

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 123-2011

BEING A BY-LAW UNDER THE BUILDING CODE ACT, S.O. 1992, C.23, AS AMENDED, RESPECTING PERMITS FOR CONSTRUCTION, DEMOLITION, CHANGE OF USE AND OCCUPANCY; TRANSFER OF PERMITS, INSPECTIONS AND RELATED MATTERS, AND FURTHER, TO REPEAL BY-LAW 74-2005, AND ALL RELATED AMENDMENTS.

WHEREAS pursuant to *The Building Code Act, S.O. 1992, c.23, as amended*, hereinafter referred to as the "*Act*", the Lieutenant Governor in Council has established a *Building Code* that is in force throughout Ontario.

AND WHEREAS Section 7 of *The Building Code Act, S.O. 1992, c.23, as amended*, empowers Council to pass by-laws concerning the issuance of permits and related matters.

AND WHEREAS Section 8.(3.1) of the *Ontario Building Code Act, S.O.1992, c.23, as amended*, empowers Council to delegate to the Chief Building Official the power to enter into agreements relating to Conditional Permits and to impose conditions or restrictions with respect to the delegation.

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

Part 1

SHORT TITLE

This by-law may be cited as "The Building By-law."

Part 2

DEFINITIONS AND WORD USAGE

2.1 In this by-law;

- (1) "**Act**" means *The Building Code Act, S.O., 1992, c.23 as amended*.
- (2) "**Applicant**" means the *owner* of the property on which the proposed *construction, demolition* or change of use is to take place or the authorized agent of the *owner*.

- (3) "**Application**" means the completed prescribed application form for a *permit to construct, demolish* or for change of use and all related accompanying plans and specifications.
- (4) "**Applicable Law**" for the purpose of this by-law, shall mean the statutory requirements as provided in Division A, Part 1, Article 1.4.1.3. of the *Building Code*.
- (5) "**Architect**" means the holder of a license, a certificate of practice, or a temporary license under the Architect's Act.
- (6) "**As constructed plans**" means *construction* plans and specifications of a *building* or part thereof, and/or that shows the *building* and location of the *building* on the property as the *building* has been constructed.
- (7) "**Building**" means as defined in Section 1.(1) of the *Act*.
- (8) "**Building Code**" means the regulations made under Section 34 of the *Act*.
- (9) "**Chief Building Official**" means the *Chief Building Official* for the Corporation of the Town of Milton appointed by By-law by *Council* pursuant to the *Act*.
- (10) "**Complete Application**" means an *Application* satisfying the requirements of Division C, Part 1, Sentence 1.3.1.3.(5) of the *Building Code* and Section 5 of this By-law.
- (11) "**Construct**" means construct as defined in Section 1(1) of the *Act*.
- (12) "**Corporation**" means the Corporation of the Town of Milton.
- (13) "**Council**" means the Council of the Corporation of the Town of Milton.
- (14) "**Demolish**" means demolish as defined in Section 1(1) of the *Act*.
- (15) "**Design**" includes a plan, specification, sketch, drawing or graphic representation respecting the *construction* of a *building*.
- (16) "**Designer**" means a *person* responsible for the *design*.
- (17) "**Farm Building**" means a *building*, all or part thereof as defined in Division A, Part 1, Sentence 1.4.1.2 of the Ontario Building Code.
- (18) "**Fast Track Service**" means, when authorized by the *Chief Building Official*, an expedited plan examination service conducted outside the

normal review process, usually completed outside of normal working hours, with no guarantee of earlier *permit* issuance. An *application* submitted for this service must be accompanied by documentation suffice to complete a full review for compliance with the *Building Code*.

- (19) "**Floor Area**" means, for the purpose of calculating fees, the area measured to the outer face of exterior walls and to the centre of party walls or demising walls for each storey of construction. No deductions shall be allowed for floor openings for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from the calculated *floor area*.
- (20) "**Inactive Application**" means, an *application* for a *permit* which remains incomplete and/ or has not been issued within six months of submission.
- (21) "**Inspector**" means an inspector appointed by *Council* and pursuant to Section 3(2) of the *Act*.
- (22) "**Minister**" means the Minister of Municipal Affairs and Housing for the Province of Ontario.
- (23) "**Owner**" includes, in respect of the property on which the construction or demolition will take place; the registered owner, a lessee and a mortgagee in possession or any person who proves to the satisfaction of the *Chief Building Official* that they are the authorized agent of the owner of the property.
- (24) "**Permit**" means written permission or written authorization from the *Chief Building Official* to perform work, or to change the use of a building or part thereof, or to occupy a *building* or part or parts thereof as regulated by the *Act* and *Building Code*.
- (25) "**Permit Holder**" means the *owner* to whom the *permit* has been issued or where a permit has been transferred the new *owner* to whom the *permit* has been transferred.
- (26) "**Person**" or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust, corporate body, and/or an individual in his or her capacity as a trustee, executor, administrator or other legal representative.
- (27) "**Prescribed Construction Value**" means, as established by the *Chief Building Official*, the value of the work for which a *permit* is applied, including the total value of all work, services and materials in respect to its construction and of all professional and related services.

- (a) The *prescribed construction value* includes but is not limited to:
 - (i) Materials and the supplying or furnishing and placing thereof.
 - (ii) Equipment and the supplying or furnishing thereof.
 - (iii) The performance of any work or services for the purpose of the construction.
 - (iv) All monetary supplementary benefits to workmen whether by statute, contract, or collective bargaining agreement.
 - (v) Professional and other services related to the proposed construction.
 - (vi) Total invoiced costs and any other gross costs including overhead incurred for the purpose of and component to the proposed construction.

 - (b) The *prescribed construction value* shall include all of the above whether paid for or supplied by the *owner*. Minimum *permit* fees shall be in accordance with the "By-law to Establish and Require Payment of Building Rates, Fees and Charges for Services provided by the municipality" or as determined by the *Chief Building Official*, if not referenced in said schedule. Such determination will be based upon listings published in the latest edition of Hanscomb's Yardstick for Costing.

