

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2023-34

A By-law to amend By-law 2005-51 being a By-law to regulate the issuance of permits for the construction, demolition, alteration of buildings, plumbing and sewage systems and to repeal By-law 2021-25.

WHEREAS the Municipal Council of The Corporation of the Town of Midland passed By-law 2005-51 on the Twenty-seventh day of June, 2005 to regulate the issuance of permits for the construction, demolition, alteration of buildings and plumbing and sewage systems and all other related services within the boundaries of the Town of Midland;

AND WHEREAS Council deems it necessary to amend “Schedule B” of By-law 2005-51 to provide for revised permit fees;

AND WHEREAS notice was given of the proposed revised permit fees in the local newspaper, social media and on the Town’s website and a Public Meeting was held in accordance with the *Building Code Act*, 1992, S.O. 1992, c.23 and By-law 2009-20 being the Notice By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. That By-law 2021-25 be hereby deleted in its entirety.
2. That this By-law and the fees as set out in “Schedule A” of this By-law shall come into force and effect on the 15th day of July 2023.

BY-LAW PASSED AND ENACTED THIS 14TH DAY OF JUNE 2023.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON - MAYOR

SARAH CATHCART – DEPUTY CLERK

SCHEDULE "A" BY-LAW 2023-34

PERMIT FEES AND ADMINISTRATIVE CHARGES

INDEX

PART 1 - Terms and Definitions

PART 2 - Fee Calculation Guide

PART 3 - Fee Tables

PART 4 – Refund of Permit Fees

PART 1 - TERMS AND DEFINITIONS

1.1 Non-defined terms.

- (1) Definitions of words and phrases used in this Schedule that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this Schedule taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

1.2 Defined Terms.

- (1) The following words and terms in this Schedule have the following meaning for the purposes of this Schedule.

Archived Permit	means when an active permit is considered archived where no inspection has been requested (by the permit holder) within one year of the date upon which the last Building Inspection had been performed by the Building Department.
-----------------	---

High Density Residential	means apartment buildings (3 units or more), and non-dwelling "C" type occupancies such as hotels, motels, dormitories, lodging, rooming house, etc.
--------------------------	--

Low Density Residential	means singles, semis, town, row house units, and duplex dwellings
-------------------------	---

Project Value	means the total estimate value of construction cost, which includes the cost of construction, professional designer compensation, and other similar charges.
---------------	--

PART 2 - FEE CALCULATION GUIDE

2.1 Minimum Permit Fee Calculation and Application Deposit

- (1) Except where a *flat fee* applies, the minimum fee and/or deposit for any permit application for work proposed with a Low-Density Group C residential occupancy shall be;
 - a) \$2,250.00 – New Building, except for accessory buildings
 - b) \$300.00 – Additions and alterations over 20m², except for decks
 - c) \$125.00 – All other projects not listed above
- (2) Except where a *flat fee* applies, the minimum fee and/or deposit for any permit application for work proposed with a use of other than a Low-Density Group C residential occupancy shall be;
 - a) \$2,500.00 – New Building
 - b) \$500.00 – Additions and alterations over 20m²
 - c) \$192.00 – All other projects not listed above
- (3) Where a flat fee applies, the fee shall be paid at the time of application.

2.2 Total Permit Fee Calculations

- (1) Except as permitted in sentence (2), the summation of all applicable fees found in Tables 1A to 3F shall result in the total Permit Fee.
- (2) Permit fees may be calculated in accordance to subsection 2.4 of this schedule.
- (3) Where applicable, permit fees shall be calculated utilizing the metric rates assigned in the charts below. The Imperial rates assigned in the charts below are for convenience only.

2.3 Determination of Area Calculations for Permit Fees

- (1) The following method establishing the total floor area shall be used;
 - a) Each floor area shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party Walls. For structures like Mezzanines, Decks/Porches and Loading Docks, the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the total gross floor area.

- b) A residential basement or a crawlspace contained in whole below grade and with no interior finishes installed, or where no Use is proposed, shall not have a permit fee applied.
- c) All walkout basements in dwellings shall have half of their total floor area calculated to the applicable permit fee.
- d) No deductions shall be made for openings within a Floor, i.e. stairwells, elevator shafts, service shafts (ducts. etc.). A horizontal plane may be projected over sloping and stepped Floors to determine Floor area in lieu of actual surface area.

