



Corporation of the Town of Newmarket

By-law 2023-73

A By-law to amend the fees table of Schedule "A" of Building By-law 2023-36.

WHEREAS subsection 3(1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, provides that the Council of the Corporation of the Town of Newmarket is responsible to ensure the enforcement of the *Building Code Act, 1992* within the Town of Newmarket; and,

AND WHEREAS section 7 of the *Building Code Act, 1992* authorizes the Council of a municipality to pass a by-law requiring the payment of fees and prescribing the amounts of fees on application for and issuance of permits, for maintenance inspections, used to administer and enforce the *Building Code Act, 1992*; and,

AND WHEREAS the Town desires to add a provision to the current Schedule "A" of Building Bylaw 2015-58 to ensure that the Town's Building Division is appropriately compensated for efforts made on behalf of individual property owners to remedy and make safe buildings; and,

AND WHEREAS the Town also desires to clarify the refund policies for Building Permit fees to establish that the administration provisions are both clear and equitable.

THEREFORE be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Building Fees Table found in Schedule "A" of Building By-law 2023-36 be deleted in its entirety and replaced by the 2023 Building Fees Table attached hereto.
2. The 2023 Building Fees Table found in Schedule "J" attached hereto will come into force commencing immediately after passage of this bylaw.

Enacted this 11th day of December, 2023.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Schedule J – Building Permit Fees

TOWN OF NEWMARKET

2024 USER FEES

[Amending Schedule 'A' of Bylaw 2015-58]

DEPARTMENT: BUILDING SERVICES DIVISION		Effective Date: <u>January 1, 2024</u>		
SERVICE PROVIDED	Flat Fees per unit/building	2023 Fees	2024 Fees	% INCREASE
MINIMUM APPLICATION DOWNPAYMENT (Non-refundable)				
For any application with an Estimated Construction Value less than or equal to \$50k	Flat	\$200.90	\$200.00	-0.4%
For any application with an Estimated Construction Value more than \$50k to \$500k	Flat	NEW	\$500.00	N/A
All other applications	Flat	NEW	\$1,000.00	N/A
PERMIT FEES BASED ON OCCUPANCY CLASS (\$ fee per m2, includes interior plumbing/HVAC, except where a flat fee is indicated)				
GROUP "A" ASSEMBLY				
NEW ASSEMBLY BUILDINGS, ADDITIONS & ACCESSORY STRUCTURES: [Recreation Facilities, Schools, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Regulated Swimming Pools, Gymnasiums, etc.]		\$16.15	\$16.70	3.4%
Assembly Alterations Or Renovations		\$4.77	\$4.93	3.4%
GROUP "B" INSTITUTIONAL				
NEW INSTITUTIONAL BUILDINGS, ADDITIONS & ACCESSORY STRUCTURES: Hospitals, Nursing Homes, Jails and other Care Buildings		\$18.01	\$18.62	3.4%
Institutional Alterations Or Renovations		\$4.77	\$4.93	3.4%
GROUP "C" RESIDENTIAL				
NEW RESIDENTIAL LOW-RISE, ADDITIONS & ACCESSORY STRUCTURES (3 Stories or less): [Detached Dwellings, Semi-Detached Dwellings, Townhouses, Duplexes, Live/Work Units, etc.]		\$15.86	\$16.40	3.4%
Low-Rise Alterations Or Renovations:		\$15.86	\$16.40	3.4%
New Accessory Dwelling Units (within an existing space):	Flat	\$432.86	\$1,000.00	131.0%
New Roof Solar Panels per Dwelling:	Flat	\$301.35	\$200.00	-33.6%
NEW RESIDENTIAL MID & HIGH-RISE, ADDITIONS & ACCESSORY STRUCTURES (4 Stories or more): [regardless of height, multi-unit: Stacked Townhouses, Motels, Hotels, Retirement Homes, etc.]		\$19.82	\$20.49	3.4%
Residential Mid & High-Rise Alterations Or Renovations:		\$4.77	\$4.93	3.4%
GROUP "D" BUSINESS & SERVICES				
BUSINESS Shell		\$11.58	\$11.97	3.4%
Business Finished		\$14.47	\$14.96	3.4%
Alteration, Renovation, Interior Finish, Unit Finish		\$4.77	\$4.93	3.4%
GROUP "E" MERCANTILE				
Mercantile Shell		\$10.72	\$11.08	3.4%
Finished		\$13.41	\$13.87	3.4%
Alteration, Renovation, Interior Finish, Unit Finish		\$4.77	\$4.93	3.4%

TOWN OF NEWMARKET

2024 USER FEES

[Amending Schedule 'A' of Bylaw 2015-58]

