

BY-LAW 2005-165

**A BY-LAW OF THE CITY OF GREATER SUDBURY
RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE
PERMITS, INSPECTIONS AND FEES**

WHEREAS Section 7 of the *Building Code Act, 1992, Statutes of Ontario, 1992*, c.23, authorizes a municipal council to pass certain by-laws respecting construction, demolition, change of use permits, inspections and for charging certain fees therefor;

AND WHEREAS fees for the services are included in the By-law but have not been increased from pre-existing fees, and no new fees are included;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

PART I. SHORT TITLE

1. This By-law may be cited as "the Building By-law".

PART II. DEFINITIONS

2.-(1) In this By-law,

"Act" means the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended from time to time;

"Applicant" means the owner of a building or property who applies for a permit or any person authorized in writing by the owner to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation;

"Architect" means a holder of a license, a certificate of practice, or a temporary license under the *Architects Act, R.S.O. 1990, c. A.26*, as defined in the Building Code;

“As constructed plans” means as constructed plans as defined in the Building Code;

“Building” means a building as defined in Section 1(1) of the Act;

“Building Code” means the regulations made under Section 34 of the Act;

“Chief Building Official” means the Chief Building Official appointed by Council under Section 3 of the Act for purposes of enforcement of the Act;

“City” means the City of Greater Sudbury;

“Construct” means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere as defined in Subsection 1(1) of the Act and

“construction” has a corresponding meaning;

“Council” means the Council of the City of Greater Sudbury;

“Demolish” means to do anything in the removal of a building or any material part thereof as defined in subsection 1(1) of the Act and **“demolition”** has a corresponding meaning;

“Inspector” means an inspector appointed by By-law under Section 3 of the Act for the purposes of enforcement of the Act;

“Owner” means the registered owner of the property and includes a lessee, mortgagee in possession and the person in charge of the property;

“Permit” means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law, the Act and the Building Code or to occupy a building or part thereof prior to its completion or to change the use of a building or part thereof, as regulated by the Act and the Building Code;

“Permit holder” means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code and where a permit has been transferred, includes the new owner to whom the

permit has been transferred;

“Plumbing” means plumbing as defined in Section 1(1) of the Act;

“Professional Engineer” means a person who holds a license or temporary license under the *Professional Engineer’s Act*, R.S.O. 1990, c. P.28;

“Registered code agency” means a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Act, as defined in subsection 1(1) of the Act.

“Work” means construction or demolition of a building or part thereof, as the case may be.

(2) Terms not defined in this By-law shall have the meanings ascribed to them in the Act or the Building Code.

PART III. CLASSES OF PERMITS

Permit Required

3. No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the Chief Building Official.

Application - General Requirements

4.(1) To obtain a permit, the applicant shall file an application in writing by completing a prescribed form available from the Chief Building Official or from the Building Code website www.obc.mah.gov.on.ca. Application forms prescribed by the City under clause 7(f) of the Act are as set out in Schedule “A” to this By-law.

(2) Every application for a permit, in addition to meeting all other application requirements set out in this By-law shall:

(a) identify and describe in detail, the work, use and occupancy to be covered by the permit for which application is made;

- (b) identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
- (c) include the legal description, the municipal address and, where appropriate, the unit number of the property on which the work is to be done;
- (d) include complete plans and specifications as described in this By-law for the work to be covered by the permit and show the occupancy of all parts of the building;
- (e) be accompanied by the completed "Listing of Applicable Law" form in accordance with Schedule "B" to this By-law;
- (f) state the valuation of the proposed work including materials and labor;
- (g) be accompanied by the required fees as calculated in accordance with Schedule "C";
- (h) state the name, address and telephone number of the owner, and if the owner is not the applicant, the applicant's name, address and telephone number and the signed statement of the owner consenting to the application;
- (i) where applicable, state the name, address and telephone number of the architect, engineer or other designer and the constructor or person hired to carry out the construction or demolition;
- (j) when Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgment of the owner that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
- (k) when Section 2.3 of the Building Code applies, be accompanied by a signed statement of an architect or professional engineer, or both,

undertaking to provide a general review of the construction or demolition of the building;

- (l) include the applicant's registration number if the applicant is a builder or vendor as defined in *The Ontario New Home Warranties Plan Act*;
- (m) include, if the Chief Building Official deems appropriate, a signed statement of the owner acknowledging the zoning and permitted uses applicable to the property on which the work is to be done; and
- (n) be signed by the applicant who shall certify as to the truth of the contents of the application.

(3) Every application for a Permit shall be filed with the Chief Building Official.

(4) Where an application is found to be incomplete and does not comply with Sentence 2.4.1 1B(5) of the Building Code the application may be accepted for processing if the applicant acknowledges same and completes the form as set out in Schedule "D" to this By-law.

Application - Building Permit - 8(1) of the Act

5-(1) Where application is made for a building permit under subsection 8(1) of the Act, the application shall, in addition to complying with Subsection 4(2):

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (b) include complete plans and specifications, documents and other information as required by section 2.4.1.1B of the Building Code and as described in this By-law for the work covered by the permit; and
- (c) where the application is for a residential building, shall include the City's Owner's Undertaking in the form in Schedule "E".

Application - Plumbing Permit - 8(1) of Act

(2) Where application is made for a plumbing permit under subsection 8(1) of the Act, the application shall, in addition to complying with Subsection 4(2):

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish"; and
- (b) list all fixtures, appliances, equipment, drains, tanks or pumps to be installed and the numbers of each.

Application - Demolition Permit - 8(1) of Act

(3) Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall, in addition to complying with Subsection 4(2):

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish"; and
- (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities or services.