2.4 Alternative Fee Calculations

- (1) Structures that are of an unusual shape, or where projects are unique in nature, and where the application fees set out in Part 3 of this Schedule are not applicable, or would be impractical, the Chief Building Official, at his discretion, may determine the value of the Building Permit Fee. The Chief Building Official may utilize some, all, or a combination thereof, of the following criteria to determine the Building Permit Fee:
 - a) Fees listed in Table 3A to 3E of this Schedule may be used to calculate a permit fee based upon an estimation of staff time that may be spent on the file.
 - b) Apply a fee, or combination of fees listed in Tables 1A to 3E of this schedule that in the judgment of the Chief Building Official, most closely reflects the proposed project.
 - c) Apply Permit Fee to equal 1.5 % of Project Value as a minimum.
- (2) The Chief Building Official shall report instances where the fee has been reduced to the relevant Council Committee as part of the monthly Building Activity Report.

PART 3 – FEE TABLES

3.1 Classes of Projects and Fee Index

- (1) Except as provided otherwise, the following permit fees shall apply:

Table 1A to 1E - Base Structure Permit Fees

Description	Fee Parameters	Fees	
1A – New Structures & Additions			
Designated Structures – free standing (not listed elsewhere)	Each	\$500.00	
Docks	Flat Fee	\$125.00	
Farm Buildings – of low human occupancy (Architect or Engineer)	Per sq. m	\$4.02	\$0.37 per sq.ft
Farm Buildings- (No Architect or Engineer)	Per sq. m	\$3.22	\$0.30 per sq.ft
Public Pools, or Outdoor Pools (greater than 3.5m deep)	Per Pool	\$500.00	
Minimum Fee		\$125.00	
Minimum Fee New Residence		\$2,250.00	
1B – New Buildings by Occupancies			
<u>Group A – Assembly Uses</u>			
Portable classrooms - per unit	Flat Fee	\$583.00	
All other buildings - finished	Per sq. m	\$18.20	\$1.69 per sq.ft
- shell only	Per sq. m	\$12.84	\$1.19 per sq.ft
<u>Group B – Institutional Uses</u>			
All buildings - finished	Per sq. m	\$18.20	\$1.69 per sq.ft
- shell only	Per sq. m	\$12.84	\$1.19 per sq.ft
<u>Group C – High Density Residential (Apts, Hotels, etc....)</u>			
All buildings - finished	Per sq. m	\$19.17	\$1.78 per sq.ft
- shell only	Per sq. m	\$14.81	\$1.38 per sq.ft
<u>Group C – Low Density Residential (Singles, Semis, Towns, etc....).</u>			
<u>Including Additions</u>			
Individual dwelling - Floor area not listed below	Per sq. m	\$16.15	\$1.50 per sq.ft
- Finished basement-w/house construction	Per sq. m	\$5.75	\$0.53 per sq.ft
- Attached garage	Per sq. m	\$7.55	\$0.70 per sq.ft
- Attached carport bay	Flat Fee	\$125.00	per sq.ft
- Covered Deck / Porch	Per sq. m	\$7.55	\$0.70 per sq.ft
- Deck/Porch without roof	Per sq. m	\$5.75	\$0.53 per sq.ft
- Acc Building/Boathouse (over 200 sf)	Per sq. m	\$7.55	\$0.70 per sq.ft
- Acc Building/Boathouse (under 200 sf)	Flat Fee	\$125.00	
<u>Group D, & E – Business Services and Mercantile Uses</u>			
Restaurants - finished	Per sq. m	\$18.20	\$1.69 per sq.ft
- shell only	Per sq. m	\$6.02	\$0.56 per sq.ft
All other Buildings - finished	Per sq. m	\$14.16	\$1.32 per sq.ft
- shell only	Per sq. m	\$10.83	\$1.01 per sq.ft
<u>Group F – Industrial Uses</u>			
<u>Gas Bar Canopy/ Car Washes</u>			
- finished	Per sq. m	\$7.87	\$0.73 per sq.ft
- shell only	Per sq. m	\$6.02	\$0.56 per sq.ft
<u>Parking Garages / Warehouse Storage</u>			
- finished	Per sq. m	\$5.95	\$0.55 per sq.ft
- shell only	Per sq. m	\$4.56	\$0.42 per sq.ft
All other buildings - finished	Per sq. m	\$9.04	\$0.84 per sq.ft
- shell only	Per sq. m	\$6.92	\$0.64 per sq.ft