DEPARTMENT: BUILDING SERVICES DIVISION

Effective Date: January 1, 2024

SERVICE PROVIDED	Flat Fees per unit/building	2023 Fees	2024 Fees	% INCREASE
GROUP "F" INDUSTRIAL				
Shell		\$8.71	\$9.01	3.4%
Finished		\$10.89	\$11.26	3.4%
Alteration, Renovation, Interior Finish, Unit Finish		\$4.77	\$4.93	3.4%
Parking Garage		\$5.23	\$5.41	3.4%
DEMOLITION				
All Buildings up to 600 m2	Flat	\$301.35	\$500.00	65.9%
All Buildings > 600 m2	Flat	\$400.78	\$1,500.00	274.3%
MISCELLANEOUS WORK				
Tents and Temporary Buildings (<225 m2 with removal date)	Flat	\$301.35	\$500.00	65.9%
Tents and Temporary Buildings (>225 m2 with removal date)	Flat	\$391.00	\$1,500.00	283.6%
Air Supported Building	Flat	\$301.35	\$2,500.00	729.6%
Portable Classrooms (includes hallways for portapacks)	Flat	\$301.35	\$500.00	65.9%
Residential Deck (without a roof) per dwelling unit	Flat	\$301.35	\$300.00	-0.4%
Each Below Grade Entrance (Low Rise Residential Only)	Flat	\$301.35	\$500.00	65.9%
ONSITE SEWAGE SYSTEM				
Septic Decommission	Flat	\$200.90	\$200.00	-0.4%
New Sewage System Installation or Augmented System - \$1 per litre of unbalanced design Effluent Flow		N/A	\$1.00	N/A
Repair/Minor alteration	Flat	\$303.40	\$500.00	64.8%
ADMINISTRATION FEES				
Reinspection's: due to defective work where previously identified as defective	Flat	\$100.45	\$200.00	99.1%
Special investigation per hour, per person	Flat	\$200.90	\$200.00	-0.4%
Change of Use Permit (Excludes ADU's and where no construction is proposed)	Flat	\$301.35	\$1,000.00	231.8%
Transfer of Permit to a new property owner	Flat	\$200.90	\$100.00	-50.2%
Zoning Review (Applies to all projects, except for interior work where no change is proposed to the legal use)	Flat	\$100.45	\$100.00	-0.4%
Compliance Letter - Building	Flat	\$171.18	\$200.00	16.8%
Alternative Solution applied per unit	Flat+	Min. \$1000 + \$200.9/hr after 3 hours	\$1,000 + \$200/hr	N/A
Revision Fee (Minimum \$200)	Flat+	\$200.90/hr	\$200.00/hr	-0.4%
Certified Model Fee Per Unit	Flat	\$200.90	\$200.00	-0.4%
Certified Model Change Fee (where permit has been issued)	Flat	\$200.90	\$200.00	-0.4%
Search and Reproduction of documents (Staff time plus reproduction costs, min \$50 paid upfront)	Flat+	Min. \$10 + \$85/hr	\$100/hr plus cost	N/A
No fees shall be charged for Town owned or sponsored projects		\$0.00	\$0.00	0.0%

TOWN OF NEWMARKET

2024 USER FEES

[Amending Schedule 'A' of Bylaw 2015-58]

DEPARTMENT: BUILDING SERVICES DIVISION

Effective Date: January 1, 2024

SERVICE PROVIDED

**Flat Fees per
unit/building**

2023 Fees

2024 Fees

% INCREASE

UNDEFINED PERMIT FEES: Where the proposed work cannot be ascribed elsewhere in this schedule, the Chief Building Official may determine the appropriateness of fees, based on charging at a maximum rate of 1% the value of construction (reasonably expected material and labour costs). If the Chief Building Official refuses to accept a valuation for the purposes of establishing any permit fee and substitutes another value, and the Owner or applicant disputes the decision, the owner or applicant shall pay the fee(s) under protest and within six months of the project completion shall submit an audited accounting statement of the actual costs by a recognized Certified Public Accountant. If the audited established costs, which must include labour and materials, are less than the original valuation, the Chief Building Official shall authorize a refund.

CONSTRUCTION COMMENCED WITHOUT PERMIT: At the discretion of the Chief Building Official, whenever construction has commenced without the appropriate Building Permit and/or where security fencing is also missing and/or a mandatory inspection is missed, additional fees shall be payable equal to the cost of an issued Conditional Building Permit administration fee plus 10%.

MISSED INSPECTIONS: Whenever any mandatory (or part thereof) Ontario Building Code inspection is missed, an "Investigation and Administration" fee shall be paid in addition to all other fees payable. The minimum fee shall be \$200 for each missed inspection or part thereof (where is it impractical or damaging to uncover that stage of construction). The maximum fee per missed inspection shall not exceed 10% of the original fees paid to obtain that permit. The fee shall be the greater of the minimum or maximum fee as calculated by the Chief Building Official, and at the sole discretion of the Chief Building Official.

ILLEGAL OCCUPANCY & OUTSTANDING FEES: Buildings which are occupied prior to being issued a written permit/permission shall be subject to additional administrative fees up to 50% of the originally calculated total permit fee at the discretion of the Chief Building Official. Outstanding fees may be collected through an added levi on property taxes or lien placed on the property title. No written occupancy or completion permit/permission shall be issued until all outstanding fees are paid.

