



CLEARVIEW

## REPORT TO COUNCIL

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**Report Number:** CS-061-2022  
**Department:** Building Department  
**Meeting Date:** December 13, 2021  
**Subject:** Proposed Building Permit Fee By-law Revisions

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### RECOMMENDATION:

Be It Resolved, that Council of Township of Clearview hereby:

- 1) Receives this Report for Information.
- 2) Approve the proposed recommendation to not increase Building Permit Fees by the annual indexing as set out in the Building Permit Fee Schedule B to By-law 16-93 as amended for the year 2022.

### BACKGROUND:

Building permit fees imposed pursuant to the By-law are adjusted annually, on January 1<sup>st</sup> of each year. The indexing increase is in accordance with the prescribed construction index used to update the Development Charges By-law as determined by the Treasurer based on the Construction Index twelve-month period ending September 30<sup>th</sup>.

The Building Permit Fee By-law provides for the indexing of the fees annually, on January 1<sup>st</sup> of each year. The increases have been traditionally in the range of 1% to 3%. The indexing that would be applicable this year is 11.6%.

Given the financial stability of the Building Department along with current and future trends in building permit activity volumes, such a large increase is not considered to be necessary or appropriate at this time.

To **not** move forward with a Building Permit fee increase based on indexing the Building Code Act requires a public meeting be held.

Part of Section 7 of the Building Code Act permits a Council of a municipality to pass a by-law prescribing classes of permits requiring the payment of fees on application for, and issuance of permits and prescribing the amounts thereof.

Section 7(2) of the Building Code Act states that the total amount of fees authorized must not exceed the anticipated reasonable costs of administration and enforcement.

The Building Code Act requires that notice of the proposed changes in fees be given to such persons as prescribed and that a public meeting be held concerning the proposed changes within the period specified by regulation before the regulation, by-law or resolution to implement the proposed changes are made.

A Notice of Public Meeting was made available November 18, 2021 of a Public Meeting to be held on December 13, 2021 for Proposed Building Permit Fee Revisions.

The Clearview Building Department Annual Building Permit Fee Reports have confirmed the Building Department building of a positive surplus reserve. Refer to attached Schedule #1 "Building Department Reserve Fund Balance December 31, 2020".

The applicable Building Code Act and Building Code Regulations are as follows.

### **Building Code Act, S.O. 1992, c.23 as amended**

#### **By-laws, resolutions, regulations**

**7. (1)** The council of a municipality or of an upper-tier municipality that has entered into an agreement under subsection 3 (5) or a board of health prescribed for the purposes of section 3.1 may pass by-laws, a planning board prescribed for the purposes of section 3.1 may pass resolutions and a conservation authority prescribed for the purposes of section 3.1 or the Lieutenant Governor in Council may make regulations, applicable to the matters for which and in the area in which the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Province of Ontario, respectively, has jurisdiction for the enforcement of this Act,

- (a) prescribing classes of permits under this Act, including permits in respect of any stage of construction or demolition;
- (b) providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed;
  - (b.1) subject to the regulations made under subsection 34 (2.1), establishing and governing a program to enforce standards prescribed under clause 34 (2) (b), in addition to any programs established under subsection 34 (2.2);
  - (b.2) subject to the regulations made under subsection 34 (2.2), governing a program established under subsection 34 (2.2);

- (c) requiring the payment of fees on applications for and on the issuance of permits, requiring the payment of fees for maintenance inspections, and prescribing the amounts of the fees;
- (c.1) requiring the payment of interest and other penalties, including payment of collection costs, when fees are unpaid or are paid after the due date;

### **Fees**

(2) The total amount of the fees authorized under clause (1) (c) must not exceed the anticipated reasonable costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2).

### **Reduction in fees**

(3) A regulation, by-law or resolution establishing fees under clause (1) (c) must provide for reduced fees to be payable in respect of the construction of a building for which a registered code agency is appointed under section 4.2. 2002, c. 9, s. 11 (2).

### **Report on fees**

(4) Every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1) (c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2).

### **Same**

(5) The principal authority shall make its report available to the public in the manner required by regulation. 2002, c. 9, s. 11 (2).

