

SUBJECT: Amendments to the Building By-law No. 2014-220

File Number ACS2022-PIE-GEN-0007

Report to Planning Committee on 23 June 2022

and Council 6 July 2022

Submitted on May 16, 2022 by John Buck, Chief Building Official, Planning, Real Estate and Economic Development Department

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE

OBJET : Modification du Règlement en matière de bâtiments (n° 2014-220)

Dossier : ACS2022-PIE-GEN-0007

Rapport au Comité de l'urbanisme

le 23 juin 2022

et au Conseil le 6 juillet 2022

Soumis le 16 mai 2022 par John Buck, Chef du service du bâtiment, Services de la planification, de l'immobilier et du développement économique

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Quartier : CITY WIDE / À L'ÉCHELLE DE LA VILLE

REPORT RECOMMENDATION

That the Planning Committee recommend Council approve the following:

- 1. Approve amendments to the Building By-law 2014-220, as detailed in Document 1;**

2. **Approve amendments to Schedule A of the Building By-law 2014-220, to introduce a new fee for the Removal of Orders registered on Title, as detailed in Document 2.**

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil ce qui suit:

1. **l'approbation des modifications au Règlement sur les bâtiments 2014-220, comme le prévoit le document 1; et**
2. **l'approbation des modifications à l'annexe A du Règlement sur les bâtiments 2014-220, qui introduit une nouvelle catégorie de frais pour l'enlèvement d'ordonnances enregistrées sur les titres de propriétés, comme le prévoit le document 2.**

BACKGROUND

The *Building Code Act* permits municipalities to pass by-laws for construction permits, minimum documentation requirements for construction permit applications, the setting of fees for issuance of construction permits and the inspection of construction subject to the *Act*.

The previous Building By-law (2005-303) was repealed in 2014 and replaced by the current by-law (2014-220). The proposed by-law streamlines internal process changes and the incorporation of significant legislative changes implemented by the provincial government.

As part of the Council-approved Planning, Infrastructure and Economic Development Department By-law Review Work Plan (2019-2022), detailed in ACS2019-EPS-GEN-0009, the Building By-law has been reviewed by staff to ensure its compliance with provincial legislation and the City's strategic priorities.

DISCUSSION

The review of the Building By-law is staff's response to Council direction provided at the September 11, 2019 Meeting of Council through the adoption of the 2019-2022 By-law Review Work Plan (ACS2019-EPS-GEN-0009).

The objective of the Building By-law is to implement the authorities permitted by the *Building Code Act* in a manner consistent to the City's specific context. These authorities include the classification of various permits, the setting of fees for the

issuance of permits, requirements for permit application and the enforcement of the provisions of the *Building Code Act*.

Purpose

Staff have reviewed the current By-law, as amended, and have determined that the approach of the By-law continues to appropriately serve the City of Ottawa. The purpose of the proposed by-law amendment is to clarify the By-law's intent and make requirements more transparent for applicants and City staff. The updated By-law will also update definitions and bring the by-law's wording in alignment with other Building Code Services by-laws.

Since the adoption of the Building By-law 2014-220, the By-law has been evaluated to identify necessary changes to application requirements and to correct inconsistencies and minor errors.

One of Building Code Services' goals is to balance its regulatory role and responsibilities while focusing on client service. The proposed by-law reflects the on-going review of services, development of updates, and changes to operating policies and procedures. This will allow staff to offer more transparent and consistent quality services.

One additional proposed change to the Building By-law is the introduction of a new flat fee. Under the *Building Code Act*, the Chief Building Official may deem it necessary to issue an Order and have it registered on title to compel compliance. The introduction of the new flat fee is intended to cover the administrative cost of registering the order on title and removing it from the title once the matter has been resolved. The fee is estimated to result in revenue of \$4,000 annually.

A full description of proposed amendments can be found in Document 1.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

The proposed fee is being established to cover the associated administrative costs. Estimated revenues are \$4,000 per year.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendation contained in this report.

COMMENTS BY THE WARD COUNCILLORS

This is a City-wide report – not applicable.

CONSULTATION

No consultation was required as the changes to the By-law are only minor in nature.

ACCESSIBILITY IMPACTS

There are no accessibility impacts with respect to this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

RURAL IMPLICATIONS

There are no rural specific implications to the report

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities

SUPPORTING DOCUMENTATION

Document 1 Details of the proposed amendments to the Building By-law

Document 2 Amendment to Schedule A of the Building By-law

DISPOSITION

Building Code Services, together with Innovative Client Services Department, will bring forward the amending by-law to Council.