 - (c) The decision of the *Chief Building Official* in the determination of the *prescribed construction value* of construction shall be final.
- (28) "**Professional Engineer**" means a *person* who holds a licence or temporary licence under the Professional Engineers Act.
- (29) "**Public way**" means a sidewalk, street, highway, square or other open space to which the public has access, as of right or by invitation, expressed or implied.
- (30) "**Registered Code Agency**" means a registered code agency as defined in Section 1(1) of the *Act*.
- (31) "**Sewage System**" means a sewage system as defined in Division A, Part 1, Article 1.4.1.2. of the *Building Code*.
- (32) "**Sewage System Maintenance Inspection Program**" means an inspection conducted under a maintenance program as per Division C, Part 1, Article 1.10.2 of the *Building Code*. (Amended by By-law 029-2015)
- (33) "**Work**" means construction or demolition of a *building* or part thereof, as the case may be. (Amended by By-law 029-2015)

- 2.2 Terms not defined in this by-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.
- 2.3 Grammatical variations of any terms defined in this By-law shall have similar meanings to such defined terms.
- 2.4 Unless the contrary intention appears, words implying the masculine gender include the feminine or neutral gender and words in the singular include the plural, and vice versa.

Part 3

CLASSES OF PERMITS

- 3.1 Classes of *permits* and related fees required for *construction, demolition, change of use or occupancy* are set forth in the "By-law to Establish and Require Payment of Building Rates, Fees and Charges for Services provided by the municipality".

Part 4

PERMIT APPLICATIONS

- 4.1 To obtain a *permit*, the *owner* or an agent authorized in writing by the *owner* shall file an *application* in writing by completing a prescribed application form approved by the *Minister* and available from the *Chief Building Official* or from the *Building Code* website (www.obc.mah.gov.on.ca), and provide any additional information or documentation relating to the *application* as required by the *Chief Building Official*.
- 4.2 **Incomplete Application** – An *application* may be deemed incomplete if it does not contain the prescribed information or is not accompanied by plans, certificates and documents specified in this By-law and Schedule "B" to this By-law. Where an *application* is found to be incomplete and/or does not comply with Division C, Part 1, Clause 1.3.1.3.(5)(a) to (d) of the *Building Code*, the *application* may be refused.
- 4.3 **Inactive Application** – Where an *application* for a *permit* remains incomplete or inactive for six months after date of submission, the *application* may be deemed by the *Chief Building*
- 4.4 *Official* to have been abandoned and the *application* cancelled. Notice thereof shall be given to the *applicant* either personally or by registered mail. Service shall be deemed to have been made on the fifth day after the mailing. If the *applicant* wishes to continue with the *application* prior to it being

deemed abandoned the *applicant* shall request a time extension not to exceed six months in writing to the *Chief Building Official* within 30 days of the date of the notification by the *Chief Building Official*. If no response from the *applicant* within the required timeframe the *application* may be deemed abandoned and cancelled. A new *application* and fee shall be filed for the proposed *work*.

4.4 Every *application* for a *permit* shall be submitted to the *Chief Building Official*, and contain the following information:

(1) CONSTRUCTION PERMIT

Where an *application* is made for a construction *permit* under Subsection 8(1) of the *Act*, the *applicant* shall:

- (a) Use the prescribed application form, "Application for a Permit to Construct or Demolish" as approved by the *Minister*.
- (b) Include complete plans and specifications, documents and other information as required by Division C, Part 1, Clause 1.3.1.3.(5)(a) to (d) of the *Building Code*, and as described in this By-law for *work* covered by the *permit*.
- (c) Include, when required by the *Building Code*, a signed acknowledgement of the *owner* on a form prescribed by the *Chief Building Official*, confirming that an *Architect* or *Professional Engineer*, or both, have been retained to carry out the general review of the *construction* of the *building*.
- (d) Include, when required by the *Building Code*, a signed statement of the *Architect* or *Professional Engineer*, or both, on a form prescribed by the *Chief Building Official*, confirming an undertaking to provide a general review of the *construction* of the *building*.
- (e) Complete an "Occupancy Certificate (Zoning)" form prescribed by the *Chief Building Official* for construction other than residential subdivisions and infill single family residential.
- (f) Provide all applicable documentation as set out in Part 5, Sections 5.1 to 5.5 and Schedule "B" of this By-law.
- (g) Submit all applicable fees.

(2) DEMOLITION PERMIT

Where an *application* is made for a demolition *permit* under Subsection 8(1) of the *Act*, the *applicant* shall:

- (a) Use the prescribed application form, "Application for a Permit to Construct or Demolish" as approved by the *Minister*.

- (b) Include complete plans and specifications, documents and other information as required by Division C, Part 1, Clause 1.3.1.3.(5)(a) to (d) and Division C, Part 1, Sentence 1.3.1.1.(3) of the *Building Code* and as described in this by-law for work covered by the *permit*
- (c) Include a pre-demolition clearance form prescribed by the *Chief Building Official* as proof that arrangements have been made with the proper authorities for the termination of all water, sewer, gas, electric, telephone or other utilities and services.
- (d) Include when required by the *Building Code*, a signed acknowledgement of the *owner*, on a form as prescribed by the *Chief Building Official* confirming that a *Professional Engineer* has been retained to undertake the general review of the project during demolition.
- (e) Include when required by the *Building Code*, a signed statement of a *Professional Engineer*, on a form as prescribed by the *Chief Building Official* confirming an undertaking to provide a general review of the project during demolition.
- (f) Submit all applicable fees.

(3) CONDITIONAL PERMIT

Where an *application* is made for a conditional *permit* under Subsection 8(3) of the *Act*, the *applicant* shall:

- (a) Use the prescribed application form, "Application for a Permit to Construct or Demolish" as approved by the *Minister*.
- (b) Include complete plans and specifications, documents and other information as required by Division C, Part 1, Clause 1.3.13.(5)(a) to (d) of the *Building Code*, and as outlined on the applicable forms prescribed by the *Chief Building Official* for work to be covered by the *permit*.
- (c) State the reasons why the *Applicant* believes that unreasonable delay 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.
- (e) State the time in which plans and specifications of the complete *building* will be filed with the *Chief Building Official*
- (f) Include when required by the *Building Code* a signed acknowledgment of the *owner*, on a form prescribed by the *Chief Building Official* confirming that an *Architect* or *Professional Engineer*, or both, have been retained to carry out the general review of the construction, if any.

- (g) Include when required by the *Building Code*, a signed statement of the *Architect* or engineer, or both, on a form prescribed by the *Chief Building Official* confirming an undertaking to provide general review of the construction, if any.
- (h) Be subject to entering into an agreement as provided for in subsection 8.(3)(c) of the *Act*.
- (i) Provide all applicable documentation as set out in Part 5, Subsections 5.1 to 5.5 and Schedule "B" to this By-law.
- (j) Submit all applicable fees.

