

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

BY-LAW NUMBER 2015-0150 (BU-1)

BEING A BY-LAW TO PROVIDE FOR THE ADMINISTRATION
AND ENFORCEMENT OF THE BUILDING CODE ACT AND WITH
RESPECT TO THE ESTABLISHMENT AND REQUIREMENT OF
THE PAYMENT OF FEES FOR INFORMATION AND SERVICES

WHEREAS, Section 3.(1) of the Building Code Act, 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, S.O. 1992, c.23, as amended, empowers council to pass By-laws respecting permits for construction, demolition, occupancy, change of use, on-site sewage system and conditional permits and respecting inspections and the charging of permit fees and other related matters;

AND WHEREAS Section 7 of the Building Code Act, S.O. 1992, c.23, as amended, empowers council to pass By-laws to establish an on-site *Sewage system* Maintenance Inspection Program and the charging of service fees for the recovery of costs associated with the administration of said program;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA enacts as follows:

CONTENTS

1. Citation
2. Definitions
3. Classes of *Permits*
4. Applications for *Permits*
5. Plans and Specifications – General
6. Plans and Specifications – *Certified House Models*
7. Incomplete Application
8. Withdrawing a *Permit* Application
9. Revocation of *Permit*
10. Revisions
11. Transfer of *Permit*
12. As-constructed Plans and Documents
13. *Alternative Solutions*
14. *Maintenance Inspection Program*

- 15. Fees
- 16. Refunds
- 17. Recovery of Fees
- 18. Fee Adjustment
- 19. Notices and Inspections
- 20. Delegated Authority to *Chief Building Official*
- 21. Fences at Construction and Demolition Sites
- 22. Offences and Penalties
- 23. Validity
- 24. Interpretation and Implementation
- Schedule A – *Permit* and Miscellaneous Fees
- Schedule B – Plans, Documents and Specifications
- Schedule C – *Maintenance Inspection Program*

1. Citation

- 1.1. This By-law may be cited as the “*Building By-law*”.
- 1.2. All references made within this By-law shall be found within this By-law unless otherwise noted.

2. Definitions

- 2.1. The following words in this By-law shall have the meaning as follows:
 - (a) Act means the Building Code Act, S.O. 1992, c. 23, as amended;
 - (b) Alternative solution means a substitute for an acceptable solution as set out in Parts 3 to 12 of Division B of the *Building Code*;
 - (c) Applicable law means the list of *applicable laws* as prescribed by the *Building Code*;
 - (d) Applicant means the *owner* of a *building* or property who applies for a *permit* or any *authorized agent* to apply for a *permit* on the *owner's* behalf or any person or corporation empowered by statute to cause the construction or demolition of a *building or buildings* and anyone acting under the authority of that person or corporation;
 - (e) Authorized agent means a person who has been authorized in writing to act on the *owner's* behalf for matters relating to an application for a *permit*;

- (f) As constructed plans means construction plans and specifications that show the *building* and the location of the *building* on the property as the *building* has been constructed;
- (g) Building means that as defined in Section 1(1) of the *Act*;
- (h) Building Code means any regulations made under Section 34 of the *Act* and any amendments thereto;
- (i) Certified House Model means a unique *building* design for a detached house, semi-detached house, townhouse or row house containing not more than one dwelling in each house that is intended to be constructed on separate properties by the same person;
- (j) Chief Building Official means the person appointed by a By-law of The Corporation of the Town of Georgina for the purpose of enforcement of the *Act*;
- (k) Farm building means 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;
- (l) Form means the applicable provincial or municipal prescribed document;
- (m) Inspector means a person appointed by By-law of The Corporation of the Town of Georgina for the purpose of enforcement of the *Act*;
- (n) Maintenance Inspection Program means that as defined by the *Act*, and that is established by the *Town* to govern inspections and related matters of existing on-site sewage systems;
- (o) Owner means the registered *owner* of the 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 the *Maintenance Inspection Program* and includes the registered *owner*, and/or a lessee and/or a mortgagee in possession;

