The Corporation of the City of Pembroke

By-law Number 2025-83

Being a By-law to provide for the administration and enforcement of the Building Code Act and with respect to the establishment and requirement of the payment of fees for information and services.

Whereas Section 3(1) of the **Building Code Act**, S.O. 1992, c.23, as amended, provides that the council of each municipality is responsible for the enforcement of the **Building Code Act**, 1992, as amended, in the municipality;

Whereas Section 3(2) of the **Building Code Act**, S.O. 1992, c.23 provides that the council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction;

Whereas Section 7 of the **Building Code Act**, S.O. 1992, c.23, as amended, authorizes a municipal council to pass by-laws respecting the administration and enforcement of the Act and the Ontario Building Code through prescribing of classes of permits, submission of applications, collection of fees, notifications for inspections and the charging of permit fees and other related matters;

Whereas Section 425 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that any person who contravenes any by-law of a municipality passed under the authority of the Municipal Act is guilty of an offence; and

Whereas Section 36 of the Ontario Building Code Act, S.O. 1992, c. 23, as amended, outlines when a person is guilty of an offence under the Act.

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. Citation

1.1. This By-law may be cited as the "**Building** By-law" and as cited includes future amendments, unless otherwise specified.

2. Definitions

2.1. Words shown in bold script in this By-law shall have the meaning as follows:

a) **Act** means the **Building Code Act**, S.O. 1992, c. 23, as amended;

b) **Alternative solution** means a substitute for an acceptable solution as set out in Parts 3 to 12 of Division B of the **Building Code**;

c) **Applicable law** means the list of **applicable laws** as prescribed by the **Building Code**;

d) **Applicant** means the **owner** of a **building** or property who applies for a **permit** or any **authorized agent** who applies 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 that person or corporation;

e) **Authorized agent** means a person who has been authorized in writing to act on the **owner's** behalf for matters relating to an application for a **permit**;

f) **As constructed plans** means construction plans and specifications that show the **building** and the location of the **building** on the property as the **building** has been constructed;

g) **Building** means that as ascribed by the **Act**;

h) **Building Code** means regulations made under Section 34 of the **Act** and any amendments thereto;

i) **Chief Building Official** means the person appointed by a by-law of the **Corporation** of the City of Pembroke for the purpose of enforcement of the **Act** and whose roles are set out in the **Act**;

j) **Complete** means a building permit application submitted with all required approvals appended in accordance with Subsection 1.3.1.3(5) of the Building Code, in order to comply with the building permit timelines as noted in Subsection 1.3.1.3(1) of the Building Code;

k) **Corporation** means the **Corporation** of the City of Pembroke;

l) **Form** means the applicable provincial or municipal prescribed document or e-document;

m) **Inspector** means a person appointed by a by-law of the **Corporation** of the City of Pembroke for the purpose of enforcing the **Act** and whose roles are set out in the **Act**;

n) **Owner** means the registered **owner** of the land or property for which a **permit** application is submitted; a **permit** has been issued; or which contains an on-site sewage system for the purposes of the **Maintenance Inspection Program** and includes the registered **owner**, a lessee, and a mortgagee in possession;

o) **Permit** means permission or authorization in writing by the **Chief Building Official** to perform **work** or to occupy a **building** or part thereof, as regulated by the **Act** and the **Building Code**;

p) **Permit holder** means the **owner** to whom the **permit** has been issued or, where the **permit** has been transferred, the transferee, and shall be the person who assumes the primary responsibility for compliance with the **Act** and the **Building Code**;

q) **Registered Code Agency** means a person who has the qualifications and meets the requirements described in subsection 15.11(4) of the **Act**;

r) **Sign**, for the purpose of determining a building permit fee, shall mean a sign designed to meet the requirements of the **Building Code;**

s) **Work** means the construction or demolition of a **building** or part thereof and includes a change of use as regulated by the **Building Code**.

2.2. Any words or phrases used in this By-law which are defined in the **Building Code** shall be deemed to have an equivalent meaning in the context in which they are used.

