

PROTECTION

Chapter 710

BUILDING PERMITS AND FEES

Article 1 SHORT TITLE

710.1.1 Citation

Article 2 INTERPRETATION

710.2.2 Act - defined
710.2.3 Applicant - defined
710.2.4 Architect - defined
710.2.5 As constructed plans - defined
710.2.6 Building Code - defined
710.2.7 Building Official - defined
710.2.8 Chief Building Official - defined
710.2.9 City - defined
710.2.10 Construct - defined
710.2.11 Construction site - defined
710.2.12 Demolish - defined
710.2.13 Inspector - defined
710.2.14 Model home - defined
710.2.15 Permit - defined
710.2.16 Permit holder - defined
710.2.17 Person - defined
710.2.18 Professional engineer or engineer - defined
710.2.19 Registered Code Agency - defined
710.2.20 Sewage system - defined
710.2.21 Work - defined
710.2.22 Words - terms - not specifically defined

BUILDING PERMITS AND FEES

Article 3 PERMITS

- 710.3.1 Classes - set out - Schedule 'A'
- 710.3.2 Application - in writing - form - Chief Building Official
- 710.3.3 Application information - set out - based on type
- 710.3.4 Application - construction permit - information
- 710.3.5 Application - demolition permit - information required
- 710.3.6 Application - conditional permit - information
- 710.3.7 Application - model home permit - information
- 710.3.8 Application - change of use - information required
- 710.3.9 Application - sewage permit - information required
- 710.3.10 Application - transfer permit - information required
- 710.3.11 Application - partial permit - information
- 710.3.12 Partial permit issued - not approval of whole project
- 710.3.13 Expiry of application - six months - work abandoned

Article 4 PLANS AND SPECIFICATIONS

- 710.4.1 Sufficient information provided - to ensure compliance
- 710.4.2 Electronic Application - Schedule 'B'
- 710.4.3 Plans - drawn to scale - requirement
- 710.4.4 Site plan - referenced to survey - information required
- 710.4.5 Surveyor's certificate - approved before framing
- 710.4.6 Building completion - plans - survey - requirement
- 710.4.7 Plans - specifications - furnished to City - ownership

Article 5 REGISTERED CODE AGENCIES

- 710.5.1 Agreement - Chief Building Official - authorization
- 710.5.2 Specified functions - types permitted

Article 6 FEES AND REFUNDS

BUILDING PERMITS AND FEES

- 710.6.1 Determination - by Chief Building Official
- 710.6.2 Commencement - prior to permit issue – additional fee
- 710.6.3 Refund - application withdrawn abandoned - other
- 710.6.4 Rebate - final inspection - terms - Schedule 'E'

Article 7 TRANSFERS OF PERMITS

- 710.7.1 Application - form - requirements
- 710.7.2 Fee - payable - upon application
- 710.7.3 Transfer complete - new owner - responsibility

Article 8 REVOCATION OF PERMITS

- 710.8.1 Revocation - notice of - deadline
- 710.8.2 Deferral of revocation - request - in writing - deadline

Article 9 NOTICE REQUIREMENTS FOR INSPECTION

- 710.9.1 Stages of construction - prior to occupancy
- 710.9.2 Stages of construction - additional notices - required
- 710.9.3 Notice not effective - until confirmed
- 710.9.4 Inspection - upon notification

Article 10 FENCES AT CONSTRUCTION AND DEMOLITION SITES

- 710.10.1 Required - Chief Building Official - Inspector
- 710.10.2 Height - other characteristics - consideration
- 710.10.3 Area fully enclosed - maintained in good repair - height

Article 11 SEVERABILITY

- 710.11.1 Validity

BUILDING PERMITS AND FEES

Article 12 ENFORCEMENT

710.12.1 Fine - for contravention

Article 13 REPEAL

710.13.1 By-law - previous

SCHEDULE

Schedule 'A' - Classes of Permits and Fees

Schedule 'B' - Drawings, Specifications and Documents Required for Construction, Demolition, and Change of Use Permits

Schedule 'C' - Demolition Agreement

Schedule 'D' - Model Homes

Schedule 'E' - Permit Rebate

Schedule 'F' - Code of Conduct for Building Officials

Schedule 'G' - Appointments: Building Officials

Article 1 SHORT TITLE

710.1.1 Citation

This Chapter may be referred to as the Building By-law.

Article 2 INTERPRETATION

710.2.2 Act - defined

"Act" means the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.

710.2.3 Applicant - defined

"applicant" means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.

710.2.4 Architect - defined

"architect" means the holder of a license, certificate of practice or a temporary licence issued under the Architects Act as defined in the Building Code.

BUILDING PERMITS AND FEES

710.2.5 As constructed plans - defined

“as constructed plans” are defined in the Building Code as construction plans and specifications that show the building and the location of the building on the property as the building has been constructed.

710.2.6 Building Code - defined

“Building Code” means the regulations made under section 34 of the Act.

710.2.7 Building Official - defined

“Building Official” means a Chief Building Official, Deputy Building Official or Inspector appointed by the City.

710.2.8 Chief Building Official - defined

“Chief Building Official” means a Chief Building Official appointed by by-law by the City for the purposes of enforcement of the Act and shall include a designate where not prohibited by law.

710.2.9 City - defined

“City” means The Corporation of the City of Kitchener.

710.2.10 Construct - defined

“construct” means construct as defined in subsection 1(1) of the Act.

710.2.11 Construction site - defined

“construction site” means any construction site in respect of which a building permit has been issued for construction of a new building within or adjacent to a residential zone except where the site is within a registered plan of subdivision when that subdivision is being developed for the first time.

710.2.12 Demolish - defined

“demolish” means demolish as defined in subsection 1(1) of the Act.

710.2.13 Inspector - defined

“Inspector” means an Inspector appointed by by-law by the City for the purposes of enforcement of the Act.

