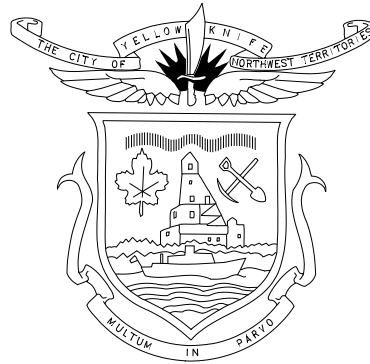


# **THE CITY OF YELLOWKNIFE**

## **NORTHWEST TERRITORIES**



### **CONSOLIDATION OF BUILDING BY-LAW NO. 4469**

**Adopted January 28, 2008**

**AS AMENDED BY**

**By-law No. 4486 - May 12, 2008  
By-law No. 4531 - August 24, 2009  
By-law No. 4685 - May 14, 2012  
By-law No. 4765 - January 27, 2014  
By-law No. 4818 - July 27, 2015  
By-law No. 4963 - May 14, 2018  
By-law No. 4957 - June 25, 2018**

**This Consolidation is prepared for convenience only.  
For accurate reference, please consult the City  
Clerk's Office, City of Yellowknife**

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**CITY OF YELLOWKNIFE  
BY-LAW NO. 4469**

A BY-LAW of the Municipal Corporation of the City of Yellowknife in the Northwest Territories to regulate the construction, alteration, repair and demolition of buildings, structures and excavations, pursuant to the relevant provisions of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c.22 as amended from time to time.

NOW THEREFORE THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session, duly assembled, hereby enacts as follows:

**1. TITLE**

1.1 This By-law may be cited as the Building By-law.

**Section 2 as amended by By-law No. 4765 January 27, 2014**

**2. DEFINITIONS**

2.1 The words and terms used in this by-law shall have the meanings prescribed in the current National Building Code of Canada.

- a. Definitions of words and phrases used in this by-law that are not specifically defined in the National Building Code of Canada shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law, taking into account the specialized use of terms within the various trades and professions to which the terminology applies.

2.2 The following words whenever used herein shall mean:

- Accessory Building:** means a subordinate building
- a. on the same lot as the main building; or
  - b. on a portion of multiple lots developed together as a single project.
- Alteration:** means the design, demolition,

removal, reconstruction, replacement and additions to construction and any change in occupancy of existing buildings where the work occurs within the existing building area.

**Addition:** means the design, alteration, reconstruction, demolition, removal, construction and occupancy of existing buildings where the work occurs outside of the existing building area.

**Building Code:** the National Building Code of Canada, as issued from time to time.

**Building Inspections Division:** the Building Inspections Division of the Department of Planning and Development of the City of Yellowknife.

**City:** The Municipal Corporation of the City of Yellowknife.

**Construction Value:** means the total value of the construction work for which a permit is issued and shall include any applicable sales taxes, goods and services taxes, including value of work supplied by the Owner (s) and value added taxes based upon the current market costs of similar construction at the time of the application for the permit.

**Council:** the Municipal Council of the City of Yellowknife.

**Do Not Occupy:** means an order requiring any or all occupancy of a building to either cease immediately or to not commence.

**Fascia Sign:** a sign placed flat and parallel to the face of a

building so that no part projects more than 300 mm from the building.

**Factory-Built Home:** a modular home, mobile home, or a panelized home built in a manufacturing plant and transported to its point of installation.

**Hoarding:** any covered way, fence, railing, boarding or barricade used in connection with a construction site.

**As amended by By-law No. 4765 January 27, 2014**

**In Home Suite** **Secondary** means a self-contained dwelling unit with a prescribed floor area located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling units constitute a single real estate entity.

The total floor area of all storeys of an In-Home Secondary Suite shall be not more than the lesser of:

- a) 80% of the total floor area of all storeys of the other dwelling unit, excluding the garage floor area and common spaces serving both dwelling units, and
- b) 80 m<sup>2</sup>.

**Infrastructure:** means water mains, sewer mains, telephone lines, cable television lines, or similar facilities to provide utilities to a building.

- Inspector:** an individual occupying the following positions within the Building Inspections Division of the City:
- a. Manager, Building Inspections;
  - b. an Inspector within the Building Inspections Division.
- Mechanical System:** all or any of:
- a. Piping systems;
  - b. Solid Fuel Burning Appliances;
  - c. Plumbing Systems;
  - d. Systems or equipment for heating; cooling or ventilation services;
  - e. Tanks and appurtenances for the storage of gases and fuels; and
  - f. Medical gas installations; installed or to be installed in a building, but does not include infrastructure.
- Multi-Family Dwelling:** a *building* or buildings containing more than two self-contained dwelling units.
- Officer:** means an individual who is appointed in accordance with the *Cities, Towns and Villages Act* as a Municipal Enforcement Officer to enforce the By-laws of the City of Yellowknife and any Peace Officer who is entitled by law to enforce the By-laws of the **City**.
- Owner(s):** as otherwise defined in the **Building Code**, and includes the Owner's agent.

- Part 3 Building:** means a class of *building* as defined by the *Building Code* as all buildings used for Group A, Group B or Group F Division 1 major occupancies and all buildings exceeding 600 m<sup>2</sup> in *building area* or exceeding 3 storeys in *building height* used for major occupancies classified as Group C, Group D, Group E and Group F, Division 2 and 3. Parts 4, 5, and 6 of the Building Code also apply in this definition.
- Part 9 Building:** means a class of *building* as defined by the *Building Code*, and applies to buildings of 3 storeys or less in building height, having a building area not exceeding 600 m<sup>2</sup> and used for Group C, Group D, Group E or Group F Division 2 and 3 major occupancies.
- Permit:** an authorization in writing by an *Inspector* to perform work regulated by this By-law.
- Person:** means an individual human being or a corporation and includes a partnership, society, and association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires.
- Projecting Sign:** a sign attached to a building so that part of the sign projects more than 300 mm from the surface to which it is attached.
- Registered Design Professional:** an engineer who is a member or licensee of the Association of



Professional Engineers, Geologists and Geophysicists of the Northwest Territories duly entitled to engage in the practice of engineering in the Northwest Territories or an architect who is a member or licensee of the Northwest Territories Association of Architects duly entitled to engage in the practice of architecture in the Northwest Territories.

**Roof Sign:** any sign placed on or over the top enclosure, above or within the vertical walls of a building.

**Secondary Suite** means an additional dwelling unit located within a building of residential occupancy containing only one other dwelling unit having a floor space less than 40% of the habitable floor space of the building.

**Senior Administrative Officer:** means the Senior Administrative Officer for the City of Yellowknife appointed pursuant to the *Cities, Towns and Villages Act*, or his or her designate.