(4) PARTIAL PERMIT

Where an *application* is made for a partial *permit* under Subsection 8(1) of the *Act*, the *application* shall:

- (a) Use the prescribed application form, "Application for a Permit to Construct or Demolish" as approved by the *Minister*.
- (b) Include complete plans and specifications, documents and other information as required by Division C, Part 1, Clause 1.3.1.3.(5)(a) to (d) of the *Building Code* relating to that portion of the work for which immediate approval is desired, together with such information pertaining to the remainder of the work as may be required by the *Chief Building Official*.
- (c) The *Chief Building Official* may apply conditions to the issuance of a partial *permit* including provision of a security to ensure compliance.
- (d) 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 complete *building* or project.
- (e) The *Chief Building Official* shall not, by reason of issuance of a partial *permit* or *permits* for part or parts of the *building* be under any obligation to grant any further *permits* thereafter.
- (f) Submit all applicable fees.

(5) CHANGE OF USE PERMIT

Where an *application* is made for a change of use *permit* under Subsection 10(1) of the *Act*, the *applicant* shall:

- (a) Use the *application* form as prescribed by the *Chief Building Official*.
- (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 on the "Occupancy Certificate (Zoning)" form as prescribed by the *Chief Building Official*.
- (d) Include 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) Provide all applicable documentation as set out in Part 5, Subsections 5.1 to 5.5 and Schedule 'B' to this By-law.
- (f) Submit all applicable fees.

(6) SEWAGE SYSTEM

Where an *application* is made for a *sewage system permit* under Subsection 8(1) of the *Act*, the *applicant* shall:

- (a) Use the prescribed application form, "Application for a permit to Construct or Demolish" as approved by the *Minister*.
- (b) Include complete plans and specifications, documents and other information as required under Division C, Part 1, Clause 1.3.1.3.(5)(a) to (d) of the *Building Code* and as described in the By-law for the work to be covered.
- (c) Provide a site evaluation report prepared by a qualified *Professional Engineer* licensed to practice in the Province of Ontario, with expertise in the field of geotechnical engineering, which shall include all of the following items, unless otherwise specified by the *Chief Building Official*:
 - (i) The date that the evaluation was done;
 - (ii) Name, address, telephone number and signature of the *person* who prepared the evaluation and;
 - (iii) A scaled map of the site showing the legal description, lot size, property dimensions, existing rights-of-way, easements or municipality/utility corridors;
 - (iv) The location of the proposed *sewage system* and indication of clearances of items listed in Column 1 of Division B, Part 8, Tables 8.2.1.6.A, 8.2.1.6.B and 8.2.1.6.C of the *Building Code*;
 - (v) The location of any unsuitable, disturbed or compacted areas;

- (vi) The proposed access routes for system maintenance;
 - (vii) Depth to bedrock;
 - (viii) Depth to zones of soil saturation;
 - (ix) Soil properties, including soil permeability, and
 - (x) Soil conditions, including the potential for flooding.
- (d) Provide all applicable documentation as set out in Part 5, Subsections 5.1 to 5.5 and Schedule "B" of this By-law.

(7) OCCUPANCY PERMIT – RESIDENTIAL
(Single Family, Semi Detached and Townhouse)

For residential occupancy under Division C, Part 1, Sentence 1.3.3.4(1) of the *Building Code*, the applicant shall:

- (a) Submit the prescribed fee at the time of *application* for the *building* for which the occupancy *permit* is required.

(8) PERMIT FOR OCCUPANCY OF UNFINISHED BUILDING

Where a permit is required for occupancy of an unfinished *building* or part of it as provided for in Division C, Part 1, Sentence 1.3.3.1(1) of the *Building Code*, the *applicant* shall:

- (a) use the form prescribed by the *Chief Building Official* and shall describe the part of the *building* for which occupancy is requested.
- (b) Provide all applicable documentation as deemed necessary and as set out in Part 5 and Schedule "B" to this By-law.
- (c) Submit the prescribed fee at the time of application for the *building* or part of it for which the occupancy is requested.

(9) TRANSFER OF PERMIT

- (a) Where an *application* is made for the transfer of a *permit* due to a change of ownership of the land, as permitted under Section 7(1) (h) of the *Act* the *application* shall;
- (i) be made by the new land *owner* on the form prescribed by the *Chief Building Official*;
 - (ii) provide the names and addresses of the previous and new property *owner*;
 - (iii) provide the date that the property ownership change took place;
 - (iv) describe the *permit* that is being transferred.

- (b) Include applicable fee.

Part 5

PLANS AND SPECIFICATIONS

- 5.1 Every *application* to *construct, demolish*, change of use or transfer of a permit shall be accompanied by sufficient plans, specifications and documents as required in this By-law to enable the *Chief Building Official* to determine whether the *application* conforms to the *Act*, the *Building Code*, and any other *applicable Law*.
- 5.2 Each *application* shall, unless otherwise specified by the *Chief Building Official*, be accompanied by two complete sets of plans, documents and specifications as described in the By-law and Schedule "B" of this By-law.
- 5.3 Plans submitted shall be legible and shall be drawn to scale upon paper, or other suitable and durable material having a page size not exceeding ISO 216 paper size A0 (33in.x47in).
- 5.4 Site plans shall be referenced to a current plan of survey certified by an Ontario Land Surveyor unless otherwise permitted by the *Chief Building Official*. Such site plan shall be submitted in duplicate or in such other numbers as prescribed by the *Chief Building Official*.
- 5.5 A Site plan for *building permit application* purposes shall be prepared and shall include the following information:
 - (a) Lot size and dimensions of the property and set backs to any existing or proposed *buildings*;
 - (b) Existing rights of way, easements and municipal services;
 - (c) The existing and finished ground levels or grades.
- 5.6 The *Chief Building Official* or any *person* working under his supervision shall not be obligated to commence an examination of plans, specifications or documents until all have been submitted and the prescribed fees paid. The *Chief Building Official* may refuse submission of any *application* that is found not to be a *complete application*.
- 5.7 The *Chief Building Official* may require that "*as constructed plans*" for the whole of, or any part or system of, a *building*, or class of *buildings* including a plan of survey showing the location of the *building* certified by an Ontario Land Surveyor be provided by the *person* responsible for the construction.