710.2.14 Model home - defined

“model home” means a new uninhabited single detached dwelling, semi-detached dwelling or street townhouse unit which is constructed to the requirements and provisions of the zoning category in which the model is proposed and is situated on lands in a draft approved plan of subdivision, with or without service connections, for the purpose of display and sale of the dwelling units to the general public.

710.2.15 Permit - defined

“permit” means permission or authorization given in writing from the Chief Building Official

BUILDING PERMITS AND FEES

to perform work , to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.

710.2.16 Permit holder - defined

“permit holder” means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.

710.2.17 Person - defined

“person” includes a corporation and a partnership and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law.

710.2.18 Professional engineer or engineer - defined

“professional engineer” or “engineer” means a person who holds a licence or temporary licence under the *Professional Engineers Act*, as defined in the Building Code.

710.2.19 Registered Code Agency - defined

“registered code agency” means a registered code agency as defined in subsection 1(1) of the Act.

710.2.20 Sewage system - defined

“sewage system” means a sewage system as defined in subsection 1(1) of the Act.

710.2.21 Work - defined

“work” means construction or demolition of a building or part thereof, as the case may be.

710.2.22 Words - terms - not specifically defined

Any word or term not defined in this Chapter that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or the Building Code unless inconsistent with the context thereof.

Article 3 PERMITS

710.3.1 Classes - set out - Schedule ‘A’

The classes of permits set out in Schedule ‘A’ are hereby established.

710.3.2 Application - in writing - form - Chief Building Official

To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing the prescribed form by the Ministry of Municipal Affairs and Housing under subsection 8(1.1) of the Building Code Act, 1992

710.3.3 Application information - set out - based on type

Every application for a permit shall be submitted to the Chief Building Official, and contain the following information set out in Sections 710.3.4 through 710.3.11 inclusive.

710.3.4 Application - construction permit - information

Where application is made for a construction permit under subsection 8(1) of the Act, the application shall:

- (a) use the provincial application form, “Application for a Permit to Construct or Demolish;” and
- (b) include complete plans and specifications, documents and other information as required by Div. C 1.3.1.3(5) of the Building Code and as described in this Chapter for the work to be covered by the permit; and
- (c) include completed general review form

710.3.5 Application - demolition permit - information required

Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:

- (a) use the provincial application form, “Application for a Permit to Construct or Demolish”; and
- (b) include complete plans and specifications, documents and other information as required by Div. C 1.3.1.3(5) of the Building Code and as described in this Chapter for the work to be covered by the permit; and
- (c) include completed form as set out in Schedule ‘C’ where applicable, and
- (d) include:
 - (i) proof satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the cutting off and plugging of all services;
 - (ii) a damage deposit in such an amount as set out in the City’s fees by-law existing at the time the damage deposit is required, prescribed by the Director of Engineering to ensure that any damage to the sidewalk, curb and gutter, boulevard or road right of way will be reinstated to his/her satisfaction.

710.3.6 Application - conditional permit - information

Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:

- (a) use the provincial application form, “Application for a Permit to Construct or Demolish”;
- (b) include complete plans and specifications, documents and other information as required by Div. C 1.3.1.3(5) of the Building Code and as described in this Chapter for the work to be covered by the permit.
- (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
- (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

710.3.7 Application - model home permit - information

Where an application has been made for a model home permit, the application shall:

- (a) use provincial application form, “Application for a Permit to Construct or Demolish”;
- (b) include complete plans and specifications, documents and other information as

BUILDING PERMITS AND FEES

required by Div. C 1.3.1.3(5) of the Building Code and as described in this Chapter for the work to be covered by the permit;

- (c) include a certified cheque or Letter of Credit for 10% of the construction value of the model(s) being constructed;
- (d) include a site plan indicating the following:
 - (i) location and treatment of driveway access and parking;
 - (ii) temporary storm drainage, grading, siltation and erosion control measures if necessary, until grading is completed in accordance with the requirements of the Director of Engineering;
 - (iii) location and treatment of pedestrian access to the site;
 - (iv) location and treatment of emergency vehicle access;
 - (v) proposed landscaping, fencing and signage;
 - (vi) hydro facilities,
- (e) confirm compliance with conditions in Schedule 'D'.

710.3.8 Application - change of use - information required

Where application is made for a change of use permit issued under subsection 10(1) of the Act the application shall:

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish;"
- (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
- (d) include complete plans and specifications showing the current and proposed occupancy of all parts of the building, and 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, details of the existing sewage system, if any;
- (e) be accompanied by the required fee;
- (f) state the name, address and telephone number of the owner;
- (g) be signed by the owner or his/her authorized agent who shall certify the truth of the contents of the application.

710.3.9 Application - sewage permit - information required

Where application is made for a sewage permit issued under subsection 8(1) of the Act, the application shall:

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (b) include complete plans and specifications, documents and other information as required under Div. C 1.3.1.3(5) of the Building Code and as described in this Chapter for the work to be covered by the permit;
- (c) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:

BUILDING PERMITS AND FEES

- (i) include the date the evaluation was done;
- (ii) include name, address, telephone number and signature of the person who prepared the evaluation; and
- (iii) include a scaled site plan showing:
 - the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors;
 - the location and clearances of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code;
 - the location of the proposed sewage system;
 - the location of any unsuitable, disturbed or compacted areas;
 - proposed access routes for system maintenance;
 - depth to bedrock;
 - depth to zones of soil saturation;
 - soil properties, including soil permeability; and
 - soil conditions, including the potential for flooding.

710.3.10 Application - transfer permit - information required

Where application is made for a transfer of permit because of a change of ownership of the land, as permitted under clause 7(1)(h) of the Act, the application shall:

- (a) use the Transfer of Permit Ownership (as amended and published on the City of Kitchener official webpage);
- (b) provide the names and addresses of the previous and new land owner;
- (c) provide the date that the land ownership change took place;
- (d) describe the permit that is being transferred.

