



REPORT

PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: March 21, 2022

REPORT NO: PD-28-2022

SUBJECT: **Technical Report - 2022 Building Fees By-law Review in accordance with Comprehensive User Fee Report**

CONTACT: Brian Treble, Director of Planning & Building
John Schonewille, Chief Building Official

OVERVIEW:

- On January 17, 2022, the Finance Department presented report T-03-2022 to the Administration/Finance/Fire Committee, presenting a comprehensive user fee review as completed by BMA Management Consulting Inc.
- The report and resolution were endorsed by Committee and Council and each department is responsible to implement the new proposed fee schedule.
- In 2021, the Building Department internally, undertook a significant review and cost increase as a result of recent budget deficits that had occurred.
- This comprehensive review now adjusts some fees even further to reflect actual cost per permit review.
- Further, and more extensive than the Planning Act fee schedule, the Building Code Act requires that a fee by-law be amended publicly to charge permit fees such that the Building Department can operate self-sufficiently and not be a burden to the Township tax levy.
- It is acknowledged that from time to time due to construction activity, the Building Department costs could exceed permit revenues or permit revenues could exceed operating costs in a given year, but overall, revenues are required to cover all of the departmental costs. In years when permit revenues exceed operating costs, the surplus funds can be directed to a reserve account to be drawn on to balance the departmental budget in slower or more depressed economic times. Permit fees should be adjusted to reflect actual costs.
- The purpose of this report is to advise Committee, Council, and the public of the proposed changes to the Building Department's fees and charges that result from the BMA Review.
- In order to amend the Building Fee By-law, a public meeting must be held. Notice of the Public Meeting was advertised in the local paper on February 24th, 2022 and was also made available on the Township website on February 25th, 2022.

RECOMMENDATION:

1. That, Report PD-28-2022 regarding “Technical Report - 2022 Building Fees By-law Review in accordance with Comprehensive User Fee Report” dated March 21, 2022, be RECEIVED, and;
2. That, a staff recommendation report and final proposed building by-law(s) be presented at a future Planning/Building/Environmental Committee meeting in order to implement the applicable fee increases to ensure that the Building Department operates on a cost recovery basis.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- Efficient, fiscally responsible operations

BACKGROUND:

Building Permit Fees are permitted to be charged through the *Ontario Building Code Act* to cover all anticipated reasonable operational costs of the Building Department.

Building Department fees initially had not been increased as part of an operational department review since 2016. At that time, an increase of two percent (2%) was approved. A 2021 internal Building Fee Review resulted in an across the Board 15% fee increase. The Building Permit Fee By-law is intended to cover the direct and indirect cost of all operations of the Building Department as a self-sufficient unit and includes the concept of building a reserve account for surplus revenues (from the high construction activity years) to cover the costs of operating the building department in the slower years as well.

Building Department operational costs have been exceeding permit revenues for the last 4 years or so and as a result, the reserve account is being depleted. Budgets are prepared based on a breakeven or surplus operating budget, however, we have now completed a third or fourth consecutive year of drawing on reserves to cover costs to both modernize the building department and to maintain the day to day operations of the department. As reserves deplete, there will be insufficient funds to cover the department’s operating costs in years where a slower volume of construction activity revenues may be received resulting in the tax levy covering Building permit activity.

In 2021, the Department had hit the point where a significant fee increase was warranted. An across the board 15% fee increase was approved and the increases fees took effect on June 1st, 2021. This year, based on the BMA Review, some further modifications and refinement is required with some fees changing more drastically than others based on actual processing costs identified by the review.

The recently completed and approved, as per the Treasury Report T-03-2022 Comprehensive User Fee Review, refines the fee by-law and modifies the areas where fees still did not properly reflect all costs incurred.

Notice of the Public Meeting was advertised in the local paper on February 24th, 2022 and was also made available on the Township website on February 25th, 2022.

CURRENT SITUATION:

It has now been determined that a further refinement of the building fee by-law adjustments should help the department cover current and future anticipated Department operational costs for a self-funded department without reliance on other forms of funding.