Document 1 - Proposed Amendments to By-law 2014- 220

Amendments to Building By-law are proposed with the general intention of the following:

Status	Article	Section	Wording
Proposed	1 Definitions		“Minister” means the Minister of Municipal Affairs and Housing
Existing	1 Definitions		<p>“gross floor area” means the area of the proposed work measured to the outer face of exterior walls and to the centreline of party walls or demising walls and shall include mechanical penthouses and floors, mezzanines, lofts, habitable attics, interior balconies, openings within floor areas (stairs, elevators, shafts, etc.) with the exception of interconnected floor areas, but not unfinished basements and attached garages for single detached, semi- detached, duplex, and townhouse dwellings;”</p>
Proposed	1 Definitions		<p>“gross floor area” means the area of the proposed work measured to the outer face of exterior walls and to the centreline of party walls or demising walls and shall include mechanical penthouses and floors, mezzanines, lofts, habitable attics, interior balconies, openings within floor areas (stairs, elevators, shafts, etc.) with the exception of interconnected floor areas, but not unfinished basements and</p>

			attached garages for single detached, semi- detached, duplex, row house and townhouse dwellings;”
Status	Article	Section	Wording
Existing	15		The owner shall submit two complete sets of plans and specifications in accordance with this Part and Schedule “B” annexed to this by-law, unless otherwise specified by the Chief Building Official.
Proposed	15 Plans and Specifications and Sufficiency of Information to be Supplied.		<p>The owner shall submit sufficient 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 to the <i>Act</i>, the Building Code, and any other applicable law. Where an application for a building permit is made, it shall:</p> <ol style="list-style-type: none"> (1) Be in a form prescribed by the Minister and signed by the owner; (2) Conform with this Part of the by-law and Schedule “B”; (3) Identify and describe in detail the work, use and occupancy for which the building permit application is made; (4) Identify and describe in detail the existing use and the proposed use for the premises; (5) Identify the subject municipal address;

			<p>(6) Be accompanied by plans, specifications and other relevant documents, labelled for construction, sufficiently detailed and legible to allow construction to be carried out in accordance with the design, the Act and Building Code;</p> <p>(7) Be fully coordinated among design disciplines;</p> <p>(8) Be accompanied by a code compliance report prepared by an architect or professional engineer, where required by the Chief Building Official;</p> <p>(9) Be accompanied by a supplementary report prepared by an architect or professional engineer, where required by the Chief Building Official;</p> <p>(10) Be accompanied by the full building permit fees required by the regulation and this by-law;</p> <p>(11) Be accompanied by a signed statement from the architect or professional engineer or both on the form prescribed, undertaking to provide a general review, if Subsection 1.2.2 of Division C of the Building Code applies;</p> <p>(12) Include, where applicable, the registration number of the builder or vendor as provided in the <i>Ontario New Home Warranties Plan Act</i>;</p>
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			<p>(13) State the estimated value of the proposed work, including material, labour, professional fees and related direct costs, exclusive of the cost of the land; and</p> <p>(14) State the erection and removal date for all temporary buildings.</p>
Status	Article	Section	Wording
Existing	16 Two sets of plans and specification		The owner shall submit sufficient 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 to the <i>Act</i> , the Building Code, and any other applicable law.
Proposed	16 Submission of Plans and Specifications		<p>1. The owner or authorized agent shall submit plans, specifications, documents and other information necessary for the complete review of the building permit submission and construction, as applicable, including but not necessarily limited to architectural, structural, mechanical, plumbing, electrical drawings and shoring details. Permit applications are to be submitted as:</p> <p>a) Two complete hard copy sets of plans, specifications, documents and other information. Hard copies must be printed on substantial and durable material,</p>

			<p>or</p> <p>b) The plans, specifications, documents and other information may be submitted digitally, as authorized by the Chief Building Official, in a portable document format or equivalent.</p>
Status	Article	Section	Wording
Existing	17 Plans to scale	1	<p>The owner shall ensure that plans submitted to the Chief Building Official:</p> <p>(a) are drawn to scale upon substantial and durable material or in an electronic format approved by the Chief Building Official;</p> <p>(b) contain information and text that is legible and clear;</p> <p>(c) be fully coordinated among design disciplines and intended for construction, demolition or change of use;</p> <p>(d) indicate the nature and extent of the work and proposed use and occupancy in sufficient detail to establish that the completed work will conform to the Act, the Building Code and any other applicable law.</p>
Proposed	17 Plans to scale	Delete	REMOVE. Reason: Incorporated into revised section 15 above.
Status	Article	Section	Wording