Conditional Permit - 8(3) of Act

6. Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall, in addition to complying with Subsection 4(2):

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (b) include complete plans and specifications, documents and other information as may be required by section 2.4.1.1B of the Building Code for the work to be covered by the Permit, and such other information, plans and specifications concerning the complete project as the Chief Building Official may require;

- (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
- (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official; and
- (f) require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the City.

Application - Change of Use Permit - 10(1) of the Act

7. Where application is made for a change of use permit under subsection 10(1) of the Act, the application shall, in addition to complying with Subsection 4(2):

- (a) use the form set out in Schedule "A" to this By-law - Application for a Change of Use" ;
- (b) include such supplementary forms as may be required by the Chief Building Official; and
- (c) include plans and specifications which show the current and proposed occupancy in all parts of the building and which contain sufficient information to establish compliance with the requirements of the *Building Code*, including: floor plans, details of wall, ceiling, floor and roof assemblies identifying required fire resistance ratings and load bearing capacities and, details of the existing "sewage system", if any.

Application - Partial Permit

8-(1) When in order to expedite work, approval of a part of the building or project is desired prior to the issuance of a permit for the complete building or project, the applicant shall:

- (a) file an application for a building permit in accordance with the

- requirements of subsections 4(1) and 5(1), for the entire project;
- (b) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (c) pay the fees for the complete building or project together with the partial permit fees, all as calculated in accordance with Schedule "C";
 - (d) provide plans and specifications acceptable to the Chief Building Official covering the portion of the work for which a partial permit is requested, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.

(2) Where the conditions in subsection 8(1) have been fulfilled and where all necessary approvals which must be obtained in respect of the proposed building or project have been obtained, the Chief Building Official may, in a case where he or she deems it proper, issue a building permit for a part of the building or project.

(3) Where a building permit is issued for part of a building or project, this issuance shall not be construed to authorize construction beyond the plans for which approval was given or to obligate the Chief Building Official to grant any further permit or permits.

Application - Occupancy of an Unfinished Building

9.-(1) Where application is made to occupy an unfinished building, the application shall be in writing, be submitted to the Chief Building Official and:

- (a) indicate the total number of units proposed for occupancy;
- (b) indicate the total floor area proposed for occupancy;
- (c) be accompanied by confirmation from the following authorities that the building is appropriate for occupancy:
 - (i) the applicable Hydro authority;
 - (ii) the City of Greater Sudbury Fire Department;
 - (iii) if applicable, the natural gas supplier;

- (iv) if the building is not connected to the municipal sewer, the Sudbury and District Health Unit;
- (v) the City's technical services section;
- (vi) the City's public works department; and
- (i) if the building is subject to site plan control, the City's site plan control section;
- (d) include the final plumbing certificate; and
- (e) where the building was designed by an architect, engineer, or both, the opinion in writing of the architect or engineer that the work in the partially complete portion conforms to the Building Code.

(2) Where the conditions in subsection 9(1) have been fulfilled, the Chief Building Official may, in a case where he or she deems it proper, in accordance with Section 2.4.3 of the Building Code issue a permit to occupy a partially completed building.

Application - Permit for Temporary Structure Etc.

10. Where application is made for a permit to erect a tent, air-supported structure or temporary structure, the application shall, in addition to complying with Subsection 4(2):

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish"; and
- (b) include plans and specifications which contain sufficient information to establish compliance with the requirements of Section 3.1.6 of the Building Code, including floor plans, and a site plan.

Authority to Delete Requirement

11. Where compliance with all of the requirements for a permit application is unnecessary or unreasonable, the Chief Building Official may, in cases where he or she deems appropriate, authorize deletion of one or more of the requirements provided the

intent and purpose of this By-law and the Act are maintained.

Application Deemed Abandoned

12. Where an application for a permit 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 and notice thereof shall be given to the applicant in writing, to the address for the applicant shown in the application for the permit.

PART IV. PLANS, SPECIFICATIONS, DOCUMENTS AND INFORMATION

Plans etc. - Number

13-(1) Every applicant shall furnish sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, change of use or occupancy conforms to the Act, the Building Code, municipal by-laws and any other applicable law, as defined in the Regulations under the Act.

(2) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for a permit having regard for the requirements of any Act, regulation or By-law respecting the examination or circulation of the application.

Plans - Standards

14.-(1) Plans submitted shall be legible and drawn to scale on paper, cloth or other suitable and durable material or in an electronic media approved by the City. If so required, by the Chief Building Official, the plans shall be submitted in an electronic media approved by the City.

(2) If required by the Chief Building Official, the applicant shall provide working drawings as set out in Schedule "F" attached hereto and forming part of this By-law.

Surveys - Site Plans

15. Site plans submitted shall be referenced to a current survey certified by a registered 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 a current plan of survey, to determine whether the proposed work conforms to the Act, the *Building Code*, and all other applicable law.

Site Plans - Requirements

16. Site plans shall show:

- (a) lot size and dimensions of the property;
- (b) setbacks from existing and proposed buildings to the property boundaries and to each other;
- (c) existing and finished ground levels or grades;
- (d) existing right-of-ways, easements and municipal services;
- (e) existing and proposed entrances and exits;
- (f) the location and dimensions of required parking areas;
- (g) culverts, drainage patterns and watercourses;
- (h) existing and proposed utility plants above grade, including poles and anchors; and
- (i) the legal description of the property, and if available, the municipal address.