The draft by-laws(s) and fee schedules, as attached to this report, have been adjusted to reflect the various scales of fee adjustments based on the BMA Comprehensive User Fee Review. By doing this, as a comparison, fees will now generally be in line with the fees at the middle fee range per application type when compared to other Building Fee By-laws from across Niagara.

Staff propose to present a recommendation report and final proposed building by-law(s) at a future Planning/Building/Environmental Committee meeting to allow the public and developers an adequate amount of time to be informed of our proposed fee increases but to still implement the proposed increases in a timely fashion.

FINANCIAL IMPLICATIONS:

By about June of 2022, staff will be able to prepare a building permit review report that officially outlines the Building Department operations and the status of the reserve account. It is clear, already, however, similar to the last two or three years, that the report will show that the Department has had to draw from the reserve in order to balance the Building Department budget at the end of 2021. This situation further confirms that the proposed adjustment to Building fees is warranted.

INTER-DEPARTMENTAL COMMENTS:

Building staff, Planning staff, along with Treasury staff and the CAO have discussed this report and the proposed fee increases. All are in agreement, including the Township Chief Building Official, with the need to adjust the schedule of fees in accordance with the Comprehensive User Fee Review report completed by BMA Consultants.

PUBLIC COMMENTS:

To date, no comments have been received from the public or developers by the Township of West Lincoln regarding the proposed fee increases.

CONCLUSION:

The purpose of this report is to advise Committee, Council, and the public of the proposed fee increase changes to the Building Department's fees and charges in accordance with the Comprehensive User Fee Review, as per the Treasury Report T-03-2022, to take another step forward towards having a properly balanced Departmental budget. A recommendation report will be presented at a future Planning/Building/Environmental Committee Meeting after all agency and public comments are reviewed.

ATTACHMENTS:

1. Draft Building By-law and Fee Schedule
2. Draft Swimming Pool By-law and Fee Schedule

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO



John Schonewille
Chief Building Official

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-XX

A BY-LAW TO AMEND BY-LAW 2019-83, AS AMENDED, UNDER THE BUILDING CODE ACT RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE, OCCUPANCY PERMITS, TRANSFER OF PERMITS, INSPECTIONS AND ASSOCIATED FEES.

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

AND WHEREAS Section 7 of the *Building Code Act 1992, S.O. 1992, c .23* as amended, empowers Council to pass by-laws respecting construction, demolition, change of use, transfer of *permits*, inspections, required documentation and the submission of such with an application for *permit*, and the setting and refunding of fees;

AND WHEREAS The Council of the Township of West Lincoln has previously amended Schedule "A" through By-law 2020-19;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it necessary and expedient to amend Schedule 'A' "Schedule of Fees".

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, By-law 2019-83, as amended, be further amended by deleting Schedule "A" and inserting the attached new Schedule "A" in lieu thereof.
2. That this new By-law takes effect on **XX XX, 2022.**

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS **XXXst DAY OF XXX, 2022.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

Schedule "A"

By-law No. 2019-83 (as amended by 2020-19, 2021-48 and 2022-XX)

SECTION 1 FEE CALCULATION

1.1 FORMULA

1.1.1 All permit fees provided in the tables below shall be considered to be per square metre for the purpose of the prescribed formula unless otherwise noted.

1.1.2 Permit fees shall be calculated based on the formula given below, unless otherwise specified by this schedule.

Permit Fee = Prescribed Fee x Area

Where the prescribed fee is that specified in the schedule for classification of the proposed work; and

Where Area is the calculated gross floor area of the proposed work in square metres (sq. m.) for each class of permit

1.2 MINIMUM PERMIT FEE

1.2.1 A minimum permit fee of \$168.00 shall be charged for all work, unless otherwise indicated or prescribed "flat fee" has been assigned within the tables below

1.2.2 The minimum permit fee shall be a non-refundable fee.

SECTION 2 PERMIT FEES

2.1 NEW CONSTRUCTION AND ADDITIONS

Group A – Assembly Occupancies

Class of Permit	Fee
school, church, restaurant over 30 seats, library, theatre, educational or recreational facility and occupancies of a similar nature	\$19.24
outdoor public swimming pool	\$380 flat