**Sprinklered:** a building or part thereof is equipped with a system of automatic sprinklers for fire protection.

**Stop Work Order:** means an order requiring any or all work on a building to cease immediately.

**Surface-mount Foundation:** means the use of on top of the ground cribbing or pylons to site a home.

**Temporary Building:** means a building used for temporary occupancy not

intended for use beyond a maximum of two years.

**Two-Family Dwelling:** means a building divided into two self-contained dwelling units.

### 3. PERMIT EXEMPTIONS

3.1 Apart from the specific provisions of this By-law relating to signs, this By-law applies to the design, construction and **occupancy** of new **buildings**, and the **alteration**, reconstruction, demolition, removal, relocation and occupancy of existing **buildings**. It is not contemplated nor intended, nor does the purpose of this By-law extend:

- a. to the protection of **Owners** or **constructors** from economic loss;
- b. to the assumption that the **City** or any **Inspector** is responsible for ensuring the compliance by any **Owner**, his agent or any employees, **constructors** or **registered design professionals** retained by him, with the **Building Code** or the requirements of this By-law;
- c. to providing any **person** a warranty of design or workmanship with respect to any building for which a **permit** is issued under this By-law;
- d. to providing a warranty or assurance that construction undertaken pursuant to **permits** issued by the **City** is free from latent or any defects.

3.2 **Council** may from time to time, taking into account social and economic factors, including the resources available to it and the various demands made upon those resources by the residents of the **City**, and further, after consultation with the **Building Inspections Division**, make planning and policy decisions respecting the level of allocation of resources to the **Building Inspections Division** which may affect the operational performance of the division in regard to the frequency of and extent to which inspections are made under this By-law.

3.3 Neither the issuance of a **permit** under this By-law, nor the review and acceptance of the design, drawings, plans

or specifications, nor inspections made by an **Inspector**, shall constitute a representation or warranty that the **Building Code** or the By-law have been complied with or the **building** meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this By-law or any standard of construction.

- 3.4 This By-law shall be administered by the City's **Building Inspections Division**.

#### 4. REQUIREMENTS FOR PERMIT

##### Section 4.1(a)

as amended by By-law No. 4818 - July 27, 2015

- 4.1 This By-law does not apply to:

- a. **Infrastructure**, except that portion lying within one (1) metre of a **building** and trucked service building facilities.
- b. public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to **buildings**; and
- c. flood control and hydro electric dams and structures.

- 4.2 This By-law does not apply to any lawful construction, repair or demolition or **excavation** commenced before the effective date of this By-law.

##### Section 4.3 (f) added by By-law No. 4963 May 14, 2018

- 4.3 A **permit** is not required for:

- a. an **accessory building** under 10 square metres in area, provided the **building** does not have electric services, or heating;
- b. landscaping that does not change the grade by more than 600 mm, residential decks, patios and retaining walls provided that the distance between the top of the platform and the adjacent finished grade does not exceed 600 mm;

- c. a **temporary building** to be used directly for the purpose of facilitating construction work on a construction site provided that it shall be removed by the **Owner** immediately upon completion of construction work;
  - d. fences, other than those referred to in Part 8 of the **Building Code**;
  - e. for construction, additions, **alterations**, repairs, reconstruction, removal or demolition the value of which does not exceed \$5,000.00, except for mechanical repairs, modifications, **alterations**, replacements or installations the value of which does not exceed \$1,000.00; and
  - f. Any structures exempt from requiring a Development Permit under Section 3.2 (m) of Zoning By-law No. 4404, as amended.
- 4.4 An **Inspector** may, in his discretion, waive the requirement for a **permit** for:
- a. an **accessory building** having an area of more than 10 square metres;
  - b. construction, non-structural **alterations**, non-structural repairs, reconstruction, removal or demolition, the value of which exceeds \$5,000.00 but is less than \$25,000.00; or
  - c. mechanical repairs, modifications, **alterations**, replacements or installations the value of which exceed \$1,000.00, but are less than \$5,000.00.
- 4.5 Subject to 4.1, 4.2 and 4.3, an **Owner** shall obtain a **permit** before commencing any **alteration**, construction, demolition, removal, relocation or **occupancy** of a **building**, except in an emergency situation.

## 5. PERMIT CONDITIONS

- 5.1 It shall be the full and sole responsibility of the **Owner** or his agent to carry out the work in respect of which the **permit** was issued in compliance with the **Building Code** and this By-law.

- 5.2 Neither the issuance of a **permit** under this By-law nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the **City** shall in any way relieve the **Owner** from full and sole responsibility to perform the work in strict compliance with the **Building Code** and this By-law.
- 5.3 Neither the issuance of a **permit** under this By-law nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the **City** constitute in any way a representation, warranty, assurance or statement that the **Building Code** or this By-law have been complied with.
- 5.4 No person shall rely upon any **permit** as establishing compliance with this By-law or assume or conclude that this By-law has been administered or enforced according to its terms. The person to whom the **permit** is issued or his agent are responsible for making such determination.
- 5.5 No person shall, unless authorized in writing by an **Inspector**, reverse, alter, deface, cover, remove or in any way tamper with any notice, **permit** or certificate posted upon or affixed to a **building** or posted on a property pursuant to this By-law.
- 5.6 No person shall do any work that is substantially at variance with the accepted design or plans of a **building** or other works for which a permit has been issued, unless that variance has been accepted in writing by an **Inspector**.
- 5.7 No person shall knowingly submit false or misleading information to an **Inspector** in relation to any **permit** application or construction undertaken pursuant to this By-law.
- 5.8 No person shall *occupy* or use any new **building**, any **addition** to a **building** or any **alteration** to a **building**:
- a. unless a valid and subsisting **occupancy permit** in the form prescribed by the **Senior Administrative Officer**, has been issued by an **Inspector** for the **building**;
  - b. contrary to the terms of any **permit** issued or any notice given by an **Inspector**.

- 5.9 No person shall obstruct the entry of an **Inspector** or other authorized official of the **City** on property in the administration of this By-law.

## 6. LOCAL CONSTRUCTION REQUIREMENTS

### Section 6.1

as amended by By-law No. 4957 June 25, 2018

as amended by By-law No. 4685 May 14, 2012

#### 6.1 Residential Minimum Energy Efficient Building Standards

- a. All buildings as defined in Part 9, Division B, Group C, pursuant to the National Building Code of Canada 2015 are required to be energy evaluated in the NRCan current version of EnerGuide System.
- b. All new residential construction shall have an EnerGuide System label which must be affixed somewhere visible in the home at the time of final inspection by the City.

