

The Corporation of the City of Burlington

City of Burlington By-law XX-2026

Being a by-law under the *Building Code Act, 1992* to regulate the construction and demolition of buildings and to repeal City of Burlington By-law 66-2019

File: 565-05 (DGM-18-26)

WHEREAS section 3 of the *Building Code Act, 1992* (the “Act”) provides that the council of each municipality is responsible for the enforcement of the Act in the municipality, except where otherwise provided;

WHEREAS section 7 of the Act empowers the council of a municipality to pass by-laws to regulate the construction and demolition of buildings, including the issuance of permits and related matters;

WHEREAS section 8 of the *Municipal Act, 2001* provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

WHEREAS section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality may pass by-laws respecting the financial management of the municipality, the health, safety and well-being of persons and the protection of persons and property;

WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality;

WHEREAS section 446 of the *Municipal Act, 2001* provides that where a municipality directs or requires a person to do a matter or thing under the *Municipal Act, 2001* or any other Act or under a by-law of the municipality, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense and the costs recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Council of The Corporation of the City of Burlington deems it appropriate to repeal City of Burlington By-law 66-2019 and to enact a new by-law to regulate the construction and demolition of buildings, including the issuance of permits and related matters; and,

NOW THEREFORE Council of The Corporation of the City of Burlington hereby enacts as follows:

**PART 1
DEFINITIONS**

Definitions

1.1 In this By-law:

“Act” means the *Building Code Act, 1992*.

“Applicant” means the Owner of a building or property who applies for a Permit, any person authorized by the Owner to apply for a Permit on the Owner’s behalf, or any person or corporation who applies for a Permit to carry out work at a property under the authority of a statute or court order and anyone acting under the authority of that person or corporation.

“applicable law” means the list of applicable law set out in Article 1.4.1.3 of Division A of the Building Code.

“Architect” means the holder of a license or a certificate of practice issued under the *Architects Act* as defined in the Building Code.

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

“Business Day” or **“Business Days”** means 8:30 a.m. to 4:30 p.m. on any day on which the administration buildings of the City of Burlington are open for the transaction of business with the public.

“By-law” means this by-law and any schedule to this by-law.

“Chief Building Official” means the Chief Building Official appointed by Council of the City of Burlington pursuant to section 3 of the Act.

“City” or **“City of Burlington”** means The Corporation of the City of Burlington.

“Council” means the Council of The Corporation of the City of Burlington.

“Conditional Permit” means a Permit issued by the Chief Building Official pursuant to subsection 8(3) of the Act.

“Electronic Submission Standards” means those standards, requirements and specifications for electronic Permit application submission, including but not limited to submission system, AI integrations, drawing format, colour size, and file naming conventions, as provided for by the City and available within the City’s Building Department, and all other applicable policies and by-laws of the City.

“Fast Track Service” means an expediated plan examination service conducted outside the standard review process with no guarantee of earlier Permit issuance as authorized by the Chief Building Official.

“Inspector” means a person appointed by the City of Burlington for the purposes of the enforcement of the Act.

“Ontario Land Surveyor” means a person who holds a licence under the *Ontario Land Surveyors Act*.

“Owner” means the registered owner of the land and includes a lessee and a mortgagee in possession.

“Professional Engineer” means a person who holds a licence or temporary licence under the *Professional Engineers Act*.

“Permit” means a building permit, a permit to change the use of a building or part of it, or a permit to occupy a building or part of it issued by the Chief Building Official in accordance with the Act and Building Code.

“Permit Holder” means the Owner to whom a Permit has been issued or, where a Permit has been transferred, the new Owner to whom the Permit has been transferred.

“Records By-law” means City of Burlington By-law 5-2015, as amended or replaced from time to time.

“Work” means construction or demolition or both of a building or part of it.

PART 2 GENERAL

Short Title

2.1 This By-law may be cited as the “Building Permit By-law”.

Schedules

2.2 The following schedules are attached to and form part of this By-law:

- Schedule “A” – Classes of Permits and Fees
- Schedule “B” – Refund of Fees
- Schedule “C” – Drawings, Specifications, and Documents Required for Construction, Demolition, and Change of Use Permits
- Schedule “D” – Code of Conduct

Interpretation

- 2.3 Any word or term not defined in this By-law that is defined in the Act or the Building Code shall have the meaning as ascribed to it in the Act or the Building Code.
- 2.4 The term “Chief Building Official” as used in this By-law shall include the Deputy Chief Building Officials of the City of Burlington as appointed by the Council for the City of Burlington.
- 2.5 References in this By-law to any legislation or by-law means as may be amended or replaced from time to time and include any regulations thereunder.
- 2.6 In the event of amendments to the Act or the Building Code which result in changes to the provision numbers referenced in this By-law, references in this By-law to specific provisions of the Act or the Building Code shall be deemed to be references to the amended equivalents.
- 2.7 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.

Forms

- 2.8 Applications, other than applications for a Permit, shall be on a form prescribed by the Chief Building Official, and the Chief Building Official is authorized to approve forms as deemed necessary for the administration of this By-law and the Act.
- 2.9 The Chief Building Official is authorized to approve forms for supporting information required in conjunction with an application for a Permit additional to the Permit application form prescribed by the Minister under the Act.

Role of Chief Building Official and Inspectors

- 2.10 It is the role of the Chief Building Official and Inspectors to exercise powers and perform duties in an independent manner and in accordance with the standards established by the Code of Conduct set out in Schedule “D” to this By-law.