3. Classes of Permits

3.1. The classes of **permits** with respect to construction, demolition, change of use and occupancy shall be as set out in Schedule 'B' and are further described as follows:

a) Construction **Permit** is a **permit** required under Subsection 8.(1) of the **Act** for the construction of **buildings** and parts of **buildings**.

b) Demolition **Permit** is a **permit** required under Subsection 8.(1) of the **Act** for the removal of a **building**.

c) Conditional **Permit** is a **permit** authorized under Subsection 8.(3) of the **Act** for the construction of **buildings** or parts of **buildings** that may be issued at the sole discretion of the **Chief Building Official**.

d) Change of Use **Permit** is a **permit** required under Subsection 10.(1) of the **Act** where a change in use of a **building** or part of a **building** would result in an increase in hazard as determined under Division C, Article 1.3.1.4. of the **Building Code** where no construction is proposed.

e) Occupancy **Permit** is a **permit** required to occupy a **building** or part of a **building** in accordance with the requirements of Division C, Subsection 1.3.3. of the **Building Code**.

4. Applications for Permits

4.1. Permit applications and the associated documents and forms, shall be submitted by the owner or authorized agent to the Chief Building Official by one or more of the following methods:

a) Digital submission by upload to the E-Permitting System

b) Hard copy submission hand delivered or mailed to the attention of the Building Department at 1 Pembroke Street East, Pembroke, ON K8A 3J5.

4.2. The Chief Building Official may refuse a digital submission, if after consultation with the City's System Administrator, Information Technology, the digital safety and security of the city may be compromised by the submission;

4.3. The Chief Building Official may require that hard copy applications be accompanied by the same submission in digital format that meets the standards for digital submission and digital documents as specified by this By-law;

4.4. Where parts of the construction or demolition proposed in an application are to take place in separate phases, stages or time frames, the Chief Building Official may require the Applicant to submit separate applications for each phase, stage or time frame of the proposed project.

4.5. Where the construction or demolition proposed in an application contains multiple freehold units or multiple civic addresses for one building, the Chief Building Official may require the Applicant to submit separate applications for each freehold unit or civic address.

4.6. Where an application is made for a Construction **Permit** under Subsection 8.(1) of the **Act**, the application shall:

a) Include a completed **permit** application **form** as prescribed by the **Building Code**;

b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any **applicable law**;

c) Identify and describe the **work** and use to be covered by the **permit** for which application is made;

d) Be accompanied by all fees that are set out in Schedule 'A';

e) State the names, addresses, telephone numbers, fax numbers and email addresses of the **owner**, **applicant**, architect, professional engineer, designer, contractor, installer, or constructor, where applicable;

f) Be accompanied by a completed Commitment to General Reviews **form** as prescribed by the **Chief Building Official** when the Architects Act, as amended, and/or the Professional Engineers Act, as amended, requires the designer to be an architect and/or a professional engineer;

g) Include completed **forms** as deemed required and prescribed by the **Chief Building Official**.

4.7. Where an application is made for a Demolition **Permit** under Subsection 8.(1) of the **Act**, the application shall:

a) Include a completed **permit** application **form** as prescribed by the **Building Code**;

b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any **applicable law**;

c) Be accompanied by all fees that are set out in Schedule 'A';

d) State the names, addresses, telephone numbers, fax numbers and email addresses of the **owner** and of the Architect, professional engineer, designer, contractor or constructor, where applicable;

e) Be accompanied by a completed Commitment to General Reviews **form** as prescribed by the **Chief Building Official** when the **Building Code** requires a professional engineer to undertake the general review of the demolition; and

f) Be accompanied by proof satisfactory to the **Chief Building Official** that arrangements have been made with the proper authorities, where applicable, for the disconnection and capping of all water, sewer, gas, electric, telephone or other utilities and services on a **form** prescribed by the **Chief Building Official**.

4.8. Where application is accepted at the discretion of the **Chief Building Official** for a Conditional **Permit** under Subsection 8.(3) of the **Act**, the application shall:

a) Be preceded by an application for a Construction **Permit** as set out in Subsection 4.4 of this By-law and filed with the **Chief Building Official**;

b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any **applicable law**;

c) Include a completed Conditional **Permit** application **form** as prescribed by the **Chief Building Official**;

d) State in writing to the **Chief Building Official** the reasons why the **applicant** believes that unreasonable delays in construction would occur if a conditional **permit** is not granted;

e) State the necessary approvals which must be obtained in respect of the proposed **building** and the date or time by which such approvals will be obtained;

f) Be accompanied by a Conditional **Permit** Agreement, authorized by Clause 8.(3)(c) of the **Act**, which must be signed by the **owner** or an **authorized agent** who has the authority to bind the **owner**;

g) In the event that the conditions have not been satisfied beyond the date that is prescribed in a Conditional **Permit** Agreement, the agreement shall be considered expired, all **work** shall stop, and a request for an extension shall be made by the **permit holder**;

h) Be accompanied by a security deposit under the terms of the Conditional **Permit** Agreement; and

i) In addition to fees prescribed for the Construction **Permit** application, be accompanied by all Conditional **Permit** fees that are set out in Schedule 'A'.