### Section 6.2

as amended by By-law No. 4685 May 14, 2012

#### 6.2 Commercial Minimum Energy Efficient Building Standards

All **commercial, institutional and industrial** buildings shall comply with a minimum energy efficient building standard that is 25% higher than the minimum requirements of the National Model Energy Code of Canada for Buildings 1997.

#### 6.3 Fire Safety Requirements

All **two-family** and **multi-family dwelling** units and **secondary suites** shall comply with the following requirements:

Section 6.3 a and b as amended by By-law No. 4765 January 27, 2014

- a. All **single family dwellings** containing **in-home secondary suites** and **two-family dwellings (Duplex)** must be either sprinklered throughout the building OR the units must be separated by the rest of the dwelling by a continuous fire rated separation of 1 hour. All **dwelling units**, if considered to be

sprinklered, must comply with National Fire Protection Association Standard 13D "Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes", and must be approved by the Office of the Fire Marshal;

- b. All **multi-family dwellings up to and including four storeys in height not exceeding 60 ft (18m) above grade** must be sprinklered and the sprinkler system must comply to National Fire Protection Association Standard 13R, "Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies", and must be approved by the Office of the Fire Marshal;
- c. a continuous **fire separation** shall be maintained between the mechanical room and the remainder of the **building**;
- d. a means of egress shall be provided for the **dwelling unit**;
- e. doors in **fire separations** shall be equipped with **closures** and shall provide a reasonably tight seal to prevent the spread of gases/fumes;
- f. mechanical room should not open into an **exit**;
- g. ventilation shall be provided for each **dwelling unit**;
- h. ventilation air from one **dwelling unit** shall not be circulated to another **dwelling unit**;
- i. any penetrations through a **fire separation** will require the installation of a fire stop or fire damper;
- j. shut off valves for water systems shall be provided so that shutting off the supply to one **dwelling unit** will not interrupt supply to the remainder of the **building**; and
- k. a plumbing system shall be provided for every **dwelling unit**.

6.4 Fire Standpipe Connections

- a. siamese connections for sprinkler or standpipe systems are to be 2-1/2" Straight Iron Pipe Thread (SIPT) or 8 Threads per Inch.
- b. private wall hydrants are to be equipped with a 4-1/2" inside diameter, national thread or 4 threads per inch. (Reference: City of Yellowknife's Standard for Hydrants re: large steamer port.)

6.5 Foundations

- a. Concrete foundations directly pinned to bedrock may be approved without requiring a professional designer, subject to the following requirements:
  - i. 20 mm rebar dowels at a maximum of 1200 mm o.c. or 15 mm rebar dowels at a maximum of 900 mm o.c. Dowels shall be grouted a minimum of 300 mm into the bedrock and extended a minimum of 300 mm above the bedrock;
  - ii. 10 mm rebar secured to each dowel extending vertically to within 150 mm of the top of the concrete wall;
  - iii. 10 mm horizontal rebar spaced a maximum 600 mm with the bottom row within 300 mm of the bedrock and the top row within 200 mm of the top of the concrete. a minimum of 2 rows is required;
  - iv. the maximum height of concrete walls shall be 3.66 m;
  - v. all concrete slabs within concrete foundations shall be supported by compacted granular fill to bedrock.
  - vi. all other aspects of concrete foundations shall be in conformance with the **Building Code**.
  - vii. damp proofing shall be provided in accordance with the **Building Code** except that damp proofing does not need to be extended more than 600 mm below a basement floor slab.



- b. all other foundation types shall be designed in strict conformance with Part 4 of the **Building Code** with drawings prepared and sealed by a **registered design professional**.

#### 6.6 Building Site Drainage

- a. Surface drainage on a **building** site shall be directed toward a street unless written approval from the Manager, Public Works is obtained to do otherwise;
- b. surface drainage shall be designed to prevent erosion or damage to public property;
- c. where drainage is towards a sidewalk, provision shall be made for the building site to drain through or under a sidewalk to the street surface to prevent erosion or damage to the sidewalk.

#### Section 6.7

as amended by By-law No. 4957 June 25, 2018

as amended by By-law No. 4685 May 14, 2012

as amended by By-law No. 4531 August 24/09

as amended by By-law No. 4486 May 26/08

#### 6.7 Minimum Insulation Values

The following are minimum insulation values for buildings where a permit is issued for additions, alterations, repairs or upgrades to existing houses.

- a. **Wall** assemblies above ground level separating heated space from unheated space or the outside shall be a minimum of R 30 (RSI 5.28);
- b. **Foundation wall** assemblies separating heated space from unheated space, the outside or adjacent ground shall be a minimum of R 15 (RSI 2.64);
- c. **Roof or ceiling** assemblies separating heated space from unheated space, or outside shall be a minimum of R 40 (RSI 7.04);
- d. **Floor** assemblies separating heated space from unheated space or outside shall be a minimum of R 30 (RSI 5.28);
- e. **Concrete slabs** separating heated space from adjacent ground shall be a minimum of R 15 (RSI 2.64).

The above minimum insulation values are mandatory for additions to existing houses and shall not be applied to

the entire existing house structure. However if alterations, repairs and upgrades are for the whole house, the insulation values are mandatory for the whole unit.

### Section 6.8

added by By-law No. 4818 July 27, 2015

#### 6.8 Trucked Service Building Facilities

Trucked service building facilities shall be installed in accordance with Water and Sewer Services By-law No. 4663, as amended, and shall comply with, National Building Code of Canada, National Plumbing Code of Canada, CAN/CSA Standards, manufacturer specifications and all municipal by-laws.

All trucked service building facilities applications shall include:

- a) Manufacturer specifications; and
- b) A plan showing the location of the tank.

Trucked service building facilities installations servicing more than four (4) bathrooms or having a capacity of more than 3,000 imperial gallons (13,638 litres) shall be certified by a Professional Engineer.

## 7. GENERAL PERMIT APPLICATIONS

7.1 To obtain a **permit**, the **Owner** shall file an application in writing in the form prescribed by the **Senior Administrative Officer**.