Notice

- 2.11 A notice required by this By-law to be given in writing may be given personally, by email to the last known email address of the person to whom service is required to be made or by registered mail sent to the last known address of the person to whom notice is to be given or to that person’s agent for service.
- 2.12 If a notice is given by registered mail, the notice shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice

or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

- 2.13 If a notice is given by email, the notice shall be deemed to have been made on the day of sending unless,
- (a) the document was sent after 4:30 p.m., in which case service shall be deemed to have been made on the following day; or
 - (b) the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

PART 3 PERMITS

General

- 3.1 Every application for a Permit shall:
- (a) be made to the Chief Building Official using the prescribed form or the form approved by the Minister;
 - (b) be accompanied by the documents and information specified in the Act, the Building Code, this By-law, or as otherwise required by the Chief Building Official;
 - (c) be submitted online in accordance with the Electronic Submission Standards unless the Chief Building Official determines otherwise; and
 - (d) be subject to pre-screening to confirm the requirements for acceptance have been met to the satisfaction of the Chief Building Official.
- 3.2 The acceptance of an application for a Permit shall not prohibit the Chief Building Official from requiring the Applicant to provide additional documents and information that the Chief Building Official deems necessary to:
- (a) make a decision respecting issuance of a Permit;
 - (b) determine compliance with the Act, the Building Code, applicable law, and this By-law; or
 - (c) determine the applicable Permit fees required by this By-law.

- 3.3 The Chief Building Official may refuse to accept an application for a Permit that does not meet the requirements set out in the Act, the Building Code, or this By-law at the time of application.
- 3.4 No person shall make a material change or cause a material change to be made to a plan, specification, document, or other information on the basis of which a Permit was issued without notifying, filing details with, and obtaining the authorization of the Chief Building Official.
- 3.5 The Chief Building Official may require the Applicant to submit a new application for a Permit upon authorization of a material change under section 3.4, in which case a revised Permit must be issued before any Work in connection with the material change can be commenced.
- 3.6 The Chief Building Official may vary or waive any of the requirements for an application for a Permit under this By-law at their discretion.

Plans and Specifications

- 3.7 Every application for a Permit shall be accompanied by:
 - (a) the plans, specifications and documents listed in Schedule “C” or as otherwise required by the Chief Building Official to determine whether the proposed construction, demolition or change of use will conform to the Act, the Building Code, and any other applicable law; and
 - (b) a site plan referenced to an up to date plan of survey certified by an Ontario Land Surveyor, and a copy of the survey shall be filed with the City unless this requirement is waived because the Chief Building Official is able, without having an up to date plan of survey, to determine whether the proposed Work conforms to the Act, the Building Code, or any other applicable law.
- 3.8 Site plans shall clearly indicate:
 - (a) rights-of-way, easements, and municipal/provincial services;
 - (b) above ground electrical conductors;
 - (c) lot size and dimensions of property lines and setbacks to any existing or proposed buildings; and
 - (d) existing and proposed finished ground levels or grades.
- 3.9 A surveyor’s certificate, or an as-built survey, prepared by an Ontario Land Surveyor, shall be submitted and approved prior to commencement of the framing

or the above grade portion, and shall show the location of the foundation or foundations on the lot for any new residential construction, including accessory buildings, up to 10 dwelling units. Elevations shall be given for the top of foundation(s). An Inspector may request a surveyor's certificate as deemed necessary.

- 3.10 On completion of the construction of a building, the Chief Building Official may require a set of as-constructed plans, including a plan of survey showing the location of the building.
- 3.11 Plans and specifications furnished according to this By-law or otherwise required by the Act or the Building Code become the property of the City and will be disposed of or retained in accordance with the City's Records By-law and relevant legislation.

Fast Track Service

- 3.12 The Fast Track Service provides an expedited plans examination service for one cycle of plan review.
- 3.13 An Applicant may request the Fast Track Service at the time an application for a Permit is made, or at the time of resubmission for a subsequent plan review cycle. A request for Fast Track Service will not be accepted once the applicable plan review cycle has commenced.
- 3.14 Where the Fast Track Service is requested, the City will endeavour to complete the applicable plan review cycle within a period equal to one-half of:
 - (a) the applicable time period described in Sentence 1.3.1.3.(1) of Division C of the Building Code; or
 - (b) the City's average plan review time for the applicable Permit class at the time of submission, whichever is greater.
- 3.15 The availability of the Fast Track Service is not guaranteed and is subject to the availability of City resources.
- 3.16 Where an Applicant requests the Fast Track Service, the additional fees required by this By-law shall apply.

Construction Permits

- 3.17 Every application for a Permit to construct a building shall:
 - (a) meet the requirements of sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, and 3.11, as applicable;

- (b) be accompanied by the applicable fees required by this By-law;
- (c) identify and describe in detail the Work, use, and occupancy for which the application for a Permit is made;
- (d) identify and describe in detail the existing use and the proposed use for the premises;
- (e) identify the subject municipal address and legal description;
- (f) if Subsection 1.2.2 of Division C of the Building Code applies, be accompanied by a signed acknowledgement of the Owner on the form prescribed, that an Architect or Professional Engineer or both have been retained;
- (g) if Subsection 1.2.2 of Division C of the Building Code applies, be accompanied by a signed statement from the Architect or Professional Engineer or both on the form prescribed, undertaking to provide a general review; and
- (h) state the estimated or known valuation of the proposed Work, including material, labour, and related direct cost associated with the Work, exclusive of the cost of the land, along with copies of supporting documentation.

Demolition Permits

3.18 Every application for a Permit that includes demolition of a building shall:

- (a) meet the requirements of sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, and 3.17, as applicable;
- (b) if Subsection 1.2.2. of Division C of the Building Code applies, be accompanied by structural design characteristics of the building and the method of demolition;
- (c) if Article 1.2.2.3. of Division C of the Building Code applies, be accompanied by confirmation on a form prescribed by the Chief Building Official that a Professional Engineer has been retained to undertake the general review of the demolition; and
- (d) be accompanied by a demolition clearance form as prescribed by the Chief Building Official.