4.9. Consideration of an application for a Conditional **Permit** is at the sole discretion of the **Chief Building Official** and, if considered, shall not be construed to authorize construction beyond the scope for which conditional approval is given, or to mean that a Construction **Permit** will necessarily be issued.

4.10. Where application is made for a Change of Use **Permit** issued under Subsection 10.(1) of the **Act**, the application shall:

a) Include a completed **permit** application **form** as prescribed by the **Chief Building Official**;

b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with the **Building Code** and any **applicable law**;

c) Describe the **building** in which the occupancy is to be changed by a description that will readily identify and locate the **building**;

d) Identify and describe in detail the current and proposed occupancies of the **building** or part of a **building** for which the application is made;

e) Include plans and specifications which show the current and proposed occupancy of all parts of the **building** and which contain sufficient information to establish compliance with the requirements of the **Building Code** including, but not limited to, floor plans; details of wall, ceiling and roof assemblies; identifying required fire resistance ratings and load bearing capacities; and details of the existing on-site sewage system, if any;

f) Be accompanied by a report from a qualified person as prescribed by the **Building Code** confirming that the change of use will not result in an increase in hazard;

g) Be accompanied by all fees that are set out in Schedule 'A'; and

h) State the name, address, telephone number, fax number and email address of the **owner and Authorized Agent**.

4.11. To obtain an Occupancy **Permit** as required by Division C, Subsection 1.3.3. of the **Building Code**, the **owner** or **authorized agent** shall:

a) Notify the **Chief Building Official** of the of completion of construction required to **permit** the occupancy of a **building**;

b) Describe the part of the **building** for which occupancy is requested;

c) Submit plans showing portion(s) of the floor area(s) to be occupied, complete with location(s) of temporary exits as applicable; and

d) Submit all general review reports where the **Building Code** requires the construction to be reviewed by an **architect** and/or a professional engineer.

4.12. A building shall not be occupied, permitted to be occupied, or commissioned into service without written authorization from the **Chief Building Official**.

5. Plans and Specifications – General

5.1. Sufficient information shall be submitted with each application for a **permit** to enable the **Chief Building Official** to determine whether or not the proposed construction, demolition or change of use will conform to the **Act**, the **Building Code**, this By-law and any other **applicable law**.

5.2. Each application for a Construction, Demolition or Change of Use **Permit** shall be accompanied by two (2) complete sets of the plans and specifications as set out in Schedule 'B' in order for an application to be deemed as complete.

5.3. Each application for a Conditional **Permit** shall be accompanied by two (2) additional sets of legible plans and specifications sufficient to describe the scope of **work** covered by the Conditional **Permit**.

5.4. A drainage plan shall be required and done by a qualified person illustrating land drainage and storm water management showing catch basins, ponding areas, intended direction of surface flows, impediments to the free flow of water, storm water management report, if applicable, on-site storm water management facilities for quantity and quality controls and overland flows for development that does not require a Site Plan Agreement.

5.5. A Rapid Access Management (RAM) box shall be required when a building requires a fire alarm. This requirement shall be added to the building plans.

5.6. Plans shall be drawn to a suitable and legible scale on paper or submitted digitally and approved by the **Chief Building Official** and shall include information as set out in Schedule 'B' unless otherwise specified by the **Chief Building Official**.

5.7. At the discretion of the **Chief Building Official**, submission of digital drawings, designs and specifications will be considered where:

a) The file is formatted to print on paper not greater than eleven by seventeen inches (11" x 17") to retain the original scale of the document; and

b) The format of the digital file is suitable to the **Corporation**.

6. Incomplete Application

6.1. Except as provided in Subsection 6.2 of this By-law, a **permit** application that does not meet all of the requirements of Section 4 of this By-law shall be denied without further review.

6.2. Where the **Chief Building Official** determines that a **permit** application is incomplete, the **Chief Building Official** may accept the application if the **applicant** acknowledges that the application is incomplete.

6.3. Where an **applicant** declares or acknowledges that a **permit** application is incomplete, the **Chief Building Official** shall not be bound by the timelines prescribed by the **Building Code** within which a **permit** must be issued or refused.