- (p) 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*;
- (q) Permit holder means the *owner* to whom the *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* and the *Building Code*;
- (r) Registered Code Agency means a person that has the qualifications and meets the requirements described in subsection 15.11(4) of the *Act*;
- (s) Town means The Corporation of the Town of Georgina; and
- (t) Work means 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 By-law 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 'B' to this By-law and which are further described as follows:

- (a) Construction *Permit* is a *permit* required under Subsection 8.(1) of the *Act* for the construction of *buildings* and parts of *buildings*.
- (b) Demolition *Permit* is a *permit* required under Subsection 8.(1) of the *Act* for the removal of a *building*.
- (c) Conditional *Permit* is a *permit* authorized under Subsection 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) Change of Use *Permit* is a *permit* required under Subsection 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.

- (e) 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*.
- 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* web site, as the case may be.
- 4.3. Where an application is made for a Construction *Permit* under Subsection 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 By-law 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 Schedule 'A' to this By-law;
 - (e) State the names, addresses, telephone numbers, fax numbers and email addresses of the *owner*, *applicant*, architect, professional engineer, designer, contractor, installer or 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, as amended, and/or the Professional Engineers Act, as amended, requires the designer be an architect and/or a professional engineer;

- (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 Subsection 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 By-law 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 Schedule 'A' to this By-law ;
- (d) State the names, addresses, telephone numbers, fax 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 the general review of the 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 declining 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 that a *Construction Permit* will necessarily be issued.

4.7. Where application is accepted at the discretion of the *Chief Building Official* for a Conditional *Permit* under Subsection 8.(3) of the *Act*, the application shall:

- (a) Be preceded by an application for a Construction *Permit* set out in subsection 4.3. and filed with the *Chief Building Official*;
- (b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any *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) 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*;
- (h) Be accompanied by a security deposit as set out in Schedule 'A' to this By-law; and
- (i) In addition to fees prescribed for the Construction *Permit* application, be accompanied by all Conditional *Permit* fees as set out in Schedule 'A' to this By-law.

4.8. Where application is made for a Change of Use *Permit* issued under Subsection 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 By-law and any associated information or approvals required to demonstrate compliance with the *Building Code* and any *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 Schedule 'A' to this By-law; and
- (h) State the name, address, telephone number, fax 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 the 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 by-law and any other *applicable law*.
- 5.2. Each application for a Construction, Demolition or Change of Use *Permit* shall be accompanied by two (2) complete sets of the plans and specifications as set out in Schedule 'B' to this By-law in order for an application to be deemed as complete.
- 5.3. Each application for a Conditional *Permit* shall be accompanied by two (2) additional sets of legible plans and specifications sufficient to describe the scope of *work* covered by the Conditional *Permit*.
- 5.4. Plans shall be drawn to a suitable and legible scale (minimum 1:75 or 3/16"=1'-0") on paper or other durable medium approved by the *Chief Building Official* and shall include information as set out in Schedule 'B' to this By-law unless otherwise specified by the *Chief Building Official*.
- 5.5. At the discretion of the *Chief Building Official*, submission of digital drawings, designs and specifications may be considered where:
 - (a) The file is formatted to print on not greater than 11 inch x 17 inch size paper to retain the original scale of the document; and
 - (b) The format of the digital file is suitable to the *Town*.

6. Plans and Specifications - *Certified House Models*

- 6.1. A designer may submit an application for review of a *Certified House Model* design to confirm substantial compliance of said design with the technical provisions of the *Building Code* and the *Town's Zoning By-law*.
- 6.2. Approval of a *Certified House 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 House Model* design may include not more than four (4) design options all having the same gross area and *building* area.
- 6.4. Where an application is made for review of a *Certified House Model*, the application shall:
 - (a) Comply with the requirements set out in Section 5;
 - (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 By-law 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 Schedule 'A' to this By-law.