710.3.11 Application - partial permit - information

When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project:

- (a) application shall be made and all applicable fees associated with the scope of the partial permit paid; and
- (b) complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official

710.3.12 Partial permit issued - not approval of whole project

Where a permit is issued for part of a building or project this shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.

710.3.13 Expiry of application - six months - work abandoned

Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant. If an application is deemed to be abandoned, a new application must be filed for the proposed work.

BUILDING PERMITS AND FEES

Article 4 PLANS AND SPECIFICATIONS

710.4.1 Sufficient information provided - to ensure compliance

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

710.4.2 Electronic Application - Schedule 'B'

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by a complete electronic set of the plans and specifications as described in this Chapter and Schedule 'B'.

710.4.3 Plans - drawn to scale - requirement

Plans shall be drawn to an appropriate scale so the plans are legible (min. 1:75 or 3/16"=1') as approved by the Chief Building Official.

710.4.4 Site plan - referenced to survey - information required

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. Site plans shall show:

- (a) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings with complete legal description;
- (b) existing and finished ground levels or grades; and
- (c) existing rights-of-way, easements, rail lines within 30m and municipal services.

710.4.5 Surveyor's certificate - approved before framing

A surveyor's certificate, prepared by a registered Ontario Land Surveyor, shall be submitted and approved prior to commencement of the framing of the above grade portion, and shall show the location of the foundation or foundations on the lot for the buildings, and for single family, semi-detached, duplex, triplex, four-plex, and row house, elevations shall be given for the top of foundation(s).

710.4.6 Building completion - plans - survey - requirement

On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.

710.4.7 Plans - specifications - furnished to City - ownership

Plans and specifications furnished according to this Chapter or otherwise required by the Act become the property of the City to be kept or disposed of at the City's discretion.

Article 5 REGISTERED CODE AGENCIES

710.5.1 Agreement - Chief Building Official - authorization

Where the Corporation enters into an agreement with a registered code agency, the Chief

BUILDING PERMITS AND FEES

Building Official is authorized to appoint registered code agencies to perform specified functions in respect of the construction of a building or a class of buildings from time to time in order to maintain the time periods for permits prescribed in Table 1.3.1.3. of Division C of the Building Code.

710.5.2 Specified functions - types permitted

The registered code agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act.

Article 6 FEES AND REFUNDS

710.6.1 Determination - by Chief Building Official

The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule 'A' and the applicant shall pay such fees. Pursuant to the City of Kitchener Annual User Fee Schedule, the Act and the Building Code, as amended, permit fees will be approved by Council.

710.6.2 Commencement - prior to permit issue - additional fee

In a case where any person has commenced construction, demolition or changes to the use of a building before having received a permit and an order to comply has been issued, in addition to any other penalty under the Act, Building Code, or this Chapter the permit fee shall be increased to 200% of the regular permit fee. Notwithstanding this, the permit fee shall in no case be increased by more than \$5,000 above the regular permit fee. The increase to the permit fee is to allow the City to recover costs or some of the costs of the additional work and enforcement necessitated due to the premature start of the work.

710.6.3 Refund - application withdrawn abandoned - other

In the case of withdrawal of an application, or the abandonment of all or a portion of the work, or refusal of a permit, or the non-commencement of any project, 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'.

710.6.4 Rebate - final inspection - terms - Schedule 'E'

A rebate of a portion of the building permit fee will be made upon satisfactory confirmation that the required final inspection and grading certification, if applicable, have been completed in accordance with the terms and conditions as set out in Schedule 'E'.

Article 7 TRANSFERS OF PERMITS

710.7.1 Application - form - requirements

A permit may be transferred if the new land owner completes the permit application form in accordance with the requirements of Article 3 of this Chapter.

710.7.2 Fee - payable - upon application

BUILDING PERMITS AND FEES

A fee shall be payable on an application for a transfer of permit as provided in Schedule 'A'.

710.7.3 Transfer complete - new owner - responsibility

The new owner shall, upon a transfer of a permit, be the permit holder for the purpose of the Act and the Building Code.

Article 8 REVOCATION OF PERMITS

710.8.1 Revocation - notice of - deadline

Prior to revoking a permit under subsection 8(10) of the Act, the Chief Building Official may serve a notice by personal service or registered mail at the last known address to the permit holder.

710.8.2 Deferral of revocation - request - in writing - deadline

A permit holder may within seven days from the date of service of a notice under this Article, request in writing the Chief Building Official to defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to any changes to the Act, Building Code or other applicable law may allow the deferral, in writing.

Article 9 NOTICE REQUIREMENTS FOR INSPECTION

710.9.1 Stages of construction - prior to occupancy

Every permit holder shall notify the Chief Building Official or a registered code agency where one is appointed, of each stage of construction for which a notice is required under Div. C 1.3.5.1(2) of the Building Code. In addition, every permit holder shall provide the notice of completion as prescribed by Section 11 of the Act, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of Section 11 of the Act and Div. C 1.3.3.3. of the Building Code are complied with.

710.9.2 Stages of construction - additional notices - required

Every permit holder shall also give notice of the following stages of construction in addition to the notices prescribed by the Ontario Building Code:

(a) commencement of construction of:

- (i) masonry fireplaces and masonry chimneys,
- (ii) factory-built fireplaces and allied chimneys,
- (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,

(b) substantial completion of interior finishes; and/or

(c) substantial completion of heating, ventilating, air conditioning and air contaminant extraction equipment.

BUILDING PERMITS AND FEES

710.9.3 Notice not effective - until confirmed

A notice pursuant to this Article is not effective until notice is actually received by the Chief Building Official or the registered code agency and the permit holder receives confirmation issued by the City or the registered code agency.

710.9.4 Inspection - upon notification

Upon receipt of proper notice, the Inspector or a registered code agency, if one is appointed, shall undertake a site inspection of the building to which the notice relates in accordance with the time periods stated in Div. C 1.3.5.3. of the Building Code and section 11 of the Act.