- 5.8** Plans and specifications furnished according to this By-law or otherwise required by the *Building Code* and the *Act* become the property of the *Corporation*.
- 5.9** The *Chief Building Official* or his designate may waive the requirements of Part 5 or Schedule "B" of this By-law with respect to any particular application. When the *Chief Building Official* or his designate exercise this discretion, the requirements of this By-law are deemed to be modified accordingly specific to the subject *application*.

Part 6

FEES and REFUNDS

- 6.1** Fees for required *permit* are set out in the "By-law to Establish and Require Payment of Building Rates, Fees and Charges for Services provided by the municipality" and are due and payable upon submission of an application for a *permit*. No *permit* shall issue until the fees therefore and any other applicable fees have been paid in full.
- 6.2** (a) Where a written request for a refund of *permit* fees is made, the *Chief Building Official* shall retain the following amounts of the *permit* fee payable:
- (i) 10% for administration, where no formal zoning review or plan examination has commenced.
 - (ii) In addition to (i) 45% for *permit* processing where either formal zoning review or plan examination has been commenced.
 - (iii) In addition to (ii) 5% of the *permit* fee payable for every inspection carried out to a maximum of 9 inspections or 45%, at which time no refund is payable.
- (b) Notwithstanding Section 6.2(a), no refund will be made which shall result in the retention by the Town of Milton of a sum less than the minimum fee provided for in the "By-law to Establish and Require Payment of Building Rates, Fees and Charges for Services provided by the municipality".

Part 7

DEVIATION FROM PLANS

- 7.1** Deviations from the plans, specifications or other documents filed and with respect of which a *permit* was issued, may be made during the course of the inspections provided that:
- (a) The changes do not contravene the *Act*, the *Building Code* regulations or any other *applicable law*,

- (b) The *Chief Building Official* assents to the changes,
- (c) Revised plans and specifications in the prescribed numbers are submitted for approval.
- (d) The additional fee, as per the "By-Law to Establish and Require Payment of Rates, Fees and Charges for Services provide by the municipality" is submitted.

Part 8

FAST TRACK SERVICE

- 8.1** Where a "*fast track service*" is requested, and when authorized by the *Chief Building Official*, such service may be provided in accordance with the fee outlined in the "By-law to Establish and Require the Payment of Rates, Fees and Charges for Services provided by the municipality".

Part 9

REVOCATION OF PERMIT

- 9.1** Prior to revoking a *permit* in accordance with Section 8.(10) of the *Act*, the *Chief Building Official* may give verbal or written notice of intention to revoke to the *permit holder* at the last known address and, if on the expiration of thirty (30) days from the date of such notice, the reason for revocation continues to exist, the *permit* shall be revoked without further notice. All submitted plans and other information may be disposed of and the *Chief Building Official* may request the *permit holder* to return the *permit* and all approved supporting documents, plans and specifications.
- 9.2** Notification under Section 9.1 of this by-law may be served either personally or by registered mail and service shall be deemed to have been made on the fifth day after the day of mailing.
- 9.3 Deferral of Revocation**
- (a) Upon receiving a notice of intention to revoke a *permit*, a *permit holder* may request the *Chief Building Official* to defer the revocation of such *permit*. Said request must be delivered in writing within thirty (30) days from the date of receiving the notice.
 - (b) A request for deferral shall set out the reasons why the *permit* should not be revoked and if applicable, the date by which the work will be commenced or resumed.
 - (c) Having considered the circumstances of the request and having determined that there have been no changes to the *Building Code* regulations and any other *applicable Law* that would have prevented the issuance of the original *permit*, the *Chief Building*

Consolidated Version as Amended by By-law No. 002-12, 018-13, 115-13, 017-2014, 109-2014, 017-2015, 029-2015, 104-2015. As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

Official may allow a deferral to a prescribed date, and shall so notify the *permit holder*.

Part 10

ALTERNATE SOLUTION

10.1 Where a proposed material, system or building design differs from the "acceptable solution" in Division B of the *Building Code*, then it is treated as an "alternate solution". The following information shall be provided to the *Chief Building Official* in support of the alternate solution:

- (a) description of the proposed material, system or *building* design for which an alternate solution is requested,
- (b) documentation that the alternate solution will achieve the level of performance required by the applicable acceptable solutions in Division B of the *Building Code* in respect to the objectives and the functional statement attributes to the applicable acceptable solutions in Supplementary Standard SA-1, as stipulated in Division A, Part 1, Clause 1.2.1.1.(1)(b).
- (c) documentation described in Division C, Part 2, Subsection 2.1.1. and such other information or documentation as may be required by the *Chief Building Official*.
- (d) each application for consideration of an alternate solution shall be accompanied by a non-refundable fee as stipulated in the "By-law to Establish and Require Payment of Rates, Fees and Charges for Services provided by the municipality".

Part 11

NOTICE OF INSPECTION

11.1 In addition to the prescribed notices for inspection as set out in Division C, Part 1, Article 1.3.5.1. of the *Building Code* and Section 11 of the *Act* a *permit holder* shall give the *Chief Building Official* notice of readiness to *construct* under Division C, Part 1, Article 1.3.5.2. of the *Building Code* for the 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;
- (iv) substantial completion of heating, ventilation, air conditioning and air contaminant extraction equipment;
- (v) Substantial completion of structural framing for each storey, if the *building* is a type of *building* that is within the scope of Parts of the *Building Code* other than Part 9.

- (vi) Completion of *construction* and installation of components required to permit the issuance of an occupancy *permit* under Division C, Part 1, Sentence 1.3.3.4.(5) of the *Building Code*
- (vii) Completion of a *building* for which an occupancy *permit* is required under Division C, Part 1, Article 1.3.3.4. of the *Building Code*.

11.2 A notice pursuant to this Section 11.1 is not effective until notice is actually received by the *Chief Building Official* or his designate and shall be deemed to have been received when the *Chief Building Official* or his designate makes written record of the request for inspection.

11.3 Upon receipt of proper notice, the *inspector* shall, having written notice undertake a site inspection of the *building* to which the notice relates in accordance with the time periods stated in Division C, Part 1, Article 1.3.5.3. of the *Building Code* and Section 11 of the *Act*.