Group B – Institutional Occupancies

Class of Permit	Fee
hospital, nursing home, reformatory, prison and occupancies of a similar nature	\$21.09

Group C – Residential Occupancies

Class of Permit	Fee
single detached, semi-detached, duplex dwellings-m ²	\$14.69
triplex, fourplex, townhouse dwellings-m ²	\$14.69
apartment building-m ²	\$14.69
hotel / motel-m ²	\$12.50
Repeat plans for single detached, etc – m ²	\$12.49
garage, carport, deck, porch, shed (accessory building) – m ²	\$3.70

Class of Permit	Fee
finish basement in dwelling unit – m2	\$7.35
sunroom / solarium (not heated) – m2	\$8.08

Group D – Business and Personal Service Occupancies

Class of Permit	Fee
office or medical building, financial institution and occupancies of a similar nature – FINISHED – m2	\$18.78
office or medical building, financial institution and occupancies of a similar nature – ARCHITECTURAL SHELL – m2	\$15.39

Group E – Mercantile Occupancies

Class of Permit	Fee
low rise retail store, strip plaza, small restaurant or 30 seats or less and occupancies of a similar nature – FINISHED – m2	\$17.29
low rise retail store, strip plaza, small restaurant or 30 seats or less and occupancies of a similar nature – ARCHITECTURAL SHELL – m2	\$13.83

Group F – Industrial Occupancies

Class of Permit	Fee
factory, plant, warehouse, industrial building and occupancies of a similar nature – m2	\$12.50
parking garage – m2	\$13.75
service station and / or car wash – m2	\$8.78
canopies including gas station canopies and those intended for the parking and loading or unloading of vehicles – m2	\$5.60
solar collectors for swimming pools	\$191 flat

Private Sewage Systems

Class of Permit	Fee
new application and/or replacement of existing CLASS IV system	\$1300 flat
minor sewage system repair or septic tank replacement	\$600flat
CLASS V installation	\$600 flat
building addition / alteration	\$350flat
comment on consent applications	\$350 flat
subdivision for each lot	\$350 flat
Investigate complaint/site visit	\$350 flat
Follow-up/site visit (non-routine inspections)	\$350 flat
Analysis/report	\$350 flat

Farm Buildings

Class of Permit	Fee
Greenhouse – m ²	\$1.08
barn or agricultural building other than a greenhouse – m ²	\$2.53

Mobile / Portable Buildings

Class of Permit	Permit Fee
trailer (construction trailer / sea container)	\$275 flat
relocatable building / portable (support structure included)	\$409 flat
CSA certified mobile home (foundation not included)	\$302 flat
uncertified mobile home (foundation included) – m ²	\$9.16
mobile home foundation – m ²	\$3.70

Tents and Air Supported Structures

Class of Permit	Permit Fee
air supported structure, tent, temporary fabric structure (use aggregate area for multiple tents) – under 250 m ²	\$235 flat
air supported structure, tent, temporary fabric structure (use aggregate area for multiple tents) – 250 m ² or more	\$235 flat plus \$2.08 per sq.m. over 250 sq.m.

Signs

Class of Permit	Permit Fee
signs – under 10m ²	\$300 flat
signs – 10m ² or more	\$450 flat

Designated Structures

Class of Permit	Permit Fee
communication tower	\$352 flat
Retaining wall, pedestrian bridge, crane, runway	\$18.49/\$1000 construction
satellite dish with structural pedestal anchored to solid concrete pier and or building structure	\$18.49/\$1000 construction
other designated structures as listed in Division A 1.3.1.1 of the Ontario Building Code	\$288 flat

Miscellaneous Works

Class of Permit	Fee
roof structure (replace, modify or alter structure)	\$201 flat

Class of Permit	Fee
racking system	\$18.49/\$1000.00 construction
installation of drainage layer & weeping tile system	\$230 flat
minor alterations and repairs (not requiring plans)	\$168 flat
underpinning / shoring	\$18.49/\$1000.00 construction
temporary stages	\$316 flat
demising wall / party wall installation	\$174 flat
fireplace / woodstove	\$150 flat