Article 10 FENCES AT CONSTRUCTION AND DEMOLITION SITES

710.10.1 Required - Chief Building Official - Inspector

Where, in the opinion of the Chief Building Official or Inspector, a construction or demolition site presents a hazard to the public, the Chief Building Official or Inspector may require the owner to erect such fences as the Chief Building Official or Inspector deems appropriate to the circumstances.

710.10.2 Height - other characteristics - consideration

In considering the hazard presented by the construction or demolition site, the necessity for fences and the height and characteristics of such fences, the Chief Building Official or Inspector shall have regard for:

- (a) the proximity of the building site to other buildings;
- (b) the proximity of the construction or demolition site to lands accessible to the public;
- (c) the hazards presented by the construction or demolition activities and materials;
- (d) the feasibility and effectiveness of site fences; and
- (e) the duration of the hazard.

710.10.3 Area fully enclosed - maintained in good repair - height

Every fence required by this Article shall:

- (a) be erected so as to fully enclose all areas of the site which present a hazard;
- (b) create a continuous barrier and be sufficient to deter unauthorized entry;
- (c) have a height not less than 1.2 metres (4 feet) above grade at any point, unless the Chief Building Official or Inspector determines that a greater minimum height is necessary;
- (d) if constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200 mm (7.8 inches) on centre (o.c.) to vertical posts not more than 1.2 metres (4 feet) apart; and horizontal members or a minimum 11 gauge cable at the top and bottom; and
- (e) be maintained in a vertical plane and in good repair.

Article 11 SEVERABILITY

BUILDING PERMITS AND FEES

710.11.1 Validity

It is hereby declared that each and every of the foregoing sections of this Chapter is severable and that, if any provisions of this Chapter should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

Article 12 ENFORCEMENT

710.12.1 Fine - for contravention

Every person who contravenes any provision of this Chapter is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the Act, as amended.

Article 13 REPEAL

710.13.1 By-law - previous

By-laws 2005-128, 2007-18, 2007-220, 2008-196, 2009-162, 2011-173, 2012-165, 2013-159, 2014-148, 2015-135, 2016-122, 2017-130, 2018-130, 2019-140, 2021-104, 2022-005, 2023-150, 2023-173 and their contents of the previous Chapter 710 of the City of Kitchener Municipal Code are hereby repealed and replaced on the date that this By-law comes into force.

BUILDING PERMITS AND FEES

SCHEDULE

Schedule 'A' - Classes of Permits and Fees

1. Calculation of Permit Fees

Permit fees shall be calculated based on the formula given below, unless otherwise specified in referenced schedule:

Permit Fee (rounded to the nearest dollar) = SI x A

where

SI = Service Index for Classification of the work proposed and,
A = floor area in ft² of work involved

2. Minimum Permit Fee

A minimum fee shall be charged for all work, unless otherwise indicated.

3. Class of Permits and Fees

A. CONSTRUCTION - NEW BUILDINGS, ADDITIONS, MEZZANINES	SERVICE INDEX (SI)
	\$/sq.ft. unless otherwise indicated
Group A (Assembly Occupancies)	
Assembly (finished)	\$2.07
Assembly (shell)	\$1.82
Outdoor patio (per application)	\$162.00
Outdoor public pool (per application)	\$711.00
Group B (Institutional Occupancies)	
Institutional (finished)	\$2.21
Institutional (shell)	\$1.94
Group C (Residential Occupancies)	
Single detached, Semi, Townhouse, Duplex	\$1.07

BUILDING PERMITS AND FEES

Garage/Carport (per bay)	\$95.00
Shed or Porch (per application)	\$95.00
Deck or Pool (per application)	\$95.00
Apartment Building	\$1.07
Hotels/Motels	\$1.76
Residential Care Facility	\$1.24
Group D (Business & Personal Service Occupancies)	
Office Buildings (shell)	\$1.49
Office Buildings (finished)	\$1.76
Group E (Mercantile Occupancies)	
Retail Stores (shell)	\$0.98
Retail Stores (finished)	\$1.23
Group F (Industrial Occupancies)	
Warehouse, factories (shell)	\$0.59
Warehouse, factories (finished)	\$0.70
Interior finishing of warehouse or factories area only-per ft2	\$0.14
Parking garage	\$0.65
Other	
Farm Building	\$0.34
Foundation or Conditional Permit	\$0.14

B. STAND ALONE & MISCELLANEOUS WORK	SERVICE INDEX (SI)
	\$/sq.ft. unless otherwise indicated

BUILDING PERMITS AND FEES

Interior finishes (including finishing of residential basements and major renovations) - All classifications	\$0.37
New roof structure	\$0.22
Parking garage renovations	\$0.08
Single partitions, washrooms, new entry, new demising wall, canopies (per application)	\$163.00
Air supported structures	\$0.40
Temporary tents (per site and event)	\$163.00
Temporary buildings (per application)	\$163.00
Portables/per site (excluding port-a-pak)	\$163.00
Demolitions (Min. \$163.00)	\$0.03
Change of use	\$163.00
Minor demolition up to and including a Single Detached Dwelling (per application)	\$95.00
Barrier Free Ramp (per application)	\$64.00
Fireplace/woodstove (each)	\$95.00
Retaining wall (per linear foot)	\$2.74
Balcony guard (replace per linear foot)	\$0.56
Balcony repairs (per balcony)	\$12.65
Shoring & Underpinning (per linear foot)	\$3.04
Ceiling (new or replace)	\$0.05
Façade improvement (per application)	\$163.00
Reclad Wall	\$0.07
All designated structures per OBC Div A 1.3.1.1. (except retaining walls, public pools & signs) (per application)	\$291.00
Solar Collector (low rise residential) (per application)	\$95.00
Solar Collector (all other application types) (per application)	\$291.00
Elevator/Escalator/Lift (per application)	\$291.00
Fire Retrofit (per storey)	\$95.00