11.4 Sewage System Maintenance Program

Where a property owner receives notice that a mandatory maintenance sewage system inspection is to be conducted as required under Division C, Article 1.10.2.3 of the OBC the property owner shall provide all applicable documentation as deemed necessary and as set out in Schedule 'D' to this By-Law. (Amended by By-law 029-2015)

Part 12

APPOINTMENT OF INSPECTORS

12.1 For the purposes of enforcement of the *Act*, the Regulations and this By-law, the individuals listed in Schedule "A" as set out in this By-law are hereby appointed to the offices set opposite their names pursuant to *Act*.

12.2 Certificate of Appointment

The Clerk of the Town of Milton shall issue a certificate of appointment bearing his /her signature or a facsimile thereof to the *Chief Building Official* and each *Inspector* appointed by the *Council* of the *Corporation* as set out in Schedule "A" to this By-law who shall produce the certificate upon request in the performance of their duties, in accordance with the provisions of the *Act*.

Part 13

CODE OF CONDUCT

- 13.1 The *Chief Building Official* and *Inspectors* shall comply with the Town of Milton Code of Conduct for Town of Milton employees as amended from time to time.

Part 14

CONSTRUCTION FENCING

- 14.1 Where a construction or demolition site presents a particular hazard to the public, the *Chief Building Official* may require the *owner* to erect fencing as deemed appropriate to the circumstances, as set out as Schedule "C" to this By-law.
- 14.2 In considering the hazard presented by a construction or demolition site, the necessity for fencing and the nature of its construction, the *Chief Building Official* shall have regard for:
- (a) The proximity of the site to other *buildings*;
 - (b) The proximity of the site to lands frequented or accessible to any *public way*, including but not limited to streets, parks, businesses and workplaces;
 - (c) The effectiveness of any existing fencing adjacent to the site;
 - (d) The hazards presented by the construction activities, equipment and materials used on the site;
 - (e) The feasibility and effectiveness of site fencing;
 - (f) The expected duration of the hazard;
 - (g) Any proposed security measures to deter entry to the site and;
 - (h) Any other safety considerations.
- 14.3 Where the fencing requirements as set out in Schedule "C" of this By-law conflict with any legislation, regulation or other by-law, the most restrictive shall apply.

Part 15

OWNERS LIABILITY

- 15.1 In each class of *permit*, the *owner* or authorized agent of the *owner* shall be responsible for all damages, clean up and/or any other liabilities or actions arising from the actions or the activities of the *owner* and/or agent in connection with the *work* regulated by the *permit*. In the case of a damage deposit being required with the *permit* fee, the said deposit may be expended by the Town at any time to rectify, repair, clean up, secure or fence, however, notwithstanding that the amount of the damage deposit is specified, this shall not be deemed to limit the amount of the *owner* and/or *applicant's* liability.

15.2 The *Chief Building Official* or *inspector* are not liable to compensate the *owner*, occupant or any other *person*, for any act done in good faith in the execution or intended execution of any power or duty under the *Act* or the regulations or for any alleged neglect or default in the execution in good faith of that power or duty on behalf of the *Corporation* in the reasonable exercise of its power under subsection 31.(1) of the *Act*.

15.3 All *permits* shall be issued pursuant to the *Act* and *Building Code*, and in accordance with applicable law and other restrictions or regulations of the *Corporation*.

Part 16

SEVERABILITY

16.1 Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than that part so declared to be invalid.

Part 17

PENALTY

17.1 Every *person* who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in Section 36 of the *Act*.

Part 18

DELEGATION

18.1 The *Chief Building Official* shall have delegated authority to:

(a) enter into agreements relating to a *Conditional Permit* and to impose conditions or restrictions with respect to the *Conditional Permit*;

(b) amend Schedule "A" to this By-law as deemed necessary

18.2 The Mayor and Town Clerk shall have delegated authority to execute conditional *permit* agreements entered into by the *Chief Building Official*.

18.3 An *inspector* as appointed under Schedule "A" of this By-law is designated by the *Chief Building Official* as per Division C, Part 1, Sentences 1.3.3.1(1) and 1.3.3.4(1) to issue an occupancy *permit* for a *building* or a part thereof.

Consolidated Version as Amended by By-law No. 002-12, 018-13, 115-13, 017-2014, 109-2014, 017-2015, 029-2015, 104-2015. As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

Part 19

REPEAL

19.1. By-Law 74-2005, and all related amendments are hereby repealed in their entirety.

Part 20

20.1

EFFECTIVE DATE

This By-law shall be deemed to have come into full force and effect on the date of passing.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 5th day of December, 2011.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Troy McHarg

SCHEDULE 'A' to By-law No. 123-2011

Amended by By-law No. 104-2015

Appointment of Chief Building Official and Inspectors

(1) Colin Brook is hereby appointed *Chief Building Official* pursuant to the *Building Code Act, S.O. 1992, c.23, as amended*, for the purpose of exercising all of the powers and performing all of the duties of a *Chief Building Official*, in accordance with, and in the enforcement of said *Act*.

(2) In the absence and/or under the direction of the *Chief Building Official*, the following individuals are hereby authorized to exercise all of the powers and perform all of the duties of the *Chief Building Official*, pursuant to the *Building Code Act, S.O. 1992, c.23, as amended*:

Brian Yundt	Co-ordinator, Building Inspections
Andrew Hartholt	Co-ordinator, Building Administration & Zoning

(3) The following individuals are each appointed as an *inspector*, with the full powers of an *inspector* in accordance with sentence 18.-(1) of the *Building Code Act, S.O. 1992, c.23, as amended*, for the purpose of enforcing said *Act*:

Andrew Hartholt	Co-Ordinator, Building Administration & Zoning
Brian Yundt	Co-Ordinator, Building Inspections

Agron Zeqo	Plans Examiner I
Kilian Weekes	Plans Examiner I
Scott Sherriffs	Plans Examiner I

John Dorris	Plans Examiner II
Jan-Micheal Reyes	Plans Examiner II
Tarique Chaudhry	Plans Examiner II
Kamal Gunawardana	Plans Examiner II

John Provenzano	Building Inspector I
Jeff Monaco	Building Inspector I
Brad Thomson	Building Inspector I
Brendan Scerri	Building Inspector I
Adam Kurey	Building Inspector I

Consolidated Version as Amended by By-law No. 002-12, 018-13, 115-13, 017-2014, 109-2014, 017-2015, 029-2015, 104-2015. As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

Tom Cox	Building Inspector I
Todd Jamieson	Building Inspector II
Patrick Gill	Building Inspector II
John Pusic	Building Inspector II
Nino Naccarato	Building Inspector II
Andy Bubas	Building Inspector II
Jerry Demedeiros	Building Inspector II

- (4) The following individuals are each appointed as an *inspector*, with limited powers, for the purpose of enforcing the *Building Code Act, S.O. 1992, c.23, as amended*:

Suzanne Gilbert	Permit Administrator
Sharon Cronkright	Permit Administrator
Sherri Jamieson	Permit Administrator
Stephanie Flynn	Property Information Officer
Robin Campbell	Zoning Officer
Mike Ireland	Zoning Officer
Matthew Seymour	Zoning Officer

Note: For the purposes of an inspection pursuant to this By-law, an inspector with limited powers may:

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the *building* or any part thereof;
- (b) require information from any *person* concerning a matter related to a *building* or part thereof.