### **Change in fees**

(6) If a principal authority proposes to change any fee imposed under clause (1) (c), the principal authority shall,

- (a) give notice of the proposed changes in fees to such persons as may be prescribed; and
- (b) hold a public meeting concerning the proposed changes. 2002, c. 9, s. 11 (2); 2006, c. 22, s. 112 (6).

### **Same, notice**

(7) The notice of proposed changes in fees must contain the prescribed information, including information about the public meeting, and must be given in the prescribed manner. 2002, c. 9, s. 11 (2).

### **Same, public meeting**

(8) The public meeting concerning proposed changes in fees must be held within the period specified by regulation before the regulation, by-law or resolution to implement the proposed changes is made. 2002, c. 9, s. 11 (2).

### **Fees may be added to tax roll**

(8.1) Section 398 of the *Municipal Act, 2001* or section 264 of the *City of Toronto Act, 2006*, as the case may be, applies, with necessary modifications, to fees established by a municipality or local board under clause (1) (c) and, with the approval of the treasurer of a local municipality, to fees established under clause (1) (c) by a conservation authority whose area of jurisdiction includes any part of the local municipality. 2006, c. 22, s. 112 (7).

## O.Reg. 350/06 - Division C – Part 1 Administrative Provisions

### 1.9.1. Fees

#### 1.9.1.1. Annual Report

(1) The report referred to in subsection 7 (4) of the Act shall contain the following information in respect of fees authorized under clause 7 (1) (c) of the Act:

- (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report,
- (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the *principal authority* in the 12-month period referred to in Clause (a),
- (c) a break-down of the costs described in Clause (b) into at least the following categories:
  - (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
  - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
- (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).

(2) The *principal authority* shall give notice of the preparation of a report under subsection 7 (4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.

#### 1.9.1.2. Change of Fees

(1) Before passing a by-law, regulation or resolution under clause 7 (1) (c) of the Act to introduce or change a fee imposed for applications for a permit or for the issuance of a permit, a *principal authority* shall,

- (a) hold at least one public meeting at which any person who attends has an opportunity to make representations with respect to the matter,
- (b) ensure that a minimum of 21 days notice of the public meeting is given in accordance with Clause (c), including giving 21 days notice to every person and organization that has, within five years before the day of the public meeting, requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice,
- (c) ensure that the notice under Clause (b),
  - (i) sets out the intention of the *principal authority* to pass the by-law, regulation or resolution under section 7 of the Act and whether the by-law, regulation or resolution would impose any fee that was not in effect on the day the notice is given or would change any fee that was in force on the day the notice is given,

- (ii) is sent by regular mail to the last address provided by the person or organization that requested the notice in accordance with Clause (b), and
  - (iii) sets out the information described in Clause (d) or states that the information will be made available at no cost to any member of the public upon request, and
- (d) make the following information available to the public:
- (i) an estimate of the costs of administering and enforcing the Act by the *principal authority*,
  - (ii) the amount of the fee or of the change to the existing fee, and
  - (iii) the rationale for imposing or changing the fee.

### **COMMENTS AND ANALYSIS:**

The Building Permit Fee By-law provides for the indexing of the fees annually, on January 1<sup>st</sup> of each year. The increases have been traditionally in the range of 1% to 3%. The indexing that would be applicable this year is 11.6%

Given the financial stability of the Building Department along with current and future trends in building permit activity volumes, such a large increase is not considered to be necessary or appropriate at this time.

### **Existing Building Permit Fee Schedule**

The existing Building Permit Fee Schedule B to By-law 16-93 as amended is attached for Councils information. Refer to Schedule #2 "Existing Building Permit Fee Schedule".

### **Clearview Strategic Plan:**

Not Applicable.

### **Communication Plan:**

Following Councils acceptance of this report and recommendation, staff will maintain the 2021 Building Permit Fees unchanged for 2022.

### **Financial Impact:**

There is no effect on the propose 2022 Clearview Budget as no Building Permit Fees increase was considered as part of the 2022 budget planning process.

**Report Schedules:**

Schedule #1 Building Department Reserve Fund Balance December 31, 2020.

Schedule #2 Existing Building Permit Fee Schedule.

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