BUILDING PERMITS AND FEES

C. MECHANICAL – Work independent of building permit	SERVICE INDEX (SI)
	\$/sq.ft. unless otherwise indicated
HVAC Permit (residential per suite)	\$95.00
HVAC Permit (non-residential)	\$0.11
(Fire)Sprinkler system (Min.\$181.00)	\$0.05
Commercial kitchen, spray booth, dust collectors (per application)	\$163.00
Standpipe and Hose system (retrofit) (per application)	\$95.00

D. ELECTRICAL – Work independent of building permit	SERVICE INDEX (SI)
	\$/sq.ft. unless otherwise indicated
Fire alarm system & electrical work (Min. \$163.00)	\$0.05
Electromagnetic locks and Hold Open Devices (per lock or device)	\$39.00
Emergency Lighting (per storey)	\$95.00

E. PLUMBING – Work independent of building permit	SERVICE INDEX (SI)
	\$/sq.ft. unless otherwise indicated
Plumbing permit (per fixture min. fee \$95.00)	\$11.00
Disconnect plumbing from septic	\$95.00
Connect to storm or sewer	\$95.00
Catch basins/manholes/roof drains (each)	\$11.00
Building/site services (per linear foot)	\$0.59
Backflow Prevention Device (per device)	\$104.32

F. ON-SITE SEWAGE SYSTEM	SERVICE INDEX (SI)
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BUILDING PERMITS AND FEES

	\$/sq.ft. unless otherwise indicated
Installation of a new system	\$462.00
Major repair	\$231.00
Minor repair	\$95.00

G. OTHER FEES	SERVICE INDEX (SI)
	\$/sq.ft. unless otherwise indicated
Examine revised plans (Min.\$106.00)	\$0.20
Minimum Permit Fee (for all permit applications)	\$95.00
Transfer of Permit (change of ownership)	\$95.00
Permit to occupy unfinished building	\$95.00
Special Inspection Fee after hours (per hour)	\$184.00
Special research requests of Building Division microfilm & plans record (per hour or part thereof and includes requests for written information)	\$56.00
Reports -Building/ Stats Can reports (per month)	\$5.13
Subscriptions –Building/ Stats Can reports (per year)	\$28.43
Property Surveys	\$12.50
Administration Fee	\$5.00
Staff Time/15 min.	\$7.50
File View (street file), cost/severed page	\$1.00
Photocopies (per copy)	\$0.18
Request for Environmental Records	\$181.50
Grading Certificate/Sewage System Maintenance Letter	\$20.00
Coloured Photocopies (per copy)	\$0.66

BUILDING PERMITS AND FEES

H. EXTRA FEES	SERVICE INDEX (SI)
	\$/sq.ft. unless otherwise indicated
New construction of single family, duplex, semi-detached, townhouse and triplex dwelling units (per permit)	\$500
New construction and additions to multi-residential, commercial, industrial and institutional projects	\$10/\$1000 construction value maximum permit fee of \$5000
Additions/alterations to single family, duplex, semi-detached, townhouse and triplex dwelling units (per permit)	\$250
Alterations/interior finish permits to multi-residential, commercial, industrial and institutional projects (per permit)	\$1000

4. Miscellaneous – Charges

For classes of permits not described or included in this schedule, a reasonable permit fee (1% of the construction value) shall be determined by the Chief Building Official using the most current version of the Wellington Waterloo Region Chief Building Officials Committee Construction Values Chart (as amended and published on the City of Kitchener's official website).

5. Refunds

Pursuant to Article 5 of this Chapter, the fees that may be refunded shall be a percentage of the fees payable under this Chapter, calculated by the Chief Building Official as follows:

- (a) 80% if administrative functions only have been performed;
- (b) 70% if administrative and zoning functions only have been performed;
- (c) 45% if administrative, zoning and plan examination functions have been performed;
- (d) 35% if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
- (e) 5% shall additionally be deducted for each such field inspection that has been performed after the permit has been issued
- (f) No refund shall be in an amount less than \$25.

6. Interpretation

The following explanatory notes are to be observed in the calculation of permit fees:

- Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls. (excluding residential garages).
- In the case of interior alterations of renovations, area of proposed work is the actual space receiving the work (eg. tenant space).

BUILDING PERMITS AND FEES

- Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations.
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (eg. stairs, elevators, escalators, shafts, ducts, etc.).
- Unfinished basements for single detached dwellings (including semis, duplexes, and townhouses etc.) are not included in the floor area.
- Attached garages and fireplaces are included in the permit fee for single detached dwellings, attached dwellings, semis, duplexes and townhouses.
- Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable.
- Ceilings are included in both new shell and finished (partitioned) buildings. The Service Index for ceiling applies only when alterations occur in existing buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable.
- Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovations permit, no additional charge is applicable.
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major classification for the floor area on which they are located.
- The occupancy categories in the Schedule correspond with the major occupancy classifications in the Ontario Building Code. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area.
- For Rack Storage use apply the square footage charge for industrial for the building.

BUILDING PERMITS AND FEES

Schedule 'B' - Drawings, Specifications and Documents Required For Construction, Demolition, and Change of Use Permits

1.0 A digital file of the following list of drawings, specifications and documents that are required to be submitted (the Chief Building Official may require other information that is not listed below from time to time) in order for the various types of Building Permit Applications listed to be considered a complete application pursuant to section 2.4 of the *Building Code Act, 1992*, as amended:

(a) Demolition (Full or partial)

- (i) Demolition prepared by a professional engineer where deemed necessary by the Chief Building Official (OBC Part 2).
- (ii) Site/grading/site servicing plans must be prepared by a professional engineer (P.Eng.), certified engineering technologist (CET) or Ontario land surveyor (OLS) illustrating both pre and post grades including surface treatments and siltation/erosion control measures.
- (iii) Site plan must locate all existing building(s) and delineate the building(s) to be demolished including the last known use of building and list the floor area for each floor including all mezzanine(s) and basement.
- (iv) Complete demolition agreement (see Schedule 'C').