Conditional Permits

- 3.19 Where an application for a Conditional Permit is made under subsection 8(3) of the Act, the application shall:
- (a) meet the requirements of sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, and 3.16, as applicable;
 - (b) state the reasons why the Owner believes that unreasonable delays in construction would occur if a Conditional Permit were not granted;
 - (c) identify the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
 - (d) be subject to the Owner and such other person as the Chief Building Official determines entering into an agreement with the City as described in subsection 8(3) of the Act.
- 3.20 The Chief Building Official is authorized to take the following actions with respect to the processing of Conditional Permit agreements under section 8 of the Act:
- (a) approve entering into a Conditional Permit agreement and executing the agreement on behalf of the City;
 - (b) approve an assignment of a Conditional Permit agreement and execute the consent to the assignment of the agreement on behalf of the City; and
 - (c) approve the release of a registered Conditional Permit agreement when the agreement is no longer necessary and execute the release of the agreement on behalf of the City.
- 3.21 Where the conditions in subsections 8(3) to 8(5) of the Act and section 3.19 have been satisfied, the Chief Building Official may issue a Conditional Permit for a building subject to compliance with the Act, the Building Code, and any other applicable law.
- 3.22 Where a Conditional Permit is issued for all or part of a building or project, the Conditional Permit does not authorize construction beyond the plans for which approval is given, nor does it represent or imply that approval will be granted for the entire building or project.

Partial Permits

- 3.23 Where an application for a Permit to construct a building has been accepted by the Chief Building Official, an application for a Permit for part of the building may be made.
- 3.24 The Chief Building Official's review of a Permit application for part of a building shall be based on the plans and specifications submitted with the original Permit application for the building, and no further documentation need be submitted unless required by the Chief Building Official.
- 3.25 Where a Permit is issued for part of a building, the partial Permit does not authorize construction beyond the plans for which the approval is given, nor does it represent or imply that approval will be granted for the entire building.

Sewage System Permits

- 3.26 Every application for a Permit that includes construction of a sewage system shall:
- (a) meet the requirements of sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, and 3.11, as applicable;
 - (b) include a site evaluation and specify the date on which the site evaluation was conducted;
 - (c) provide the name, address, telephone number, and signature of the person who prepared the site evaluation;
 - (d) include a scaled site plan showing:
 - (i) the legal description, lot size, property dimensions, existing right-of-way, easements, or municipal/utility corridors;
 - (ii) the location and applicable clearance distances and minimum clearances listed in Tables 8.2.1.5., 8.2.1.6.-A, 8.2.1.6.-B, and 8.2.1.6.-C of Division B of the Building Code;
 - (iii) the location of the proposed sewage system;
 - (iv) the location of any unsuitable, disturbed, or compacted areas;
 - (v) proposed access routes for system maintenance;
 - (vi) depth to bedrock;
 - (vii) depth to zones of soil saturation;

- (viii) soil properties, including soil permeability; and
- (ix) soil conditions, including the potential for flooding.

Change of Use Permits

3.27 Where an application is made for a change of use Permit under subsection 10(1) of the Act, the application shall:

- (a) meet the requirements of sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, and 3.11, as applicable;
- (b) describe the building or part of it in which the occupancy is to be changed;
- (c) identify and describe in detail the current and proposed occupancies of the building or part of the building for which the application is made;
- (d) include plans and specifications which show the current and proposed occupancy of all parts of the building, and include sufficient information to establish compliance with the requirements of the Building Code, including but not limited to floor plans, details of wall, floor, and roof assemblies identifying required fire-resistance ratings and load-bearing capacities, and details of the existing sewage system;
- (e) where the fee under this By-law respecting an application for a change of use Permit issued under subsection 10(1) of the Act is applicable, supply the total floor area of all storeys subject to the change of use;
- (f) be accompanied by a completed and signed form as supplied by the Chief Building Official and be signed by the Owner or their authorized agent who shall certify the truth of the contents of the application; and
- (g) include any other information that may be required by the Chief Building Official.

Transfer of Permits

3.28 Where a property which is the subject of a Permit or Permit application has been sold, the Permit or Permit application may be transferred by the Chief Building Official to the new Owner of the property only upon receipt of:

- (a) an application for a Permit submitted by the new Owner of the property;
- (b) a copy of the transfer deed of land registered in accordance with the provisions of the *Land Titles Act*;

- (c) the applicable fees required by this By-law; and
- (d) any other information or documentation that may be required by the Chief Building Official.

PART 4 ALTERATIVE SOLUTIONS

Application

- 4.1 Where an alternative solution is being proposed pursuant to Section 2.1 of Division C of the Building Code in connection with a Permit application or Permit issued, an application for approval of the alternative solution shall be made to the Chief Building Official by:
- (a) filing an application on a form prescribed by the Chief Building Official;
 - (b) filing the plans, specifications, tests, and documents necessary for the review in accordance with Articles 2.1.1.1 and 2.1.1.2 of Division C of the Building Code as applicable and as may be required by the Chief Building Official; and
 - (c) paying the applicable fees required by this By-law.

Approval

- 4.2 After reviewing the documentation filed with an application for approval of an alternative solution, the Chief Building Official may accept or reject the proposed alternative solution and may impose such conditions or restrictions as the Chief Building Official in their discretion considers appropriate.
- 4.3 An alternative solution approved under this section is applicable only to the plans, specifications, tests, and documents forming part of the application and shall not be transferred to, relied upon for, or cited in support of any other Permit application or Permit issued.