SCHEDULE "B" TO BY-LAW NO. 123-2011

SCHEDULE OF DRAWINGS, SPECIFICATIONS AND DOCUMENTS REQUIRED FOR CONSTRUCTION, DEMOLITION, AND CHANGE OF USE PERMITS

1.0 Two sets/copies of the following list of drawings, specifications and documents are required to be submitted in order for the various types of Building Permit Applications listed to be considered a complete application pursuant to Clause 7.(1) (b) of the *Building Code Act*, 1992 as amended:

(a) **Demolition (Full or partial)**

- (i) Proof of those arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric and telephone or other utilities and services.
- (ii) Description of the structural design characteristics of the building and method of demolition prepared by a professional engineer where deemed necessary by the Chief Building Official Division C, Part 1, Article 1.3.1.1..
- (iii) Where a building is designated under the *Heritage Act*, approval must be obtained from Heritage Milton.

(b) **On-Site Sewage System**

- (i) Requirements (ii) and (iv) below shall be prepared by a Qualified Designer (as defined in the OBC), except for the replacement of a septic tank of equal size or larger.
- (ii) Site Evaluation Report, including soil permeability, and soil conditions, including the potential for flooding.
- (iii) Site plan (property survey) and/or and lot grading/drainage and servicing plan.
- (iv) Sewage system design and drawings.

(c) **Residential Deck or Porch Permit**

- (i) Site plan (property survey)
- (ii) Foundation plan
- (iii) Floor plan (framing)
- (iv) Elevation(s)
- (v) Cross-section and detail of guards

(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 (min. 4)
- (v) Building section (min. 1)

(e) **Residential Addition or Renovation Permit**

- (i) Site plan (property survey)
 - (ii) Foundation plan
 - (iii) Floor plan (one per floor & include framing)
 - (iv) Building elevations (min. 3)
 - (v) Building section (min. 1)
 - (vi) Private sewage system evaluation where applicable
 - (vii) Heat loss / heat gain calculations and furnace make/model and duct design layout (where applicable)
- (f) **New Residential House or Semi-Detached**
- (i) Approved lot grading, drainage and servicing plan
 - (ii) Where applicable, a complete sewage system permit application
 - (iii) Site plan (property survey)
 - (iv) Floor plan (one per floor)
 - (v) Floor and roof framing plans/truss specifications sealed by Professional Engineer or in accordance with CCMC approval.
 - (vi) Building elevations (min. 4)
 - (vii) Building section (min. 1)
 - (viii) Mechanical ventilation form
 - (ix) Heat loss / heat gain calculations and furnace make/model and duct design layout
- (g) **New Residential Townhouse or Tri-plex**
- (i) Approved lot grading, drainage and servicing plan
 - (ii) Approved Site Plan (agreement and drawings)
 - (iii) Floor plan (one per floor)
 - (iv) Floor and roof framing plans / truss specifications sealed by a Professional Engineer or in accordance with CCMC approval
 - (v) Building elevations (min. 4)
 - (vi) Building section (min. 1)
 - (vii) Mechanical ventilation form
 - (viii) Heat loss / heat gain calculations and furnace make/model and duct design layout
- (h) **New Residential Apartment Building**
- (i) Approved lot grading, drainage and servicing plan
 - (ii) Approved Site Plan (agreement and drawings)
 - (iii) Geotechnical Investigation Report (2 copies)
 - (iv) Site plan (property survey)
 - (v) Floor plan (one per floor)
 - (vi) Foundation plan and details (include de-watering & shoring where applicable)
 - (vii) Floor and roof structural plans
 - (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

(i) **New Non-Residential Building or Addition (Part 3 or 9 Building)**

- (i) Approved lot grading, drainage and servicing plan
- (ii) Approved Site Plan (agreement and drawings)
- (iii) Geotechnical Investigation Report (2 copies)
- (iv) Site plan (property survey)
- (v) Floor plan (one per floor)
- (vi) Foundation, framing and roof plans
- (vii) Building elevations
- (viii) Building section (min. 1)
- (ix) Window schedule
- (x) Door & hardware schedule
- (xi) Wall sections and/or 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) Private sewage system evaluation where applicable

(j) **Non-Residential Renovation (Part 3 or 9 Building)**

- (i) Site plan (property survey), and/or key plan
- (ii) Floor plan(s)
- (iii) Door, hardware and partition schedule
- (iv) Building elevations if exterior work proposed
- (v) Building section if exterior work proposed
- (vi) Mechanical plans (plumbing & HVAC) where applicable
- (vii) Electrical plans (lighting, fire alarm system) where applicable

(k) **Designated Structures**

The following plans prepared and stamped by a registered Architect or Professional Engineer;

- (i) Approved lot grading, drainage and servicing plan
- (ii) Site plan (property survey)
- (iii) Floor plan and roof plan (where applicable)
- (iv) Elevations (where applicable)
- (v) Sections and details (where applicable)

(l) **Commercial Exhaust Hood (NFPA 96)**

- (i) Floor plan
- (ii) Mechanical plan, details and section

- (m) **Electro-Magnetic Locking Devices**
 - (i) Floor plan
 - (ii) Electrical plan, details of inter-face with fire alarm system

 - (n) **Plumbing or Backflow Prevention Device**
 - (i) Floor plan/Plumbing layout
 - (ii) Where applicable, a company letter describing proposed work