CONDITIONAL BUILDING PERMIT FEES: A fully executed Conditional Building Permit Agreement is required in advance of a Conditional Building Permit. The cost of a Conditional Building Permit Agreement is \$1000 for each 100 sq. m. of GFA for every non-residential building or portion thereof (including parking garages). The cost of a Conditional Building Permit Agreement in respect to residential development is \$1000 for each unit. Notwithstanding the Conditional Building Permit Agreement fees per GFA or unit, the minimum agreement fee shall not be less than \$5000. **Model Home Agreements** shall be deemed to be a form of a Conditional Building Permit Agreement with similar force/effect and charged at the same rate of \$1000 for each unit.

PARTIAL BUILDING PERMIT FEES: A Partial Building Permit fee of \$1000 will be added to other fees for each partial stage of construction, except for the final (complete) stage of construction. The Chief Building Official may reduce this surcharge to an amount that represents the added Staff effort, provided that the value of construction is less than \$100K.

APPLICATION MAINTENANCE FEES: All Building Permit applications that have not progressed to an issued permit status (conditional, partial or full) within one year shall be charged an annual maintenance fee of 10% of the originally calculated total fee. This fee is immediately due upon being invoiced by the Town via email. Failure to pay this fee shall be grounds to cancel the application after one month has elapsed following notification, at the sole discretion of the Chief Building Official.

PERMIT MAINTENANCE FEES: All issued Building Permits that have not progressed to an occupancy status within three years shall be charged an annual maintenance fee of 10% of the originally calculated total fee. This fee is immediately due upon being invoiced by the Town via email. Payments made within one month of notice shall be deemed "paid" on time. Interest may be charged for overdue fees at a rate of prime plus 1% at the discretion of the Chief Building Official. No occupancy will be granted until all outstanding fees are paid.

PEER REVIEW COSTS: At the sole discretion of the CBO, Staff may require expert review of any construction work or submitted plans at the sole expense of the property owner. Costs shall be 100% recoverable and be paid respectively prior to any occupancy/completion or permit issuance.

PROVINCIALY MANDATED PRIVATE SEWAGE SYSTEM REVIEW FEES: There are no fees charged by the Town to review each property Owner's submitted third party review certificates and recent proof of pump-out or other proof of regular maintenance. However, a \$1000 fee charge applies to any non-responsive property Owner who fails to provide mandatory reports/certificates/maintenance-receipts/pump-out-receipts as requested. A \$2000 fee charge applies to any non-responsive property Owner who fails to provide mandatory reports/certificates/maintenance-receipts/pump-out-receipts as requested, and where it is also determined that the sewage system was not functioning properly. These fees do not include the actual permit costs to remediate, replace or repair the Private Sewage System.

COST AND ADMINISTRATION TO REMEDY AN UNSAFE BUILDING OR CONSTRUCTION SITE: Where the Owner fails to remedy Unsafe building and/or maintain a construction safety barrier through a Building Division issued Order, the Town may complete the required work at the sole expense of the property Owner. Administration fees equal to the value of the work (materials and labour plus HST) shall be collected from the property owner and paid to the Town. This administration fee will be collected in addition to the actual contractual costs, Town costs and Permit costs, of remediating the building and/or securing the site. The decision to demolish or repair a building shall be at the sole discretion of the Chief Building Official. Due to the urgent nature of these matters, the Town's Procurement Bylaw shall not apply to procuring outside service contracts to complete this work. Any unpaid amounts may be added to the property tax roll, or through the registration of a lien on the property title.

TOWN OF NEWMARKET**2024 USER FEES**

[Amending Schedule 'A' of Bylaw 2015-58]

DEPARTMENT: BUILDING SERVICES DIVISION**Effective Date: January 1, 2024****SERVICE PROVIDED****Flat Fees per
unit/building****2023 Fees****2024 Fees****% INCREASE**

REFUNDS: No refunds shall be permitted after 1 year after any partial or full payment is made. At the sole discretion of the Chief Building Official, refunds may be allowed for exceptional circumstances which are beyond the control of payer. No Refunds shall be allowed where the Town has revoked a Permit, the Town cancelled an Application and/or where construction has commenced related to the payment. Development/Educational Charges can only be refunded directly by the individual Financial Departments having jurisdiction. Building Permit fees that may be refunded shall be a percentage of the fees payable under this Bylaw and calculated by the Chief Building Official as follows:

- a) 90 percent if administrative functions only have been performed;
- b) 80 percent if administrative and zoning functions only have been performed;
- c) 60 percent if administrative, zoning and plan examination functions have been performed;
- d) 50 percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance.
- e) \$60.00 fee for each field inspection that has been performed after the permit has been issued will be deducted from all refunds.
- f) If the calculated refund is less than the minimum fee applicable to the work, no refund shall be made of the fees paid.