PART 5 FEES

General

- 5.1 All fees required by this By-law shall be as set out in Schedule "A" to this By-law unless otherwise specified.

- 5.2 No amendments shall be made to Schedule “A” unless notice of the proposed changes in fees is given and a public meeting is held in accordance with subsection 7(6) of the Act and Article 1.9.1.2. of Division C of the Building Code.
- 5.3 The fees set out in Schedule “A” shall be adjusted annually and indexed to the overall percentage increase for a total human resource expenditure approved in the annual budget for the Building Department where appropriate.
- 5.4 If a fee cannot be calculated using the formula set out in Schedule “A” or where no new floor area is created or where materials, system, or equipment regulated by the Building Code render it impractical to determine the applicable fee on the basis of the classification noted Schedule “A”, the fee payable shall be 1% of the construction value or as determined by the Chief Building Official.

Permit Fees

- 5.5 When an application for a Permit is made, the Permit fees as calculated by the Chief Building Official shall be paid.
- 5.6 No Permit shall be issued until the total amount of fees charged and owing has been paid.
- 5.7 Notwithstanding section 5.5, where the total Permit fees are greater than \$50,000, an Applicant may elect to pay 50% of the total Permit fees at the time the application for a Permit is made and the balance at the time the Permit is issued.
- 5.8 If new, additional, or revised information is submitted in connection with an application for a Permit which relates to or revises information which has already been reviewed, an additional fee may be charged to compensate the City for the further review time spent in accordance with Schedule “A” and shall be paid by the Applicant before the Permit is issued.
- 5.9 Where Work has commenced in respect of any stage of construction or demolition prior to the issuance of a Permit authorizing the construction or demolition, an additional fee may be charged in accordance with Schedule “A” and shall be paid by the Applicant.
- 5.10 The Conditional Permit fees paid in accordance with Schedule “A” shall be charged in addition to any other fees required by this By-law and shall not be credited to the fees payable for any subsequent Permit application.

Refunds

- 5.11 Fees collected under this By-law are non-refundable unless otherwise specified.

- 5.12 Any request for the refund of fees shall be made to the Chief Building Official in writing.
- 5.13 Where a written request for the refund of fees is made to the Chief Building Official in accordance with section 5.12, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule “B” to this By-law.
- 5.14 No refund of fees shall be made:
- (a) where the amount of fees refundable as calculated in accordance with Schedule “B” is less than the minimum fee applicable to the Work;
 - (b) more than one year after the cancellation or abandonment of a Permit application pursuant to part 6 of this By-law; or
 - (c) where a Permit has been revoked pursuant to clauses 8(10)(b), (d), and (e) of the Act.
- 5.15 Refunds shall be made payable to the party who paid the fees or to other persons if so authorized in writing by the party who paid the fees.

PART 6 INCOMPLETE OR INACTIVE APPLICATIONS

Incomplete Applications

- 6.1 Where the Chief Building Official determines that an application for a Permit is incomplete, the Chief Building Official shall advise the Applicant of their determination and provide in writing the reasons for their determination in accordance with Sentence 1.3.1.3.(6) of Division C of the Building Code.
- 6.2 In cases where an application for a Permit has been deemed by the Chief Building Official to be incomplete and returned to the Applicant, submission of a new application for a Permit shall be required inclusive of a cover letter identifying all addressed deficiencies and design disciplines unless otherwise directed by the Chief Building Official. Partial resubmissions will not be accepted.

Inactive Applications

- 6.3 Where any application made under this By-law and/or the Act remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned without notice.
- 6.4 All documents submitted as part of an application that has been deemed by the Chief Building Official to have been abandoned, including but not limited to plans

and specifications, will be disposed of in accordance with the City's Records By-law and relevant legislation or returned to the Applicant at the discretion of the Chief Building Official.

PART 7 REVOCATION OF PERMITS

General

- 7.1 The Chief Building Official may revoke a Permit issued under this By-law in accordance with subsection 8(10) of the Act.

Revocation

- 7.2 Upon revocation of a Permit, all documents submitted in connection with the Permit application, including but not limited to plans and specifications, will be disposed of in accordance with the City's Records By-law and relevant legislation or returned to the Applicant at the discretion of the Chief Building Official.

PART 8 INSPECTIONS

General

- 8.1 All notices under this part shall be given in accordance with the notice provisions set out in this By-law.

Notice of Readiness for Inspection

- 8.2 Every Permit Holder shall notify the Chief Building Official that the construction is ready to be inspected:
- (a) at each stage of construction specified in Article 1.3.5.1. of Division C of the Building Code; and
 - (b) at the stages of construction specified in Clauses 1.3.5.2.(1)(a), (d), and (j) of Division C of the Building Code.
- 8.3 Upon receipt of the notice, an Inspector shall undertake a site inspection of the building to which the notice relates within the period prescribed in Article 1.3.5.3. of Division C of the Building Code.
- 8.4 Inspections shall only be carried out on Business Days unless an exception is approved by the Chief Building Official upon receipt of a written request from the Permit Holder and the applicable fees required by this By-law.

Notice of Date of Completion

- 8.5 Every Permit Holder shall notify the Chief Building Official of completion of a building for which a Permit authorizing occupation of the building or part of it is required under Article 1.3.3.4., 1.3.3.5., or 1.3.3.7. of Division C of the Building Code.
- 8.6 The notice required under section 8.5 shall be accompanied by the applicable fees required by this By-law.

