

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

Bylaw Number 2026-0058 (BU-1)

BEING A BYLAW TO PROVIDE FOR THE ADMINISTRATION AND
ENFORCEMENT OF THE BUILDING CODE ACT AND TO REGULATE
ENCLOSURES AROUND PRIVATELY OWNED OUTDOOR SWIMMING
POOLS

Whereas Section 3(1) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, provides that the council of each municipality is responsible for the enforcement of the Building Code Act, 1992, as amended, in the municipality;

And Whereas Section 7 of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, authorizes Town Council to pass certain bylaws respecting classes of Building permits, permit application documents, forms, setting and refunding of fees, interest and penalties, inspections, establishing and governing prescribed Inspection Programs, and other related matters;

And Whereas Section 8(3.1) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, provides that Town Council may, in writing, delegate to the Chief Building Official the power to enter into agreements described in Section 8(3)(c) of the Act;

And Whereas the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a lower-tier municipality to pass bylaws respecting the health, safety and well-being of persons;

And Whereas the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a lower-tier municipality to pass bylaws respecting structures, including fences and pool enclosures;

And Whereas Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it, and for costs payable by it for services or activities provided, and that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

Now Therefore the Council of The Corporation of the Town of Georgina hereby enacts as follows:

That this bylaw shall be composed of 30 parts containing the sections named below, namely:

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1. Citations

- 1.1. Sections 1 to 21, 29 and 30, and Schedules A and B of this bylaw may be cited as the "Building Bylaw".

1.2. Sections 1, 2 and 22 to 30 of this bylaw may be cited as the "Pool Bylaw".

2. Definitions

2.1. The following words in this bylaw shall have the meanings set out in this Section 2.1:

- (a) "Above-ground Pool" is a Privately Owned Outdoor Swimming Pool that is a permanent Pool placed on Grade;
- (b) "Act" refers to the Building Code Act, 1992, S.O. 1992, c. 23, as amended;
- (c) "Alternative Solution" is a substitute for an acceptable solution as set out in Parts 3 to 12 of Division B of the Building Code;
- (d) "Applicable Law" is the list of Applicable Laws as prescribed by the Building Code;
- (e) "Applicant" is the Owner of a Building or property who applies for a Permit, and includes an Authorized Agent, any person or corporation empowered by statute to cause the construction or demolition of a Building(s) or swimming Pool, and anyone acting under the authority of that person or corporation;
- (f) "Authorized Agent" is a person who has been authorized in writing to act on the Owner's behalf for matters relating to an application for a Permit;
- (g) "As-constructed Plans" are construction plans and specifications that show the Building and the location of the Building on the property as the Building has been constructed;
- (h) "Building" is as defined in Section 1(1) of the Act;
- (i) "Building Code" is any regulation(s) made under Section 34 of the Act and any amendments thereto;
- (j) "Certified Model" is a unique Building design for a detached Building that is intended to be constructed on separate properties by the same person or company;
- (k) "Chief Building Official" is the person appointed by a bylaw of the Town for the purpose of the enforcement of the Act and this bylaw;
- (l) "Enclosure" is a fence, wall or other structure including gates and doors thereof which surrounds and restricts access to a privately owned outdoor swimming Pool;

- (m) "Farm Building" is a Building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and any part of which is used essentially for the housing of farm equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds;
- (n) "Fees and Charges Bylaw" refers to the bylaw which outlines the charges the Town imposes for services or activities provided or carried out by the municipality;
- (o) "Form" is an applicable provincially or municipally prescribed document;
- (p) "In-ground Pool" is a privately owned outdoor swimming Pool that is a permanent Pool physically constructed within the ground;
- (q) "Inspector" is a person appointed by bylaw of the Town for the purpose of the enforcement of the Act;
- (r) "Maintenance Inspection Program" is a program as defined by the Act and established by the Town to govern inspections and matters related to existing on-site sewage systems;
- (s) "On-ground Pool" is a privately owned outdoor swimming Pool that is dismantled for the winter season;
- (t) "Owner", in the context of:
 - (i) the Building Bylaw, is the registered owner of land or property for which a Permit application is submitted, a Permit has been issued, or that contains an on-site sewage system for the purposes of a Maintenance Inspection Program, and includes the registered owner, a lessee, and/or a mortgagee in possession; and,
 - (ii) the Pool Bylaw, is the owner, lessee, tenant or person in possession of the land where a Pool is located;
- (u) "Permit" means permission or authorization in writing issued by the Chief Building Official to perform Work or to occupy a Building or part thereof, as regulated by the Act and the Building Code;
- (v) "Permit Holder" is the Owner to whom a Permit has been issued or, where the Permit has been transferred, the transferee, and shall be the Person who assumes the primary responsibility for compliance with the Act, the Building Code and any applicable bylaw;

- (w) "Person" includes, but is not limited to, an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent;
- (x) "Pool" means a Privately Owned Outdoor Swimming Pool;
- (y) "Privately Owned Outdoor Swimming Pool" means a body of water located outdoors, contained by artificial means and used for swimming in which the depth of water is 60 centimetres (24 inches) or greater at any point and shall include spas, hot tubs and whirlpools. This definition does not include:
 - (i) Irrigation ponds on farms used for watering livestock or for use in irrigation;
 - (ii) Irrigation ponds on golf course operations used for irrigation,
 - (iii) Naturally formed depressions on the ground's surface;
 - (iv) A natural body of water;
 - (v) Garden ponds, fish ponds, decorative ponds or similar such ponds used as landscaping features;
 - (vi) Public Pools as defined and regulated by the Building Code Act, 1992, S.O. 1992, c. 23; or,
 - (vii) Stormwater management facilities.
- (z) "Registered Code Agency" means a Person that has the qualifications and meets the requirements described in Section 15.11(4) of the Act;
- (aa) "Temporary Enclosure" means an Enclosure used for the purpose of temporarily enclosing a Pool or Pool excavation to effectively prevent access thereto;
- (bb) "Town" means The Corporation of the Town of Georgina; and,
- (cc) "Work" is the construction, demolition and change of use of a Building or part thereof as regulated by the Building Code and includes remedial efforts respecting the Maintenance Inspection Program.

2.2. Any words or phrases used in this Building Bylaw which are defined in the Building Code shall be deemed to have an equivalent meaning in the context in which they are used.

3. Classes of permits

- 3.1. The classes of Permits with respect to construction, demolition, change of use and occupancy shall be as set out in Schedule A to this Building Bylaw, and are further described as follows:
- (a) A Construction Permit is a Permit required under Section 8(1) of the Act for the construction of Buildings and parts of Buildings;
 - (b) A Demolition Permit is a Permit required under Section 8(1) of the Act for the removal of a Building;
 - (c) A Conditional Permit is a Permit authorized under Section 8(3) of the Act for the construction of Buildings or parts of Buildings that may be issued at the sole discretion of the Chief Building Official;
 - (d) A Change of Use Permit is a Permit required under Section 10(1) of the Act where a change in use of a Building or part of a Building would result in an increase in hazard as determined under Division C, Article 1.3.1.4. of the Building Code where no construction is proposed; and,
 - (e) An Occupancy Permit is a Permit required to occupy a Building or part of a Building in accordance with the requirements of Division C, Subsection 1.3.3. of the Building Code.