Requirements - As Constructed Plans

17. On completion of the construction of a building, the Chief Building Official may require that a set of as constructed plans of the building or any class of buildings, including a plan of survey showing its location, be provided. On request of the Chief Building Official, the as constructed plans will be submitted in an electronic media approved by the Chief Building Official.

Refusal of Application

18. The Chief Building Official may refuse an application if:

- (a) any of the plans, specifications or information provided to or required by the Chief Building Official are deemed to be incomplete or insufficient at the time of application;
- (b) the fees calculated in accordance with Schedule "C" have not been paid in full; or
- (c) any requirement of the Chief Building Official for an agreement to be entered into has not been fully complied with to the satisfaction of the Chief Building Official.

Ownership - Materials Submitted

19. Plans, specifications, and other documents provided in accordance with this By-law or otherwise required by the Act become the property of the City and will be disposed of or retained in accordance with relevant municipal by-laws and provincial or federal legislation.

PART V. PRELIMINARY PLANS REVIEW

20. Where an applicant requests that plans be reviewed prior to an application for a permit, the applicant shall pay the fee set out in Schedule "C" and upon application for the permit, the amount paid shall be applied toward the permit fee.

PART VI. EQUIVALENTS

21. Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which

authorization under Section 9 of the Act is requested, the following information shall be provided in addition to all other information, plans, specifications etc. required pursuant to this By-law:

- (a) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested;
- (b) evidence of compliance with any applicable provisions of the *Building Code*; and
- (c) evidence that the proposed material, system or building design will provide the level of performance required by the *Building Code*.

PART VII. REVISION TO PERMIT

22. After the issuance of a permit under the Act, the Permit Holder shall give notice in writing to the Chief Building Official of any material change to a plan, specification, document or other information on the basis of which the permit was issued, together with the details of such change, and payment of the appropriate fee, determined in accordance with Schedule "C", and no such change shall be made without the written authorization of the Chief Building Official.

23. The fees for revising a permit, reviewing new plans and repeating inspections shall be as set out in Schedule "C".

PART VIII. TRANSFER OF PERMIT

24.-(1) Every person who acquires property on which construction or demolition is occurring in respect of which a permit has been issued, shall apply to the Chief Building Official to transfer the permit.

(2) An application to transfer a permit issued under this By-law shall be completed by the new owner of the property and shall:

- (a) be in a form acceptable to the Chief Building Official;
- (b) be accompanied by a fee determined in accordance with Schedule "C"
and
- (c) contain such other information as may be required by the Chief Building
Official.

(3) Upon the transfer of a permit, the new owner shall then be the permit holder for all purposes of the Act and the Building Code and assume all responsibilities for compliance with the permit documents.

(4) The fee for transferring a permit shall be as set out in Schedule "C".

PART IX - REGISTERED CODE AGENCIES

25.-(1) The Chief Building Official is authorized to enter into and sign contracts for service agreements with registered code agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permits prescribed in subsection 2.4.1 of the Building Code.

(2) The registered code agency may be appointed to perform one or more of the specified functions described in section 15.15. of the Act.

pursuant to s. 15.15 of the Act.

PART X. FEES

26. Fees for a required permit shall be as set out in Schedule "C" and are due and payable upon submission of an application for a permit.

27. Fees for inspections approvals, reviews and enquiries shall be as set out in Schedule "C" and are due and payable upon request for such inspection, approval, review or information.

28. No permit shall be issued or no inspection or inquiry request processed until the fees therefor have been paid in full.

29. Where the fees payable in respect of an application for a building or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(3) of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit including the value of all material, labour and equipment but excluding the cost of land or landscaping and inclusive of applicable Goods and Services Tax.

30. Where the fees payable in respect of an application for a building or demolition permit issued under subsection 8(1) of the Act or a conditional permit issued under subsection 8(3) of the Act are based on floor area, floor area shall mean the total area of all floors measured from the exterior faces of the exterior walls but shall exclude unfinished basements.

31. Where application is made for a conditional or partial permit, fees shall be paid for the complete project plus the applicable additional fee in accordance with Schedule "C" to this By-law.

32. Where fees payable in respect of an application for a change of use permit issued under subsection 10(1) of the Act are based on floor area, floor area shall mean the total floor area of all storeys subject to the change of use.

33. The Chief Building Official may place a valuation of the cost of the proposed work for the purposes of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs satisfactory to the Chief Building Official and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue the appropriate refund.

Work Without Permit

34. Any person or corporation who commences construction, demolition or changes the use of a building before an application for a permit has been accepted by the City, or having submitted application before the permit is issued or refused, shall, in addition to any other penalty under the Act, *Building Code* or this By-law shall pay an additional fee as set out in Schedule "C" to this By-law in order to compensate the City for the additional work incurred by such early start of work.

PART XI. REFUNDS

Availability of Refund

35. In the case of withdrawal or abandonment of an application, or the refusal or revocation of a permit, and upon written request by the applicant or permit holder as the case may be, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant or permit holder, if any, in accordance with Schedule "G" attached hereto and forming part of this By-law and the decision of the Chief Building Official is final.

Limitation - Time

36. No refund shall be made after a period ending one year after the issuance of an occupancy permit or one year after the final inspection of a building, whichever occurs first.

Limitation - Amount

37. No refund shall be made if the calculated refund for any individual permit is less than **FIFTY (\$50.00) DOLLARS**.

PART XII. REVOCATION

38. The Chief Building Official may revoke a permit:

- (a) if it was issued on mistaken, false or incorrect information;
- (b) if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced;
- (c) if the construction or demolition of the building is, in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year;
- (d) if it was issued in error;
- (e) if the holder requests in writing that it be revoked; or
- (f) if a term of an agreement made pursuant to Section 8(3) of the Act has not been complied with.

