees may be added to tax roll

(8.1) Section 398 of the *Municipal Act, 2001* or section 264 of the *City of Toronto Act, 2006*, as the case may be, applies, with necessary modifications, to fees established by a municipality or local board under clause (1) (c) and, with the approval of the treasurer of a local municipality, to fees established under clause (1) (c) by a conservation authority whose area of jurisdiction includes any part of the local municipality. 2006, c. 22, s. 112 (7).

Forms

(9) The power to prescribe forms under clause (1) (f) does not include the power to prescribe a form for a particular purpose where there is a form for that purpose prescribed in the building code or approved by the Minister. 2002, c. 9, s. 11 (2); 2006, c. 21, Sched. F, s. 104 (4).

Section Amendments with date in force (d/m/y) [+]

Code of conduct

7.1 (1) A principal authority shall establish and enforce a code of conduct for the chief building official and inspectors. 2002, c. 9, s. 12.

Purposes

(2) The following are the purposes of a code of conduct:

1. To promote appropriate standards of behaviour and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the chief building official and inspectors. 2002, c. 9, s. 12.

Contents

(3) A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c. 9, s. 12.

Public notice

(4) The principal authority shall ensure that the code of conduct is brought to the attention of the public. 2002, c. 9, s. 12.

Section Amendments with date in force (d/m/y) [+]

CONSTRUCTION AND DEMOLITION

Building permits

8 (1) No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official. 1992, c. 23, s. 8 (1); 1997, c. 30, Sched. B, s. 7 (1).

Application for permit

(1.1) An application for a permit to construct or demolish a building may be made by a person specified by regulation and the prescribed form or the form approved by the Minister must be used and be accompanied by the documents and information specified by regulation. 2002, c. 9, s. 14 (1); 2006, c. 21, Sched. F, s. 104 (5).

Issuance of permits

(2) The chief building official shall issue a permit referred to in subsection (1) unless,

- (a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;
- (b) the applicant is a builder or a vendor, as defined in clause (a) of the definition of "builder" or "vendor", as the case may be, in section 1 of the *Ontario New Home Warranties Plan Act*, and is not registered under that Act;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 8 (2) (b) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 1, s. 88 (1))

- (b) the applicant is a builder or vendor as defined in subsection 1 (1) of the *New Home Construction Licensing Act, 2017* and is not licensed under that Act;
- (b.1) the *Architects Act* or the *Professional Engineers Act* requires that the proposed construction of the building be designed by an architect or a professional engineer or a combination of both and the proposed construction is not so designed;
- (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. 2002, c. 9, s. 14 (2); 2014, c. 7, Sched. 3, s. 1; 2015, c. 28, Sched. 1, s. 147.

Restriction

(2.1) 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. 2002, c. 9, s. 14 (2).

Decision

(2.2) If an application for a permit meets the requirements prescribed by regulation, the chief building official shall, unless the circumstances prescribed by regulation apply, decide within the period prescribed by regulation whether to issue the permit or to refuse to issue it. 2009, c. 33, Sched. 21, s. 2 (2).

Same, reasons for refusal

(2.3) 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. 2002, c. 9, s. 14 (2).

Conditional permit

(3) Even though all requirements have not been met to obtain a permit under subsection (2), 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 with subclause (iv). 1992, c. 23, s. 8 (3); 1997, c. 30, Sched. B, s. 7 (2); 1999, c. 12, Sched. M, s. 5 (1); 2002, c. 17, Sched. F, Table.

Delegation re conditional permits

(3.1) A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3) (c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14 (3).

Criteria

(4) In considering whether a conditional permit should be granted, the chief building official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained. 1992, c. 23, s. 8 (4).

Registration

(5) Any agreement entered into under clause (3) (c) may be registered against the land to which it applies and the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Province of Ontario, as the case may be, is entitled to enforce its provisions against the registered owner and, subject to the *Registry Act* and the *Land Titles Act*, any person acquiring any interest in the land subsequent to the registration of the agreement. 1999, c. 12, Sched. M, s. 5 (2); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 5.

Enforcement of agreement

(6) If the chief building official determines that a building has not been removed or a site restored as required by an agreement under clause (3) (c), the chief building official may cause the building to be removed and the site restored and for this purpose the chief building official, an inspector and their agents may enter upon the land and into the building governed by the agreement at any reasonable time without a warrant. 1992, c. 23, s. 8 (6).

Lien

(7) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the removal of the building and restoration of the site under subsection (6) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (1).

Deemed taxes

(8) If the building is in territory without municipal organization, the amount spent on the removal of the building and restoration of the site under subsection (6) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 1992, c. 23, s. 8 (8); 2006, c. 33, Sched. Z.3, s. 4 (1).

Disclosure of prescribed information

(8.1) The chief building official shall, within the period and in the manner prescribed by regulation, give to the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act* the information prescribed by regulation relating to permits issued under this section and the applications for those permits. 2009, c. 33, Sched. 21, s. 2 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (8.1) of the Act is amended by striking out “the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act*” and substituting “the warranty authority within the meaning of the *Protection for Owners and Purchasers of New Homes Act, 2017*”. (See: 2017, c. 33, Sched. 2, s. 74)

Referral of plans, etc.

(9) Upon reasonable grounds, the chief building official or registered code agency may refer drawings, plans or specifications accompanying applications for permits or the reports arising out of the general review of the construction of a building to the Association of Professional Engineers of Ontario or the Ontario Association of Architects for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14 (4).

Same

(9.1) At the request of the Association of Professional Engineers of Ontario or the Ontario Association of Architects, the chief building official shall refer documents and information described in subsection (9) to those associations for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14 (4).

Revocation of permits

(10) Subject to section 25, the chief building official may revoke a permit issued under this Act,

- (a) if it was issued on mistaken, false or incorrect information;
- (b) 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;
- (c) 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;
- (d) if it was issued in error;
- (e) if the holder requests in writing that it be revoked; or
- (f) if a term of the agreement under clause (3) (c) has not been complied with. 1992, c. 23, s. 8 (10).

Prohibition

(11) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with this Act and the building code. 1992, c. 23, s. 8 (11).

Notice of change

(12) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the chief building official. 1992, c. 23, s. 8 (12).

Prohibition

(13) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes to them authorized by the chief building official. 1992, c. 23, s. 8 (13).

Restriction

(14) If a request for authorization referred to in subsection (12) or (13) is accompanied by a change certificate that contains the prescribed information, the chief building official is not entitled to refuse to authorize the change on the grounds that the construction of the building to which the certificate relates does not comply with the building code. 2002, c. 9, s. 14 (5).

Section Amendments with date in force (d/m/y) [+]

9 REPEALED: 2009, c. 33, Sched. 21, s. 2 (4).

Section Amendments with date in force (d/m/y) [+]

Change of use

10 (1) Even though no construction is proposed, no person shall change the use of a building or part of a building or permit the use to be changed if the change would result in an increase in hazard, as determined in accordance with the building code, unless a permit has been issued by the chief building official. 2002, c. 9, s. 16.

Permit

(2) The chief building official shall issue a permit under subsection (1), unless,

- (a) the building if used as proposed would result in a contravention of this Act or the building code or any other applicable law;
- (b) the application for it is incomplete; or
- (c) any fees due are unpaid. 1992, c. 23, s. 10 (2).

Section Amendments with date in force (d/m/y) [+]

Prohibition re sewage systems

10.1 No person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with this Act and the building code. 1997, c. 30, Sched. B, s. 9.

Section Amendments with date in force (d/m/y) [+]