4. Applications for permits

- 4.1. To obtain a Permit, the Owner or an Authorized Agent shall submit the applicable prescribed Permit application Form to the Chief Building Official in the manner prescribed by the Building Division.
- 4.2. All Forms prescribed by the Building Code and the Chief Building Official are available at the Province of Ontario, the office of the Chief Building Official or the Town's website, as the case may be.
- 4.3. Where an application is made for a Construction Permit under Section 8(1) of the Act, the application shall:
- (a) Include the completed Permit application and schedule Forms as prescribed by the Building Code;
 - (b) Be accompanied by the plans and specifications prescribed by this Building Bylaw and any associated information or approvals required to demonstrate compliance with any Applicable Law;

- (c) Identify and describe the Work and use to be covered by the Permit for which the application is made;
- (d) Be accompanied by all appropriate fees that are set out in the Town's Fees and Charges Bylaw;
- (e) State the names, addresses, telephone numbers and email addresses of the Owner, Applicant, architect, professional engineer, designer, contractor, installer and constructor, where applicable;
- (f) Be accompanied by a completed commitment to general reviews Form as prescribed by the Chief Building Official when the Architects Act, R.S.O. 1990, c. A.26 , as amended, and/or the Professional Engineers Act, R.S.O. 1990, c. P.28 , as amended, require the designer be an architect and/or a professional engineer; and,
- (g) Include all necessary completed Forms as deemed required and prescribed by the Chief Building Official.

4.4. Where an application is made for a Demolition Permit under Section 8(1) of the Act, the application shall:

- (a) Include a completed Permit application Form as prescribed by the Building Code;
- (b) Be accompanied by the plans and specifications prescribed by this Building Bylaw and any associated information or approvals required to demonstrate compliance with any Applicable Law;
- (c) Be accompanied by all appropriate fees that are set out in the Town's Fees and Charges Bylaw;
- (d) State the names, addresses, telephone numbers and email addresses of the Owner and of the architect, professional engineer, designer, contractor or constructor, where applicable;
- (e) Be accompanied by a completed commitment to general reviews Form as prescribed by the Chief Building Official when the Building Code requires a professional engineer to undertake a general review of a demolition; and,
- (f) Be accompanied by proof satisfactory to the Chief Building Official that arrangements have been made with the proper authorities, where applicable, for the disconnection and capping of all water, sewer, gas, electric, telephone or other utilities and services on a Form prescribed by the Chief Building Official.

- 4.5. Receipt of a submission for an application for a Conditional Permit shall be at the sole discretion of the Chief Building Official, and the receipt of such application shall not guarantee its consideration.
- 4.6. Consideration of or the decision not to consider an application for a Conditional Permit shall be at the sole discretion of the Chief Building Official, and if a Conditional Permit is issued, it shall not be construed to authorize construction beyond the scope for which conditional approval is given, or to constitute confirmation that a Construction Permit will necessarily be issued.
- 4.7. Where an application for a Conditional Permit under Section 8(3) of the Act is accepted for consideration by the Chief Building Official, the application shall:
- (a) Be preceded by an application for a Construction Permit as set out in Section 4.3 of this Building Bylaw and filed with the Chief Building Official;
 - (b) Be accompanied by the plans and specifications prescribed by this Building Bylaw and any associated information or approvals required to demonstrate compliance with Applicable Law;
 - (c) Include a completed Conditional Permit application Form as prescribed by the Chief Building Official;
 - (d) State in writing to the Chief Building Official the reasons why the Applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;
 - (e) State the necessary approvals which must be obtained in respect of the proposed Building and the date or time by which such approvals will be obtained;
 - (f) Be accompanied by the Town's conditional Permit agreement Form authorized by Clause 8(3)(c) of the Act, which must be signed by the Owner or an Authorized Agent who has the authority to bind the Owner;
 - (g) Be accompanied by a security deposit, which shall be based on the construction value or as determined by the Chief Building Official;
 - (h) In addition to fees prescribed for the construction Permit application, be accompanied by all conditional Permit fees as set out in the Town's Fees and Charges Bylaw; and,
 - (i) In the event that the conditions have not been satisfied beyond the date that is prescribed in a Conditional Permit agreement, the agreement shall be considered as expired, all Work shall stop and a request for an extension shall be made by the Permit Holder.

4.8. Where application is made for a Change of Use Permit issued under Section 10(1) of the Act, the application shall:

- (a) Include a completed Permit application Form as prescribed by the Chief Building Official;
- (b) Be accompanied by the plans and specifications prescribed by this Building Bylaw and any associated information or approvals required to demonstrate compliance with the Building Code and Applicable Law;
- (c) Describe the Building in which the occupancy is to be changed by a description that will readily identify and locate the Building;
- (d) Identify and describe in detail the current and proposed occupancies of the Building or part of a Building for which the application is made;
- (e) Include plans and specifications which show 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, but not limited to, floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities and details of the existing on-site sewage system, if any;
- (f) Be accompanied by a report from a qualified Person as prescribed by the Building Code confirming that the change of use will not result in an increase in hazard;
- (g) Be accompanied by all appropriate fees that are set out in the Town's Fees and Charges Bylaw; and,
- (h) State the name, address, telephone number and email address of the Owner.

4.9. To obtain an Occupancy Permit as required by Division C, Subsection 1.3.3. of the Building Code, the Owner or Authorized Agent shall:

- (a) Notify the Chief Building Official of the completion of construction required to occupy or permit the occupancy of a Building;
- (b) Describe the part of the Building for which occupancy is requested;
- (c) Submit plans showing portion(s) of the floor area(s) to be occupied complete with location(s) of temporary exits as applicable;
- (d) Submit all general review reports where the Building Code requires the construction to be reviewed by an architect and/or a professional engineer; and,

- (e) Submit a bacteria indicator test report where the Building utilizes an on-site private water system.

4.10.A Building shall not be occupied, permitted to be occupied or commissioned into service without written authorization from the Inspector.

5. Plans and specifications - general

- 5.1. Sufficient information shall be submitted with each application for a Permit to enable the Chief Building Official, in his/her sole discretion, to determine whether or not the proposed construction, demolition or change of use will conform to the Act, the Building Code, this Building Bylaw and any other Applicable Law.
- 5.2. Each application for a construction, demolition, change of use or Conditional Permit shall be accompanied by a complete set of accurate and legible plans and specifications. The plans must clearly describe the scope of Work as set out in Schedule A to this Building Bylaw in order for an application to be deemed complete.
- 5.3. Plans shall be drawn to a suitable and legible scale (minimum 1:75 or 3/16"=1'0") and provided in digital format suitable to the Chief Building Official. The Chief Building Official may choose to accept plans drawn on paper from time to time if an Applicant is unable to provide digital plans. In these instances staff shall digitize the plans.