6.4. The **applicant** shall be notified in writing or via email or fax where a review by the **Chief Building Official** or **Inspector** has determined information is missing or non-compliant with any provisions of the **Act**, **Building Code** or this By-law.

6.5. Where it is determined that the **applicant** has not made satisfactory progress to submit required information within 30 days of being notified by the **Chief Building Official** or **Inspector**, written notice thereof may be given to the **applicant**.

6.6. If an incomplete application is deemed to be abandoned as determined by the **Chief Building Official**, a new application must be submitted as set out in Section 3 for all proposed **work**.

7. Withdrawing a Permit Application

7.1. A **permit holder** may request, in writing, by email or fax, that an application for **permit** be withdrawn prior to issuance of a **permit**.

7.2. All plans, specifications and documents submitted in support of an application for **permit** shall remain the property of the **Corporation**.

8. Revocation of Permit

8.1. Prior to revoking a **permit** under Subsection 8.(10) of the **Act**, the **Chief Building Official** may serve a notice to the **permit holder** at his/her last known address, and, following a 30 day period from the date of service, may revoke the **permit** without further notice.

8.2. The **Chief Building Official** may consider a written request by the **permit holder** to defer revocation of a **permit** if the request:

a) Is received by the **Chief Building Official** prior to the end of the 30-day period described in Subsection 8.1 of this By-law; and

b) States the reasons why the **permit** should not be revoked and the date by which meaningful and substantial **work** will resume.

8.3. The **Chief Building Official**, having regard to any material changes to the **Act**, **Building Code** or other **applicable law**, may allow a deferral of revocation of a **permit**.

8.4. Subject to Section 25 of the Act, the Chief Building Official is under no obligation to defer revocation of a permit

8.5. Where a complete application has been submitted, notice of refusal to issue a permit in accordance with Division C, Clause 1.3.1.3(1)(b) of the Code has been provided to the Applicant, and all reasons for refusal have not been appropriately addressed by the Applicant that would otherwise allow the Chief Building Official to issue a permit, the application may be cancelled if the time period prescribed below has lapsed by the Chief Building Official from the date the notice of refusal was provided:

Time Period for Cancellation of Application	
Building Type	**Time Period for Cancellation of Application**
Houses, buildings accessory to a house, tents, signs	20 business days
Part 9 buildings other than described above	30 business days
Part 3 buildings and retirement homes	60 business days
Post disaster buildings, high buildings, and buildings with an interconnected floor space	60 business days

9. Revisions

9.1. Where the design or scope of **work** authorized by an issued **permit** change, the **owner** shall submit sufficiently detailed and revised plans and specifications, as set out in Section 5 of this By-law, that describe the proposed **work** prior to carrying out the proposed **work**.

9.2. Sufficient material changes to the design or scope of **work** may constitute the need for a new application for a **permit** as determined by the **Chief Building Official**.

9.3. A revision to a **permit** application or to an issued **permit** shall be accompanied by all fees as set out in Schedule 'A'.

10. Permit Issuance, Transfer of Permit and Document Retention

10.1. All permits shall be issued through the E-Permitting System to the Applicant, the Owner and, if known at the time of the application, the Builder.

10.2. Every persons to whom a permit has been issued shall be responsible for downloading from the E-Permitting System, the permit and all documents that form the permit and shall retain a copy on the site of the construction;

10.3. Only the documents that have been certified by the Chief Building Official or Building Department staff shall be deemed as the documents that form the permit;

10.4. An issued **permit** may be transferred to a new **owner** by the **Chief Building Official** where the new **owner** provides:

a) A completed Transfer of **Permit form** prescribed by the **Chief Building Official**;

b) A written statement agreeing to comply with all statutes, regulations, **applicable laws** and conditions of approval upon which the **permit** was issued;

c) A written statement from the designer authorizing the continued use of all drawings, specifications and documents associated with the issued **permit**;

d) A completed Commitment to General Reviews **form** as prescribed by the **Chief Building Official** when the **Building Code** requires the **work** be reviewed by an architect or a professional engineer; and

e) Payment of fees for transfer of **permit** as set out in Schedule 'A'.

11. As-Constructed Plans and Documents

11.1. On completion of the construction, the **Chief Building Official** may require:

a) A set of as-constructed **plans** be filed with the **Chief Building Official**, and/or

b) A plan of survey showing the location of the **building** or **buildings**.