7.2 An applicant shall provide the following information to an **Inspector**:

- a. sufficient information to show that the proposed work will conform to the **Building Code**;
- b. plans shall be drawn to scale and shall indicate the nature and extent of the work or proposed **occupancy** in sufficient detail to establish that, when completed, the work and the proposed **occupancy** will conform to the **Building Code** and the **Building By-law**;
- c. site plans shall be referenced to an up-to-date survey and shall show:

- i. the bearing and dimensions of the parcel taken from the registered subdivision plan, the legal description and civic address of the parcel, the location and dimensions of all statutory rights of way, easements and setback requirements, the location and dimensions of all existing and proposed **buildings** on the parcel;
  - ii. the access routes for firefighting.
- d. the names, addresses, telephone numbers and business license numbers of the **Owner, constructor**, and where required the **registered design professional**;
  - e. the estimated value of the proposed work required for the specific **permit** applied for; and
  - f. such other information as required by the **Inspector** to satisfy him or herself that the By-law and the **Building Code** will be complied with.
- 7.3 Where the type of **building** requires, information shall also be submitted to show the major components of fire protection including:
- a. the division of the **building** by **firewalls**;
  - b. the **building** area;
  - c. the degree of **fire separation** of **storeys**, shafts, and special rooms or areas including the location and rating of **closures** in **fire separations**;
  - d. the source of information for **fire-resistance ratings** of elements of construction;
  - e. the location of **exits**;
  - f. fire detection, suppression and alarm systems; and
  - g. before a sprinkler system is installed or altered, plans showing full details of the proposed sprinkler system and essential details of the **building** in which it is to be installed or altered.
- 7.4 Where an **Owner** or his agent request a revision to an application, an **Inspector** may require any or all of the

information previously submitted to be resubmitted as required.

- 7.5 Where the requirements for an application for a **permit** as stipulated in this section or any other section have not been satisfied within 6 months of the date of filing, the application shall be deemed to be abandoned and the application form and contents may be destroyed.

## 8. PERMIT APPLICATION FOR A FACTORY-BUILT HOME

- 8.1 In addition to the information required in section 7.2, an application for a **permit** for a **Factory-Built Home** shall include:
- a. the manufacturer's name and address;
  - b. the model;
  - c. the serial number;
  - d. the year of manufacture;
  - e. the ground snow load and roof design snow load;
  - f. the thermal resistance of insulation and the outside design temperature used in heat loss calculations;
  - g. the complete electrical rating (voltage, frequency, input current);
  - h. CSA label confirming the model meets the **Building Code**, and;
  - i. printed set-up instructions covering installation requirements, foundation support details, and connection of services.
- 8.2 **Factory-Built Homes** shall be marked in the interior in conformance to CAN/CSA-A277-01 Clause 6.4.
- 8.3 If a **Factory-Built Home** is installed on a **surface-mount foundation**, the foundation shall be built to CSA Standard CAN/CSA-Z240.10.1, Clause 4.3.2.
- 8.4 A **Factory-Built Home** installed on a **surface-mount foundation** shall have been tested and evaluated in accordance with the Deformation Resistance Test

specified in CSA Standard CAN/CSA-Z240.2.1 and shall be permanently marked to indicate compliance.

- 8.5 Any **Factory-Built Homes** installed on any type of foundation other than described in section 8.3 or on a concrete pinned to bedrock foundation as described in section 6.3, upon completion of the construction a **letter of assurance** shall be provided in the forms perscribed by the **Senior Administrative Officer**, signed and sealed by a **registered design professional**.
- 8.6 Where required letters of assurance shall be provided in the forms perscribed by the **Senior Administrative Officer**, signed by a **registered design professional**, for the conduct of field reviews of the setup of the **Factory-Built Home** in accordance with the manufacturer's instructions.

**Section 8.7 Factory-Built Homes deleted by By-law No. 4957 June 25, 2018**

**9. PERMIT APPLICATION FOR PART 9 BUILDINGS**

- 9.1 In addition to the information required in section 7.2, an application for a **permit** for a **Part 9 Building** shall include:
- a. a site plan showing the bearing and dimensions of the parcel taken from the registered subdivision plan, the legal description and civic address of the parcel, the location and dimensions of all statutory rights of way, easements and setback requirements, the location and dimensions of all existing and proposed **buildings** on the parcel;
  - b. floor plans showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
  - c. a cross section through the **building** illustrating foundations, drainage, ceiling heights and construction systems;

- d. elevations of all sides of the **building** showing finish details, roof slopes, windows, doors, and finished grade;
  - e. cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** substantially conforms to the **Building Code**.
- 9.2 An **Inspector** may require the following additional information if the project involves a **building** referred to in Part 4 of the **Building Code**:
- a. structural drawings and related documents submitted with the application to build shall be dated and bear the authorized professional seal and signature of a **registered design professional** and shall include the following:
    - i. the name and address of the person responsible for the structural design;
    - ii. the date of issue of the **Building Code** and standards to which the design conforms;
    - iii. the dimensions, location and size of all structural members in sufficient detail to enable the design to be checked;
    - iv. sufficient detail to enable the dead loads to be determined;
    - v. all effects and loads, other than dead loads, used for the design of the structural members and exterior cladding; and
    - vi. the calculations and analysis made in design of the structural members, including parts and components, of a **building** shall be available for inspection upon request.
- 9.3 An **Inspector** may require the following additional information if the project involves a **building** referred to in Part 5 and Part 6 of the **Building Code**:
- a. drawings and specifications shall clearly show with sufficient details to demonstrate conformance to the **Building Code**.

- b. Letters of assurance in the forms perscribed by the **Senior Administration Officer**, signed by **registered design professionals** as the **Inspector** may require, to prepare the **design** for and conduct field reviews of the construction of the **building**.

## 10. PERMIT APPLICATION FOR PART 3 BUILDINGS

10.1 In addition to the information required in section 7.2, an application for a **permit** for a **Part 3 Building** shall include:

- a. site plan showing the bearing and dimensions of the parcel taken from the registered subdivision plan, the legal description and civic address of the parcel, the location and dimensions of all statutory rights of way, easements and setback requirements, the location and dimensions of all existing and proposed **buildings** on the parcel, the location, dimension and gradient of parking and driveway access.
- b. floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- c. cross sections through the **building** to illustrate foundations, drainage, ceiling heights and construction details and systems;
- d. elevations of all sides of the **building** showing finish details, roof slopes, windows, doors, and finished grade;
- e. cross-section details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** substantially conforms to the **Building Code**;
- f. structural drawings and related documents submitted with the application to build shall be dated and bear the authorized professional seal and signature of a **registered design professional** and shall include the following:

- i. the name and address of the person responsible for the structural design;
- ii. the date of issue of the **Building Code** and standards to which the design conforms;
- iii. the dimensions, location and size of all structural members in sufficient detail to enable the design to be checked;
- iv. sufficient detail to enable the dead loads to be determined;
- v. all effects and loads, other than dead loads, used for the design of the structural members and exterior cladding; and
- vi. the calculations and analysis made in design of the structural members, including parts and components, of a building shall be available for inspection upon request.