1C – Temporary Structures			
Bleachers, Protective Hoarding (partially enclosed), Protective Tunnels/Walkways (fully enclosed), Temporary Ten up to 225m2, Stages		\$150.00	
Sales Office / Trailers, Temporary Tent greater than 225m2	Flat Fee	\$270.00	
Permanent tent / air supported structure	Per sq. m	\$5.85	
1D – Demolitions			
<i>Whole Structure</i>			
- 1 storey, no basement/crawlspace, 60m2 or less	Flat Fee	\$125.00	
- any other structure not exceeding 60 m2	Flat Fee	\$341.00	
- any structure over 60 m2	Flat Fee	\$1,000.00	
<i>Partial (where remaining structure will remain occupied)</i>			
- To all uses other than an Individual Residential unit	Per sq.m	\$6.50	
1E – Renovations to Buildings			
<u>Group A – Assembly Uses</u>			
- Interior alterations / repairs	Per sq. m	\$16.07	\$1.49 per sq.ft
- Interior finishing of a new shell	Per sq. m	\$9.64	\$0.90 per sq.ft
<u>Group B – Institutional Uses</u>			
- Interior alterations / repairs	Per sq. m	\$16.07	\$1.49 per sq.ft
- Interior finishing of a new shell	Per sq. m	\$9.64	\$0.90 per sq.ft
<u>Group C – High Density Residential (Apts, Hotels, etc....)</u>			
- Interior alterations / repairs	Per sq. m	\$13.11	\$1.22 per sq.ft
- Interior finishing of a new shell	Per sq. m	\$7.87	\$0.73 per sq.ft
<u>Group C – Low Density Residential (Singles, Semis, Towns, etc....)</u>			
- Interior alterations /repairs	Per sq. m	\$11.05	\$1.03 per sq.ft
- Interior finishing/Second Unit	Per sq. m	\$6.63	\$0.62 per sq.ft
- Finish of basement	Per sq. m	\$3.59	\$0.33 per sq.ft
<u>Group D, & E – Business Services and Mercantile Uses</u>			
- Interior alterations / repairs	Per sq. m	\$9.64	\$0.90 per sq.ft
- Interior finishing of a new shell	Per sq. m	\$7.53	\$0.70 per sq.ft
<u>Group F – Industrial Uses</u>			
- Interior alterations / repairs	Per sq. m	\$2.48	\$0.23 per sq.ft
- Interior finishing of a new shell	Per sq. m	\$3.22	\$0.30 per sq.ft

Table 2A to 2C - Systems and Services Permit Fees

2A – Site Servicing		
- Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects.		
Irrigation system		
- serving individual dwelling properties	Flat Fee	\$125.00
- serving all other building properties	Flat Fee	\$125.00
On-site Sewage systems		
- New - Class 4, or 5 system	Flat Fee	\$688.00
- New - Class 1,2 or 3 system	Flat Fee	\$397.00
- Alteration to existing on-site sewage system	Flat Fee	\$397.00
- Repair to existing on-site sewage system (New tank)	Per Project	\$212.00
- Plan Review of existing for compliance	Per Project	\$53.00
- Site Review of existing for compliance	Per Site Visit	\$125.00
- Re-inspection Program		
- initial site inspection	Flat Fee	\$173.00
- additional site inspections	Flat Fee	\$125.00
Private Fire Hydrant system (wet or dry)	Per Project	\$265.00
Sewer Connection from existing septic system	Per Project	\$127.00
New Site Servicing - To all projects except Low Density Residential (Installation of sanitary, storm sewers, and water distribution service)	Per 30m (or part thereof)	\$173.00
2B – Building Mechanical & Fire Safety		
- Fees for stand-alone projects or where such features are proposed in additions or renovation projects.		
H.V.A.C		
- Non-residential	Per Appliance	\$173.00
- Residential	Per Project	\$150.00
Plumbing		
-Fixture not listed below	Flat Fee	\$23.00
- Backwater device		
- Installed in conjunction with other construction	Flat Fee	\$23.00
- Stand-alone installation of one unit	Flat Fee	\$125.00
- Stand-alone installation of multiple units	Per Unit	\$125.00
- Testable Backflow devices		
- Installed in conjunction with other construction	Flat Fee	\$23.00
- Stand-alone installation of one unit	Flat Fee	\$125.00
- Stand-alone installation of multiple units	Per Unit	\$125.00
Fire/Life Safety Systems Installation or upgrade	Per Unit	\$125.00
- Fire Alarm system	Per sq. m of area serviced	\$0.59 of area serviced
- Sprinkler system	Per sq. m of area serviced	\$0.59 of area serviced