6. Plans and specifications - certified models

- 6.1. An Applicant may submit an application for review of a Certified Model design to confirm substantial compliance of said design with the technical provisions of the Building Code and the Town's applicable Zoning Bylaw.
- 6.2. Approval of a Certified Model design is only applicable to the subdivision for which it was submitted unless otherwise determined by the Chief Building Official.
- 6.3. Each Certified Model design may include not more than six (6) design options, all having the same gross area and Building area.
- 6.4. Where an application is made for review of a Certified Model, the application shall:
 - (a) Comply with the requirements set out in Section 5 of this Building Bylaw;
 - (b) Include a completed Certified Model application Form as prescribed by the Chief Building Official;
 - (c) Except for a site plan and grading plan, be accompanied by the plans and specifications prescribed by this Building Bylaw for a construction Permit;

- (d) Include completed Forms as deemed required and prescribed by the Chief Building Official; and,
 - (e) Be accompanied by all fees that are set out in Town's Fees and Charges Bylaw.
- 6.5. Digital submission of Certified Model Permit applications including Forms, drawings, specifications and supporting documents shall be in a format that is suitable to the Chief Building Official.

7. Incomplete application

- 7.1. Except as provided in Section 7.2 of this Building Bylaw, a Permit application that does not meet all of the requirements of Section 4 shall be denied without further review.
- 7.2. Where the Chief Building Official determines that a permit application is incomplete, the Chief Building Official may, but is not obliged to, accept the application.
- 7.3. Where an Applicant declares or acknowledges that a Permit application is incomplete, the Chief Building Official shall not be bound by the timelines prescribed by the Building Code within which a Permit must be issued or refused.
- 7.4. The Applicant shall be notified in writing where a review by the Chief Building Official or Inspector has determined information is missing or non-compliant with any provisions of the Act, the Building Code or this Building Bylaw.
- 7.5. The Chief Building Official may cancel an incomplete or abandoned Permit application at his/her discretion where it is determined that the Applicant has not made satisfactory progress to submit required information to issue a Permit, and shall provide notice to the last known address of the Applicant.
- 7.6. If an incomplete application is cancelled by the Chief Building Official, a new application must be submitted as set out in Section 4 for all proposed Work.

8. Withdrawing a permit application

- 8.1. A Permit Holder may request, in writing, that an application for a Permit be withdrawn prior to the issuance of a Permit.
- 8.2. All plans, specifications and documents submitted in support of an application for a Permit shall remain the property of the Town.

9. Revocation of permit

9.1. The Chief Building Official may revoke a Permit where:

- (a) Work has not substantially commenced within 6 months of the date of issuance; or,
- (b) Work has been suspended for more than 1 year.

9.2. The Chief Building Official may give written notice to a Permit Holder of an intention to revoke a Permit.

9.3. Where written notice is provided prior to revoking a Permit, the Chief Building Official may, in his/her sole discretion, consider a written request by the Permit Holder to defer revocation of a Permit.

9.4. The Chief Building Official, having regard to any material changes to the Act, Building Code or other Applicable Law, may allow a deferral of revocation of a Permit.

9.5. Subject to Section 25 of the Act, the Chief Building Official is under no obligation to defer revocation of a Permit.

10. Revisions

10.1. Where the design or scope of Work authorized by an issued Permit changes, the Owner shall submit sufficiently detailed and revised plans and specifications, as set out in Section 5, that describe the proposed Work prior to carrying out the proposed Work.

10.2. Sufficient material changes to the design or scope of Work may constitute the need for a new application for Permit as determined by the Chief Building Official in his/her sole discretion.

10.3. A revision to a Permit application, an issued Permit or an approved Certified Model design shall be accompanied by all fees as set out in the Town's Fees and Charges Bylaw.

11. Transfer of permit

11.1. Where a property changes ownership, the new Owner shall apply for a transfer of Permit.

11.2. An issued Permit may be transferred to a new Owner by the Chief Building Official where the new Owner provides:

- (a) A completed transfer of Permit Form prescribed by the Chief Building Official;
- (b) A written statement agreeing to comply with all statutes, regulations, Applicable Laws and conditions of approval upon which the Permit was issued;
- (c) A written statement from the designer authorizing the continued use of all drawings, specifications and documents associated with the issued Permit;
- (d) A completed commitment to general reviews Form as prescribed by the Chief Building Official when the Building Code requires the Work to be reviewed by an architect or a professional engineer; and,
- (e) Payment of fees for the transfer of Permit as set out in the Town's Fees and Charges Bylaw.

12. As-constructed plans and documents

12.1. On completion of the construction, the Chief Building Official may require:

- (a) A set of As-constructed Plans be filed with the Chief Building Official; and/or,
- (b) A plan of survey showing the location of the Building or Buildings.

12.2. As set out in Section 18 of the Act, an Inspector may require information, including plans, specifications, reports or documents, from any Person in order to confirm compliance with any Building Code and/or Applicable Law requirement.

13. Alternative solutions

13.1. The Chief Building Official may authorize the use of an Alternative Solution where a designer provides, for each Alternative Solution that is proposed:

- (a) A completed Alternative Solution application Form as prescribed by the Chief Building Official;
- (b) A description of the proposed material, system or Building design for which authorization as an Alternative Solution is requested;
- (c) A description of the applicable objectives, functional statements and acceptable solutions as set out in the Building Code;
- (d) Supporting documentation, past performance or tests described in Division C, Section 2.1 of the Building Code or other evaluation demonstrating that the proposed material, system or Building design will provide the level of performance required by Division A, Article 1.2.1.1. of the Building Code; and,

(e) The appropriate fee as set out in the Town's Fees and Charges Bylaw.

13.2. Where an Alternative Solution has been authorized, the Chief Building Official may impose conditions and/or limitations.

13.3. Alternative Solutions authorized by the Chief Building Official shall be applicable only to the location described in the application, and are not transferrable to any other Permit.

14. Maintenance inspection program

14.1. An on-site sewage system that is located wholly or partly within an area set out in the Building Code shall be subject to the Maintenance Inspection Program set out in Schedule B to this bylaw.

15. Fees

15.1. Fees and deposits shall be determined by the Chief Building Official as set out in the Town's Fees and Charges Bylaw, which are due and payable by the Applicant:

- (a) Upon submission of an application for Permit;
- (b) Prior to approval of a revision to a Permit; or,
- (c) Upon request for a service.

15.2. The Chief Building Official shall have discretion to delay payment of fees until the Permit is ready to be issued.

15.3. Any development charges that are deemed applicable shall be calculated and payable to the Town as determined by Section 26.2 of the Development Charges Act, 1997, S.O. 1997, c. 27, as amended.