(b) On-site Sewage System

- (i) Site Evaluation Report prepared by a professional engineer including soil permeability, and soil conditions, including the potential for flooding (Refer to section 2.5 for complete content of report).
- (ii) Site plan and grading/drainage plan(s).
- (iii) Sewage system design and drawings (prepared by a professional engineer).
- (iv) Schedule 2 from Ministry of Municipal Affairs and Housing

(c) Residential Deck or Porch Permit

- (i) Site plan (property survey)
- (ii) Floor plan (framing)
- (iii) Elevation(s)
- (iv) Section or detail of guard

(d) Residential Accessory Buildings

- (i) Site Plan (property survey)
- (ii) Foundation plan / Eng. Floor Slab
- (iii) Floor Plan (one per floor & include framing)
- (iv) Building Elevations (four)
- (v) Building Section (min. 1)

(e) Swimming Pools

- (i) Site Plan (note on plan fence type and location plus pool size and setback)

BUILDING PERMITS AND FEES

from property lines)

(f) Residential Addition or Renovation Permit

- (i) Site Plan (property survey)
- (ii) Foundation plan
- (iii) Floor Plan (one per floor including framing)
- (iv) Building Elevations (min. 3)
- (v) Building Section (min. 1)
- (vi) On-Site Sewage System Evaluation where applicable

(g) New Residential House or Semi-Detached

- (i) Site Plan
- (ii) Approved Lot Grading and Drainage Plan
- (iii) TARION (ONHWP) Registration Form
- (iv) Where applicable a complete On-Site Sewage System Permit Application
- (v) Floor Plan (one per floor)
- (vi) Floor and Roof Framing Plans
- (vii) Building Elevations (4)
- (viii) Building Section (min. 1)
- (ix) Mechanical Ventilation Form
- (x) Heat Loss / Heat Gain Calculations and Furnace make /model
- (xi) Deed; when lot is created via severance

(h) New Residential Townhouse or Tri-Plex

- (i) Approved Site Development Plan (Section 41, Planning Act) and Agreement, if applicable
- (ii) Site Plan (as required by section 710.4.4 of this By-law)
- (iii) Building Code Matrix
- (iv) Floor Plan (one per floor)
- (v) Floor and Roof Framing Plans
- (vi) Building Elevations (4)
- (vii) Building Section (min. 1)
- (viii) Mechanical Ventilation Form
- (ix) Heat Loss / Heat Gain Calculations and Furnace make /model
- (x) Energy Efficiency Design Summary
- (xi) Fire wall details, if applicable

(i) New Residential Apartment Building

- (i) Approved Site Development Plan (Section 41, Planning Act) and Agreement, if applicable
- (ii) Geotechnical Investigation Report
- (iii) Site Plan
- (iv) Grading and Site Servicing Plan
- (v) Floor Plan (one per floor)
- (vi) Foundation Plan & Details (include de-watering & shoring where applicable)
- (vii) Floor, Framing and Roof Structural Plans

BUILDING PERMITS AND FEES

- (viii) Building Elevations
 - (ix) Building Sections
 - (x) Window & Door/Hardware Schedules
 - (xi) Room Finish Schedules
 - (xii) Mechanical Drawings (plumbing and HVAC)
 - (xiii) Electrical Drawings (lighting, fire alarm system)
 - (xiv) Sprinkler Shop Drawings, if applicable
 - (xv) Standpipe Shop Drawings, if applicable
- (j) New Non-Residential Building or Addition (Part 3 or 9 Building)
- (i) Approved Site Development Plan (Section 41, Planning Act) and Agreement, if applicable
 - (ii) Geotechnical Investigation Report (unless, in the case of an addition it is waived by the Chief Building Official)
 - (iii) Site Plan
 - (iv) Grading / Site Servicing Plan(s)
 - (v) Floor Plan (one per floor)
 - (vi) Foundation, Floor, Framing and Roof Plans
 - (vii) Building Elevations
 - (viii) Building Section (min. 1)
 - (ix) Window Schedule
 - (x) Door and Hardware Schedule
 - (xi) Details
 - (xii) Mechanical Plans (plumbing & HVAC)
 - (xiii) Electrical Plans (general lighting, emergency/exit lighting, and fire alarm system)
 - (xiv) Automatic Sprinkler and Standpipe Drawings where applicable
 - (xv) On-Site Sewage System Evaluation; if applicable
- (k) Non-Residential Renovation (Part 3 or 9 Building)
- (i) Site Plan or Key Plan
 - (ii) Floor Plan(s)
 - (iii) Door and Hardware Schedule
 - (iv) Building Elevations if exterior work proposed
 - (v) Building Section if exterior work proposed
- Where applicable*
- (vi) Structural Plans
 - (vii) Mechanical Plans (plumbing & HVAC)
 - (viii) Electrical Plans (lighting, fire alarm system)
- (l) Designated Structures
- The following plans shall be prepared and stamped by a Professional Engineer:
- (i) Site Plan
 - (ii) Grading Plan where applicable
 - (iii) Floor Plan and where applicable a Roof Plan
 - (iv) Elevations where applicable

BUILDING PERMITS AND FEES

- (v) Sections and Detail where applicable
- (m) Commercial Exhaust Hood (NFPA 96)
 - (i) Floor Plan
 - (ii) Mechanical Plan, Details and Section
- (n) Electro-Magnetic Locking Devices
 - (i) Floor Plan
 - (ii) Electrical Plan, Details of inter-face with fire alarm system
- (o) Plumbing or Backflow Prevention Device
 - (i) Plumbing Floor Plan
 - (ii) Where applicable a company letter describing proposed work
- (p) Flammable Spray Operations
 - (i) Mechanical Plans
 - (ii) Electrical Plans
 - (iii) Flammable liquid quantity, type and storage plans
- (q) Demountable Stages and Demountable Support Structures
 - (i) Site Plan
 - (ii) Structural plans stamped and signed by a professional engineer, for stage(s) and/all support structures, including framing and anchorage details
 - (iii) Elevation drawing
 - (iv) Stage floor plan/layout and details, applicable to stages only

2.0 Unless specified by the Chief Building Official the following information shall be shown on plans or working drawings that accompany applications for permits:

2.1 The Site Plan shall show:

- (a) survey property boundaries and dimensions, all building lines, bearings of metes and bounds and compass orientation (legal description);
- (b) the location, use, height and dimensions of any existing and proposed buildings including front, side, and rear yard dimensions and relationships to adjoining property lines, condominium corporation lines and buildings;
- (c) relation of buildings and finished grade to existing elevations and storm water drainage control plan on site where applicable;
- (d) all existing and proposed parking layout, retaining walls, swimming pools accessory buildings and any other such physical additions necessary to the site.