PART 9 FENCES

Fence Required

- 9.1 The person to whom a Permit is issued shall erect and maintain fences to enclose the site of the construction or demolition within such areas as may be prescribed by the Chief Building Official prior to the commencement of construction or demolition.
- 9.2 Every fence shall:
- (a) be erected on the property around the perimeter of the site of the construction or demolition so as to fully enclose the site;
 - (b) be built to deter entry to the construction site by unauthorized persons;
 - (c) have no rails, other horizontal or diagonal bracing, attachment, or patterns of openings on the outside that would facilitate climbing;
 - (d) contain no opening that would permit the passage of a spherical object having a diameter of 100 millimetres;
 - (e) be equipped with gates at any access opening that:
 - (i) contain wire mesh or similar material sufficient to provide visibility for traffic entering or exiting the construction site;
 - (ii) be built to specifications that provide performance and safety at least equivalent to the construction fence; and
 - (iii) deter entry by unauthorized persons to the construction site;
 - (f) be maintained:

- (i) free from health, fire, and accident hazards;
 - (ii) in a sturdy and upright position and shall at all times be well anchored and secure;
 - (iii) in good condition and, without limiting the foregoing, shall not become unsafe, damaged, structurally unsound, or dangerous; and
 - (iv) so that any access opening is closed and locked or securely sealed when the construction site is unattended; and
- (g) be removed from the property no later than 30 days after the completion of construction or demolition or as otherwise directed by the Chief Building Official.

Fence Height

9.3 Every fence erected shall have a height not less than 1.2 metres above the grade immediately outside the fence unless otherwise directed by the Chief Building Official.

Fence Materials

9.4 Every fence shall be constructed using wood, metal, plastic mesh, or chain link.

9.5 The fence may be a combination of the fence types specified in section 9.4 or may be constructed using other materials if the fence can be shown to provide performance and safety equivalent to fence types specified in section 9.4 and the Chief Building Official authorizes its use.

Fence Support

9.6 Vertical fence supports shall be spaced at a maximum of 2.4 metre on centre and shall be embedded in the ground or secured with ground stands to ensure the fence remains rigid and stable. Fence materials shall be securely fastened to a top-rail.

Modifications

9.7 The Chief Building Official may authorize modifications to the requirements of this part where satisfied that the proposed modifications meet the intentions of this part and do not compromise public safety.

**PART 10
LIMITING DISTANCE AGREEMENTS**

Delegation

- 10.1 The authority to approve entering into limiting distance agreements under the Building Code and to execute such agreements on behalf of the City is delegated to the Chief Building Official where the following conditions are met:
- (a) no land owned by the City is affected by the agreement;
 - (b) the agreement does not impose any obligations on the City; and
 - (c) the agreement is satisfactory to the City Solicitor.

**PART 11
ENFORCEMENT**

Remedial Action

- 11.1 If a person fails to do a matter or thing directed or required to be done under this By-law, the City may proceed to do the matter or thing at the person's expense.
- 11.2 For the purposes of section 11.1, the City may enter upon land at any reasonable time.

Recovery of Costs

- 11.3 The City may recover the costs of doing a matter or thing under section 11.1 from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Interest

- 11.4 The costs include interest calculated at a rate of 15% or such lesser rate as may be determined by the City, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.

Lien for Costs

- 11.5 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

- 11.6 The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued at the rate established under section 11.4 to the date the payment is made.
- 11.7 Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

PART 12 OFFENCES AND PENALTIES

Offences

- 12.1 Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to a penalty as set out in section 36 of the Act.

PART 13 REPEAL AND ENACTMENT

Repeal

- 13.1 City of Burlington By-law 66-2019 is hereby repealed.
- 13.2 Despite the repeal of City of Burlington By-law 66-2019 under section 13.1:
- (a) City of Burlington By-law 66-2019 shall continue to apply to:
 - (i) any offence committed under City of Burlington By-law 66-2019;
 - (ii) any penalty or fee imposed under City of Burlington By-law 66-2019;
 - (iii) any debt owed under City of Burlington By-law 66-2019;
 - (iv) any investigation commenced under City of Burlington By-law 66-2019;
 - (v) any proceeding in respect of an offence committed before its repeal;
 - (b) Permit applications accepted by the Chief Building Official prior to the date of the repeal for which a Permit has not yet been issued will be processed in accordance with this By-law, and the fees and charges payable for the Permit applications shall be those in effect at the time of the repeal;

- (c) Permit applications accepted by the Chief Building Official prior to the date of the repeal shall be subject to part 6 of this By-law;
- (d) all of the terms and conditions of any Permit issued under City of Burlington By-law 66-2019 that are in effect at the time of the repeal or that are imposed in accordance with subsection 13.2(b) will continue as terms and conditions of a Permit issued under this By-law and be subject to the provisions of this By-law.

Enactment

13.3 This By-law comes into force on the date of its passing.

Passed this XX day of XXXXX, 2026.

Mayor Marianne Meed Ward

City Clerk Mike de Rond

SCHEDULE "A"
CLASSES OF PERMITS AND FEES

1. Calculation of Permit Fees for Construction

- 1.1. Permit fees shall be calculated using the following formula unless otherwise specified in this Schedule⁶:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

where:

SI = the service index applicable to the classification of the proposed work;
and

A = the floor area in square metres (m²) of the work involved.

- 1.2. Permit fees shall be rounded to the nearest dollar, with amounts of \$0.50 or greater rounded up to the next whole dollar. All other fees shall be rounded to the nearest cent. Harmonized Sales Tax (HST) shall be charged where applicable.

2. Minimum Permit Fee

- 2.1. Notwithstanding the Permit fees set out in this Schedule, a minimum Permit fee of \$377.00 shall be charged for processing and issuing Permits unless otherwise specified.