7. Incomplete Application

- 7.1. Except as provided in subsection 7.2, 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 if the *applicant* acknowledges that the application is incomplete.

- 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*, *Building Code* or this By-law.
- 7.5. Where it is determined that the *applicant* has not made satisfactory progress to submit the required information within 30 days of being notified by the *Chief Building Official* or *inspector*, written notice that the permit application may be cancelled or is deemed to be abandoned shall be mailed to the *applicant*.
- 7.6. If an incomplete application is deemed to be abandoned as determined 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. Prior to revoking a *permit* under Subsection 8.(10) of the *Act*, the *Chief Building Official* shall serve a notice to the last known address of the *permit holder*, and, following a 30 day period from the date of service, may revoke the *permit* without further notice.
- 9.2. The *Chief Building Official* may, in his/her sole discretion, consider a written request by the *permit holder* to defer revocation of a *permit*, if the request:
 - (a) Is received by the *Chief Building Official* prior to the end of the 30 day period described in Subsection 9.1; and
 - (b) States the reasons why the *permit* should not be revoked and the date by which meaningful and substantial *work* will resume.

- 9.3. 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*.
- 9.4. 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 House Model* design shall be accompanied by all fees as set out in Schedule 'A' of this By-law.

11. Transfer of Permit

- 11.1. 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* be reviewed by an architect or a professional engineer; and
 - (e) Payment of fees for transfer of *permit* as set out in Schedule 'A' of this By-law.

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 Schedule 'A' to this By-law.
- 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 as 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 'C' to this By-law.

15. Fees

- 15.1. Fees shall be determined by the *Chief Building Official* as set out in Schedule 'A' to this By-law and are due and payable by the *applicant* upon submission of an application for *permit*.
- 15.2. Any development charges, levies and fees that are deemed to be *applicable law* shall be calculated and payable to the *Town* at time of *permit* issuance.
- 15.3. For classes of *permits* not described in Section 3 or where no fee exists in Schedule 'A' to this By-law, 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.
- 15.4. 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.
- 15.5. Where *work* occurs prior to the issuance of a *permit*, an additional surcharge equalling 100% of the *permit* fee described in this Section to a maximum of \$5,000.00, shall be payable by the *applicant*.
- 15.6. The *permit* fees as set out in Schedule 'A' to this By-law applies 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 By-law. Additional service fees as set out in Schedule 'A' to this By-law shall be invoiced when

additional resources are utilized to review additional drawings and/or to re-inspect *work*.

- 15.7. Every owner of an on-site sewage system located in an area as set out in Section 14 shall pay the service fee as set out in Schedule 'A' to this By-law upon delivery of maintenance inspection services.

16. Refunds

- 16.1. In the case of a withdrawn, inactive or abandoned *permit* application, the *Chief Building Official* in his/her sole discretion shall determine the amount of any paid *permit* fees as set out in Schedule 'A' to this By-law that may be refunded, if any, as follows:
- (a) Up to 90% if administrative functions only have been performed;
 - (b) Up to 80% if zoning functions only have commenced; or
 - (c) Up to 60% if zoning and plans examination functions have commenced.
- 16.2. There shall be no refund of *permit* fees where a *permit* has been revoked except where the *permit* was issued in error or where the *permit holder* requests the *permit* be cancelled no more than 6 months after the *permit* is issued. In such cases, the amount that may be refunded, if any, shall be up to 50% of the paid *permit* fee.
- 16.3. Upon calculation of a *permit* fee refund determined in Subsections 16.1 and 16.2, the refund value shall be reduced by 5% for each site visit that has been carried out.
- 16.4. The percentage of paid *permit* fee to be refunded as set out in Subsections 16.1 and 16.2 shall not include the additional surcharge calculated as a result of construction, demolition or change of use occurring prior to the issuance of a *permit*.
- 16.5. Any authorized *permit* fee refund shall be returned to the person identified on the receipt.
- 16.6. Any occupancy deposit shall be refunded to the person identified on the receipt provided all construction is complete, inspected and

passed within 6 months of the building being occupied or the occupancy *permit* being issued, whichever occurs first.