PART XIII. FENCING

Fencing Required

39. Where, in the opinion of the Chief Building Official, a construction or demolition site presents an obvious hazard to the public, the Chief Building Official may under classes 7(i) and 7(j) of the Act, require the erection of such fencing as he or she deems necessary to abate that hazard.

Fencing - Height

40. The height of the fence shall be a minimum of 1.2 metres (4 feet) and a maximum of 1.8 metres (6 feet), to be measured from the highest adjacent grade.

Fencing - Construction

41.-(1) Every fence required under this By-law shall be located on the perimeter of the site as determined by the Chief Building Official and constructed as follows:

- (a) if of chain link construction, the chain link shall be fastened to a minimum 1 ½ inch inside diameter metal bar which is securely fastened to metal posts at not over 3.0 metres (10 feet) on centre and embedded into the ground to provide a rigid support;
- (b) if of wood construction, the exterior face shall be a minimum ½ inch exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The facing shall be supported by a minimum 2 inch x 4 inch nominal size posts spaced at not more than 2.40 metres (8 feet) on centre and embedded into the ground to provide a rigid support;
- (c) If the fence is of the snow fence or plastic mesh type, the fencing should be securely fastened to T-bar posts at not over 3.0 metres (10 feet) on centre and embedded into the ground to provide a rigid support; and
- (d) other materials or methods may be substituted provided, in the Chief Building Official's opinion, there is an equivalent barrier between properties and an equivalent degree of safety provided.

(2) Despite subsection 41(1), the Chief Building Official may impose requirements for a fence required under this Bylaw which are more onerous than set out in 41(1) where, in the opinion of the Chief Building Official it is appropriate to do so for the purposes of ensuring public safety.

Fencing - Openings

42. The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the site provided that these openings are closed off when work at the site has ended for the day.

PART XIV. PLUMBING WORK

Permit

43. No person shall construct, repair, renew or alter any plumbing within the City of Greater Sudbury without first having obtained a plumbing or conditional permit issued under this By-law to commence or undertake such plumbing work.

Exceptions

44. Section 43 does not apply to:

- (a) the repairing or replacement of a valve, faucet, or fixture;
- (b) the repairing of a leak or forcing out of a stoppage; or
- (c) the replacement of a water heater.

Entitlement

45. Permits to do plumbing work will only be granted to licensed Plumbing contractors, or their authorized agents, or to an owner of a single family dwelling who undertakes plumbing work on the premises in which he or she resides.

Plans

46. A plan legibly drawn to scale showing the plumbing or drainage system and showing the location of the building in relation to the street sewer or sewage disposal system shall be submitted with the application for inspection, if required by the Chief Building Official.

Old Building Sewers

47. Old building sewers may be used in connection with new buildings or new plumbing only when they are found, on examination and test by the Chief Building Official, to conform in all respects to the requirements covering new sewers as prescribed in the Building Code and as prescribed by By-laws of the City respecting plumbing and sewers.

Sand and Grit Inteceptors

48. A sand or grit interceptor similar in detail as shown on Schedule "H", attached hereto and forming part of this By-law shall be provided in a residential garage with a floor drain and shall be connected to the municipal sewer.

Floor Drains

49. All floor drains shall be connected to the sanitary sewer system.

Old Building Sewers

50. Old building storm sewers may be used in connection with new buildings only when they are found, on examination and test by the Chief Building Official to conform in all respects with the Building Code and this By-law.

Run-Off

51. The run-off from a roof or from a paved area shall be drained into a storm sewer system where such is available, surface drained to the satisfaction of the City or drained to a dry well in accordance with the Building Code, but shall not be drained into a sanitary sewer.

Rainwater Pipe, etc.

52.-(1) A rainwater or other waste pipe shall not be connected to a sub-soil drain without the prior written consent of the City's Chief Building Official.

(2) Where the City permits a connection of the type described in subsection 52(1), no rainwater leader shall be connected to a horizontal storm drain less than 10 centimetres (4 inches) in diameter.

Backwater Valve

53. If, in the opinion of the Chief Building Official, an approved type back-water valve is required in order to prevent flooding, the said valve shall be installed by the owner.

No Connection to Sanitary Sewer

54. Foundation drains (weeping tiles) shall not be connected to the sanitary sewer

system.

PART XV. NOTICE REQUIREMENTS

Prescribed Notices and Inspections

55.-(1) The permit holder shall deliver to the Chief Building Official or a Registered Code Agency where one is appointed:

- (a) notice of each stage of construction for which a mandatory notice is required under Article 2.4.5.1 of the Building Code;
- (b) notice of each stage of construction identified on Schedule "I"; and
- (c) the notice of completion as prescribed by Section 11 of the Act, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of Section 11 of the Act and subsection 2.4.3 of the Building Code are completed with.

(2) A notice pursuant to subsection 55(1) is not effective until written or oral notice is actually received by the Chief Building Official, a Building Inspector or designate, or where applicable, the Registered Code Agency.

(3) Upon receipt of proper notice, the inspector or a registered code agency, if one is appointed, shall undertake a site inspection of the building to which the notices relates in accordance with the time periods stated in Article 2.4.5.3 of the Building Code and Section 11 of the Act.

PART XVI. OFFENCES AND PENALTIES

56. Every person who contravenes any of the provisions of this By-law and any director or officer of a corporation who concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in s. 36 of the Act.

PART XVII CODE OF CONDUCT

57. A Code of Conduct for the Chief Building Official and inspectors under the Act is hereby established in the form at Schedule "J" .