3. Classes of Permits and Fees

A. CONSTRUCTION OF NEW BUILDINGS, ADDITIONS, MEZZANINES	
TYPE OF WORK	SERVICE INDEX (SI) (\$/m ² unless otherwise specified)
Group A – Assembly Occupancies	
Recreational Facilities – Arena ¹ , Gymnasium, Pool, Theatre	32.82
School/Library	32.82
Place of Worship	32.82
Restaurant	32.82
Outdoor Patio	9.92
Portable School Classroom	Minimum Permit Fee ⁷
Interior Alteration/Renovation	12.82

Group B – Detention Occupancies	
Institutional	37.19
Hospital/Nursing Home	37.19
Interior Alteration/Renovation	16.07
Group C – Residential Occupancies	
Detached, Semi, Townhouse, Addition – Total Area Up to 300m ²	23.18
Detached, Semi, Townhouse, Addition – Total Area Over 300m ²	29.90
Attached/Detached Garage or Deck, Carport, Covered Deck/Patio	Minimum Permit Fee ⁷
Excavating Basement or Crawl Space	Minimum Permit Fee ⁷
Basement Walkout/Exterior Stairs/ Accessory Building (Shed)	Minimum Permit Fee ⁷
Apartment Building, Hotel, or Stacked Townhouse (1 – 3 Storeys)	21.35
Apartment Building or Hotel (4 – 7 Storeys)	25.80
Apartment Building or Hotel (More than 7 Storeys)	30.28
Interior Alteration/Renovation	8.25
Group D – Business and Personal Services Occupancies	
Office Building – Shell Only (Up to 10 Storeys)	24.26
Office Building – Finished (Up to 10 Storeys)	32.24
Office Building – Shell Only (More than 10 Storeys)	26.50
Office Building – Finished (More than 10 Storeys)	34.47
Other Businesses and Personal Services	32.61
Interior Alteration/Renovation	12.82
Group E – Mercantile Occupancies	
Retail Store – Shell Only	22.57
Retail Store – Finished	32.24
Interior Alteration/Renovation	12.82

Group F – Industrial Occupancies	
Warehouse/Manufacturing – First 4,650m ²	17.94
Warehouse/Manufacturing – Additional Area Over 4,650m ²	12.24
Parking Garage – New	9.48
Parking Garage – Repair	3.94
Interior Alteration/Renovation	8.74
Group G – Agricultural Occupancies	
Farm Building, Accessory Building, Greenhouse	5.90
Additional Scopes of Work – All Occupancies	
Accessory Structure or Building	5.90
Mezzanine – Open Storage	10.41
Mezzanine – Enclosed Office	See Group D – Business and Personal Services Occupancies
Sprinkler System or Standpipe and Hose System – New/Alteration (Added to Base Permit Fee)	1.22 (716.00 minimum)
Fire Alarm – New/Alteration (Added to Base Permit Fee)	962.00 ⁷
Electromagnetic Locking Device (Added to Base Permit Fee)	Minimum Permit Fee ⁷ (177.00 for each additional locking device)
Dust Collector (Added to Base Permit Fee)	745.00 ⁷ (for each item)
Commercial Kitchen Exhaust Hood and/or Fire Suppression System (Added to Base Permit Fee)	745.00 ⁷ (for each item)
Spray Booth (Added to Base Permit Fee)	745.00 ⁷ (for each item)
Shelf and Rack Storage System	5.64 (716.00 minimum)
Repair or Re-Cladding of Walls (Wall Area) or Re-Roofing (Building Area)	1.24
Shoring and/or Building Excavation	5.64/m (per level)

Residential Occupancy Permit for Dwelling Unit Within the Scope of Sentence 1.3.3.4.(4) of Division C of the Building Code (Detached, Semi, Most Townhomes)	191.00 (per dwelling unit)
Occupancy Permit for Residential Buildings Outside the Scope of Sentence 1.3.3.4.(4) of Division C of the Building Code and Care Facilities (B3)	346.00 ⁷ (plus 38.00 per suite for multiple unit buildings)
Occupancy Permit for New Building, Addition, Renovation (Other Than Buildings of Residential Occupancy and Care Facilities (B3) Listed Above)	Minimum Permit Fee ⁷ (per application or partial application)
B. STAND ALONE AND MISCELLANEOUS	
Balcony/Chimney Repair	144.00 (per balcony/chimney)
Moving/Relocation of a Building	645.00 ⁷
Temporary Tent/Stage ^{1,2} – Over 60m ²	Minimum Permit Fee ⁷
Temporary Tent/Stage ^{1,2} – Over 225m ²	540.00 ⁷
Demolition – Up to 600m ²	Minimum Permit Fee ⁷
Demolition – Over 600m ²	1,061.00 ⁷
All Designated Structures Listed in Article 1.3.3.5. of Division A of the Building Code	645.00 ⁷
C. MECHANICAL	
HVAC – New/Alteration	1.41
Furnace Replacement ⁹	Minimum Permit Fee ⁷
Fireplace/Wood Stove (Solid Fuel Burning Appliance)	Minimum Permit Fee ⁷
New Air Conditioning Unit/Roof Top Unit	Minimum Permit Fee ⁷
D. PLUMBING	
Site Servicing/Private Water Lines	6.06/m or Minimum Permit Fee ⁷ (per Permit – up to 10 units)
New Sewer and/or Water Service Installation (Low Density Residential Only)	Minimum Permit Fee ⁷
Backflow Prevention Device, Sump Pump, and/or Backwater Valve	434.00 ⁷ (176.00 for each additional device)
E. ON-SITE SEWAGE SYSTEM	
New Septic System	1,545.00 ⁷
Septic System Assessment	Minimum Permit Fee ⁷