16.7. Any demolition deposit shall be refunded to the person identified on the receipt where inspections confirm all of the following within 6 months of issuance of the *permit*:

- (a) The demolition of the building is complete;
- (b) All general review letters, where required, have been received by the *Chief Building Official*;
- (c) All demolition material and debris has been removed from the property; and
- (d) Capped water and sewer services have been inspected and passed.

16.8. No *permit* fee refund shall be made where the calculated *permit* fee refund is less than the minimum fee set out in Schedule 'A' to this By-law.

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. Fee Adjustments

18.1. Immediately upon release of the annual Consumer Price Index by Statistics Canada, all services fees as set out in Schedule 'A' to this By-law shall be adjusted by the Consumer Price Index and shall be:

- (a) Rounded to the nearest cent where the fee is based on an area or linear measurement calculation; and
- (b) Rounded to the nearest dollar for all other fees.

18.2. Adjusted fees shall be posted on the *Town's* web site and available from the Building Division, and shall have the same force and effect as if appended directly to this By-law.

19. Notices and Inspections

- 19.1. 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*.
- 19.2. In addition to Subsection 19.1., 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, Article 1.3.3.4 of the *Building Code*.
- 19.3. The notice required in Subsections 19.1. and 19.2. shall be:

- (a) Submitted on the Inspection Request page on the Town's web site; or
 - (b) Provided to the *Building Division* by any other method as deemed acceptable in the sole discretion of the *Chief Building Official*;
- 19.4. A notice pursuant to Subsections 19.1. to 19.3. is not effective until the notice is actually received by the *Chief Building Official* or designate.
- 19.5. 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.
- 19.6. The time period referred to in Subsection 19.5 shall begin on the business day following the day on which the notice is received.
- 19.7. The *permit holder* shall facilitate safe access for inspection of the *work*.
- 19.8. A copy of the actual plans issued in support of a *permit* shall be available to the inspector when requested.
- 19.9. Re-inspections of deficient or incomplete *work* shall be subject to an additional service fee as set out in Schedule 'A' to this By-law.

20. Delegated Authority to *Chief Building Official*

- 20.1. 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 clause 8.(3)(c) of the *Act* relating to the issuance of a *Conditional Permit*.
- 20.2. Where the *Town* enters into an Agreement with a *Registered Code Agency*, the *Chief Building Official* is authorized, as set out in subsection 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*.

21. Fences at Construction and Demolition Sites

- 21.1. 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.
- 21.2. 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 too 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.
- 21.3. Every fence required under this By-law 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 m in height and shall not exceed the maximum height as set out in the *Town's Zoning By-law*.

22. Offences and Penalties

- 22.1. 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 for in Section 36 of the *Act*.

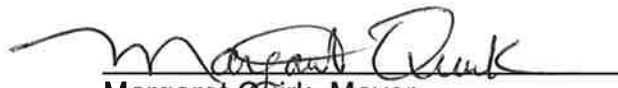
23. Validity


- 23.1. In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

24. Interpretation and Implementation

- 24.1. Schedules A, B and C attached hereto shall form part of this By-law.
- 24.2. This By-law comes into force on February 1, 2016.
- 24.3. By-law 2006-0132, as amended, of the Corporation of the Town of Georgina is hereby repealed.

READ and enacted this 9th day of December, 2015.