11.2. As set out in Section 18 of the **Act**, an **Inspector** may require information, including plans, specifications, reports or documents, from any person in order to confirm compliance with any **Building Code** and/or **applicable law** requirement.

12. Alternative Solutions

12.1. The **Chief Building Official** may authorize the use of an **alternative solution** where a designer provides, for each **alternative solution** that is proposed:

a) A completed **Alternative Solution** Application **form** as prescribed by the **Chief Building Official**;

b) A description of the proposed material, system or **building** design for which authorization as an **alternative solution** is requested;

c) A description of the applicable objectives, functional statements and acceptable solutions as set out in the **Building Code**;

d) Supporting documentation, past performance or tests described in Division C, Section 2.1. of the **Building Code** or other evaluation demonstrating that the proposed material, system or **building** design will provide the level of performance required by Division A, Article 1.2.1.1. of the **Building Code**; and

e) The prescribed fee as set out in Schedule 'A' and in addition, where required, payment for the costs of a third party review.

12.2. Where an **alternative solution** has been authorized, the **Chief Building Official** may impose conditions and/or limitations.

12.3. **Alternative solutions** authorized by the **Chief Building Official** shall be applicable only to the location as described in the application and are not transferrable to any other **permit**.

12.4. Where an Applicant or designer proposes an alternative solution, or the use of innovative materials, systems or building designs that are not approved through a ruling by the Minister, the Chief Building Official may utilize third party review by a person having knowledge and experience with respect to the proposal.

12.5. Prior to engaging a third party to conduct a review, the Chief Building Official shall provide formal notice to the applicant or designer of their intent to do so in writing; and

12.6. Fees associated with a third party review shall be paid by the Applicant.

13. Fees

13.1. Fees shall be determined by the **Chief Building Official** as set out in Schedule 'A,' with annual increases as of January 1, 2027 to be equal to 1.5 times the Consumer Price Index (CPI) as published annually by Statistics Canada, and are due and payable by the **applicant** upon submission of an application for **permit** in addition to any development charges, levies and other fees that are deemed to be **applicable law**.

13.2. The new fees which include CPI shall be posted on the City of Pembroke's website and be available from the City of Pembroke's Building Department in January of each year.

13.3. For classes of **permits** not described in Section 3 of this By-law or where no fee exists in Schedule 'A', a reasonable fee shall be determined by the **Chief Building Official** by considering all administration, plan review and inspection costs.

13.4. Where fees are due as a result of revisions after a **permit** has been issued, no inspections associated with the said revisions shall be passed until:

a) The revisions are approved by the **Chief Building Official** or **Inspector**; and

b) Additional fees have been paid in full.

13.5. Where **work** occurs prior to the issuance of a **permit**, an additional surcharge equalling 100% of the **permit** fee described in this Section, to a maximum of $5,000, shall be payable by the **applicant**.

13.6. The **permit** fees as set out in Schedule 'A' presume a single submission of complete plans and specifications and a single inspection of each prescribed stage of construction as set out in the **Building Code** and this By-law. Additional service fees as set out in Schedule 'A' shall be invoiced when additional resources to review additional drawings and/or to re-inspect **work** are consumed.

13.7. A refundable deposit, as set out in Schedule "A", shall be paid, by the Applicant, at the time of permit issuance. Prior to refunding the deposit, the applicant shall obtain a final inspection. The deposit shall be refunded to the Applicant, once the final inspection has passed all statutory obligations of the Building Code and all conditions of the permit have been fulfilled. The full amount of the deposit is refundable if the work is completed within one-year of the date of permit issuance.

14. Refunds

14.1. In the case of a cancelled **permit** or a withdrawn, inactive or abandoned **permit** application, the **Chief Building Official** shall determine the amount of paid fees as set out in Schedule 'A' that may be refunded to the **Applicant**, if any, as follows:

a) 90% if administrative functions only have been performed;

b) 80% if administrative and zoning functions only have been performed;

c) 60% if administrative, zoning, and plans examination functions have been performed; and

d) 50% if the permit has been issued.

14.2. Upon calculation of a refund as determined under Subsection 14.1 of this By-law, the refund value shall be reduced by 5% for each field inspection that has been performed in relation to an application for **permit** or an issued **permit**.

14.3. The percentage of fee to be refunded as set out in Subsections 14.1 and 14.2 of this By-law shall not include the additional surcharge calculated as a result of construction, demolition or change of use occurring prior to the issuance of a **permit**.

