

**Authority:** Item 1, Planning and Economic  
Development Committee  
Report: 09-027 (PED09327)  
CM: December 9, 2009

**Bill No. 251**

**CITY OF HAMILTON**

**BY LAW NO. 09-251**

**To Amend**

By-law No. 08-161

A By-law under the Building Code Act, 1992  
respecting permits and related matters

**WHEREAS** Council of the City of Hamilton desires to provide for the issuance of permits and related matters under the Building Code Act, 1992 S.O. 1992, Chapter 23, as amended, to obtain sufficient information from applicants to determine compliance with the Act and applicable laws, for the purpose of providing for the safety and health of the public at large through compliant construction, demolition and other matters under the Act, and to fix fees for cost recovery purposes;

**AND WHEREAS** Council directed that inflationary/cost of living increases be made to current fees in January of every year, and that the public notice and meeting required by Council and the Building Code Act, 1992 S.O. 1992, Chapter 23, for such change has been held on the amended fees;

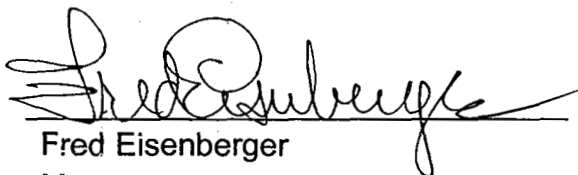
**AND WHEREAS** Section 7 of the Building Code Act, 1992 S.O. 1992, Chapter 23, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Schedule "A" of By-law 08-161 as amended by By-law 09-113 is hereby deleted in its entirety and replaced with Schedule "A", attached to and forming part of this By-law.
2. In all other respects, By-law 08-161 is confirmed in force.

3. This By-law comes into force on January 1, 2010.

**PASSED AND ENACTED** this 9<sup>th</sup> day of December, 2009



Fred Eisenberger  
Mayor

  
\_\_\_\_\_  
Rose Caterini  
Acting City Clerk

**SCHEDULE “A” TO BUILDING BY-LAW NO. 08-161**

**RESPECTING CLASSES OF PERMITS AND PERMIT FEES**

**CALCULATION OF PERMIT FEES**

1. Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

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

Where SI = Service Index for the applicable Classification under section 3 below of the work proposed, and A = floor area in m<sup>2</sup> of work involved.

**MINIMUM PERMIT FEES**

2. (a) Except where specifically noted otherwise, a minimum fee of \$124.00 shall be charged for all work related to the processing and issuance of permits.
- (b) Where the permit fee is in excess of \$50,000.00 an **applicant** may elect to pay 50% of the full permit fee at the time of building permit application and the balance at the time of permit issuance.
- (c) Permit fees shall be rounded off to the nearest full dollar.

**CLASSES OF PERMITS AND FEES**

3. Permit fees shall be calculated using the following table:

**TABLE 1 – CLASSES OF PERMITS AND FEES**

<b>Group A (Assembly Occupancies)</b>	<b>Service Index (SI) \$/m<sup>2</sup> unless otherwise indicated</b>
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$16.94
Portable Classrooms/Classroom Unit	\$279.00 (flat fee)
Shell Only	\$13.11
Finishing only	\$3.83
Non-Residential – Outdoor Patio	\$136.00 (flat fee)
Outdoor Public Swimming Pools	\$1,391.00 (flat fee)

<b>Group B (Institutional Occupancies)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$16.69
<b>Group C (Residential Occupancies)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Single Family Dwelling, semi, duplex, row house, townhouse	\$11.40
Apartment buildings	\$11.71
Hotels, Motels	\$14.02
<b>Group D (Business and Personal Services)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Office Buildings (up to 10 storeys) (Shell only)	\$10.36
Office Buildings (up to 10 storeys) (Finishing only)	\$3.32
Office Buildings (up to 10 storeys) (Finished)	\$13.68
Office Buildings (more than 10 storeys) (Shell only)	\$12.53
Office Buildings (more than 10 storeys) (Finishing only)	\$3.52
Office Buildings (more than 10 storeys) (Finished)	\$16.05
<b>Group E (Mercantile)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Retail (Shell only)	\$8.60
Retail (Finishing only)	\$2.92
Retail (Finished)	\$11.52
<b>Group F (Industrial)</b>	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Industrial (up to 4,650 m <sup>2</sup> )	\$8.64
Industrial (greater than 4,650 m <sup>2</sup> )	\$6.00
Parking Garages	\$5.10
Gas Stations	\$9.29

<b>Other Classifications</b> (not previously listed)	Service Index (SI) \$/m <sup>2</sup> unless otherwise indicated
Accessory structures, garage, storage shed, basement, cold cellar, silo, unenclosed canopies, air supported structures	\$4.04
Farm Buildings	\$2.09
Greenhouses	\$1.25
Tents	\$1.39 (Maximum \$279.00)
Tents erected on City owned property for a Civic Function	\$0.00
Residential greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$3.32
Temporary buildings, alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits	\$2.53
Exterior barrier free access in existing single and two family dwellings	\$0.00
Demolition, other than residential (complete or partial building)	\$0.32 (\$124.00 minimum)
Demolition residential unit(s) only (complete or partial building)	\$0.32 (\$279.00 minimum)
Communication Tower	\$279.00 (flat fee)
Underground and above ground storage tanks (except for fire fighting water reservoirs)	\$279.00 (flat fee)
Electromagnetic Locks	\$124.00 each (maximum \$418.00)
<b>Conditional Permit Fees (in addition to the regular permit fee)</b> To construct a building, or part thereof, pursuant to the "Conditional Permit" provisions of the <u>Building Code Act, 1992</u> .	Flat Fee
Residential under Part 9 of Division B of the <b>Building Code</b>	\$279.00
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the <b>Building Code</b> (up to 1200 m <sup>2</sup> )	\$695.00
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the <b>Building Code</b> (greater than 1200 m <sup>2</sup> )	\$2,087.00
<b>Change of Use</b>	Flat Fee
Change of use <b>Permit</b> with no construction	\$211.00