2C – Miscellaneous Elements		
- Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects.		
Barrier Free walks / ramps (exterior)	Flat Fee	\$125.00
Below Grade Exterior Stair	Flat Fee	\$125.00
Chutes (Linen / Refuse)	Flat Fee	\$125.00
Commercial Cooking Hood	Flat Fee	\$299.00
Fire Department Plans Examination	Flat Fee	\$125.00
Floor Area Change (new usage of existing)	Per sq. m	\$2.36
Mechanical Rooms	Flat Fee	\$125.00
Underpinning / Tie Backs / Shoring	Per 10 m (or part thereof)	\$151.00
Rack Storage Systems	Per sq. m	\$7.57
Retaining Walls (per OBC) - 1 meter or less in height	Per Property	\$150.00
- Exceeding 1meter in height	Per Property	\$575.00
Signs		
- Minor Wall signs (254 lb or less) - 1st sign	Flat Fee	\$125.00
- for each Minor Wall sign thereafter on same permit	Flat Fee	\$55.20
- All other signs	Flat Fee	\$299.00
Spray Booths / Dust Collectors	Flat Fee	\$575.00
Solid Fuel Appliance c/w Chimney System	Flat Fee	\$299.00
Above Ground Pool - No Deck	Flat Fee	\$125.00
Inground Pool Fence	Flat Fee	\$230.00

Tables 3A to 3F - Applications & Administrative Fees & Deposits

3A – Permit Applications & Active Permits		
Additional Inspections or Site Visit(s)	Per Inspection	\$125.00
Change of Use Application		
- No construction proposed or required	Per Application	\$125.00
Conditional Building Permit Agreements		
- Simple Agreement	Per Agreement	\$242.00
- Other	Per Agreement	\$2,100.00
- plus, Third Party Review	Out of pocket cost recovery + 15%	
Lot Grading Approvals from Town Engineer		
- Administrative assistance and Town Engineer Review for Individual Dwelling (houses)	Per Project	\$360.00
- Other buildings or additional Town Engineer Review if required	Per Hour	\$125.00

Processing and collection of applicable law approvals		
- Per Individual Dwelling (houses)	Per Project	\$63.00
- For all other Buildings or Structures	Per Project	\$140.00
- plus, Third Party Review	Out of pocket cost recovery + 15%	
Request to use Alternative Solution	Per Request	\$1,100.00
- plus, Third Party Review of design submission	Out of pocket cost recovery + 15%	
Request for CBO to accept Alternative Material	Per Request	\$1,100.00
- plus, Third Party Review of design submission	Out of pocket cost recovery + 10%	
Request for Partial Permit	Per Request	\$210.00
- plus, Third Party Review of design submission	Out of pocket cost recovery + 15%	
Review of revised permit documents	Per Hour	\$125.00
Third Party Review	Out of pocket cost recovery + 15%	
Transfer of Permit to new property owner	Per Permit	\$125.00
3B – Archived Permit		
- Notwithstanding the fees described below, the fee applied to reactivate a permit shall not exceed the original permit fee value		
Review of permit file documents	Per Hour	\$125.00
Maintenance Fee of all files not closed within 24 months	Per Year	\$200.00
Third Party Review	Out of pocket cost recovery + 15%	
3C – Investigations		
- To offset additional investigative and administrative costs, the following fees apply;		
Construct or Demolish without Permit Issued		
- Prior to the issuance of an Order pursuant to the Building Code Act	Double normal permit fee \$15,000.00 max	
- Order pursuant to the Building Code Act	Per Order Issued	\$230.00
- Order not complied with, additional site inspections to review status of non-compliance	Per Inspection	\$115.00
- Order registered on title	Per Order	\$345.00
- Issuance of Summons	Per Summons plu	\$345.00
Other Non-compliance Building Code Act & Code Matters		
- Order to Comply pursuant to the Building Code Act	Per Order Issued	\$230.00
- Stop Work Order pursuant to the Building Code Act	Per Order Issued	\$230.00
- Unsafe Order pursuant to the Building Code Act		N/C
- Order not complied with, additional site inspections to review status of non-compliance	Per Inspection	\$100.00
- Order registered on title	Cost recovery + 15%	
- Issuance of Summons	Cost recovery + 15%	