 - (o) **Private Water & Sewer Systems Permits (Site Servicing)**
 - (i) Approved Site Plan or Partial Site Plan Approval (agreement and drawings)
 - (ii) Regional Connection Permit (Region of Halton)
 - (iii) Property Survey (Architectural Site Plan)
 - (iv) Site Services plans (showing all sanitary, storm, domestic water and fire mains) sealed by a Professional Engineer
 - (v) Cross sections & profiles sealed by a Professional Engineer
 - (vi) Details and general notes sealed by a Professional Engineer
- 2.0 **Unless otherwise specified by the Chief Building Official plans or working drawings showing and detailing the following information shall accompany ALL building permit applications: A building permit application is not complete until such plans are attached to it.**
- 2.1 **The site plan (property survey) drawing shall show:**
- (a) Survey property boundaries and dimension, all building lines, bearing of metes and bounds and compass orientation (legal description),
 - (b) The location, use, height and dimensions of any existing and proposed buildings including, but not limited to front, side, and rear yard dimensions and relationships to adjoining property lines, condominium corporation lines and buildings, common element lines (where applicable),
 - (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 layouts, retaining walls, swimming pools, accessory buildings and any other such physical additions necessary to the site.
- 2.2 **The lot grading, drainage and servicing plan(s) shall show:**
- (a) The property lines, building location, sidewalks, driveways, curb cuts, swales, all utility services and new/existing service connections,
 - (b) Existing and proposed spot elevations for this project and adjacent properties, slopes of driveways, sidewalks and swales, direction of drainage flow,
 - (c) Location of storm water catchment area, catch basins, below grade and above grade utilities and connections into services at property line.

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 thickness 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.

2.4 The structural drawings shall show:

- (a) All foundation, floor, roof and wall structural elements indicating sizes, shapes and proper locations, and all dead and live design loads and conditions 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 snowdrift loading,
- (d) Where applicable de-watering report and shoring or pile driving.
- (e) Flow Control Roof Drainage Declaration to be completed.
- (f) Specifications 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.
- (d) Specifications where applicable.

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 complete,
- (c) The provincial sewage system installer's registration 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 dimension, existing rights-of-way, easements or municipal/utility corridors,
 - (ii) The locations of items listed in Column 1 of Division B, 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,
- (c) Approval by the Ministry of the Environment for the design and construction of a private sewage disposal and water supply systems where applicable,
- (d) Where applicable, approvals by the Ontario Ministries of Labour, Energy & Natural Resources, Industry & Tourism or Transportation, the Ontario Liquor Control Board, Ontario Fire Marshall's Office, Regional Municipality of Halton and Conservation Halton,
- (e) Minister's Rulings from the Ministry of Municipal Affairs and Housing, with respect to products not addressed in the Ontario Building Code,
- (f) Such other approvals as may be required to demonstrate compliance with "applicable law".

SCHEDULE "C"

To By-law No. 123-2011

Fencing and Barricades

1) Covered Way Exceptions

- (a) Where the construction may constitute a hazard to the public, work shall not commence on the construction, alteration or repair of a *building* until a covered way has been provided as described in **2)** to protect the public, except where
- i) the work is done within a solid enclosure;
 - ii) the *building* is at a distance of 2 m or more from a *public way* used by pedestrians, or
 - iii) site conditions warrant a distance greater than provided in Clause (b).

2) Covered Way Construction

- (a) A covered way shall
- i) have a clear height of not less than 2.5 m;
 - ii) have a clear width of not less than 1.5 m or the width of the *public way*, whichever is the lesser;
 - iii) be designed and constructed to support safely all loads that may be reasonably expected to be applied to it, but in no case less than 2.4 kPa on the roof;
 - iv) have a weathertight roof sloped towards the site or, if flat, be equipped with a splash board not less than 300 mm high on the street side;
 - v) be totally enclosed on the site side with a structure having a reasonably smooth surface facing the *public way*;
 - vi) have a railing 1 070 mm high on the street side where the covered way is supported by posts on the street side, and
 - vii) be adequately lighted when the *public way* is lighted.

3) Fencing, Boarding or Barricades

- (a) When a construction or demolition activity may constitute a hazard to the public and is located 2 m or more from a *public way*, a strongly constructed fence, boarding or barricade not less than 1.8 m high shall be erected between the site and the *public way* or open sides of a construction site.

Consolidated Version as Amended by By-law No. 002-12, 018-13, 115-13, 017-2014, 109-2014, 017-2015, 029-2015, 104-2015. As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

- (b) Barricades shall have a reasonably smooth surface facing the *public way* and shall be without openings, except those required for access.

- (c) Access openings through barricades shall be equipped with gates which shall be:
 - i) kept closed and locked when the site is unattended and
 - ii) maintained in place until completion of the construction or demolition activity.

4) Special Hazards

- (a) Where any special hazard exists from which it is not possible to protect the public by other means, persons shall be employed to prevent the public from entering the danger zone at any time of the day or night.

5) Work Shutdown

- (a) When work on a construction site is suspended or ceases so that it will not be occupied during normal working hours, the hazardous part of the construction site shall be protected by
 - i) covering all windows, doors and other openings located within 3 m of the ground which may give access to the *building* with a securely fastened barricade, or
 - ii) a fence or barricade constructed according to the requirements of 3).

SCHEDULE "D" TO BY-LAW NO. 123-2011

SEWAGE SYSTEM MAINTENANCE PROGRAM (Mandatory Maintenance Inspection Program)

Authority for Inspections

Sewage system maintenance inspections are generally intended to determine whether a sewage system is in substantial compliance with the operation and maintenance requirements outlined in Section 8.9. of Division B of the OBC. Inspections are undertaken by inspectors appointed by the Town in respect of maintenance inspection programs required under Division C, Article 1.10.2.3. of the OBC ("Mandatory Maintenance Inspection Program". The Town of Milton has selected to accept a Certificate as an alternative to conducting an inspection of a sewage system required under Division C, Article 1.10.2.3.(1).

Section 15.10.1. of the Act sets out the authority for an Inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection.

Despite the provision of Section 15.10.1., an Inspector shall not enter or remain in any room or place actually being used as a dwelling unless:

- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;
- b) a warrant issued under this Act is obtained;
- c) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
or
- d) the entry is necessary to terminate an immediate danger.

Inspection Notification

The OBC requires that all systems within the mandatory inspection areas be inspected every five (5) years from date of construction or from date of the most recent maintenance inspection.