15.4. For classes of Permits not described in Section 3 of this Building Bylaw or where no fee exists in the Town's Fees and Charges Bylaw, a reasonable fee shall be determined by the Chief Building Official in his/her sole discretion by considering all administration, plan review and inspection costs.

15.5. Where fees are due as a result of revisions after a Permit has been issued, no inspections associated with the said revisions shall be passed until:

- (a) The revisions are approved by the Chief Building Official or Inspector; and,
- (b) Additional fees have been paid in full.

15.6. Where Work occurs prior to the issuance of a Permit, an additional surcharge equaling 100% of the Permit fee described in this Section, up to a maximum of \$5,000.00, shall be payable by the Applicant.

- 15.7. The Permit fees as set out in the Town's Fees and Charges Bylaw apply to a single submission of complete plans and specifications and a single inspection of each prescribed stage of construction as set out in the Building Code and this Building Bylaw. Additional service fees as set out in the Town's Fees and Charges Bylaw may be invoiced when additional resources are utilized to review additional drawings and/or to re-inspect Work.
- 15.8. Every Owner of an on-site sewage system located in an area described in Section 14 of this Building Bylaw shall pay the service fee as set out in the Town's Fees and Charges Bylaw upon delivery of maintenance inspection services.

16. Refunds

- 16.1. Should an Applicant who withdraws an application submitted pursuant to this Building Bylaw desire a refund of the application fee paid for that application, such Applicant must submit a refund request in writing to the Director or designate, which request may be considered in accordance with the following:
- (a) Up to 90% of the application fee may be refunded where the application is withdrawn by the Applicant within ten (10) days of the application being deemed complete and prior to the commencement of any plans review by Town staff;
 - (b) Up to 50% of the application fee may be refunded where the application is withdrawn by the Applicant after the commencement of any plans review by Town staff but prior to issuance of the Building Permit;
 - (c) No refund shall be provided after issuance of the Building Permit or if the Permit has been revoked; and,
 - (d) In the case of a Building Permit application considered incomplete and abandoned, as determined by the Chief Building Official, no refund shall be provided.
- 16.2. Notwithstanding the above, the Director or designate may vary or refuse a refund having regard to the status of the application, the amount of Work completed by the Town, costs incurred, and any other relevant considerations.

17. Recovery of fees

- 17.1 In addition to every other remedy available at law, fees that are due and unpaid may be added to the tax roll of the property of the Owner and may be collected in like manner as municipal taxes.

18. Notices and inspections

18.1. The Permit Holder or an Authorized Agent shall notify the Chief Building Official of readiness to inspect the required stages of construction as prescribed by Division C, Sentence 1.3.5.1.(2) of the Building Code.

18.2. In addition to Section 18.1 of this Building Bylaw, the Permit Holder or an Authorized Agent shall notify the Chief Building Official of readiness to inspect the following stages of construction as prescribed by Division C, Sentence 1.3.5.2.(1) of the Building Code:

- (a) Commencement of construction of the Building;
- (b) 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 Division B, Part 9;
- (c) Commencement of the construction of any:
 - (i) masonry fireplaces and masonry chimneys;
 - (ii) factory-built fireplaces and allied chimneys; or,
 - (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys;
- (d) Substantial completion of heating, ventilating, air-conditioning and air-contaminant extraction equipment;
- (e) Substantial completion of exterior cladding;
- (f) Substantial completion of the Pool deck and dressing rooms for a public Pool or public spa and readiness for inspection of the emergency stop system for a public Pool or public spa;
- (g) Completion and availability of drawings of the Building as constructed; and,
- (h) Completion of a Building for which an occupancy Permit is required under Division C, Articles 1.3.3.1, 1.3.3.2, 1.3.3.4 and 1.3.3.5 of the Building Code.

18.3. The notice required in Sections 18.1 and 18.2 of this Building Bylaw shall be:

- (a) Submitted on the Inspection Request page on the Town's website; or,
- (b) Provided to the Building Division by any other method deemed acceptable in the sole discretion of the Chief Building Official.

18.4. A notice pursuant to Sections 18.1 to 18.3 of this Building Bylaw is not effective until the notice is actually received by the Chief Building Official or designate.

18.5. Upon receipt of notice of readiness to inspect as set out in this Section, the Chief Building Official or an Inspector shall undertake a site inspection:

(a) No later than two (2) business days after receipt of the notice by the Chief Building Official or designate; or,

(b) Where the notification relates to a septic system, no later than five (5) business days after receipt of the notice by the Chief Building Official or designate.

18.6. The time period referred to in Section 18.5 of this Building Bylaw shall begin on the business day following the day on which the notice is received.

18.7. The Permit Holder shall facilitate safe access for inspection of the Work.

18.8. The Permit Holder shall make available to the Inspector the actual plans and documents issued in support of a Permit.

18.9. Re-inspections of deficient or incomplete Work shall be subject to an additional service fee as set out in the Town's Fees and Charges Bylaw.

19. Delegated authority to Chief Building Official

19.1. The Council of the Town hereby delegates to the Chief Building Official the power to enter into Agreements prescribed by the Town and described in Section 8(3)(c) of the Act relating to the issuance of a Conditional Permit.

19.2. Where the Town enters into an Agreement with a Registered Code Agency, the Chief Building Official is authorized, as set out in Section 4.1(3) of the Act, to appoint the Registered Code Agency to perform one or more of the functions prescribed in Section 15.15 of the Act in respect of the construction of a Building or class of Buildings.

20. Fences at construction and demolition sites

20.1. 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 to prevent unauthorized entry to the site.

20.2. In considering the hazard presented by the construction or demolition site which is to be fenced, the Chief Building Official or Inspector shall have regard for:

- (a) The proximity of the Building site to other Buildings that are occupied;
- (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 effectiveness of site fences; and,
- (e) The duration of the hazard.

20.3. Every fence required under this Building Bylaw shall:

- (a) create a continuous barrier to sufficiently deter unauthorized entry to the construction or demolition site to the satisfaction of the Chief Building Official or Inspector;
- (b) be erected and maintained in a nominally vertical plane and maintained in good repair; and,
- (c) be a minimum of 1.2 metres in height and shall not exceed the maximum height set out in the Town's Zoning Bylaw.

21. Offences and penalties – Building Bylaw

21.1. Every Person who contravenes any provision of this Building Bylaw is guilty of an offence and on conviction is liable to a fine as provided for in Section 36 of the Act.

Swimming Pool provisions

22. General prohibitions

22.1. No Person shall implement the use of barbed wire or other barbed or sharp materials in the construction of, or in connection with, a Privately Owned Outdoor Swimming Pool Enclosure.

22.2. No Person shall include any device designed to conduct electrical current through a fence in a Privately Owned Outdoor Swimming Pool Enclosure.