Margaret Quirk, Mayor


John Espinosa, Town Clerk

Legislative History:

October 16, 2006	Council adopted By-law 2006-0132 (BU-1)
June 10, 2013	Council adopted By-law 2013-0090 (BU-1) amending By-law 2006-0132 (BU-1)
December 9, 2015	Council adopted By-law No. 2015-0150 (BU-1), effective February 1, 2016, repealing By-law No. 2006-0132 (BU-1)

Schedule A – Permit and Miscellaneous Fees

	Type of <i>Permit</i> or Service	Fee
MINIMUM PERMIT FEE		
1.	Part 9 Residential	\$120
2.	Other	\$200
CONSTRUCTION PERMITS		
1.	Group A Occupancy Classification	
a	New	\$1.29/ft ²
b	Shell Only	\$0.96/ft ²
c	Interior Renovation	\$1.04/ft ²
d	Portable Classroom, each	\$500
2.	Group B Occupancy Classification	
a	New	\$1.29/ft ²
b	Shell Only	\$0.96/ft ²
c	Interior Renovation	\$1.04/ft ²
3.	Group C Occupancy Classification	
a	House, new and addition	\$1.28/ft ²
b	House, new <i>Certified Model</i>	\$1.16/ft ²
c	House, interior renovation	\$0.78/ft ²
d	Other Residential, new and addition	\$1.48/ft ²
e	Other Residential, interior renovation	\$0.78/ft ²
f	Accessory Building, each, new and addition	\$300
g	Deck, greater than 10m ² , each	\$300
h	Foundation Repair, weeping tile, damp proof, etc.	\$300
i	Foundation/Basement, new or replacement	\$0.70/ft ²
j	Slab/Crawl Space, new or replacement	\$0.70/ft ²
k	Move/Relocate House, building area	\$1.19/ft ²
l	Prefabricated House, building area	\$1.19/ft ²
4.	Group D Occupancy Classification	
a	New	\$1.20/ft ²
b	Shell Only	\$0.92/ft ²
c	Interior Renovation	\$1.01/ft ²

	Type of <i>Permit</i> or Service	Fee
5.	Group E Occupancy Classification	
a	New	\$1.20/ft ²
b	Shell Only	\$0.92/ft ²
c	Interior Renovation	\$1.01/ft ²
6.	Group F Occupancy Classification	
a	New	\$0.99/ft ²
b	Shell Only	\$0.86/ft ²
c	Interior Renovation	\$0.86/ft ²
7.	Farm Building	
a	New	\$0.50/ft ²
b	Interior Renovation	\$0.35/ft ²
c	Manure Storage	\$0.28/ft ²

8.	Tents and Temporary Buildings	
a	Tent, one	\$220
b	Additional Tent(s), each	\$60
c	Portable Structure/Trailer, each	\$300
9.	Sewage system	
a	Class 4, new and replacement (incl. leaching field only)	\$1050
b	Class 4, tank only	\$810
c	Class 5, new	\$980
d	Class 5, replacement or repair	\$870

CONDITIONAL PERMITS

10.		
a	Conditional <i>Permit</i> Application and Agreement	\$500
b	Conditional <i>Permit</i> Security Deposit, except single family dwellings within an un-assumed plan of subdivision, unless otherwise required by the Chief Building Official	10 % of construction value

CHANGE OF USE PERMITS

11.		
a	Part 9 Residential	\$500
b	Other	\$500

	Type of <i>Permit</i> or Service	Fee
DEMOLITION PERMITS		
12.		
a	Part 9 Residential, one building	\$200
B	Part 9 Residential, each additional building, same permit	\$50
c	Other, each building	\$800

ADDITIONAL FEES FOR ALL CONSTRUCTION PERMITS		
13.		
a	Solid Fuel Burning Appliance, each	\$300
b	Underpinning, per linear ft.	\$10.18/ft
c	Site Service, sanitary and storm sewer	\$80/90ft of pipe/trench
d	Commercial Hood, each	\$420
e	Dust Collection System	\$420
f	Spray Booth, each	\$420
g	Basement Entrance, addition, each	\$450

STAND-ALONE WORK PERMITS		
14.		
a	Fixture/Appliance/ Equipment, per device	\$20
b	HVAC, replacement	\$235
c	Fire Safety System, alarm, sprinkler, standpipe	\$1270
d	Electromagnetic locking device, each	\$70