10.2 In addition to the requirements of section 10.1, an **Inspector** may require the following to be submitted along with a **permit** application for the construction of a **Part 3 building** where the project involves **buildings** covered in Part 5 and Part 6 of the **Building Code**:

- a. drawings and specifications shall clearly show with sufficient details to demonstrate conformance to the **Building Code**;
- b. a letter of assurance in the forms perscribed by the **Senior Administrative Officer**, signed by the **Owner**, or a signing officer of the **Owner** if the **Owner** is a corporation, and a coordinating **registered design professional**; and
- c. letters of assurance in the forms perscribed by the **Senior Administrative Officer**, signed by the **registered design professionals** as the **Inspector** may require, to prepare the design for the construction and perform field reviews of the construction.



## 11. PERMIT APPLICATION FOR FOUNDATIONS

- 11.1 In addition to the information required in section 7.2, an application for a **permit** for a foundation **permit** shall include:
- a. a site plan showing the bearing and dimensions of the parcel taken from the registered subdivision plan, the legal description and civic address of the parcel, the location and dimensions of all statutory rights of way, easements and setback requirements, the location and dimensions of all existing and proposed **buildings** on the parcel, the location, dimension and gradient of parking and driveway access;
  - b. a plan view showing the dimensions and uses of all areas;
  - c. a cross section illustrating drainage, wall heights and construction systems;
  - d. elevations of all sides of the foundation.
- 11.2 An **Owner** shall submit documents with the application showing the design conforms to section 6.5 or a foundation design prepared by a **registered design professional** in accordance Part 4 of the **Building Code**.
- 11.3 Foundation drawings submitted with the application to build or excavate shall:
- a. indicate the type and condition of the soil or rock, as well as the groundwater conditions, as determined by the subsurface investigation;
  - b. indicate the allowable bearing pressure on the soil or rock, the allowable loads when applicable and the design loads applied to foundation units; and
  - c. be accompanied by a letter of assurance in the forms perscribed by the **Senior Administrative Officer**, signed by the **registered design professional** of record for the foundation design.

12. PERMIT APPLICATION FOR ADDITIONS

12.1 In addition to the information required in section 7.2, an application for a **permit** for an **addition** shall include:

- a. a site plan showing the bearing and dimensions of the parcel taken from the registered subdivision plan, the legal description and civic address of the parcel, the location and dimensions of all statutory rights of way, easements and setback requirements, the location and dimensions of all existing and proposed **buildings** on the parcel;
- b. floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- c. cross sections through the **building** illustrating foundations, drainage, ceiling heights and construction systems; and
- d. elevations of all sides of the **building** showing finish details, roof slopes, windows, doors, and finished grade.

12.2 If the aggregate floor area of the existing **building** and the **addition** is 600 square meters or larger submit:

- a. a design prepared by a **registered design professional** along with a letter of assurance in the perscribed form signed by the **Owner**, or a signing officer of the **Owner** if the **Owner** is a corporation, and a coordinating **registered design professional**; and
- b. *letters of assurance* in the forms perscribed by the **Senior Administrative Officer** signed by such **registered design professionals** as the **Inspector** or **Building Code** may require to prepare the design for and conduct field reviews of the construction of the **building**.

13. PERMIT APPLICATION FOR ACCESSORY BUILDINGS

13.1 In addition to the information required in section 7.2, an application for a permit for an **accessory building** shall include:

- a. a site plan showing the bearing and dimensions of the parcel taken from the registered subdivision plan, the legal description and civic address of the parcel, the location and dimensions of all statutory rights of way, easements and setback requirements, the location and dimensions of all existing and proposed **buildings** on the parcel;
- b. floor plan showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- c. cross sections through the **building** illustrating foundations, drainage, ceiling heights and construction systems; and
- d. elevations of all sides of the **building** showing finish details, roof slopes, windows, doors, and finished grade.

14. PERMIT APPLICATION FOR TEMPORARY BUILDINGS

14.1 A **temporary building permit** may be issued by the **Inspector**, authorizing for a limited time the erection and existence of a **building**, or part thereof, for an **occupancy** which because of its nature, will exist for a short time (not exceeding two (2) years) in accordance with the conditions specified by the **Inspector**.

14.2 A **temporary building permit** may be extended provided permission in writing is issued by the **Inspector**.

14.3 A **temporary building** shall be properly maintained by the **Owner** to the satisfaction of the **Inspector**.

14.4 On or before the expiry of the **permit**, the **building** shall:

- a. be dismantled under a demolition **permit**; or
- b. be moved to another location in accordance with **City** By-laws.

#### 15. PERMIT APPLICATION FOR ALTERATIONS

15.1 In addition to the information required in section 7.2, an application for a **permit** for an **alteration** shall include:

- a. floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- b. a cross section through the **building** illustrating foundations, drainage, ceiling heights and construction systems; and
- c. elevations of all sides of the **building** showing finish details, roof slopes, windows, doors, and finished grade; and
- d. documentation with the application showing the design conforms to Part 9 of the **Building Code** or a design prepared by a **registered design professional** in accordance with Part 4 of the **Building Code**, and accompanied by letters of assurance in the forms perscribed by the **Senior Administration Officer**, signed by such **registered design professionals** as the **Inspector** or **Building Code** may require to prepare the **design** for and conduct field reviews of the construction of the **building**.

#### 16. PERMIT APPLICATION FOR DEMOLITION OR REMOVAL

16.1 An application for a **permit** with respect to demolition shall be made in the perscribed form signed by the **Owner** or a signing officer if the **Owner** is a corporation.

16.2 A demolition **permit** is required for the demolition and removal of a **building** or part of a **building**.

- 16.3 No **permit** shall be issued and no **person** shall demolish or remove any **building** or part of a **building** until all municipal taxes and utility levies are paid on the property on which the **building** is located.
- 16.4 Completion of work for which a **permit** has been issued must occur within the period specified on the demolition **permit** or such extension of time as may be authorized by an **Inspector** before the expiration of the demolition **permit**. If the demolition is not completed within the time set forth in the demolition **permit**, the **Manager, Building Inspections** may require that the **permit** holder apply for a new demolition **permit**.
- 16.5 The site on which the **building** was originally situated must be left in a clean, tidy and safe condition, as deemed acceptable to the **Inspector**.

#### 17. PERMIT APPLICATION FOR SIGNS

- 17.1 An application for a **permit** with respect to signs shall be made in the perscribed form signed by the **Owner**, or a signing officer if the **Owner** is a corporation.
- 17.2 A sign shall not be erected, constructed or maintained in a location which may interfere with or obstruct:
- a. any fire escape, window, door or other opening;
  - b. an opening which is required for ventilation;
  - c. passage in any stairwell;
  - d. free passage from one part of a roof to another;
  - e. the **exit** from or entrance into any **building**;
  - f. the operation of any exterior standpipe; or
  - g. the installation, maintenance or public view of any utility traffic sign or traffic light.
- 17.3 Free standing roof signs and other signs 10 square meters and larger shall be designed in accordance with Part 4 of the **Building Code** and constructed to withstand wind pressures not less than that required for **buildings** and other structures in a similar location.