PART XVIII -MISCELLANEOUS PROVISIONS

Schedules

58. Each of the following Schedules is incorporated into and forms a part of this By-law:

- (a) Schedule "A" Prescribed Application Forms
- (b) Schedule "B" Listing of Applicable Law form
- (c) Schedule "C" Fees
- (d) Schedule "D" Acknowledgement by Applicant of Incomplete Application
- (e) Schedule "E" Owners' Undertaking
- (f) Schedule "F" Working Drawings
- (g) Schedule "G" Refunds of Permit Fees
- (h) Schedule "H" Sand or Grit Interceptor
- (i) Schedule "I" Stages of Construction at Which Notice is Required
- (j) Schedule "J" Code of Conduct

Interpretation

59.-(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

Severability

60. If any section, subsection, part or parts of this By-law is declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

Repeals

61.-(1) By-law 2002-201B of the City of Greater Sudbury and all amendments thereto are hereby repealed.

(2) The repeal of By-law 2001-202B as amended, does not:

- (a) affect the previous operation of any by-law so repealed;
- (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed;
- (c) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or
- (d) affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

(3) By-law 2005-8F - User Fees By-law is hereby amended by:

- (a) repealing Section 11 and substituting the following Section 11 in its place

and stead:

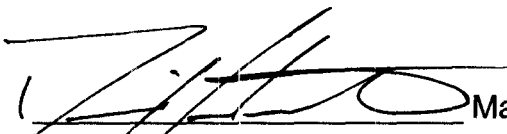
"11. All requests for Services from the Building Controls division of the Growth and Development Department of a type identified on Schedule G&D-C - Building Controls Inquiries shall be accompanied by the appropriate fee as set out in the corresponding line in the said Schedule G&D-C in order to recover part of the costs expended by the City of Greater Subury in the provision of the services described.

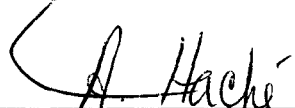
(b) Repealing Schedule G&D-C - Building & the Issuance of Building Permits to By-law 2005-8F - User Fees By-law.

Enactment

62. This By-law shall come into force and take effect immediately upon the final passing thereof.

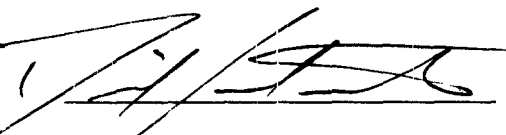
READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 30th day of June, 2005

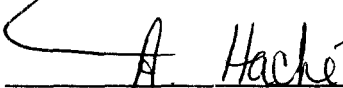


Mayor


A. Haché Deputy Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL this 30th day of June, 2005



Mayor


A. Haché Deputy Clerk

SCHEDULE "A"

to By-law 2005-165 of the City of Greater Sudbury

APPLICATIONS



Application for a Permit to Construct or Demolish

This form is authorized under the Building Code Sentence 2.4.1.1A.(2).

Application number:	Permit number (if different):
Date received:	Roll number:

Application submitted to: _____
(Name of municipality, upper-tier municipality, board of health or conservation authority)

A. Project Information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m ²)	
B. Applicant			
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
C. Owner (if different from applicant)			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
D. Builder (optional)			
Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
E. Purpose of application			
<input type="checkbox"/> New construction <input type="checkbox"/> Addition to an existing building <input type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit			
Proposed use of building		Current use of building	
Description of proposed work			

F. Tarion Warranty Corporation (Ontario New Home Warranty Program)		
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____		
G. Attachments		
i. Attach documents establishing compliance with applicable law as set out in Article 1.1.3.3.		
ii. Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.		
iii. Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.		
iv. Attach types and quantities of plans and specifications for the proposed construction or demolition that are prescribed by the by-law, resolution, or regulation of the municipality, upper-tier municipality, board of health or conservation authority to which this application is made.		
H. Declaration of applicant		
I _____		certify that:
(print name)		
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.		
2. I have authority to bind the corporation or partnership (if applicable).		
_____	_____	
Date	Signature of applicant	

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 595-6666.

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information			
Building number, street name		Unit no.	Lot/con.
Municipality	Postal code	Plan number/ other description	
B. Individual who reviews and takes responsibility for design activities			
Name		Firm	
Street address		Unit no.	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax number ()	Cell number ()	
C. Design activities undertaken by individual outlined in Section B. (Building Code Table 2.20.2.1)			
<input type="checkbox"/> House	<input type="checkbox"/> HVAC – House	<input type="checkbox"/> Building Structural	
<input type="checkbox"/> Small Buildings	<input type="checkbox"/> Building Services	<input type="checkbox"/> Plumbing – House	
<input type="checkbox"/> Large Buildings	<input type="checkbox"/> Detection, Lighting and Power	<input type="checkbox"/> Plumbing – All Buildings	
<input type="checkbox"/> Complex Buildings	<input type="checkbox"/> Fire Protection	<input type="checkbox"/> On-site Sewage Systems	
Description of designer's work			
D. Declaration of Designer			
I _____ declare that (choose one as appropriate): (print name)			
<input type="checkbox"/> I review and take responsibility for the design work on behalf of a firm registered under subsection 2.17.4. of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories. Individual BCIN: _____ Firm BCIN: _____			
<input type="checkbox"/> I review and take responsibility for the design work and am qualified in the appropriate category as an "other designer" under subsection 2.17.5. of the Building Code. Individual BCIN: _____ Basis for exemption from registration: _____			
<input type="checkbox"/> The design work is exempt from the registration and qualification requirements of the Building Code. Basis for exemption from registration and qualification: _____			
I certify that:			
1. The information contained in this schedule is true to the best of my knowledge. 2. I have authority to bind the corporation or partnership (if applicable).			
Date		Signature of Designer	

"For the purposes of this form, "individual" means the "person" referred to in Clause 2.17.4.7.(1)(d), Article 2.17.5.1. and all other persons who are exempt from qualification under Subsections 2.17.4. and 2.17.5.