2.2 The Grading Plan and Site Servicing Plan(s) shall show:

- (a) For the purposes of this section, "Grading Consultant" includes:
 - (i) the Consultant responsible for the approved grading control plan;
 - (ii) an Ontario Land Surveyor; or
 - (iii) a Registered Professional Engineer;

BUILDING PERMITS AND FEES

- (b) The Grading Consultant shall develop a site plan showing the existing and proposed grades, expanding the grades and elevations where necessary, for the proposed building on a particular lot, infill lot, or block. This scheme must fit the intentions of the approved grading plan with its established grades. For lots and blocks and in the case of its surrounding lots, or the submitted proposal will be rejected.
- (c) The Grading Consultant shall review the site plan and be responsible for its approval, stamping it accordingly. Only such stamped plans shall be submitted or accepted for building permits.
- (d) When the final rough grading has been completed, the builder shall obtain a certificate signed by the Grading Consultant certifying conformity with the approved grading scheme. Said certificate shall be submitted to the Building Division.
- (e) General information must be noted with regard to the disposal of surface storm water run-off either by a storm water management scheme where required or, into existing on-street storm drain facilities via proposed underground storm drainage systems or on-grade swales, ditches, catch basins, and so on. Give pipe diameters and slopes.
- (f) Location and elevations of controlling benchmark or survey monument.
- (g) Indication of all property conditions within 6.1 metres (20 feet) of the subject property boundaries, showing any pertinent features that effect or will effect the drainage of the subject property or surrounding property.
- (h) The property lines, building location, sidewalks, driveways, curb cuts, swales, all utility services and new/existing service connections.
- (i) Location of storm water catchment area, catch basins, below grade and above grade utilities and connections into services at property line.
- (j) Lot Grading
- (k) All gradients and slopes shall be in conformance with current version of the City of Kitchener Engineering Development Manual (as amended) and published on the City of Kitchener's official website
- (l) All submissions for residential developments containing 4-10 units shall be in conformance with City of Kitchener Engineering Development Manual - Appendix E – Site Plan Engineering Guidelines (as amended) and published on the City of Kitchener's official website

2.3 The Architectural Drawings shall show:

- (a) OBC matrix, foundation and grade details;
- (b) Each floor plan with exact dimensions of the layout of all proposed areas and identify each with room names;
- (c) All wall thicknesses and type of construction, window and door openings and schedules, elevator, sections and details of all walls, stairs and exits, fire walls, fire separations, shaft and duct openings and other related pertinent information;
- (d) Building elevations, cross sections and wall sections showing all floor to floor heights, materials and thickness, etc.;
- (e) Specifications where applicable.

BUILDING PERMITS AND FEES

2.4 Structural Drawings shall show:

- (a) All foundation, floor, roof and wall structural elements indicating sizes shapes and proper location and all dead and live design loads and condition of loading;
- (b) All reinforced concrete work indicating thickness and strength of concrete, size spacing minimum cover and type of reinforcing steel;
- (c) All lintels, column and beam locations and their size and snow drift loading;
- (d) Where applicable de-watering report and shoring or pile driving;
- (e) Guard designs; where applicable.

2.5 The Mechanical and Electrical Drawings shall show:

- (a) Mechanical drawings are to show the plumbing, heating, ventilation and air conditioning including legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural;
- (b) Electrical drawings are to show lighting, emergency lighting, exit signs, fire alarm systems and their legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural;
- (c) Sprinkler and Standpipe drawings are to include floor plans and riser diagrams to locate the entire system including connections, sprinkler heads.

2.6 The On-Site Sewage System Report shall include the following:

- (a) The name, mailing address and telephone/fax numbers of the person who prepared the report and the system installer;
- (b) The date the evaluation was completed;
- (c) The provincial sewage system installer's licence number, date of issuance, and the name of the qualified person supervising the work to be done under the permit;
- (d) A scaled map of the site showing:
 - (i) legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors
 - (ii) the locations of items listed in 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, and
 - (v) the proposed access routes for system maintenance
- (e) soil investigation including:
 - (i) depth to bedrock
 - (ii) depth to zones of soil saturation
 - (iii) soil properties and permeability
 - (iv) potential for flooding.

2.7 The following supporting documentation shall accompany applications for a permit unless otherwise waived by the Chief Building Official:

- (a) Real Property Report (Survey Plan) prepared by an Ontario Land Surveyor;
- (b) Driveway access permit approved by the authority having jurisdiction as may be applicable;

BUILDING PERMITS AND FEES

- (c) Approval by the Ministry of Environment for the design and construction of a private sewage disposal and water supply systems as may be applicable;
- (d) Where applicable approvals by the Ontario Ministries of Labour, Energy & Natural Resources, Industry & Tourism, Environment, the Ontario Liquor Control Board, Ontario Fire Marshall's Office, the Grand River Conservation Authority;
- (e) Such other approvals as may be required to demonstrate compliance with applicable law.