- 17.4 For sizes less than 10 square meters the design requirements shall be at the discretion of the **Inspector**.
- 17.5 Except for display surfaces, construction materials for signs and sign structures shall be of a quality and grade specified for **buildings** regulated under the **Building Code**.
- 17.6 A roof sign shall be structurally tied into the supporting structure of the **building** it is attached to.
- 17.7 **Fascia signs** shall be securely fastened to:
- a. a masonry wall by means of anchors, bolts, expansion screws or similar connectors; or
  - b. a wood wall by means of wood blocks and appropriate fasteners.
- 17.8 Where a **fascia sign** projects more than 300 mm from the face of a **building** to which it is attached, the provisions of the **Building Code** for projecting signs shall apply.
- 17.9 Where a **fascia sign** projects more than 25 mm from the face of a **building** that is adjacent to a public sidewalk, the sign shall be a minimum of 3 meters from the sidewalk to the bottom of the sign.

## 18. PERMIT APPLICATION FOR HOARDING

- 18.1 An application for a **permit** with respect to **hoarding** shall be made in the perscribed form signed by the **Owner** or a signing officer if the **Owner** is a corporation.
- 18.2 A **hoarding permit** is required whenever **hoarding** is placed on a construction site, or on public property in connection with a construction site.
- 18.3 In addition to the requirements of the **Building Code** for **hoarding**, additional requirements to protect the public and public property may be imposed by an **Inspector**.
- 18.4 An **Inspector** may require an **Owner** or **constructor** to submit a security bond before **hoarding** is placed on

public property, to ensure that the public property will be restored to a satisfactory condition.

#### 19. PERMIT APPLICATION FOR MECHANICAL SYSTEMS

- 19.1 An application for a **permit** with respect to mechanical systems shall be made in the prescribed form signed by the **Owner** or a signing officer if the **Owner** is a corporation.
- 19.2 A mechanical **permit** shall be required to construct, install, extend, alter, renew or repair a **mechanical system**.
- 19.3 A mechanical **permit** is not required when a valve, faucet, fixture or service is cleared or a leak is repaired, if no change to the piping is required.

#### 20. LETTERS OF ASSURANCE

- 20.1 The letters of assurance, in the forms prescribed by the **Senior Administration Officer**, referred to in this By-law are relied upon by the **City** and its **Inspectors** that in the opinion of the design professional the **design** and plans for **buildings** for which the letters of assurance relate comply with the **Building Code** and this By-law and that the construction of the **buildings** for which the letters of assurance relate substantially comply with the **Building Code** and this By-law.
- 20.2 A **building permit** issued for the construction of a **Part 3 building**, or for a **Part 9 building** for which an **Inspector** requires letters of assurance from a **registered design professional** pursuant to the requirements of this By-law, shall be in the forms prescribed by the **Senior Administrative Officer**, as applicable.
- 20.3 A **permit** issued pursuant to the requirements of this By-law shall include a notice to the **Owner** that the **permit** is issued in reliance upon the letters of assurance in the forms prescribed by the **Senior Administrative Officer**, signed by the **registered design professionals** that the design and plans submitted in support of the application for the **permit** comply with the **Building Code** and this By-law.

20.4 A **permit** issued pursuant to the requirements of this By-law shall include a notice to the **Owner** that the **permit** is issued in reliance upon the letters of assurance in the forms prescribed by the **Senior Administrative Officer**, signed by **registered design professionals** that the field review of the construction of the subject **building** of the application for the **permit** substantially comply with the **Building Code** and this By-law.

## 21. FEES AND CHARGES

21.1 A **permit** fee, calculated in accordance with Fees and Charges By-law No. 4453, shall be paid in full before issuance of any **permit** under this By-law.

21.2 For the purposes of calculating **permit** fees, an **Inspector** may determine the **construction value** of a project through a certified property appraiser or require verification of the cost by reference to the contract documents;

21.3 Where the applicant obtains the material and does the work himself, the **permit** fee shall be based on the fair market value of the material cost and the labor cost as determined by an **Inspector**;

21.4 An **Owner** is entitled to have refunded one-half the **permit** fee paid, if they do not start and do not intend to do the work described in the **permit**, upon a written request to have the **permit** withdrawn except:

a. the refund shall not include the plan processing fee paid pursuant to this By-law; and

b. no refund shall be made where construction has begun or an inspection has been made.

21.5 Where, due to non-compliance with this By-law, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Fees and Charges By-law No. 4453 shall be paid prior to additional inspections being performed.

21.6 **Permit** fees shall be doubled whenever any construction, installation, addition, **alteration**, repair, reconstruction, occupancy, relocation, removal,



demolition, **excavation**, or hoarding commences prior to a **permit** being issued.

## 22. ISSUANCE OF PERMITS

22.1 The **Building Inspections Division** may refuse to issue any permit:

- a. whenever information submitted is inadequate to determine compliance with the provisions of this By-law;
- b. whenever incorrect information is submitted;
- c. that would authorize any **building**, work or **occupancy** that would not be permitted by this By-law, or that would be prohibited by any other by-law.

22.2 When an **Inspector** has received a completed application and is satisfied that the project described in the application meets the requirements of the **Building Code** and this By-law, and the applicant has paid to the **City** the **permit** fee, the **Inspector** shall issue a **permit** to the applicant and endorse the words "examined" on all sets of plans and specifications that have been examined by the **Inspector**. The **Inspector** may impose such conditions on the **permit** as he deems necessary to ensure compliance with the **Building Code** and this By-law.

22.3 Work performed under a **permit** must meet all the conditions under which the **permit** was issued.

22.4 No **permit** shall be issued until an **Inspector** is satisfied that the effective date of the development **permit**, if it is required by the Zoning By-law, has been attained.

22.5 An **Inspector** may issue a **permit** for a portion of a **building** before the design, plans and specifications for the entire **building** have been accepted, provided sufficient information has been provided to the **City** to demonstrate to the **Inspector** that the portion authorized to be constructed substantially complies with the **Building Code** and this By-law and the **permit** fee applicable to that portion of the **building** has been paid. The issuance of the **permit** notwithstanding, the requirements of this By-law apply to the remainder of

the **building** as if the **permit** for the portion of the **building** had not been issued.