22.3. No Person shall excavate for, or cause or permit excavation for or the erection of, a Privately Owned Outdoor Swimming Pool without a Pool Enclosure Permit first being obtained from the Town.

22.4. No Person shall erect a Pool Enclosure or any part thereof without a Permit.

22.5. No Person shall place water in or allow water to remain in a Privately Owned Outdoor Swimming Pool unless the Chief Building Official has inspected the Enclosure and confirmed compliance with this Pool Bylaw.

22.6. Every Owner of a Privately Owned Outdoor Swimming Pool shall ensure that all Enclosure requirements specified in this Pool Bylaw are complied with.

22.7. Notwithstanding the provisions of this Pool Bylaw, a Pool that is a spa, hot tub or whirlpool and that has a cover that may be locked and that will support a weight of at least 27.2 kg (60 pounds) is not required to be enclosed by a Pool Enclosure or Temporary Enclosure and does not require a Permit prior to its installation and use.

22.8. The Owner of a Pool that is a spa, hot tub or whirlpool shall ensure that the cover for such Pool remains securely closed and locked at all times when such Pool is not in use by the Owner, its invitees or licensees.

23. Permanent enclosure provisions

23.1. Every Owner shall erect and maintain an Enclosure around a Privately Owned Outdoor Swimming Pool that meets the following criteria:

- (a) Enclosures shall be a minimum of 1.2 metres (4') in height above grade except that Enclosures on multiple residential or non-residential properties shall be a minimum of 1.8 metres (6') above grade. Height measurements shall be taken on the outside of the Enclosure;
- (b) Enclosures shall be constructed to prevent a spherical object having a diameter of 10 centimetres (4") from passing through the Enclosure;
- (c) Enclosure components shall not have more than 5 centimetres (2") spacing from grade at any point;
- (d) Enclosures shall not be constructed to include a rail or other horizontal or diagonal attachment or bracing on the exterior of the Enclosure that would facilitate climbing;
- (e) Enclosures shall be constructed so that a minimum distance of 1.2 metres (4') is maintained between the Enclosure and the water's edge and no fixed Pool accessories on the Pool deck or walking surface shall be less than 1.2 metres (4') from the Pool's edge;
- (f) When a wall of a Building or other structure forms part of the Enclosure, the main entrance or service entrance to the Building shall not be located within the swimming Pool area unless such entrance is equipped with a self-closing

door and a self-latching device located not less than 1.2 metres (4') above grade, including a locking device that must be employed when the Pool is unattended. The care, control and maintenance of the entrance way and the safety latch are and always shall be the responsibility of the Owner;

- (g) When a wall of a Building or other structure forms part of the Enclosure, no window or other opening installed in that wall is permitted unless it is capable of being securely closed and locked;
- (h) A fence Enclosure may be of chain link, wood construction, or wrought iron;
- (i) A chain link fence must include:
 - (i) At least 12 gauge galvanized steel wire or 14 gauge vinyl covered steel wire, with a maximum 3.8 centimetre (1.5") wire mesh;
 - (ii) The wire mesh shall be supported by galvanized steel posts at least 3.8 centimetres (1.5") in diameter, spaced no more than 3 metres (10') apart; and,
 - (iii) Galvanized steel top and bottom horizontal rails at least 3.8 centimetres (1.5") in diameter shall be provided, except that at least 9 gauge wire may be substituted for the bottom horizontal rail;
- (j) A wood fence must include:
 - (i) Vertical boards which are at least 1.9 centimetres (0.75") by 8.9 centimetres (3.5"), and which are spaced a minimum of 3.8 centimetres (1.5") apart;
 - (ii) The vertical boards shall be supported by top and bottom rails at least 3.8 centimetres (1.5") by 8.9 centimetres (3.5"); and,
 - (iii) The top and bottom rails shall be supported by posts which are at least 8.9 centimetres (3.5") by 8.9 centimetres (3.5"), and which are spaced a maximum of 2.44 metres (8') apart;
- (k) A wrought iron fence must include:
 - (i) Vertical bars which are 12.5 mm (1/2") by 12.5 mm (1/2"), and which are spaced to prevent a spherical object having a diameter of 10 centimetres (4") from passing through;
 - (ii) The vertical bars shall be supported by top and bottom rails at least 40 millimetres (1.5") by 40 millimetres (1.5"); and,

- (iii) The top and bottom rails shall be supported by posts which are at least 63.5 millimetres (2½") by 63.5 millimetres (2½"), and which are spaced a maximum of 2.44 metres (8') apart;
- (l) Any gate in the fence or wall shall:
 - (i) Be of similar chain link fencing or of other material having strength equivalent to that of the supporting fence;
 - (ii) Have a maximum 3.8 centimetre (1½") mesh;
 - (iii) Have a degree of safety equivalent to that of the supporting fence;
 - (iv) Comply with the height requirements for the fence;
 - (v) Be supported by hinges and equipped with self-closing self-latching devices on the inside of the gate at a point not less than 1.2 metres (4') above grade;
 - (vi) Every gate shall be kept closed and latched and/or locked at all times; and,
 - (vii) No Person shall construct or maintain a double swimming Pool fence gate without one of the two gates having a self-closing, self-latching device. The gate without a self-closing, self-latching device must have a device permanently affixed to the ground or other non-movable object that prevents access through this gate without lifting or moving this device and then releasing the latch; and,
- (m) Enclosures may be constructed of materials other than those specified in Section 23.1 provided that an equivalent degree of safety is maintained, and that the Enclosure complies with all other provisions of this Pool Bylaw and is approved by the Chief Building Official.

23.2. Above-ground Pools having a minimum height of 1.2 metres above grade will not be required to be surrounded by an Enclosure, provided that the sides of the Pool are smooth faced and non-climbable, and that any areas intended to have access to the Pool are enclosed by a fence and gate as per Section 23.1.

23.3. Where a platform or deck is constructed adjacent to an Above-ground Pool and such platform or deck is higher than 0.6 metres (24") above the adjacent grade, a Building Permit is required, and the platform or deck and required guard or railing shall conform to the Ontario Building Code.

24. Temporary enclosure provisions

24.1. Every Owner shall erect and maintain a Temporary Enclosure during all phases of the construction of a Privately Owned Outdoor Swimming Pool that meets the following criteria:

- (a) A Temporary Enclosure shall be in place prior to commencement of the Pool excavation and remain in place until the permanent Enclosure has been constructed in compliance with the aforementioned provisions of this Pool Bylaw and approved by the Chief Building Official;
- (b) A Temporary Enclosure shall be substantially supported to provide stability, safety and strength;
- (c) A Temporary Enclosure shall consist of a maximum 3.8 centimetres (1.5") plastic mesh supported by steel T-bar posts a maximum of 2.44 metres (8') apart, and the mesh shall be reinforced with a minimum 9 gauge galvanized steel wire at both the top and bottom of the Enclosure; and,
- (d) A Temporary Enclosure may be constructed of materials other than those specified in Section 24.1 so long as an equivalent degree of safety is maintained and the Enclosure is approved by the Chief Building Official.