Existing	19 Site Plan	1	<p>The owner shall ensure that any site plan submitted to the Chief Building Official demonstrates compliance with the <i>Act</i>, the Building Code and any applicable law and shall contain the following information:</p> <p>(a) lot size, lot dimensions and setbacks to any existing or proposed buildings;</p> <p>(b) the similarly dimensioned location of every other adjacent existing building on the property;</p> <p>(c) existing and finished ground levels or grades to an established datum at or adjacent to the site;</p> <p>(d) existing rights-of-way, easements, utilities, municipal services and private services.</p>
Proposed	19 Site Plan	1 (d) & (e)	<p>The owner shall ensure that any site plan submitted to the Chief Building Official demonstrates compliance with the <i>Act</i>, the Building Code and any applicable law and shall contain the following information:</p> <p>(a) lot size, lot dimensions and setbacks to any existing or proposed buildings;</p> <p>(b) the similarly dimensioned location of every other adjacent existing building on the property;</p> <p>(c) existing and finished ground levels or grades to an established datum at or adjacent to the site;</p>

			(d) existing rights-of-way, easements, above and below grade utilities, municipal services and private services.
Status	Article	Section	Wording
Existing	20 As Constructed Plans		On completion of the construction of the building, if required by the Chief Building Official, the owner shall submit to the Chief Building Official a set of as-constructed plans of the work including a plan of survey certified by a Registered Ontario Land Surveyor showing the location of the building.
Proposed	20 As Constructed Plans		Upon completion of the construction of a building, or at any stage of construction, as determined by the Chief Building Official, the owner shall submit to the Chief Building Official as-constructed plans for the building or portion thereof.
Status	Article	Section	Wording
Existing	21	Plans Property of the City	Plans and specifications furnished in accordance with the requirements of this by-law or otherwise required by the <i>Act</i> become the property of the City and shall be retained or disposed of in accordance with the relevant legislation and the City's Records Retention By-law.
Proposed	21	Plans Property of the City	Plans, specifications, documents and other information furnished in accordance with the requirements of this by-law or otherwise required by the <i>Act</i> become the property of the City and

			shall be retained or disposed of in accordance with the relevant legislation and the City's Records Retention By-law.
Status	Article	Section	Wording
Existing	28		The permit holder shall notify the Chief Building Official of each stage of construction for which a notice is required under Article 1.3.5.1. and Article 1.3.5.2. (a), (b),(c), (d), (e), (h), (i), and (j), Division C of the Building Code.
Proposed	28		The permit holder shall give notice of completion as prescribed by Section 11 of the <i>Act</i> , or where occupancy is required prior to completion, the permit holder shall give notice of inspection to ensure compliance with the requirements of Section 11 of the <i>Act</i> and Article 1.3.3.3. Division C of the Building Code.

Status	Article	Section	Wording
Existing	22	(1)	<p>(1) Where in the opinion of the Chief Building Official a proposed building design of a permit application has substantially changed after the examinations of the plans and specifications have been completed, a re-examination fee as set out in Schedule "A" in this by-law shall apply to the revised plans and specifications.</p> <p>(2) Where the owner proposes to change one certified master plan to another certified master plan after the examinations of the plans and specifications have been completed, a re-examination fee as set out in Schedule "A" in this by-law shall apply to the change of certified master plan.</p>
Proposed	22	(1)	<p>(1) Where a proposed building design of a permit application has substantially changed after the examinations of the plans and specifications have been completed, the Chief Building Official may:</p> <p>(a) apply a re-examination fee as set out in Schedule "A" in this by-law shall apply to the revised plans and specifications, or</p> <p>(b) cancel the permit application and issue a refund as outlined in section 38/Schedule 'A' of this bylaw.</p> <p>(2) Where the owner proposes to change one certified master plan to</p>

			another certified master plan after the examinations of the plans and specifications have been completed, a re-examination fee as set out in Schedule "A" in this by-law shall apply to the change of certified master plan.
Status	Article	Section	Wording
Proposed New Section	30 Registration of Orders on Title		Where it is the opinion of the Chief Building Official, Orders issued under the <i>Act</i> may be registered on title. Fees for the removal of Orders registered on title are set out in Schedule "A" of this by-law.

Document 2 – Proposed Amendment to Schedule A of the Building By-law

Amendment to Schedule A of the Building By-law is proposed with the general intention of the following:

Status	Article	Section	Wording
New Fee	Schedule A respecting classes of applications, permits and fees payable (2021-21)	Other - Flat fees	Removal of Orders registered on Title: Fee - \$250.00