Fire Systems

Class of Permit	Fee
Electromagnetic Locks	\$285.00
commercial kitchen hood & fire suppression system	\$352 flat
fire alarm system upgrades / installations	\$468 flat
sprinkler system upgrades / installations	\$468 flat
standpipe system upgrades / installations	\$468 flat

Energy Projects

Class of Permit	Fee
industrial wind turbines subject to Renewable Energy Approval in accordance with the Green Energy and Green Economy Act	\$12,325 flat
Solar panels	\$302 flat
solar collector – swimming pool	\$150 flat
solar collector – ground mounted	\$402 flat
solar collector – roof mounted	\$288 flat

2.2

ALTERATIONS AND REPAIRS

Group A – Assembly Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate)-m ²	\$11.55
including plumbing OR mechanical (55% of full rate)-m ²	\$10.58
excluding plumbing AND mechanical (50% of full rate)-m ²	\$9.62

Group B – Institutional Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate)-m ²	\$12.65

Class of Permit	Fee
including plumbing OR mechanical (55% of full rate)-m2	\$11.60
excluding plumbing AND mechanical (50% of full rate)-m2	\$10.55

Group C – Residential Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate) -m2	\$8.82
including plumbing OR mechanical (55% of full rate) -m2	\$8.08
excluding plumbing AND mechanical (50% of full rate) -m2	\$7.35
foundation only -m2	\$3.70

Group D – Business and Personal Service Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate)-m2	\$11.27
including plumbing OR mechanical (55% of full rate)-m2	\$10.33
excluding plumbing AND mechanical (50% of full rate)-m2	\$9.39

Group E – Mercantile Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate) -m2	\$10.37
including plumbing OR mechanical (55% of full rate) -m2	\$9.51
excluding plumbing AND mechanical (50% of full rate) -m2	\$8.64

Group F – Industrial Occupancies

Class of Permit	Fee
including plumbing AND mechanical (60% of full rate) -m2	\$7.50
including plumbing OR mechanical (55% of full rate) -m2	\$6.88
excluding plumbing AND mechanical (50% of full rate) -m2	\$6.25

FARM ALTERATIONS

Class of Permit	Fee
farm buildings up to 116sq m gross floor area-per building -m2	\$6.40
farm buildings over 116sq m gross floor area -m2	\$5.84

2.3 DEMOLITION

Class of Permit	Fee
buildings less than 100m² in gross floor area	\$168 flat
all other demolitions- m2	\$0.83

2.4 PLUMBING AND SEWER

2.4.1 Construction work related to plumbing and sewer installation when conducted as a component of other construction covered by a permit shall be included in the permit fee charged for that construction.

2.4.2 Where plumbing or sewer works are done as standalone projects the following fees shall be applicable:

Single, Semi-Detached, Duplex, Triplex, Fourplex, and Row House

The fee shown below shall include all plumbing contained inside the building

Class of Permit	Fee
first six (6) fixtures	\$218 flat
each additional fixture	\$9.86 per fixture

All Other Buildings

The fee shown below shall include all plumbing contained inside the building

Class of Permit	Fee
first five (5) fixtures	\$285 flat
each additional fixture	\$9.86 per fixture

Sewer and Water Main Installations

The fee shown below shall include all buried pipe on private property outside the building

Class of Permit	Fee
first fifteen (15) metres	\$168 flat
each additional fifteen (15) metres	\$43.14 flat

Specialized Plumbing Fixtures and Appurtenances

The fee shown below shall include all plumbing contained inside the building

Class of Permit	Fee
back flow preventer installation (water line)	\$168 flat
back water valve (sewer)	\$168 flat
sump pump installation (weeping tile installation included)	\$352 flat

Class of Permit	Fee
grease / oil interceptor installation	\$352 flat

2.5 OTHER FEES

Administration

Class of Permit	Fee
minimum permit fee	\$168 flat
transfer of permit	\$168 flat
moving a building (all alterations & repairs subject to applicable charges as stipulated above)	\$168 flat
deferral of permit revocation (per instance)	\$168 flat
limiting distance agreement (registered on title)	\$1263 flat
research request – Building Division Records search	\$107/ hour
911 house number – sign, post and installation (rural lots)	\$168 flat
911 house number – replacement of sign only	\$72 flat