25. Pool permit applications

25.1. Every Person applying for a Privately Owned Outdoor Swimming Pool Enclosure Permit shall provide:

- (a) An application that has been completed in its entirety, together with the following supporting documents and drawings:
 - (i) Plans showing the location of all existing structures (including septic system where applicable) on the property in relation to the lot lines;
 - (ii) The location of the adjoining street(s);
 - (iii) The location of the proposed Pool and Enclosure including setbacks to all the lot lines;
 - (iv) Pump and filter locations including setbacks to lot lines; and,
 - (v) Location of all gates, which shall be labeled as "self-closing" and "self-latching" where applicable;

- (b) In the case of In-ground Pools, a Site Alteration and Entrance Permit, which must have been issued by the Development Engineering Division before the Privately Owned Outdoor Swimming Pool Enclosure Permit being applied for can be issued; and,
- (c) All required Permit fees as set out in the Town's Fees and Charges Bylaw.

26. Powers of entry

26.1. The Town may enter on a lot at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) The provisions of this Pool Bylaw;
- (b) An order issued under this Pool Bylaw; or,
- (c) An order made under Section 431 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

26.2. Where an inspection is conducted by the Town, the Town employee, officer or agent conducting the inspection may:

- (a) Require the production for inspection of documents or things relevant to the inspection;
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) Require information from any Person concerning a matter related to the inspection, including their name, address, phone number and identification; and,
- (d) Alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

26.3. The Town may undertake an inspection pursuant to an order issued under Section 438 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

26.4. The Town's power of entry may be exercised by an employee, officer, or agent of the Town, a member of the York Regional Police force, and/or any Person acting under the direction of anyone named in this Section 26.4.

27. Orders and remedial action

- 27.1. If a Person is constructing an Enclosure in contravention of any of the provisions of this bylaw, the Town may issue an order to the Person and to the Owner of the lot on which the Enclosure is being constructed, to discontinue the contravening activity. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the order. The order may be served in accordance with the service provisions contained in this Pool Bylaw.
- 27.2. If a Person has contravened a provision of this bylaw, the Town may issue a Work order to that Person, as well as to the Owner of the lot on which the contravention occurred, to do Work to correct the contravention. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the order. The order may also provide that if the Person or Owner fails to correct the contravention, the Town may do the Work necessary to correct the contravention, including the removal of the Enclosure, at the expense of the Person and the Owner. The order may be served in accordance with the service provisions contained in this Pool Bylaw.
- 27.3. If the Town has issued an order directing or requiring a Person or an Owner to do a matter or thing to correct a contravention of this bylaw, and the Person or the Owner has failed to correct a contravention, the Town may enter upon the lot between the hours of 9:00 a.m. and 5:00 p.m., Monday to Friday, to do all Work necessary to correct the contravention, including the removal of all or part of the Enclosure, or the erection of an Enclosure, and the Town may recover the cost of doing the matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll of the Owner and collecting them in the same manner as property taxes.
- 27.4. An order issued under this Pool Bylaw may be served personally or may be served by registered mail sent to the last known mailing address of the Person as indicated on the Town's assessment roll. If an order is served on a Person by registered mail, it shall be deemed to have been served on the Person on the 5th day after mailing of the order, which deemed service may be rebutted by the Person proving, on a balance of probabilities, that they did not receive the order.

28. Offences and penalties – Pool Bylaw

- 28.1. Every Person who contravenes a provision of this Pool Bylaw, including an order issued hereunder, is guilty of an offence.
- 28.2. If an Enclosure has been constructed in contravention of any provision of this Pool Bylaw, and the contravention has not been corrected, the contravention of the

provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

28.3. If an order has been issued under this Pool Bylaw, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

28.4. Every Person who is guilty of an offence under this Pool Bylaw shall be subject to the following penalties:

- (a) Upon a first conviction, to a fine not less than \$100.00 and not more than \$50,000.00;
- (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
- (c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and,
- (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

28.5. For the purposes of this Pool Bylaw, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this bylaw.

28.6. For the purposes of this Pool Bylaw, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

29. Severability and conflict

29.1. Should a court of competent jurisdiction declare any provision of this bylaw to be invalid or of no force and effect, the provision is deemed severable from this bylaw and it is the intention of the Council of the Town that the remainder of this bylaw shall survive and be applied and enforced in accordance with its terms to the extent possible under the law.

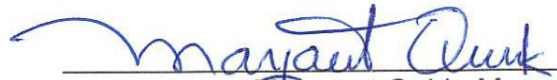
29.2. Where the provisions of this bylaw conflict with the provisions of any other bylaw or statute, the more restrictive provisions shall apply.

30. Interpretation and implementation

30.1. Schedules A and B attached hereto shall form part of this bylaw.

30.2. This bylaw comes into full force and effect on the 1st day of July, 2026.

Read and enacted this 17th day of June, 2026.



Margaret Quirk, Mayor



Rachel Dillabough, Town Clerk

Schedule A

Plans, Documents and Specifications

Part 1

1. Construction

1.1 New and Additions, all groups

Required drawings and supporting documents:

- (a) Site plan
- (b) Architectural
- (c) Structural
- (d) Mechanical/electrical
- (e) On-site sewage system
- (f) Supporting documents confirming compliance with Applicable Law and required approvals

1.2 Interior Alterations and Renovations, all groups

Required drawings and supporting documents:

- (a) Site plan
- (b) Architectural
- (c) Structural
- (d) Mechanical/electrical
- (e) On-site sewage system
- (f) Supporting documents confirming compliance with Applicable Law and required approvals

1.3 Designated Structures

Required drawings and supporting documents:

- (a) Site plan
- (b) Architectural
- (c) Structural
- (d) Mechanical/electrical
- (e) On-site sewage system
- (f) Supporting documents confirming compliance with Applicable Law and required approvals

1.4 Temporary Buildings

Required drawings and supporting documents:

- (a) Site plan
- (b) Architectural
- (c) Structural
- (d) Mechanical/electrical
- (e) On-site sewage system
- (f) Supporting documents confirming compliance with Applicable Law and

required approvals

2. Demolition

2.1 Part 9 Buildings

Required drawings and supporting documents:

- (a) Site plan
- (b) Supporting documents confirming compliance with Applicable Law and required approvals

2.2 Part 3 Buildings

Required drawings and supporting documents:

- (a) Site plan
- (b) Structural
- (c) Supporting documents confirming compliance with Applicable Law and required approvals

3. Conditional

Required drawings and supporting documents:

- (a) Site plan
- (b) Supporting documents confirming compliance with Applicable Law and required approvals

4. Change of use

Required drawings and supporting documents:

- (a) Site plan
- (b) Architectural
- (c) Supporting documents confirming compliance with Applicable Law and required approvals

5. Occupancy

Required drawings and supporting documents:

- (a) Supporting documents confirming compliance with Applicable Law and required approvals

Part 2

1. Site plan

- (a) Legal description, location and orientation of property lines, property dimensions, compass orientation, location and name(s) of all adjacent streets and roads and all rights-of-way and easements.
- (b) Outline of all existing and proposed Buildings and structures, Building dimensions and their distance to property lines and other Buildings.
- (c) Dimensions and location of fire routes, fire department connections, parking and vehicle access.
- (d) Dimensions and location of barrier-free parking, curb cuts, paths of travel to Building and Building access, retaining walls, swimming Pools.
- (e) All existing and proposed services for water, sewer, hydro and gas.
- (f) Top of foundation elevation and the underside of footing elevations for all Buildings, and the proposed finished surface grade adjacent to Buildings.
- (g) Any additional drawings, information and specifications as determined by the Chief Building Official.
- (h) The scale to which the plan is drawn.