3E – Miscellaneous Clerical Functions		
Building Compliance Title Search or Septic Use permit		
Septic use permit	Flat Fee	\$25.00
Regular response	Flat Fee	\$50.00
48 hr “quick” response	Flat Fee	\$125.00
Compliance Letters to other Government Authorities		
- Unrelated to an active permit or permit application	Per Letter	\$115.00
- Where there is an active permit or permit application	Per Letter	\$115.00
Comprehensive Occupancy Certificate	Flat Fee	\$230.00
Consent Application Review	Per Application	\$127.00
Special Requests for File Research	Per Hour +HST	\$125.00
Emergency Call	Per Hour	\$320.00
Credit Card transactions	2.4% convenience fee or fees as charged by the third-party service provider.	
3F – Extra Services Deposit		
- Collected at permit issuance to offset any additional inspection and administrative costs not anticipated but incurred by the municipality during a project.		
- Any fees deducted from the deposit shall be calculated in accordance with Table 3A to 3E of this schedule.		
- Unused portion of deposit is fully refundable, see Part 4 of this schedule for details		
Group A, B, C – High Density Residential, D, E, & F		
- New, Additions & Renovations	Per 100 m2 (or part thereof)	\$150.00
- Stand-alone projects not applicable to above	Per Project	\$500.00
Group C – Low Density Residential (Houses - singles, towns, etc...)		
- New Dwelling	Per Project	\$500.00
- All other projects	Per Project	\$250.00
Exemptions - Tents, Signs, residential decks & sheds		
Lot Grading Deposit – All other projects (unless otherwise specified in a development agreement)	Per Lot	\$5,000.00

PART 4 – REFUND OF PERMIT FEES

4.1 General Provisions

- (1) Refunds of fees collected under the authority of Tables 1A to 1F, and 2A to 2E, shall be provided in accordance with other provisions of this Part, where the;
 - Building Permits have been issued, but no construction has commenced,

PART 4 – REFUND OF PERMIT FEES

4.1 General Provisions

- (1) Refunds of fees collected under the authority of Tables 1A to 1F, and 2A to 2E, shall be provided in accordance with other provisions of this Part, where the;
 - Building Permits have been issued, but no construction has commenced,
 - Building Permits have not been revoked or archived,
 - Building Permit Applications have not expired,
- (2) Fees collected under the authority of Tables 3A to 3E are non-refundable.
- (3) Refunds of fees collected under the authority of Table 3F, shall be provided in accordance with other provisions of this Part, where;
 - the building, or any part thereof, has not been occupied prior to the issuance of an occupancy certificate;
 - a final inspection has been performed which indicates that the project is completed, and the file may be closed;

4.2 Refund Provisions for Permit Fees found in Tables 1A to 1F and 2A to 2E of this Schedule

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of Permit Fees, if any, that may be refunded.
- (2) Except as provided in sentence (3), the amount of fees refundable shall be calculated based on the total of all building permit fees collected under the authority of Tables 1A to 1F, and 2A to 2E of this Schedule, as follows:
 - 75 percent refundable if applicant cancels application prior to building code plans examination review is performed;
 - 50 percent refundable if the Chief Building Official has released the permit for issuance.

4.3 Refund Provisions for Extra Services Deposit found in Table 3F of this Schedule and Deposits posted under a Conditional Building Permit.

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of the deposits, if any, that may be refunded, provided the request is received no later than two years after the date of when occupancy is granted. Upon expiration of the two-year timeframe noted above, monies collected shall be considered forfeited.