Permits

Class of Permit	Fee
change of use (under 400m ²)	\$168 flat
change of use (400m ² or more)	\$0.93
change of use (no construction required)	\$89.96 flat
partial occupancy permit for unfinished buildings	\$187 flat

Inspections

Class of Permit	Fee
non routine inspection	\$134 / hour
illegal grow operation – general inspection	\$748
illegal grow operation – occupancy inspection	\$898
off hours inspection	\$201 / hour
unprepared for inspection	\$134 flat

Plans Examination

Class of Permit	Fee
stock plans examination (model plans reviewed without building permit application)	\$589.45 flat
off hours plans examination requests (min. 4 hours)	\$201 per hour

Class of Permit	Fee
review of alternative solution (min. 4 hours)	\$168 per hour
secondary plans examination	\$168 per hour
review of revisions / amendments to permits	\$168
engineer review as determined by Chief Building Official	actual cost plus 10% admin costs

2.6 CONDITIONAL / PARTIAL PERMITS

Class of Permit	Percentage of Permit Fee
conditional building permit agreement, in addition to all applicable building permit fees – <i>the conditional building permit fee shall be a nonrefundable fee</i>	\$898 flat
Building Foundation – complete to grade including all underground services	15%
Completed Structural Shell – complete exterior shell without any interior finishes	55%
Completed Architectural Shell – complete exterior shell including interior finishes on exterior and structure walls	80%
Complete Building – includes all tenant improvements and complete interior finishes	100%

2.7 FEE BASED ON VALUE OF CONSTRUCTION

Class of Permit	Fee
for categories of construction not listed above (minimum permit fee identified in subsection 1.2 of this schedule shall apply)	\$18.49 per \$1,000 of valuated construction cost or portion thereof

SECTION 3 DEPOSITS

3.1 PERFORMANCE / SECURITY

- 3.1.1 The performance / security deposit is collected by the Township to provide securities for any potential damage that may occur to municipal property through the course of the permitted construction. Furthermore, the deposit is also held for the assurance that all necessary inspections are completed through the duration of construction and finally to ensure that the permit file can be appropriately closed at the conclusion of the works.
- 3.1.2 An applicant shall be required to submit the applicable deposit(s) as specified below for each permit application submitted.
- 3.1.3 Where fees are incurred by the applicant through the course of the construction process, these fees shall be deducted from the submitted deposit and upon the close of the permit, any deposit funds remaining will be refunded to the applicant.

Performance / Security Deposits

Class of Permit	Fee
single, semi, duplex, triplex, fourplex, townhome	\$1,150 per dwelling unit
addition(s) to buildings described above where excavation is required	\$863 flat
buildings accessory to the buildings above w/ construction value greater than \$3,500	\$575 flat
construction projects other than those described above (Site Plan Agreement IS required)	\$1,438 flat
construction projects other than those described above (Site Plan Agreement IS NOT required)	\$2,875 flat
demolition project	\$863 flat
moving a building	\$1,150 flat

3.2 LOT GRADING

- 3.2.1 The lot grading deposit is collected by the Township to provide securities to ensure compliance with the proposed lot grading plan submitted with the application.
- 3.2.2 An applicant shall be required to submit the applicable deposit(s) as specified below for each permit application submitted.

Lot Grading Deposit

Class of Permit	Fee
each dwelling on property in a plan of subdivision that HAS NOT already been assumed by the Township	\$1,150 per dwelling unit
each dwelling on property other than those listed above	\$1,725 per dwelling unit

- 3.2.3 Where an applicant requests an extension for the completion of lot grading to allow occupancy of the dwelling in a plan of subdivision or plan of condominium to occur prior to the completion of lot grading in accordance with Article 3.6.4 of this by-law, any such request shall be accompanied by the following applicable deposit(s) as specified below for each dwelling having occupancy being requested.