<b>Sewage Systems</b>	Flat Fee
To construct a sewage system pursuant to the provisions of the <b>Act</b>	\$695.00
To construct a Class 5 sewage systems or to repair a sewage system pursuant to the provisions of the <b>Act</b>	\$349.00
<b>Occupancy of an Unfinished Building</b>	Flat Fee
Occupancy inspection prior to completion as per Subsection 1.3.3 of Division c of the <b>Building Code</b>	\$124.00 (per unit)
<b>Transfer of Permit</b>	Flat Fee
Where ownership changes on a property and there are no other changes to the project or the professional services required.	\$124.00
<b>Additional Permit Fee</b>	Flat Fee
Where an <b>applicant</b> for a <b>permit</b> makes a material change to a plan, specification, document, or other information, following application for a <b>permit</b> , the <b>Chief Building Official</b> may increase the required <b>permit</b> fee or fees by applying the rates in this Schedule to the full extent of the changes and may require payment of such increased fee or fees prior to the approval of such changes or the issuance or amendment of such <b>permit</b> with a minimum fee as specified:	\$124.00 (minimum)
<b>Special/Extra Inspection(s)</b>	Flat Fee
Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, upon notice to the <b>owner</b> an additional fee of:	\$124.00 (per inspection)
<b>Stock Plans</b>	Flat Fee
Review of stock plans for a new single family dwelling prior to a complete permit application being submitted	\$310.00
<b>Permit Extensions</b>	Flat Fee
Extension of a Building Permit where no revisions are required	\$124.00
<b>Building Code Compliance Letters</b>	Flat Fee
Written requests for information concerning a building's compliance with the current Building Code	\$124.00 (per hour of review time)

<b>Alternative Solution</b>	Flat Fee
Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	\$413.00
For each additional hour of review time	\$124.00
<b>Limiting Distance Agreements</b>	Flat Fee
For Review and approval of Limiting Distance Agreements under Sentence 9.10.15.2.(4), of Division B, of the Building Code	\$413.00
<b>Suspended Permits</b>	Flat Fee
Where an inspection is requested for a Permit that has been suspended	\$124.00 (per inspection)
<b>Signs</b>	Flat Fee
Ground Sign with a sign area of less than or equal to 2.5 m <sup>2</sup>	\$160.00
Ground Sign with a sign area greater than 2.5 m <sup>2</sup> to equal to 4.0 m <sup>2</sup>	\$267.00
Ground Sign with a sign area greater than 4.0 m <sup>2</sup>	\$534.00
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$267.00
Billboard	\$534.00
<b>Water and Sewer Permits</b>	Flat Fee
New water service	\$103.00
New sewer service	\$103.00
<b>Applicable Law Review</b>	Flat Fee
Review and consultation for Applicable Law requirements	\$155.00
<b>Additional Plan Review</b>	Flat Fee
Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$124.00 (per hour of review time)

4. Where no new floor area is created, or where materials, systems or equipment regulated by the Code render it impossible to determine the **permit** fee on the basis of the classifications noted in this Schedule, the **permit** fee payable shall be 1% of the

**prescribed value** as determined by the **Chief Building Official** under section 6 of this by-law, subject to a minimum fee as per Section 2 of this Schedule.

5. Where construction, demolition, or a change in the use of the building has commenced prior to the issuance of the required **permit**, the prescribed fees in Schedule “A” of this By-law shall be subject to a surcharge as prescribed by Schedule “C”. The total fees under this Schedule and Schedule “C” shall be paid prior to the issuance of the **permit**.

6. **INTERPRETATION**

Where construction, demolition, or a change in the use of the building has commenced prior to the issuance of the required **permit**, the prescribed fees in Schedule “A” of this By-law shall be subject to a surcharge as prescribed by Schedule “C”. The total fees under this Schedule and Schedule “C” shall be paid prior to the issuance of the **permit**.

In addition to referring to the **Act** and the **Building Code**, in determining the fees under this by-law, the **Chief Building Official** may have regard to the following explanatory notes as may be needed in the calculation of **permit** fees:

- (a) 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 (but excluding residential garages);
- (b) In the case of interior alterations or renovations, 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 deduction is made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, and similar openings);
- (e) Unfinished basements for single family dwellings, semis, duplexes and townhouses are not included in the floor area;
- (f) Attached garages and fireplaces are included in the permit fee for individual dwelling units;
- (g) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;
- (h) Corridors, lobbies, washrooms, lounges, and similar areas are to be included and classified according to the major classification for the floor area on which they are located;
- (i) 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 shall be used and the floor area associated with the major occupancy;
- (j) For Rack Storage use apply the square footage charge for industrial for the building;



- (k) A temporary building is considered to be a building that will be erected for not more than one year;
- (l) Where a change of use permit is subject to a fee based on floor area, "floor area" shall mean the total floor space of all storeys subject to the change of use; and
- (m) For the purposes of Schedule "C", "construction" is defined as the placing of concrete or other physical installation of construction materials, systems or equipment.