BUILDING PERMITS AND FEES

Schedule 'C' – Demolition Agreement



Demolition Agreement Form

City of Kitchener, Building Division

200 King St W, 5TH fl.

Kitchener ON N2G 4G7

Office: 519-741-2312

Building Email: building@kitchener.ca

Project address:

By-Law #

Where application is made for demolition permit under subsection 8(1) of the Act, the application shall:

- a) be accompanied by a plan to confirm compliance with all zoning regulations and a detailed Grading and Drainage Control plan including siltation, erosion control and tree protection measures to be approved by the Chief Building Official or the Director of Engineering (and the Regional Municipality of Waterloo or the Ministry of Transportation, if applicable), prior to the commencement of any site grading or demolition.
- b) be accompanied by satisfactory proof that arrangements, financial or otherwise have been made, to the satisfaction of the Director of Engineering, for the removal of any redundant service connections and driveways and for the installation of all new service connections (if applicable).
- c) contain the agreement of the applicant to comply with the standards for demolition as set out below:
 - i. Remove sidewalks and driveways from the site
 - ii. Remove all construction debris and rubble from the site
 - iii. Remove foundation walls to a minimum of two feet below finished grade
 - iv. Back fill and compact site to finished grade with non-organic material
 - v. Cover site with topsoil to a minimum depth of four inches with sod or seed
 - vi. Grade in accordance with approved grading and drainage control plan as described in Schedule 'B'
 - vii. Remove all site services (water, sanitary and storm) internal to the site

The applicant and/or owner shall agree to comply with the standards for the demolition as set out above:

Applicant's Name:

BUILDING PERMITS AND FEES

Date:

Owner's Signature:

Date:

Ontario Regulation 278/05 made under the Occupational Health and Safety Act.

The owner hereby acknowledges its responsibilities before requesting tenders or arranging work under Section 10 of Ontario Regulation 278/05, and that the Ministry of Labour has been notified, or will be notified as the case may be.

Note: This agreement must be completed in order for the plan review to begin. Email the completed form to building@kitchener.ca

BUILDING PERMITS AND FEES

Schedule 'D' - Model Homes

The Model Home shall be constructed as follows:

- (a) No model home shall be constructed further than 150 metres (492 feet) from an in-service fire hydrant;
- (b) For the purposes of establishing the location of the lot lines, the model home shall be built within the lot defined by the draft approved plan of subdivision within which it is located, and as if these lots were defined by a registered plan of subdivision;
- (c) The model home shall be constructed in accordance with the site plan approved by the City's Director of Planning, Chief Building Official and Director of Engineering;
- (d) That the model home shall be constructed consistent with the engineering drawings and grading and servicing requirements for the proposed plan of subdivision as approved by the Director of Engineering;
- (e) That the maximum number of model homes that may be constructed on the lands is the number that is 10% of the total number of proposed units in the stage/phase rounded up to the nearest whole number, but in no event shall there be more than 10 model homes constructed within the lands;
- (f) To arrange and comply with the mandatory building and plumbing inspections required by the City of Kitchener;
- (g) To provide and maintain unobstructed access for fire department and emergency response vehicles to all buildings constructed under this agreement at all times, from the time construction first commences. The access route shall have a minimum width of 6 metres (19.6 feet), a centre turning radius of 12 metres (39.3 feet), and capable of supporting fire department vehicles.

BUILDING PERMITS AND FEES

Schedule 'E' - Permit Rebate

A rebate of a portion of the permit fee based on the following amounts is eligible, upon confirmation of the final building inspection and grading certification (if applicable) within one year of occupancy (calculated using 270 seasonal days). Projects that are subject to Site Plan Approval (under Section 41 for the Planning Act), will not be required to fulfill the final grading component.

(a) New construction of single family, duplex, semi-detached, townhouse and triplex dwelling units	\$500/permit
(b) New construction and additions to multi-residential, commercial, industrial and institutional projects	\$10/\$1000 of Construction Value max. \$5000
(c) Additions/alterations to single family, duplex, semi-detached, townhouse and triplex dwelling units	\$250/permit
(d) Alterations/interior finish permits to multi-residential, commercial, industrial and institutional projects	\$1000/permit

BUILDING PERMITS AND FEES

Schedule 'F' - Code of Conduct for Building Officials

PURPOSE

The following are the purposes of this 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 the *Building Code Act* or the Building Code.
2. To prevent practices, which may constitute an abuse of power, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code 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 the *Building Code Act* or the Building Code by the Chief Building Official and Inspectors.

ENFORCEMENT GUIDELINES

Compliance with this code of conduct shall constitute a condition of employment as a Chief Building Official or Inspector appointed under the *Building Code Act*. Any appointed Chief Building Official or Inspector who fails to act in accordance with the provisions of this Code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this Code shall be made in writing.

Any person who has reason to believe that this Code of Conduct has been breached may bring the matter to the attention of the Chief Building Official. In response to any allegation of a breach of this Code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct.

Where the allegation concerns the actions of the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the Building Official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of Kitchener's administration and is subject to relevant collective agreements, employment laws and standards.

CODE OF CONDUCT

In exercising powers and performing duties under the *Building Code Act*, the Chief Building Official and Inspectors shall:

1. Exercise powers in accordance with the provisions of the *Building Code Act*, the

BUILDING PERMITS AND FEES

- Ontario Building Code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures, and the actions, duties and qualifications of Chief Building Officials and Inspectors;
2. Act to identify and enforce compliance where significant contraventions of the Act or regulations are known to exist;
 3. Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties;
 4. Not accept any personal benefit which may create a conflict with their duties; or perform duties where a personal interest may create a conflict;
 5. Obtain the counsel of persons with expertise where the Chief Building Official or Inspector does not possess sufficient knowledge to make an informed judgment; and
 6. Act honestly, reasonably and professionally in the discharge of their duties.

BUILDING PERMITS AND FEES

Schedule 'G' - Appointments: Building Officials

The Chief Building Official, Deputy Chief Building Official and Inspectors are appointed by the City in Chapter 101 of The City of Kitchener Municipal Code, as amended.