Owners will be contacted by letter. Notification to property owner shall include:

1. A contact name within the Town;
2. The legislative authority for the inspection program;
3. Procedural information of the Maintenance Certificate as an alternative;
4. Any applicable fees to be charged.

Mandatory Maintenance Inspections

These guidelines provided in this document set out a progressive audit approach to maintenance inspections for sewage systems, as with most inspections under the Building Code Act, 1992. Under this approach, initial inspections are designed to be

non-intrusive tests and will generally avoid significant disturbance to the system and to the surrounding soil area. Where concerns are identified, more tests may follow.

A Phase I maintenance inspection may be sufficient to establish compliance with Section 8.9. of the Building Code or with the standards enforced under a Discretionary program. A follow-up Phase II Inspection (described below) is required where the Phase I inspection indicates a defect or failure of the system.

Phase I – Mandatory Maintenance Inspection - Maintenance Certificate Alternative (MCA)

The Town of Milton as an alternative to conducting an inspection of a sewage system required under OBC Sentence C - 1.10.2.3.(1), has selected to accept a certificate described in Sentence C - 1.10.2.3.(2) from the owner of the property on which the sewage system is located. The certificate required satisfies the requirements of Sentence 1.10.1.3.(2) and for these purposes Sentences 1.10.1.3.(3) to (5) apply with necessary modifications. Any fees associated with the MCA between owner and the qualified individual providing the services (pump-out, reporting, completion of the Town approved *Sewage System Re-Inspection Report* and the Ministry of Municipal Affairs and Housing (MMAH) – *Certificate Mandatory Sewage System Inspection Program*) remain the responsibility of the property owner. A person registered under Division C Article 3.2.4.2. in the class of registration set out in Column 1 of Item 10 of Table 3.5.2.1., (b) a person registered under Article 3.3.3.2., (c) an architect, or (d) a professional engineer, shall complete the MMAH Mandatory Sewage System Inspection Program Certificate and submit it to the Town of Milton for review and filing within 5 business days of completing the inspection.

Phase II – Follow-Up Maintenance Inspections

It may be appropriate to undertake more intensive follow-up maintenance inspections where:

- a) The Phase I MCA has identified that the septic system is at risk of future malfunction or failure, or
- b) The Phase I MCA detected a malfunction or failure, but did not reveal the reason (e.g., location or nature) of malfunction or failure.

Phase II inspections shall be carried out by a qualified person registered under Article C-3.2.4.2. in the class of registration set out in Column 1 of Item 10 of Table 3.5.2.1. and at the property owner's expense.

The Phase II inspections will require examination of the following elements:

- a) The depth of the sludge layer and the distance from the top of the sludge layer and the outlet tee;
- b) The thickness of the scum layers;

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- c) The distance between the bottom of the scum/grease layer and the bottom of the outlet tee;
- d) The distance between the top of the scum layer and the top of the outlet tee;
- e) The physical condition of the inlet and outlet; and
- f) The condition of the effluent filter, if utilized.

For sewage systems utilizing *treatment units, Phase II inspections may also include a review of:

- a) The existence of a maintenance agreement and the date of latest servicing;
- b) The test results of a new round of effluent sampling (if otherwise required by the Building Code, or by an authorization issued by the Building Materials Evaluation Commission);
- c) Operational problems or system malfunction before or, at the time of inspection; and
- d) Where used in sewage systems, distribution boxes, dosing tanks and pumps will be inspected to determine their condition and functionality.

Phase II inspections of leaching beds will also consider:

- a) Clearance distances to environmental features, wells and surface water intakes;
- b) Soil type and its permeability;
- c) Additional sources of hydraulic loading (e.g. surface discharge, roof drains);
- d) Evidence of ponding;
- e) Encroachments into the leaching bed area (e.g. building additions, patios, driveways, pools); and
- f) Trees and deep rooting shrubs in the vicinity of the bed.

Phase II examination of blockages in the leaching bed and pollution sources may be identified by measures including:

- a) Evaluation of in-home plumbing and estimates of water usage;
- b) Conducting a leak diagnostics;
- c) Conducting a flow trial;
- d) Conducting a dye tracing test; or
- e) Excavating a cross section of the leaching bed.
- f) Inspection Reports

*Treatment unit means a device that, when designed, installed and operated in accordance with its design specifications, provides a specific degree of sanitary sewage treatment to reduce the contaminant load from that of sanitary sewage to a given effluent quality.

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Inspection Report & MMAH Certificate

The Building Department has developed a standard Septic System Re-Inspection Report which includes the following information:

- a) Identification of the property;
- b) Identification of any information collected as part of the inspection;
- c) Deficiencies identified during the current visit;
- d) The legislative authority for the inspection program; and
- e) Enforcement action taken, if any.
- f) Property flagged for re-inspection every five (5) years

The MMAH *Certificate Mandatory Sewage System Inspection Program* will accompany the Septic Re-Inspection Report.

Copies of the *Septic Re-Inspection Report* are available at the Town of Milton Planning and Development office or online www.milton.ca under the Building Division section.

Copies of the MMAH *Certificate Mandatory Sewage System Inspection Program* are available at the Town of Milton Planning and Development office or online at www.mah.gov.on.ca search Third Party Inspection Certificate – Mandatory Programs.

All information will later be utilized for meeting the required reporting to the Source Water Protection authority.

Enforcement

When, as a result of the Septic System Maintenance Inspection Program, it has been determined that repairs to a malfunctioning septic system are necessary, a building permit may be required. Building permits related to septic systems for the installation of new systems and repairs to malfunctioning systems are currently set out in the Town's Building Rates, Fees and Charges By-law. Fees associated with a building permit for a septic system repair are presently in place. The same fee structure would be applicable for systems in need of repair as a result of the Septic System Maintenance Inspection Program. This fee is over and above the fee associated with operating the Septic System Maintenance Inspection Program. The process of permit review and site inspections for new systems and system repairs are already set out in the Building Code regulations. The same process would be followed when it comes to permits/inspections arising from the Septic System Maintenance Inspection Program.

Should the property owner not bring the septic system into voluntary compliance based on items identified during the Phase I or II inspection an order to 'REMEDY UNSAFE BUILDING' in respect of the septic re-inspection shall be issued. (Amended by By-law 029-2015)

Consolidated Version as Amended by By-law No. 002-12, 018-13, 115-13, 017-2014, 109-2014, 017-2015, 029-2015, 104-2015. As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)