- 22.6 Where a foundation is constructed pursuant to a foundation **permit** issued pursuant to section 11 of this By-law and a **building permit** is not subsequently issued or a subsisting **building permit** has expired in accordance with the requirements of section 22.9, but without the construction of a **building** for which the **permit** was issued having commenced, the **Owner** shall restore the site to the original gradients of the site within 60 days of being served notice by the **City** to do so.
- 22.7 Where a **permit** is issued for part of a **building**, the holder of such a **permit** may proceed at his own risk.
- 22.8 Every **Owner** shall give notice to the **Building Inspections Division** of the dates on which he intends to begin work prior to commencing work on the **building** site.
- 22.9 Every **permit** is issued upon the condition that the **permit** shall expire and the rights of the **Owner** under the **permit** shall terminate if:
- a. the work authorized by the **permit** is not commenced within 180 days from the date of issuance of the **permit**;
  - b. work is discontinued for a period of 180 days; or
  - c. work has not been completed within two years of the date the **permit** was issued.
- 22.10 An **Inspector** may extend the period of time set out under section 22.9 where construction has not been commenced or where construction has been discontinued or slowed due to adverse weather, strikes, material or labor shortages, or similar hardship beyond the **Owner's** control.
- 22.11 No person shall occupy a **building** or part of a **building** until an **occupancy permit** in the form prescribed by the **Senior Administrative Officer**, for that **building** has been issued.
- 22.12 An **occupancy permit** shall not be issued unless:

- a. all letters of assurance in the forms prescribed by the **Senior Administrative Officer**, have been submitted when required in accordance with the requirements of this By-law.
- b. all aspects of the work requiring inspection and acceptance pursuant to section 23 of this By-law have been both inspected and accepted.

22.13 Notwithstanding 22.12 an **Inspector** may authorize in writing occupancy with conditions prior to a final **occupancy permit** being issued.

22.14 An **Inspector** may issue an **occupancy permit** in the forms prescribed by the **Senior Administrative Officer**, for part of a **building** if that part of the **building** is self-contained, provided with essential services and the requirements set out in this By-law have been met with respect to that part of the **building**.

### 23. ROLE OF INSPECTORS AND INSPECTIONS

23.1 An **Inspector** may in the administration of this By-law:

- a. issue written directions to the **Owner**, or his agent, regarding compliance to the **Building Code**, and order the correction of any work that is being or has been done in contravention of this By-law.
- b. establish whether the methods or types of construction and types of materials used in the construction of a **building** for which a permit is sought under this By-law substantially conforms to the requirements of the **Building Code**.
- c. enter on any land, or **building** at any reasonable time to ascertain whether the terms of this By-law are being observed, except where a **building** is occupied, then the **Inspector** shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry.

23.2 An **Inspector** shall, in the administration of this By-law, carry proper credentials confirming his or her status as an **Inspector**.

- 23.3 The **Owner**, or his agent, shall call for an inspection before concealing that stage of the work when the inspection is required by the **Inspector** and identified as mandatory in the conditions of approving a **building permit**.
- 23.4 When the **building** is substantially complete and ready for **occupancy**, but before any **occupancy** takes place of the whole or part of the **building** the **Owner**, or his agent shall make application for a **Occupancy Permit**.
- 23.5 The **Owner**, or his agent, shall not conceal any work subject to a mandatory inspection until the work has been accepted in writing or an **Inspector** has given written permission to conceal the work without an inspection.
- 23.6 The requirements of section 23.3 of this By-law may not apply to any aspect of the work for which a **permit** has been issued that is the subject of a **registered design professional's** letter(s) of assurance as required in accordance with the provisions of this By-law.
- 23.7 Where a **registered design professional** provides letters of assurance in accordance with the provisions of this By-law, the **City** may rely solely on field reviews undertaken by the **registered design professional** and the letters of assurance submitted pursuant to the requirements of this By-law as assurance that the construction substantially conforms to the design and that the construction complies with the **Building Code** and this By-law.
- 23.8 Notwithstanding section 23.7 of this By-law, an **Inspector** may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to review the field reviews undertaken by the **registered design professionals**, and to provide any written directions.

#### 24. RESPONSIBILITIES AND OBLIGATIONS OF THE OWNER

- 24.1 No **Owner**, or his agent, shall deviate from the plans and specifications forming a part of the **permit**, or omit or fail to complete work required by the said plans and specifications accepted by the **City**, without first

having obtained in writing the approval of the **City** to do so.

- 24.2 No **Owner**, or his agent, involved in the construction, reconstruction, demolition, **alteration**, removal, relocation or **occupancy** of a **building** shall cause, allow or maintain any unsafe condition.
- 24.3 Notwithstanding section 4.3 whenever a change in ground elevations or property boundaries creates a contravention of this By-law the **Owner**, or his agent, shall obtain a **permit** and alter the construction to conform to this By-law.
- 24.4 Any **Owner**, or his agent, who knowingly submits false or misleading information contravenes this By-law.
- 24.5 Every **Owner**, or his agent, shall allow an **Inspector** to enter any **building** or premises at any reasonable time for the purpose of administering and enforcing this By-law.
- 24.6 Every **Owner**, or his agent, shall obtain all required **permits** or approvals prior to commencing the work to which they relate.
- 24.7 Every **Owner**, or his agent, shall give a minimum of 72 hours notice in writing to the **Building Inspections Division** requesting an inspection for an **occupancy permit** in the form prescribed by the **Senior Administrative Officer**:
- a. at final completion of the work; or
  - b. at substantial completion of the work where any portion of the **building** if only that portion is to be occupied.
- 24.8 If a change in ownership or change in address of the **Owner** occurs prior to completion of the work for which a **permit** was issued, the **Owner** must notify the **Building Inspections Division** in writing.
- 24.9 Every **Owner** shall make, or have made at his own expense, the tests or inspections necessary to prove compliance with this By-law and shall promptly file a copy of all such tests or inspection reports with the **Building Inspections Division**.

- 24.10 As part of a **permit** every **Owner** shall provide an up-to-date survey of the **building** site when and as required by the **Building Inspections Division**.
- 24.11 Every **Owner** is responsible for the cost of repair of any damage to public property or municipal works located thereon that may occur as a result of undertaking work for which a **permit** was required.
- 24.12 Should **occupancy** occur prior to the completion of any work being undertaken that requires a **permit**, the **Owner**, or his agent, shall ensure that no unsafe condition exists or will exist because of the work still being undertaken or work that has not been completed.
- 24.13 When a **building** or part thereof is in an unsafe condition, as a result of work done or being done by **permit** the **Owner**, or his agent, shall forthwith take all necessary action to put the **building** in a safe condition.
- 24.14 Every **Owner**, or his agent, shall ensure that all construction complies with the **Building Code**, this By-law and other applicable enactments respecting safety.
- 24.15 Every **Owner**, or his agent, to whom a **permit** is issued shall, during construction:
- a. post and maintain the **permit** in a conspicuous place on the property in respect of which the **permit** was issued;
  - b. keep a copy of the accepted designs, plans and specifications on the property; and
  - c. post the civic address on the property in a location visible from any adjoining streets.
- 24.16 An **Owner**, or his agent, shall engage **constructors** who comply with all applicable legislation relating to all construction being performed and **constructors** are jointly and severally responsible with the **Owner** for any work undertaken.
- 24.17 An **Owner**, or their agent, engaging **constructors** to perform work authorized by a **permit** must ensure:
- a. the **constructor** holds a valid **City** Business License;

- b. the **constructor** holds, or employs a **person** who holds a valid certification applicable to the work being performed.