2. Architectural

- (a) Existing and proposed floor plans indicating room and space identification, fire separations, size and dimensions, structural framing of floors and locations of all openings.
- (b) Roof plan showing structural framing, roof slope, drainage and roofing construction details.
- (c) Building elevations showing grade height, floor and ceiling heights, overall Building height from average grade, eave heights from average grade, exterior finish materials, window heights and sizes and spatial separation requirements and calculations.
- (d) Construction details of walls, floors, ceilings, roofs, stairs, guards, fireplaces and other significant design details including heights, materials and specifications.

- (e) Location and details of all barrier free facilities and paths of travel.
- (f) Building Code and energy efficiency matrices.
- (g) Any additional drawings, information and specifications as determined by the Chief Building Official.
- (h) The scale to which the plan is drawn.

3. Structural

- (a) Foundation plans, floor and roof framing plans, footing, column and beam schedules, structural details and material specifications.
- (b) Design specifications, live and dead loading, wind and snow loading, earthquake loading, geotechnical report design basis.
- (c) All reinforced concrete Work including thickness and strength of concrete and size, spacing, minimum cover and type of reinforcing steel.
- (d) Roof and floor truss drawings sealed by a professional engineer.
- (e) Guard design, where applicable.
- (f) Any additional drawings, information and specifications as determined by the Chief Building Official.
- (g) The scale to which the plan is drawn.

4. Mechanical and electrical

- (a) Heating, ventilating and air conditioning designs and plans, equipment layout and schedules.
- (b) Heat loss and gain calculations, ventilation design summary and the sizing of heating and cooling equipment, where applicable.
- (c) Sprinkler and standpipe drawings including floor plans, riser diagrams and fire department connections.
- (d) Piping and drainage plans of all above ground and underground plumbing systems.
- (e) Location and specification of lighting, emergency lighting, exit signs, emergency power and fire alarm and detection systems and carbon monoxide detection.

- (f) Methods employed to maintain integrity of fire separations such as damper and fire stopping locations and specifications.
- (g) Any additional drawings, information and specifications as determined by the Chief Building Official.
- (h) The scale to which the plan is drawn, where applicable.

5. On-site sewage system

- (a) A current site evaluation report.
- (b) Name, address, telephone, fax, email of the Person who prepared the evaluation report.
- (c) Name, address, telephone, email, license number and date of issuance of the on-site sewage system installer and the name of the qualified Person supervising the Work to be done under the Permit.
- (d) Depth to bedrock.
- (e) Depth to zones of saturation.
- (f) Soil properties, including soil permeability.
- (g) Soil conditions including potential for flooding.
- (h) A scaled site plan showing:
 - (i) Legal description, lot size, property dimensions, rights-of-way, easements and municipal/utility corridors.
 - (ii) Location and clearances of items listed in Column 1 of Tables 8.2.1.5., 8.2.1.6.A., 8.2.1.6.B., and 8.2.1.6.C. of Division C of the Building Code.
 - (iii) Location of the proposed on-site sewage system on the property.
 - (iv) Location of any unsuitable, disturbed or compacted areas.
 - (v) Proposed access routes for maintenance.
 - (vi) Any additional drawings, information and specifications as determined by the Chief Building Official.

6. Supporting documents

The Applicant shall submit the following supporting documents to confirm compliance with Applicable Law and other required approvals:

- (a) A survey of the property prepared by an Ontario Land Surveyor or a professional engineer, when deemed required.
- (b) The registered plan and lot numbers and the municipal address for the property.
- (c) Approval from the Town's Development Planning Division that the proposed use of the property complies with the municipal Zoning Bylaw.
- (d) Approval from the Town's Development Engineering Division that:
 - (i) the lot grading, road access/entrance requirements and fire break controls have been approved, when applicable;
 - (ii) the requirements of a Subdivider's Agreement have been completed satisfactorily with respect to a Building Permit, when an application for permit relates to an undeveloped lot within a plan of subdivision; and,
 - (iii) a Development Agreement has been registered, when a property is regulated by site plan control.
- (e) Approval from the Lake Simcoe Region Conservation Authority where the proposed development of the property may affect the land as regulated within their jurisdiction.
- (f) Approval from the Ministry of Transportation where the proposed construction or use of land is within the designated areas along Highway 48 or Highway 404.
- (g) Approval from the Ministry of the Environment, Conservation and Parks that the proposed development and use of land satisfies the Ministry's requirements, if applicable.
- (h) Confirmation that all development charges, lot levies and other charges and fees required by any municipal bylaw have been paid in full, where deemed applicable.
- (i) The Chief Building Official may require more or less of any specified drawings or documents to suit the application being considered.

Schedule B

Maintenance Inspection Program

1. Introduction

The Building Code Act, 1992 (BCA) and Ontario Regulation 332/12 known as the Ontario Building Code (OBC) regulate the design, construction and renovation of on-site sewage systems which are located wholly on the property which they serve (i.e. "on-site") and have a design sewage capacity of 10,000 litres/day or less. Such systems typically provide treatment for smaller Buildings such as houses, cottages, and small businesses.

Enforcement of the on-site sewage system provisions of the BCA and the OBC is the responsibility of local enforcement bodies, or "principal authorities", the municipality, the board of health, or the conservation authority, depending on the location within Ontario. In the Regional Municipality of York, local municipalities are responsible for administration and enforcement of these requirements.

The OBC was recently amended to establish and govern mandatory on-site sewage system Maintenance Inspection Programs, to be administered in certain areas by local enforcement bodies. The recent amendments to the OBC also govern discretionary on-site sewage system Maintenance Inspection Programs established by local enforcement bodies.

2. Maintenance inspection programs

a) Mandatory Program

Effective January 1, 2011, the OBC prescribes that most on-site sewage systems that are located wholly or partly within 100 metres of the Lake Simcoe shoreline be inspected for compliance with the requirements of Division B, Section 8.9. of the OBC. Since January 1, 2011, there were some areas that were exempt by the OBC.