14.4. Any authorized refund shall be returned to the person identified on the payment receipt.

14.5. The occupancy deposit fee shall be refunded to the person identified on the receipt provided all construction is complete, inspected and passed within 6 months of the **building** being

occupied or the occupancy **permit** being issued, whichever occurs first.

14.6. A deposit that has been paid for an application for Demolition **Permit** shall be refunded to the person identified on the receipt where inspections confirm the following within 6 months of issuance of the **permit**:

a) The demolition of the **building** is complete;

b) All general review letters, where required, have been received by the **Chief Building Official**;

c) All demolition material and debris has been removed from the property;

d) Capped water and sewer services have been inspected and passed.

14.7. No refund shall be made where the paid **permit** fee is less than $100.00.

15. Recovery of Fees

15.1. In addition to every other remedy available at law, fees that are due and unpaid may be added to the tax roll of the property of the **owner**, and may be collected in like manner as municipal taxes.

16. Fee Adjustments

16.1. Immediately upon release of the Consumer Price Index by Statistics Canada, all services fees as set out in Schedule 'A' shall be adjusted according to the Consumer Price Index and shall be;

a) Rounded to the nearest cent where the fee is based on an area or linear measurement calculation; and

b) Rounded to the nearest dollar for all other fees.

16.2. Adjusted fees shall be posted on the **Corporation**'s web site and available from the Building Department.

17. Notices and Inspections

17.1. The **permit holder** or an **authorized agent** shall notify the **Chief Building Official** of readiness to inspect the required stages of construction as prescribed by Division C, Sentence 1.3.5.1.(2) of the **Building Code**.

17.2. In addition to Subsection 17.1. of this By-law, the **permit holder** or an **authorized agent** shall notify the **Chief Building Official** of readiness to inspect the following stages of construction as prescribed by Division C, Sentence 1.3.5.2.(1) of the **Building Code**:

a) Commencement of construction of the **building**;

b) Substantial completion of structural framing for each storey, if the **building** is a type of **building** that is within the scope of parts of the **Building Code** other than Division B, Part 9;

c) Commencement of construction of:

i) masonry fireplaces and masonry chimneys;

ii) factory-built fireplaces and allied chimneys; or

iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys;

d) Substantial completion of heating, ventilating, air-conditioning and air-contaminant extraction equipment;

e) Substantial completion of exterior cladding;

f) Substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop system for a public pool or public spa;

g) Completion and availability of drawings of the **building** as constructed; and

h) Completion of a **building** for which an occupancy **permit** is required under Division C, Article 1.3.3.4 of the **Building Code**.

17.3. The notice required in Subsections 17.1. and 17.2. of the By-law shall be given by:

a) Emailing the Building Department;

b) Leaving a voice message at the Building Department; or

c) Writing, via email or fax to the Building Department.

17.4. A notice pursuant to Subsections 17.1. to 17.2. of this By-law is not effective until the notice is actually received by the **Chief Building Official** or designate.

17.5. Upon receipt of notice of readiness to inspect as set out in this Section, the **Chief Building Official** or an **Inspector** shall undertake a site inspection:

a) No later than two (2) business days after receipt of the notice by the **Chief Building Official** or designate; or

b) As otherwise required by the Building Code.

17.6. The time period referred to in Subsection 17.5 of this By-law shall begin on the business day following the day on which the notice is received.

17.7. The **permit holder** shall facilitate safe access for inspection of the **work**.

17.8. A copy of the actual plans issued in support of a **permit** shall be available to the **Inspector** when requested.

17.9. Re-inspections of deficient or incomplete **work** shall be subject to an additional service fee as set out in Schedule 'A'.

17.10. Matters related to inspections, including but not limited to requirements for notice, readiness, condition of the construction site, access for the inspector, and results of the inspection, shall comply with the Inspection Policy that has been established by the Chief Building Official.

18. Delegated Authority to Chief Building Official

18.1. The Council of the **Corporation** hereby delegates to the **Chief Building Official** the power to enter into agreements prescribed by the **Corporation** and described in clause 8.(3)(c) of the **Act** relating to the issuance of a Conditional **Permit**.

18.2. Where the **Corporation** enters into an agreement with a **Registered Code Agency**, the **Chief Building Official** is authorized to enter into a service agreement with a **Registered Code Agency** to perform one or more of the functions prescribed in Section 15.15 of the **Act** in respect of the construction or demolition of a **building** or class of **buildings**.