NOTE:

1. Firm and individual BCIN numbers are not required for building permit applications submitted prior to January 1, 2008
2. Schedule 1 does not need to be completed by architects, or holders of a Certificate of Practice or a Temporary License under the Architects Act.

Schedule 2: Sewage System Installer Information

A. Project Information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/ other description	
B. Sewage system installer			
Is the installer of the sewage system engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems, in accordance with Building Code Article 2.18.1.1?			
<input type="checkbox"/> Yes (Continue to Section C)		<input type="checkbox"/> No (Continue to Section E)	<input type="checkbox"/> Installer unknown at time of application (Continue to Section E)
C. Registered installer information (where answer to B is "Yes")			
Name		BCIN	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
D. Qualified supervisor information			
Name of qualified supervisor(s)		Building Code Identification Number (BCIN)	
E. Declaration of Applicant			
I, _____ declare that:			
(print name)			
<input type="checkbox"/> I am the applicant for the permit to construct the sewage system. If the installer is unknown at time of application, I shall submit a new Schedule 2 prior to construction when the installer is known;			
OR			
<input type="checkbox"/> I am the holder of the permit to construct the sewage system, and am submitting a new Schedule 2 now that the installer is known.			
I certify that:			
1. The information contained in this schedule is true to the best of my knowledge.			
2. I have authority to bind the corporation or partnership (if applicable).			
Date		Signature of applicant	

SCHEDULE "B"

to By-law 2005-165 of the City of Greater Sudbury

FORM - LISTING OF APPLICABLE LAW

Ontario Ministry of Municipal Affairs and Housing

(Revised Draft) Schedule
2
Applicable Law

A) Project Information			
Name of Permit Applicant			
Full Address of Project Building Number	Street Name	Unit Number	Lot/Concession
Municipality		Plan Number	Lot/Parcel Number

Check applicable laws affecting this application and attach documents that establish compliance with such law
(O.B.C. Sentence 1.1.3.3.(1))

Section 2 of the <i>Cemeteries Act</i>
Section 5 of the <i>Charitable Institutions Act</i>
Section 5 of Regulation 262 made under the <i>Day Nurseries Act</i>
Section 9(1) of Regulation 263 made under the <i>Dead Animals Act</i>
Section 194 of the <i>Education Act</i>
Section 195 of the <i>Education Act</i>
Section 197 of the <i>Education Act</i>
Section 8 of Regulation 314 made under the <i>Elderly Persons Centres Act</i>
Section 5 of the <i>Environmental Assessment Act</i>
Section 9 of the <i>Environmental Protection Act</i>
Section 46 of the <i>Environmental Protection Act</i>
Section 9 of Regulation 469 made under the <i>Funeral Directors and Establishments Act</i>
Section 14 of the <i>Homes for the Aged and Rest Homes Act</i>
Section 14 of the <i>Milk Act</i>
Section 4 of Regulation 832 made under the <i>Nursing Homes Act</i>
Section 30 of the <i>Ontario Heritage Act</i>
Section 33 of the <i>Ontario Heritage Act</i>
Section 34 of the <i>Ontario Heritage Act</i>
Section 42 of the <i>Ontario Heritage Act</i>
Section 41 of the <i>Planning Act</i>
Sections 24 and 46 of the <i>Planning Act</i>
Section 33 of the <i>Planning Act</i>
Section 47(1) of the <i>Planning Act</i>
Zoning By-laws made under Sections 34 or 38 of the <i>Planning Act</i>
Section 22 of the <i>Private Hospitals Act</i>
Section 22.1 of the <i>Private Hospitals Act</i>
Section 4 of the <i>Public Hospitals Act</i>
Section 2 of Ontario Regulation 453/96 made under the <i>Public Lands Act</i>
Section 34 or 38 of the <i>Public Transportation and Highway Improvement Act</i>
Sections 28 and 53 of the <i>Development Charges Act, 1997</i>
Sections 257.83 and 257.93 of the <i>Education Act</i>
Subsection 5(4) of the <i>Environmental Assessment Act</i>
Subsection 133(4) of the <i>Municipal Act</i>
Subsection 24(3) of the <i>Niagara Escarpment Planning and Development Act</i>
Subsections 4(3) and (5) of Regulation 832 made under the <i>Nursing Homes Act</i>
Clause 7(2)(a) of the <i>Oak Ridges Moraine Conservation Act, 2001</i>
Regulations made under Clause 28(1) of the <i>Conservation Authorities Act</i>
By-laws made under Section 22 of the <i>Theatres Act</i>
By-laws made under any private Act that prohibit the construction or demolition of a building

SCHEDULE "C"

to By-law 2005-165 of the City of Greater Sudbury

FEES

Page 1 of 3

CLASS OF PERMIT	FEE
<u>Building Permit</u>	
Minimum Fee	\$108
Fee	\$10.70 per \$1,000 (or fraction thereof) Of construction value
<u>Preliminary Plans Review</u>	
Part 9 Buildings	\$120.00
All Others	290.00
<u>Plumbing Permit</u>	
Minimum Fee	108.00
per fixture	4.70
per stack (including rainwater leaders)	2.25
per floor drain	2.20
Per building drain	6.45
Per hot water tank	2.25
Per sewage lift pump	6.45
Per conversion from a septic system to communal or municipal sewers and/or each conversion from a private water well to a communal or municipal waterworks	10.55
<u>Demolition Permit</u>	
Regular building	\$108.00
for buildings under Section 2.3.2.3 (1) of Ontario Building Code	143.00