24.18 The **Owner** holding a **permit** for a detached single family dwelling may perform work on that **building** without holding certification.

## 25. RESPONSIBILITIES AND OBLIGATIONS OF THE CITY

25.1 An **Inspector** may enter any **building** or premises at any reasonable time for the purpose of administering or enforcing this By-law, or if there is reason to believe an unsafe condition exists.

25.2 An **Inspector** may order:

- a. a **person** who contravenes this By-law, to comply with its provisions within the time period specified;
- b. work to stop on the **building** or any part thereof by issuing a **Stop Work Order** on the form prescribed by the **Senior Administrative Officer**, if such work is proceeding in contravention of this By-law, or if there is deemed to be an unsafe condition;
- c. the removal of any unauthorized encroachment on public property;
- d. the removal of any **building** or part thereof constructed in contravention of this By-law;
- e. the cessation of any **occupancy** by issuing a **Do Not Occupy** notice in the form prescribed by the **Senior Administrative Officer**, if any unsafe condition exists because of work being undertaken or not completed; and
- f. correction of any unsafe condition.

25.3 An **Inspector** may revoke a **permit** upon written notice to the **permit** holder where:

- a. there is a contravention of any condition under which the **permit** was issued;
- b. the **permit** was issued in error; or

c. the **permit** was issued on the basis of incorrect information.

25.4 When any **building**, construction or **excavation** or part thereof is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or otherwise, and when due notice to correct such condition has not been complied with, the **City** may:

a. demolish, remove or make safe such **building**, construction, **excavation** or part thereof at the expense of the **Owner**; and

b. take such other measures it considers necessary to protect the public.

25.5 When immediate measures must be taken to avoid an imminent danger of fire or risk of accident, the **City** may take such action as is appropriate, without notice, and at the expense of the **Owner**.

## 26. PENALTIES AND ENFORCEMENT

26.1 Any **person** who contravenes a provision of this By-law by doing any act or thing that the **person** is prohibited from doing, or by failing to do any act or thing the **person** is required to do, is guilty of an offence and is liable upon Summary Conviction to a fine not exceeding:

a. Two thousand (\$2,000.00) dollars for an individual;

b. Ten thousand (\$10,000.00) dollars for a corporation;  
and

c. imprisonment for a period not exceeding six months, in default of payment of a fine.

26.2 Any offence created pursuant to this By-law shall be considered to be a strict liability offence.

26.3 An **officer** may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act* to any person who violates any provision of this By-law and such person may, in lieu of



prosecution, pay the **City** the Voluntary Penalty set out in Schedule "A" attached to this By-law.

- 26.4 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a **person** guilty of such an offence is liable to a fine in an amount not less than that established by this By-law for each such day.
- 26.5 The **Owner** of property on which a **Stop Work Order** in the form prescribed by the **Senior Administrative Officer**, has been posted, and every other **person**, shall cease all construction work immediately and shall not do any work until all applicable provisions of this By-law have been substantially complied with and the **Stop Work Order** has been rescinded in writing by an **Inspector**.
- 26.6 Where a **person** occupies a **building** or part of a **building** in contravention of section 23 of this By-law an **Inspector** may post a **Do Not Occupy** notice in the form prescribed by the **Senior Administrative Officer**, on the affected part of the **building**.
- 26.7 The **Owner** of property on which a **Do Not Occupy** notice has been posted, and every other person, shall cease **occupancy** of the **building** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this By-law have been substantially complied with and the **Do Not Occupy** notice in the form prescribed by the **Senior Administrative Officer**, has been rescinded in writing by an **Inspector**.
- 26.8 Whenever there are fines, fees or charges payable pursuant to this By-law and there is more than one **Owner** of the property to which they apply, each shall be jointly and severally liable for their payment.

## 27. APPEALS

- 27.1 Any **person** served with an order pursuant to this By-law providing for:
- a. the demolition, removal or **alteration** of **buildings** that were constructed, altered or repaired in contravention of this By-law,

- b. the filling, covering of **alteration** of excavations made in contravention of this By-law;
- c. the suspension or cancellation of a **permit**;
- d. a **Stop Work Order**;
- e. a **Do Not Occupy** Order;

may appeal the order to **Council** within seven (7) days of the date of such order and the decision of **Council** on such an appeal shall be final.

27.2 An appeal made under this section shall:

- a. be in writing, stating the reasons for the appeal;
- b. be delivered to the City Clerk; and
- c. be heard by **Council** at a regular or special **Council** meeting within twenty one (21) days from the date it is received.

27.3 When hearing an appeal, **Council** may dismiss, uphold or vary the decision of the **Inspector**.

27.4 Where **Council**, the **Senior Administrative Officer**, Director Planning and Development or such other **person** as may be authorized to take the action referred to herein, is of the opinion that there is imminent danger to public health or safety, they may:

- a. shorten the period allowed in the notice; and/or
- b. initiate action prior to the appeal being heard by **Council**.

## 28. SEVERABILITY

28.1 Each provision of this By-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this By-law shall remain valid and enforceable, and the By-law shall be interpreted as such.

29. **SCHEDULES**

29.1 The attached Schedule "A" forms part of this By-law.

30. **REPEAL**

30.1 By-law No. 3815, and all subsequent amendments are hereby repealed.

31. **EFFECT**

31.1 THIS By-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 75 of the *Cities, Towns and Villages Act*.

## SCHEDULE "A" VOLUNTARY FINES

CITY OF YELLOWKNIFE  
BY-LAW NO. 4469

## VOLUNTARY FINES

- |    |  |             |
|----|--|-------------|
| 1. | Failure to comply with an order          |             |
|    | a. individual                            | \$ 200.00   |
|    | b. corporation                           | \$ 1,000.00 |
| 2. | Failure to display permit                | \$ 50.00    |
| 3. | Failure to obtain Permit                 |             |
|    | a. individual                            | \$ 200.00   |
|    | b. corporation                           | \$ 1,000.00 |
| 4. | Failure to comply with permit conditions | \$ 500.00   |