18.3. Upon receiving notice of a declared state of emergency, the Chief Administrative Officer may authorize the Chief Building Official to appoint inspectors under Section 3 of the Act, including the function of revoking such appointments, subject to the following conditions:

1) The Chief Administrative Officer has determined the state of emergency has overwhelmed the Building Department's resources;

2) Prior to appointment, each inspector shall have the qualifications set out in the Code, as it relates to the position and duties they will perform or be supervised by the Chief Building Official; and

3) Any appointments made may be revoked at any time by the Chief Administrative Officer or the Chief Building Official, and all appointments shall be revoked when the state of emergency is no longer in effect.

19. Fences at Construction and Demolition Sites

19.1. Where, in the opinion of the **Chief Building Official** or **Inspector**, a construction or demolition site presents a hazard to the public, the **Chief Building Official** or **Inspector** may require the **owner** to erect such fences as the **Chief Building Official** or **Inspector** deems appropriate to the circumstances to prevent unauthorized entry to the site.

19.2. In considering the hazard presented by the construction or demolition site to be fenced, the **Chief Building Official** or **Inspector** shall have regard for:

a) The proximity of the **building** site to other **buildings** that are occupied;

b) The proximity of the construction or demolition site to lands accessible to the public;

c) The hazards presented by the construction or demolition activities and materials;

d) The effectiveness of site fences; and

e) The duration of the hazard.

19.3. Every fence required under this By-law shall:

a) Create a continuous barrier to sufficiently deter unauthorized entry to the construction or demolition site to the satisfaction of the **Chief Building Official** or **Inspector**

b) Be erected and maintained in a nominally vertical plane and maintained in good repair; and

c) Be a minimum of 1.2 m in height and not exceed the maximum height as set out in the **Corporation**'s Zoning By-law.

20. Enforcement (Offences)

20.1. No person shall:

a) Construct a **building** without a **permit** contrary to Section 8(1) of the **Act**;

b) Cause construction of **building** without a **permit** contrary to Section 8(1) of the **Act**;

c) Demolish a **building** without a **permit** contrary to Section 8(1) of the **Act**;

d) Cause demolition of a **building** without a **permit** contrary to Section 8(1) of the **Act**;

e) Change plans without authorization contrary to Section 8(12) of the **Act**;

f) Construct a **building** not in accordance with plans contrary to Section 8(13) of the **Act**;

g) Change the use of a **building** without a **permit** contrary to Section 10(1) of the **Act**;

h) Occupy a **building** newly erected without notice or inspection contrary to Section 11(1) of the **Act**;

i) Obstruct or remove a posted order without authorization contrary to Section 20 of the **Act**;

j) Furnish false information on an application for a **permit** contrary to clause 36(1)(a) of the **Act**;

k) Commence demolition before a **building** has been vacated contrary to Division C sentence 1.3.1.1 (4) of the **Building Code**;

l) Fail to post a **permit** on the construction site contrary to Division C article 1.3.2.1 of the **Building Code**;

m) Fail to post a **permit** on the demolition site contrary to Division C article 1.3.2.1 of the **Building Code**;

n) Occupy an unfinished **building** without a **permit** contrary to Division C sentence 1.3.3.1 (1) of the **Building Code**;

o) Fail to provide notification of construction phase contrary to Division C sentence 1.3.5.1 (2) of the **Building Code**;

p) Hinder or obstruct or attempt to hinder or obstruct a **Chief Building Official** or an **Inspector** contrary to Section 19(1) of the **Building Code Act**.

20.2. No person shall fail to comply with:

a) An order to comply made by an **Inspector** under Section 12(2) of the **Act**;

b) An order not to cover made by an **Inspector** under Section 13(1) of the **Act**;

c) An order to uncover made by an **Inspector** under Section 13(6) of the **Act**;

d) A stop work order made by the **Chief Building Official** under Section 14(4) of the **Act**;

e) An order to remedy an unsafe **building** made by an **Inspector** under Section 15.9(4) of the **Act**;

f) An order prohibiting use or occupancy of an unsafe **building** made by the **Chief Building Official** under Section 15.9(6) of the **Act**; and

g) An order to repair a dangerous **building** made by the **Chief Building Official** under Section 15.10(1) of the **Act**.

21. Annual Report and Reserve Fund

21.1. The Treasurer is hereby directed to prepare an Annual Report which shall enumerate the direct and indirect costs of delivering building services related to the administration and enforcement of the **Building Code Act** for the previous fiscal year (12 month period). The said report shall also set out the amount of the reserve fund at the end of the previous fiscal year. The Annual Report shall be submitted to Council no later than three months after the end of the previous fiscal year.