Occupancy despite Incomplete Lot Grading Deposit

Class of Permit	Fee
single detached, semi-detached, duplex dwellings	\$4,000 per dwelling unit
triplex, fourplex, street townhouse dwellings	\$3,450 per dwelling unit
condominium townhouse dwellings	\$2,875 per dwelling unit
any dwelling type other than those listed above	\$2,300 per dwelling unit

3.3 CONDITIONAL PERMIT

- 3.3.1 In the case of a conditional permit the applicant shall submit a conditional permit deposit which shall be calculated by the Chief Building Official to be a percentage of the value of construction as prescribed below.
- 3.3.2 The conditional permit deposit shall be submitted as a condition of a Conditional Permit Agreement whereby the agreement shall establish a limitation to the extent of permitted construction.
- 3.3.3 Where an applicant exceeds the limitations set out by the Conditional Permit Agreement, the Applicant shall be deemed to be in breach of the said agreement and as such the conditional permit deposit, in its entirety, shall be forfeited to the Township.

Conditional Permit Deposit

Class of Permit	Fee
conditional building permit deposit	10% of construction value (minimum \$5,000)

SECTION 4 REFUNDS**4.1 FEES**

- 4.1.1 Pursuant to the provisions of Subsection 5.7 of this by-law, the fees that may be refunded shall be a percentage of the eligible applicable fees assessed by this Schedule of Fees, calculated by the Chief Building Official as follows:

Stage of Permit	Refund
where the permit has been issued and field inspections have yet to be performed, subsequent to permit issuance	50%
for each inspection conducted after issuance of the permit	5%

- 4.1.2 If the calculated refund is less than the minimum permit fee applicable to the work as described in Subsection 1.2 of this Schedule, no refund shall be made of the fees paid.
- 4.1.3 No fee shall be eligible for a refund where the request for refund is made twelve (12) months or more after the issuance of the permit.

4.2 DEPOSITS

- 4.2.1 The Performance / Security deposit identified in this Schedule shall be held by the Township until the work for which the permit has been issued has been completed in accordance with the stipulated requirements of the permit to the satisfaction of the Chief Building Official. The applicant shall be responsible for any damage to municipal property or any restriction and associated costs of any such damage or repair may be deducted by the Township in addition to any other available remedy or penalty.
- 4.2.2 Should the cost of repairs exceed the value of the deposit held, the Township shall invoice the applicant for the amount in excess of the deposit, and if such invoice is not paid by the stipulated due date, the Township may recover the costs by action or by adding the costs to the tax roll of the property to which the permit relates, and collecting them in the same manner as taxes according to Section s.1 (2.1) of the *Municipal Act*.
- 4.2.3 Should the Performance / Security deposit not be required to be called upon during the duration of the project, it will be released upon successful completion of the project in accordance with the approved permit documents which results in closure of such permit file unless the provisions of subsection 5.8 for the forfeiture of deposits has been applied.

- 4.2.4 The Lot Grading deposit and Occupancy despite Incomplete Lot Grading deposit identified in this Schedule shall be held by the Township until the lot grading of the lot is complete and the as built lot grading plan complying with the provisions of Article 3.6.1 of this by-law has been submitted to the satisfaction of the Chief Building Official.
- 4.2.5 In situations where the lot grading of the lot is not completed within the given timeline of seven (7) months from the date of issuance of the occupancy permit of the associated dwelling, the Lot Grading deposit and / or the Occupancy despite Incomplete Lot Grading deposit may be drawn upon to have the necessary lot grading works completed to conform to the original lot grading plan submitted and accepted through the issuance of the permit.
- 4.2.6 Should the cost to complete the lot grading work exceed the value of the deposit(s) held, the Township shall invoice the applicant for the amount in excess of the deposit(s) and if such invoice is not paid by the stipulated due date, the Township may recover the costs by action or by adding the costs to the tax roll of the property to which the permit relates, and collecting them in the same manner as taxes according to Section s.1 (2.1) of the *Municipal Act*.
- 4.2.7 Should the Lot Grading deposit and / or Occupancy despite Incomplete Lot Grading deposit not be required to be called upon during the duration of the project, it will be released upon the successful completion of the lot grading and the submission of the as built lot grading plan complying with the provisions of Article 3.6.1 of this by-law to the satisfaction of the Chief Building Official unless the provisions of subsection 5.8 for the forfeiture of deposits has been applied.