OTHER PERMITS		
15.	Designated Structures	
a	Tower, Antennae	\$300
b	Sign, freestanding	\$300
c	Retaining Wall, face ft ²	\$1.92/ft ²
16.	Miscellaneous	
a	Solar Collector Array, on building	\$120
b	Sign, on <i>building</i>	\$225

	Type of <i>Permit</i> or Service	Fee
d	Other <i>Permit</i> Services, fee	\$12 / \$1000 of construction

ADMINISTRATION		
17.	Administration	
a	Re-inspection of Defective or Incomplete <i>work</i>	\$125
b	Issuance of Order to Comply/Deficiency Report	\$125
c	Issuance of a Summons, plus Legal Expenses	\$300
d	Registration of an Ontario Building Code Order or Conditional <i>Permit</i> Agreement on Title, includes discharge (upon request)	\$600
e	All legal expenses incurred by the <i>Town</i>	As billed plus 15%
f	Deferral of Revocation of an Issued <i>Permit</i>	\$80
g	Transfer of <i>Permit</i>	\$60
h	After Hours Inspection, per hour, min. 2 hrs	\$120/hour
i	Revision to <i>Permit</i> , Application or <i>Certified Model</i> , per hour, min. 1 hr	\$120/hour
j	Occupancy Deposit, house	\$300
k	Occupancy Deposit, other	\$700
l	Demolition Deposit, all buildings with plumbing	\$300
18.	Additional Services	
a	<i>Certified Model</i> , plan review only	\$1200
b	Occupant Load, inspection and report	\$150
c	<i>Alternative Solution</i> Review, each	\$480
d	Letter of Compliance – not including <i>sewage system</i> , report only	
e	Letter of Compliance – <i>sewage system</i> , report only	\$75
f	<i>Sewage System</i> Inspection and Report for Planning Application	\$200
19.	Maintenance Inspection Program	
a	Phase 1 Inspection	\$100
b	Issuance of an Order to Comply pursuant to a maintenance inspection	\$300

Schedule B – Plans, Documents and Specifications

Part 1

Class of Permit (from 2.1. of this By-law)	Type of Permit	Required Drawings and Supporting Documents (see Schedule B, Part 2)
Construction	New and Additions, all groups	<ul style="list-style-type: none"> • Site plan • Architectural • Structural • Mechanical/electrical • On-site sewage system • Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Interior Alterations and Renovations, all groups	<ul style="list-style-type: none"> • Site plan • Architectural • Structural • Mechanical/electrical • On-site sewage system • Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Designated Structures	<ul style="list-style-type: none"> • Site plan • Architectural • Structural • Mechanical/electrical • Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Temporary Buildings	<ul style="list-style-type: none"> • Site plan • Architectural • Structural • Mechanical/electrical • Supporting documents confirming compliance with <i>applicable law</i> and required approvals

Demolition	Part 9 <i>Buildings</i>	<ul style="list-style-type: none"> • Site plan • Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Part 3 <i>Buildings</i>	<ul style="list-style-type: none"> • Site plan • Structural • Supporting documents confirming compliance with <i>applicable law</i> and required approvals
Conditional		<ul style="list-style-type: none"> • Supporting documents confirming compliance with <i>applicable law</i> and required approvals
Change of Use		<ul style="list-style-type: none"> • Architectural • Supporting documents confirming compliance with <i>applicable law</i> and required approvals
Occupancy		<ul style="list-style-type: none"> • Supporting documents confirming compliance with <i>applicable law</i> 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, fax, email, licence 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.
- i. 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* Planning Division that the proposed use of the property complies with the municipal Zoning By-law.
- d. Approval from the *Town's* Operations and Engineering Department 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 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 by-law have been paid in full, where deemed applicable.

Note: The *Chief Building Official* may require more or less of any specified drawings or documents to suit the application being considered.

Schedule C – 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);
- 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 3a.

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;
- 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.