SCHEDULE 'C'

to By-Law 2005-165

CLASS OF PERMIT / RELATED SERVICES	FEE
<u>Occupancy Inspection / Permit</u> for existing buildings	\$143.00
for each unit in a multi-unit townhouse or in a condominium complex	87.00
<u>Partial Permit</u> Additional fee for each partial permit, Part 3 buildings and Part 9 non-residential buildings only.	59.00
<u>Conditional Permit</u>	230.00
Reactivation of conditionally closed project file	173.00
<u>Change of Use Permit</u> If no construction is to be made	120.00
If construction is proposed, the fee shall be calculated as for a building permit.	
<u>Tent Permit</u> Up to 120 m ² (1290 ft ²) in plan area	59.00
Greater than 120 m ² (1290 ft ²) 1 in plan area	20.00
<u>Permit for Air-Supported Structures and Temporary Structures</u>	120.00
<u>Permit for Installation of a commercial exhaust hood</u>	230.00
<u>Permit to Construct a Fence</u>	59.00
<u>Permit to Fireplaces, Woodstoves and Chimneys</u>	120.00
Repeated Building Inspections	57.00

The above fees shall be doubled if building has commenced prior to the issuance of a Building Permit in order to recover the City's additional costs for such matters.

SCHEDULE "C"
to By-law 2005-165
FEEES

Page 3 of 3

ALTERATIONS/ADDITIONS TO PERMITS

Revisions to permits and review of new plans:
material change (revisions) to a plan,
specification, document or other information
accompanying a permit application or on the
basis of which a permit was issued \$ 59.00

IN ADDITION

if new plans are submitted:
Part 9 Buildings *** 120.00
All Other Buildings *** 240.00

***** NOTE:**

If material changes result in an increase in the value of construction, the base fee
for the permit will also increase accordingly.

Transfer of Permit to New Owner 59.00

NICKEL DISTRICT CONSERVATION AUTHORITY
Building Permit processing. \$ 20.00

INQUIRIES

Search Request for Outstanding
Work Orders and Occupancy Only \$42.00

Search Request for Zoning Only 42.00

Search Request for Zoning,
Outstanding Work Orders, Occupancy
and Location Compliance 88.00

Letters for interpretation and review of
portions of zoning By-laws 88.00

Special Occasion Permit Fees 104.00

Letters of Request concerning
Non-Conforming Uses 88.00

OTHER

FEE

Letters for Special Occasions Permit \$40.00

Special Occasion Permit Inspection \$79.00

Business License Inspection \$108.00

To By-law 2005-165

ACKNOWLEDGMENT BY APPLICANT OF AN INCOMPLETE APPLICATION



ACKNOWLEDGMENT BY APPLICANT OF AN INCOMPLETE APPLICATION

Pursuant to Sentence 2.4.2.1.1B(5) of the Building Code

Part A

A pre-screening of the application to

_____ (describe work)

at _____ reveals that the application is incomplete in that the (location of work)

following items are missing:

As such, the application is not entitled to the processing time periods prescribed in Column 3 of Table 2.4.1.1B of the Building Code.

The City of Greater Sudbury will however accept the incomplete application for processing if the ACKNOWLEDGMENT below is completed.

Part B

I,

_____ (print name of applicant)

acknowledge that my application to _____ at _____ (describe work) (location of work)

does not meet the requirements of 2.4.1.1B(5) of the Building Code and therefore is not entitled to the time periods prescribed in Column 3 of Table 2.4.1.1B of the Building Code.

Notwithstanding the above, I wish to have the application accepted for processing and understand that a permit cannot be issued until all the information is submitted and reviewed for compliance.

I have authority to bind the corporation or partnership (if applicable).

_____ (Date)

_____ (Signature of Applicant)

SCHEDULE "E"

**to By-law 2005-165 of the City of Greater Sudbury
OWNER'S UNDERTAKING**



OWNER'S UNDERTAKING

This form to be completed by the owner or owner's authorized agent

Permit Application No.

Project Description:	Date:
<hr/>	
Address of Project:	
<hr/>	

WHEREAS the lot grading policy By-law #2005-26 for the City of Greater Sudbury requires that the project described above be designed and reviewed during construction by an architect, professional engineer, Ontario Land Surveyor or other Lot Grading Professional registered with the City of Greater Sudbury in accordance with said By-law:

NOW THEREFORE the Owner, being the person who intends to construct or have the building constructed hereby warrants that:

- 1.The Lot Grading Professional has been retained to provide general reviews of the construction of the building to determine whether the site grading and construction is in general conformity with By-law #2005-26 and site Lot Grading Plan registered on title and/or approved as part of the issuance of this Building Permit.
- 2.A final letter of general conformance shall be provided to the Chief Building Official including the final survey with as-built grades within nine (9) months of occupancy of the house or sooner in compliance with Lot Grading Policy By-law #2005-26 for acceptance by the General Manager of Infrastructure & Emergency Services. The Building Permit file **shall not** be completed without this documentation.
- 3.Should any retained Lot Grading Professional cease to provide general reviews for any reason during construction, the Chief Building Official will be notified in writing immediately, and another Lot Grading Professional will be appointed so that general review continues without interruption during construction.