Septic System Repair	708.00 ⁷
Sewer Conversion	Minimum Permit Fee ⁷
F. SIGNS	
Fascia and Pylon/Ground Signs – Up to 2.5m ²	Minimum Permit Fee ⁷
Fascia and Pylon/Ground Signs – 2.5m ² to 8.0m ²	526.00 ⁷
Fascia and Pylon/Ground Signs – Over 8.0m ²	1,047.00 ⁷
Billboard	1,047.00 ⁷
G. OTHER FEES	
Model Home Certification	1,568.00/model
Fast Track Service ³ – Residential - Up to 12 Storeys (In Addition to Permit Fee Payable for the Entire Project)	50% of the Permit Fee Payable (minimum of 1,000.00 and a maximum of 10,000.00)
Fast Track Service ³ – Residential – Greater Than 12 Storeys (In Addition to Permit Fee Payable for the Entire Project)	50% of the Permit Fee Payable (minimum of 5,000.00 and a maximum of 20,000.00)
Fast Track Service ³ – Commercial/Industrial/Agricultural (In Addition to Permit Fee Payable for the Entire Project)	50% of the Permit Fee Payable (minimum of 2,000.00 and a maximum of 20,000.00)
Alternative Solution Application or Equivalency Application	2,055.00 (plus any additional fees incurred in the evaluation process)
Additional Plan Review for Second Resubmission or Beyond	211.00/hour
Revision to Issued Permit for Material Change to a Plan, Specification, Document, or Other Information Following Issuance	645.00 ⁵ (plus 211.00 per hour of review time beyond the first hour)
Fire Watch/Fire Plan Review and Approval During Construction	676.00
Change of Use Permit	929.00 ⁵ (plus 211.00 per hour of review time beyond four hours)
Conditional Permit	10% of the Permit Fee Payable (to a maximum of 10,000.00)

Model Changes – Before Permit Issued ⁵	Minimum Permit Fee ^{5,7}
Model Changes – After Permit Issued ⁵	745.00 ⁵
Limiting Distance Agreement	929.00 ⁷
Transfer of Permit	Minimum Permit Fee ⁷
Deferral of Revocation of Permit	Minimum Permit Fee ⁷
Extension of Permit	Minimum Permit Fee ⁷
Work Prior to Permit Issuance for Construction, Demolition, or Change of Use ⁴ – Permit Fee \$5,000.00 or Less	100% of Full Permit Fee ⁸
Work Prior to Permit Issuance for Construction, Demolition, or Change of Use ⁴ – Permit Fee Greater Than \$5,000.00	5,000.00 (plus 10% of the Permit fee in excess of 5,000.00 ⁸)
Re-Inspection ¹⁰	Minimum Permit Fee ⁷ (per inspection)
Special Inspection ¹¹	Minimum Permit Fee ⁷ /hour (per Inspector, plus 100.00 per hour of inspection time beyond three hours)
Additional Administrative or Enforcement Action Required	211.00/hour (per Inspector)
Order to Comply Issued Pursuant to Section 12 or 13 of the Act ¹²	405.00 ⁸
Stop Work Order Issued Pursuant to Section 14 of the Act ¹²	810.00 ⁸
Unsafe Order Issued Pursuant to Section 15.9 of the Act ¹²	405.00 ⁸
Registration and Discharge of Order on Title	800.00 ⁸

4. Miscellaneous Charges

- 4.1. For classes of Permits not described or included in this Schedule, a reasonable Permit fee shall be charged as determined by the Chief Building Official.

5. Explanatory Notes

5.1. The following shall be considered in calculating Permit fees:

- (a) The floor area of the proposed Work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls, excluding residential garages.
- (b) In the case of interior alterations or renovations, the area of proposed Work is the actual space receiving the Work (e.g., tenant space).
- (c) Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations.
- (d) Except for interconnected floor spaces, no deductions are to be made for openings within the floor area (e.g., stairs, elevators, escalators, shafts, ducts).
- (e) Unfinished basements for single detached dwellings, such as semis, duplexes, and townhouses, are not included in the floor area.
- (f) Attached garages and fireplaces are included in the Permit fee for single detached dwellings and attached dwellings.
- (g) There is no additional charge for interior alterations and renovations that require relocation of sprinkler heads or fire alarm components.
- (h) Ceilings are included in both new shell and finished (partitioned) buildings. The service index for ceiling applies only when alterations occur in existing buildings. There is no additional charge for minor alterations to existing ceilings to accommodate lighting or HVAC improvements.
- (i) There is no additional charge for demolition of partitions or alteration to existing ceilings where such Work is included in the Permit.
- (j) Common areas, such as corridors, lobbies, washrooms, and lounges, are to be included and classified according to the major classification for the floor area on which they are located.
- (k) The occupancy categories in the Schedule correspond with the major occupancy classifications in the Building Code. For mixed occupancy floor areas, the service index for each of the applicable

occupancy categories may be used except where an occupancy category is less than 10% of the floor area.