SECTION 5 EXPLANATORY NOTES

5.1 AREA OF CALCULATION

- 5.1.1 The area to be used in the calculation of fees shall be the total area of all floors, including those below grade, measured between the outside surfaces of the exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls. Area shall be calculated in square metres (m²) for the purpose of this schedule.
- 5.1.2 Where there are no floor or exterior walls for the project, area is to be calculated as the greatest horizontal area of the structure
- 5.1.3 No deductions shall be made in the calculation of floor area for openings such as stairs, elevators, shafts or ramps.
- 5.1.4 Unfinished or unoccupied basements and crawlspaces are not to be included in the calculation of area in fee calculations for new construction and additions.

5.2 INTERPRETATION

- 5.2.1 Major occupancy is based upon the classifications as provided in the Ontario Building Code.
- 5.2.2 A multiple unit (apartment) building is a building which consists of five (5) or more individual residential units in the same building.
- 5.2.3 An Alternative Solution is as defined in the Ontario Building Code.
- 5.2.4 The fee prescribed for and Alternative Solution shall be in addition to any other applicable fee prescribed by this Schedule. Should any additional fees be incurred by the Township in relation to the review of such a submission, but not limited to consultant fees, these costs shall be added to the calculated permit fee at 100% of its value.
- 5.2.5 Where multiple conditional permits are requested for the same property due to the construction of multiple buildings on the same property, the Chief Building Official may assign a value for the conditional building permit deposit that differs from that specified in the table above. This process may be utilized to collect a deposit for the property for the removal of the requested construction collectively as opposed to individually with each permit and shall be reflective of the cost associated with the removal of the requested construction. This deposit shall be associated and available to be drawn upon by each of the individual conditional building permits that it is assigned to represent.

5.3 DISPUTE

5.3.1 The permit fee shall be determined by the Chief Building Official or designate, on the basis of this Schedule. If the applicant disagrees with the fee so determined, then the prescribed fee shall be paid as a deposit and after the works are complete, a refund shall be made based on the actual work done and inspection performed, at the discretion of the Chief Building Official.

DRAFT

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-XX

A BY-LAW TO AMEND BY-LAW 2017-48, AS AMENDED, WHICH REGULATES PRIVATE OUTDOOR SWIMMING POOLS AND ASSOCIATED FEES.

WHEREAS subsection 391(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws imposing fees or charges on any person for services or activities provided or done by the municipality or done on behalf of it;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it necessary and expedient to amend Schedule 'A' "Schedule of Fees".

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, By-law 2017-48, as amended, be further amended by deleting Schedule 'A' and inserting the attached new Schedule 'A' in lieu thereof.
2. That this new By-law takes effect on **XX XX, 2022.**

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS **XXst DAY OF **XX, 2022.****

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

SCHEDULE 'A'

BY-LAW NO. 2017-48 (AS AMENDED BY 2022-XX)

FEES AND DEPOSITS

1.1 FEES

- 1.1.1 Every application for a *swimming pool permit* shall be subject to a fee as prescribed below.

Table A 1.1.1: Swimming Pool Permit Fees

Class of Permit	Fee
<i>seasonal swimming pool</i>	\$100 flat
<i>above ground swimming pool</i>	\$150.00 flat
<i>in ground swimming pool</i>	\$200 flat

1.2 DEPOSITS

- 1.2.1 The performance / security deposit is collected by the *Township* to provide securities for any potential damage that may occur to municipal *property* through the course of the permitted *construction*. Furthermore, the deposit is also held for the assurance that all necessary inspections are completed through the duration of *construction* and finally to ensure that the *permit* file can be appropriately closed after the works.
- 1.2.2 An applicant shall be required to submit the applicable deposit(s) as specified below for each *permit* application submitted.

Table A 1.1.1: Swimming Pool Permit Deposits

Class of Permit	Fee
<i>seasonal swimming pool</i>	\$0
<i>above ground swimming pool</i>	\$250
<i>in ground swimming pool</i>	\$500