The undersigned hereby certifies that he/she has read and agrees to the above

Name of Owner:	Telephone:
<hr/>	
Address of Owner:	Fax:
<hr/>	
Signature of Owner: (or officer of Corporation)	Print Name:
<hr/>	
Designated Lot Grading Professional:	Telephone:
<hr/>	
Address:	Fax:
<hr/>	

SCHEDULE "F"

to By-law 2005-165 of the City of Greater Sudbury

**PLANS OR WORKING DRAWINGS
TO ACCOMPANY APPLICATIONS FOR PERMITS**

- (1) The Site Plan
- (2) Floor Plans
- (3) Foundation Plans
- (4) Framing Plans
- (5) Roof Plans
- (6) Reflected Ceiling Plans
- (7) Sections and Details
- (8) Building Elevations
- (9) Electrical Drawings
- (10) Heating, Ventilation and Air Conditioning Drawings
- (11) Plumbing Drawings

SCHEDULE "G"

to By-law 2005-165 of the City of Greater Sudbury

REFUND OF PERMIT FEES

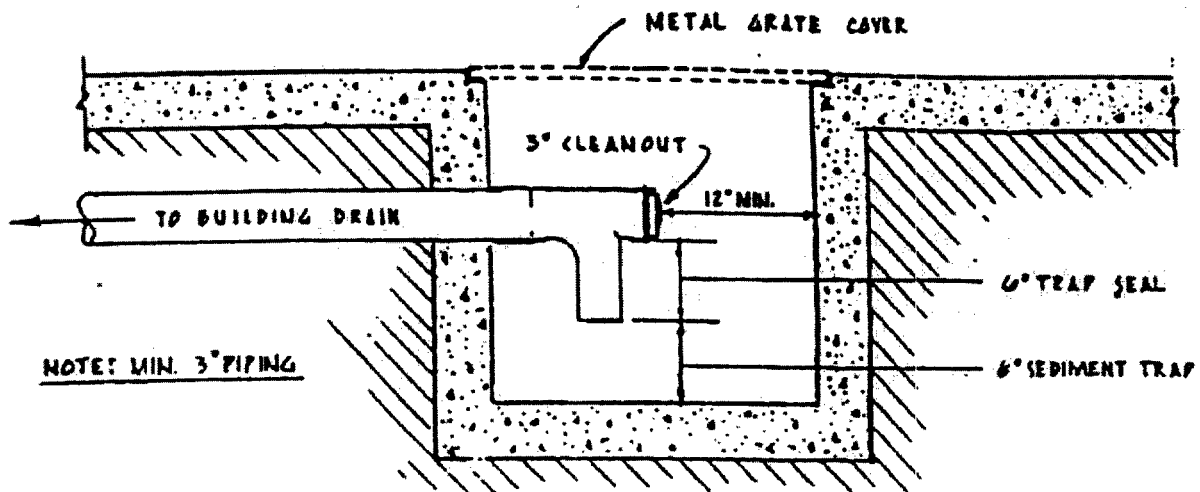
Pursuant to Section 35 of this By-law the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated as follows:

- (a) 80 per cent if administration functions only have been performed;
- (b) 70 per cent if administrative and zoning functions only have been performed;
- (c) 60 per cent if administrative, zoning and plan examination functions have been performed; or
- (d) 50 per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance, and 10 per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.

SCHEDULE "H"

to By-law 2005-165 of the City of Greater Sudbury

SAND INTERCEPTOR



SAND INTERCEPTOR

Scale 1" = 1'.0"

W.

SCHEDULE "I"

To By-Law 2005-165

STAGES OF CONSTRUCTION AT WHICH NOTICE IS REQUIRED

1. Buildings other than Part 9 - completion of structural framing each storey.
2. Commencement of construction of:
 - i) masonry fireplaces & masonry chimneys.
 - ii) factory built fireplaces & chimneys
 - iii) Stoves, ranges, space heaters, etc., and allied chimneys.
3. Completion of HVAC & air conditioning equipment.
4. Completion of pool deck & dressing rooms for a public - emergency stop system.

SCHEDULE "J"

Page 1 of 2

to By-law 2005-165

CODE OF CONDUCT

Code of Conduct for Building Officials

1.0 Introduction

The City of Greater Sudbury maintains this code of conduct in accordance with the provisions of The Building Code Act. Building Officials undertake building certification functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of the City of Greater Sudbury's Building Officials reflects the City of Greater Sudbury's Building Services Department's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials observe both the letter and the spirit of this code of conduct as it pertains to situations that bear on their responsibilities.

2.0 Purpose

The purposes of this code of conduct are:

- To promote appropriate standards of behaviour by Building Officials in the exercise of their powers and performance of their duties;
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

3.0 Standards of Conduct and Professionalism

In addition to any Policy and with respect to any "Code of Ethics and Conduct applying to all municipal staff", the City of Greater Sudbury Building Officials shall undertake *at all times* to:

1. Act in the public interest, particularly with regard to the safety of building works and structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the *Building Code Act*, the Building Code and any other Act or Law that regulates or governs Building Officials or their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards.

SCHEDULE "J"

Page 2 of 2

to By-law 2005-165

Code of Conduct

9. 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.
10. To avoid any conduct that could bring Building Officials or the City of Greater Sudbury into disrepute;
11. Extend professional courtesy to all;
12. Accept responsibility for the conduct of their subordinate employees;
13. Maintain current accreditation to perform the functions assigned to them; and
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties.
15. Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a Building Official.

4.0 Guideline for responding to Misconduct Allegations

The *Building Code Act* provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary Action arising from violations of this code of conduct is the responsibility of the City of Greater Sudbury's administration and is subject to relevant collective agreements, employment laws and standards.