Effective January 1, 2016, any areas exempted from mandatory maintenance inspections are no longer applicable. The OBC prescribes that all on-site sewage systems that are located wholly or partly within 100 metres of each of the following features be inspected for compliance with the requirements of Division B, Section 8.9. of the OBC:

- (i) Lake Simcoe Shoreline;
- (ii) any river or stream in the Lake Simcoe watershed that continually flows in an average year;

- (iii) any lake or pond in the Lake Simcoe watershed that is connected on the surface to a river or stream described in (ii) above;
- (iv) any other lake or pond in the Lake Simcoe watershed that has a surface area greater than 8 hectares; and,
- (v) proximity to Vulnerable Areas within Source Protection Area.

The Source Water Protection Plan of the South Georgian Bay Lake Simcoe Protection Region became in effect on July 1, 2015. The OBC prescribes that all on-site sewage systems wholly or partly located within a vulnerable area in a source protection area are required to be inspected for compliance with the requirements of Division B, Section 8.9. of the OBC.

All on-site sewage systems that are subject to mandatory maintenance inspections must be inspected every five years from the date of construction or from the date of the most recent maintenance inspection.

b) Discretionary Program

Properties located outside of the OBC-prescribed mandatory area may be subject to an on-site sewage system Maintenance Inspection Program at the discretion of the local municipality

The Town of Georgina has not established a Discretionary Program.

3. Authority for inspections

a) Mandatory Program

Inspections are undertaken by Inspectors appointed by the local municipality in respect of on-site sewage system Maintenance Inspection Programs that are required under Division C, Subsection 1.10.2. of the OBC, "Mandatory Programs".

On-site sewage system maintenance inspections are generally intended to determine whether an on-site sewage system is in substantial compliance with the operation and maintenance requirements outlined in Division B, Section 8.9. of the OBC.

Section 15.10.1 of the BCA 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:

- (i) 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;
- (ii) a warrant issued under this Act is obtained; or,
- (iii) 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 the entry is necessary to terminate an immediate danger.

b) Discretionary program

Where a municipality establishes a discretionary program as provided for in Division C, Subsection 1.10.1., the authority to carry out inspections is the same as that as set out in Section 3 a).

4. Inspection notification

All septic systems located in areas subject to this Maintenance Inspection Program shall be inspected every five years from the date of construction or from the date of the most recent maintenance inspection.

Owners of on-site sewage systems within these areas will be contacted by site visits. Owners are also invited to be proactive by calling the Building Division to arrange inspections.

Staff will provide information packages to educate Owners on the purpose of the program and the importance of protecting our drinking water and the waters of Lake Simcoe, including:

- (a) Any applicable fees to be charged;
- (b) Procedural information;
- (c) Contact information within the Building Division; and,
- (d) The legislative authority for the inspection program.

5. Inspection protocol

The section sets out a progressive audit approach to maintenance inspections. Initial inspections (Phase 1) are designed to be non-intrusive and avoid significant disturbance to the system and surrounding soil area. Where concerns are identified with an initial inspection, a more detailed inspection (Phase 2) may result.

a) Phase 1 inspection

Purpose:

Obtain the most current and accurate information related to the on-site sewage system in the ground. This is completed through location and identification of the on-site sewage system's components and observations for signs of malfunction or failure.

Protocol:

- (i) Archival property research to determine the on-site sewage system components, Building use, etc;
- (ii) Identify major occupancy type to determine the source and type of sewage;
- (iii) Identification and charting, where deemed necessary, of the locations of on-site sewage system components for comparison to previous system approvals;
- (iv) Identify and chart, where deemed necessary, the location of water supplies for the site;
- (v) Observation of the site for obvious signs of malfunction or failure;
- (vi) Confirmation of valid and active maintenance contract for tertiary on-site sewage systems;
- (vii) Photograph the area as required;
- (viii) Provide an inspection report to the owner and retain a copy for Town records; and,
- (ix) Re-schedule future inspections based on five year intervals.

b) Phase 2 inspection

Purpose:

To complete a more detailed review of the on-site sewage system upon identification of malfunction or failure, or risk of malfunction or failure, resulting from a Phase 1 Inspection.

Protocol:

- (i) Examining the condition of the sewage in the tank and of the effluent filter;
- (ii) Examining the condition of the tank and its components after a pump-out;
- (iii) Review the current maintenance agreement for a tertiary system;
- (iv) Reviewing operational components of a tertiary system;
- (v) Receiving and reviewing new effluent samples related to a tertiary system;
- (vi) Examining components of the on-site sewage system and characteristics of the property such as pump tanks, distribution boxes, dispersal bed, soil type and permeability, evidence of surface water ponding, encroachments into the leaching bed of natural or man-made features, etc.;
- (vii) Examining components of the on-site sewage system upstream of the tank such as Building sewer, internal Building plumbing, electrical connections, electrical control panel, etc.;
- (viii) Conduct dye tests;
- (ix) Receive documentation of previous effluent sampling results of system comprised of a tertiary system;
- (x) Provide an inspection report to the Owner and retain a copy for Town records; and,
- (xi) Re-scheduling a follow-up inspection based on five-year intervals.

6. Inspection reports

The Building Division will maintain documentation in respect of maintenance inspections, including:

- (a) Identification of the property attended;
- (b) Identification of any pertinent information collected as part of the inspection; and,
- (c) Deficiencies identified and remedial action required, if any.

A copy of the inspection report will be provided to the Owner.

7. Enforcement

If OBC violations or signs of possible future problems are detected, the Inspector will follow-up on those matters with the Owner. This may involve undertaking some or all of the steps pertaining to Phase 2 maintenance inspections.

If an Inspector finds that an on-site sewage system is malfunctioning or failing or has malfunctioned or failed, the Inspector will assess the severity of the matter. The Inspector may require additional inspections, investigations, tests, reports or other services at the Owner's cost to determine the condition of an on-site sewage system. The Inspector may issue an order to notify the Owner of the problem and provide direction to the Owner to correct the deficiency. Where an on-site sewage system is beyond repair, a new system may need to be constructed.

8. On-site sewage systems and property sales

The Act and the OBC do not require re-inspection of on-site sewage systems upon the sale of a property. Owners, purchasers, mortgagees, realtors and lawyers involved in the sale of properties with on-site sewage systems should be knowledgeable about operation and maintenance issues.

Owners and purchasers should determine if there is an on-site sewage system on the property and satisfy themselves that it is Working properly. If up to date on-site sewage system records are available to potential property buyers (either from the previous Owner or on file with the Town), then purchasers should be able to investigate an on-site sewage system's health further, based on such risk factors as age, previous orders, etc. Based on this investigation and availability of records, a professional inspection by a contractor retained by a Person and at the Person's cost may be appropriate.

The Town does not warrant in any way that an on-site sewage system complies with all requirements of the Act or the OBC.