6. References

6.1. The superscripts used in this Schedule have the meanings set out below:

- ¹ Includes air supported structures and structures with removable roofs.
- ² As defined in Zoning By-law 2020 and/or Burlington Residential Zoning By-law and does not include facilities described in ¹ above or Group A structures as defined in the Building Code and/or requiring the professional services of an Architect and/or Professional Engineer.
- ³ As defined in section 1.1 of this By-law.
- ⁴ Per sections 3.27 and 5.9 of this By-law.
- ⁵ Permit fees will be adjusted should there be an increase in the floor area and charged in addition to the flat fee rate.
- ⁶ Permit fees may be 1% of the construction value or as determined by the Chief Building Official if cannot be calculated using this Schedule.
- ⁷ All fees in this Schedule are flat fees.
- ⁸ Payment of these fees does not exempt any person from complying with the Act, the Building Code, or any applicable law.
- ⁹ Applies to equivalent or comparable replacement of existing heating equipment in compliance with the Building Code.
- ¹⁰ For premature inspections or re-inspections required to confirm compliance following a previously identified contravention. Notice will be provided to the owner. Fee is payable prior to re-inspection.
- ¹¹ Any inspection carried out other than on a Business Day.
- ¹² To offset additional administration, investigation, inspection, and/or rectification costs.

SCHEDULE "B"
REFUND OF FEES

1. The amount of fees that may be refunded under this By-law shall be a percentage of the fee payable as follows:

Work Performed	Amount of Fees Refundable
Administration where no plans examination has commenced	90%
Administration where plans examination has commenced	45%
Permit has been issued and no field inspections have been carried out	35%
Permit has been issued and field inspections have been carried out	35% to be reduced by 1% for each field inspection conducted

2. There shall be no refund where the amount of fees refundable as calculated under this Schedule is less than the minimum fee applicable to the Work.

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

1. Every application for a Permit shall be accompanied by one digital copy of the following list of plans and documents to be considered a complete application unless otherwise specified in this Schedule:
 - (a) Residential – Detached and Semi-Detached Houses:
 - (i) site plan;
 - (ii) grading plan;
 - (iii) floor plans;
 - (iv) building elevations;
 - (v) cross sections;
 - (vi) roof and floors truss drawings sealed by a professional engineer;
 - (vii) heat loss calculations and duct layout; and
 - (viii) mechanical ventilation design summary;
 - (b) All Other Uses:
 - (i) Ontario Building Code Data Matrix;
 - (ii) site plan;
 - (iii) grading plan;
 - (iv) floor plans;
 - (v) foundation plan;
 - (vi) roof plans;
 - (vii) reflected ceiling plans;
 - (viii) building elevations;
 - (ix) cross sections and assemblies;

- (x) structural plans;
- (xi) mechanical plans;
- (xii) plumbing plans;
- (xiii) electrical plans;
- (xiv) fire separation plans;
- (xv) fire protection plans; and
- (xvi) door and window schedules.

2. The Chief Building Official may waive the requirement to provide a digital copy of any of the above plans or documents or require additional plans or documents as deemed necessary having considered the scope of Work, the Act, the Building Code, and any applicable law.

SCHEDULE “D” CODE OF CONDUCT

1. Introduction

1.1. The City maintains this Code of Conduct in accordance with the provisions of the Act. This Code of Conduct applies to the Chief Building Official and Inspectors as appointed and reflects the City’s commitment to the highest standards of professionalism, technical competence, skill, honesty, integrity, fairness, and independence. The Chief Building Official and Inspectors adhere to both the letter and spirit of this Code of Conduct in all matters related to their responsibilities.

2. Purpose

2.1. The purpose of this Code of Conduct is:

- (a) to promote appropriate standards of behaviour and enforcement in the exercise of a power or the performance of a duty by the Chief Building Official and Inspectors under the Act or the Building Code;
- (b) to prevent practices which may constitute an abuse of power, including unethical or illegal practices, in the exercise of a power or the performance of a duty by the Chief Building Official and Inspectors under the Act or the Building Code; and
- (c) to promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty by the Chief Building Official and Inspectors under the Act or the Building Code.

3. Standards of Conduct and Professionalism

3.1. In addition to the Code of Conduct Policy that applies to all City of Burlington staff, the Chief Building Official and Inspectors undertake at all times to:

- (a) act in the public interest, particularly with regard to the safety of building works and structures;
- (b) maintain their knowledge and understanding of the best current building practices, laws, and regulations relevant to their building certifying functions;
- (c) maintain current accreditation to perform the functions assigned to them;

- (d) comply with the provisions of the Act, the Building Code, and any law that regulates or governs Chief Building Officials, Inspectors, or their functions;
- (e) avoid any conduct that could bring the Chief Building Official, Inspectors or the City into disrepute;
- (f) not act beyond their level of competence or outside their area of expertise in the performance of their duties in accordance with the provisions of the Act and the Building Code;
- (g) not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
- (h) apply the Act, the Building Code, and any other relevant laws, regulations, or standards in a consistent and fair manner, independent of any influence by interested parties and in accordance with the highest professional standards; and
- (i) extend professional courtesy during the performance of their duties.

4. Guidelines for Responding to Misconduct Allegations

- 4.1. The Act provides that the performance of the Chief Building Official and Inspectors will be measured against this Code of Conduct. Any appointed Chief Building Official or Inspector who fails to act in accordance with the provisions of this Code of Conduct may be subject to disciplinary action appropriate to the seriousness of the breach.
- 4.2. In response to an allegation that an Inspector has breached Code of Conduct, the Chief Building Official, in conjunction with the Human Resources Department, shall direct an investigation and where appropriate recommend disciplinary action. Where the allegation is against the Chief Building Official, the Commissioner of Development and Growth Management and the Chief Human Resources Officer will direct the investigation and make such recommendations as are reasonable.
- 4.3. In determining the appropriate disciplinary action, consideration shall be given to how the misconduct relates to the powers and responsibilities of the Chief Building Official or Inspector, and to the seriousness of the misconduct.
- 4.4. Disciplinary action arising from violations of this Code of Conduct is the responsibility of the City and will be based on the severity and frequency of

the violation in accordance with relevant employment agreements, laws, policies, and standards, and privacy requirements.