21.2. For the purposes of this By-law, the fiscal year of the municipality shall be as prescribed by the Municipal Act, S.O. 2001, Chapter 25 and its amendments.

21.3. A reserve fund is hereby established for the purposes of setting aside surplus revenues from building **permit** fees. The reserve fund shall be used exclusively for the operations of the Building Department of the **Corporation** for any subsequent fiscal year or fiscal years. The Treasurer is hereby directed to maintain all records related to the reserve fund. A 5% reserve fund levy has been included in all building permit fees.

22. Penalties

22.1. Every person who contravenes any provision of this By-law or the **Act** or is party to such contravention is guilty of an offence and upon conviction is liable to a fine in accordance with Section 36 of the **Act** with respect to offences arising from Sections 20.1 and 20.2 of this By-law or otherwise as provided for in the Provincial Offences Act R.S.O. 1990, c. P.33.

22.2. Every person who hinders or obstructs a person lawfully carrying out the enforcement of this By-law is guilty of an offence.

22.3. Every person who is guilty of an offence under this By-law may, if permitted under the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended, pay a set fine, and the Chief Judge of the Ontario Court of Justice shall be requested to establish set fines as set out in this By-law.

22.4. In addition to the penalties prescribed in Sections 22.1, 22.2, and 22.3 of this By-law, the **Chief Building Official** may apply, under Sections 36(1) and/or 38(1) of the **Act** for additional penalties and/or fine up to five thousand dollars ($5,000.00) or the maximum fine applicable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990 c. P.33.

23. Validity

23.1. Should any section, subsection, clause or provision of the By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

24. Interpretation and Implementation

24.1. Schedules A, B, and C attached hereto shall form part of this By-law.

24.2. This By-law comes into force on the day of its enactment.

24.3. By-law 2018-01 and all amendments thereto, of the Corporation of the City of Pembroke, are hereby repealed.

Passed and Enacted
This 18th day of November, 2025

Ron Gervais
Mayor

Victoria Charbonneau
Clerk

Schedule A – Permit and Miscellaneous Fees

Category	Class of Permit	Metric	Imperial
A.	**New Construction**		
A. 1.	**Assembly Occupancies - Group A**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 2.	**Institutional Occupancies - Group B**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 3.	**Residential Occupancies - Group C**		
A. 3. a.	**Single Family, Semi--detached, duplex**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 3. b.	**Multiple**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 3. c.	**Mobile Home**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 3. d.	**Residential Additions and Major Alterations**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 4.	**Business/Personal Services Occupancies - Group D**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 5.	**Mercantile Occupancies - Group E**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 6.	**Industrial Occupancies - Group F**	$16.68/m^2 of building floor area.	$1.55/ft^2 of building floor area.
A. 7.	**Special Occupancies Categories**		
A. 7. a.	**Tents**	$262.50	$262.50
A. 8.	**Accessory Buildings/Structures**		
A. 8. a.	**Garage/carport, deck, porch, patio, sunroom, shed, boathouse, other accessory building**	$8.51/m^2 of building or structure area.	$0.79/ft^2 of building or structure area.
A. 8. b.	**Swimming Pools (above-ground and in-ground pools and fences)**	$262.50	$262.50
B.	**Alterations & Repairs**		
B. 1. a.	**Assembly Occupancies - Group A**	$13.23/m^2 of building floor area.	$1.23/ft^2 of building floor area.
B. 1. b.	**Institutional Occupancies - Group B**	$13.23/m^2 of building floor area.	$1.23/ft^2 of building floor area.

Category	Class of Permit	Metric	Imperial
B. 1. c.	**Residential Occupancies - Group C - alterations, renovations, repairs, retrofitting, addition**	$11.30/m^2 of building or structure area.	$1.05/ft^2 of building or structure area.
B. 1. d.	**Industrial Occupancies - Group F**	$13.23/m^2 of building floor area.	$1.23/ft^2 of building floor area.
B. 1. e.	**Minor Alterations - Groups A, B, D, E & F**	$10.98/m^2 of building floor area.	$1.02/ft^2 of building floor area.
B. 1. f.	**Alterations & Repairs to existing buildings or building systems not provided for above**	$13.16 for each $1,000.00 of construction value or part thereof as determined by the Chief Building Official.	$13.16 for each $1,000.00 of construction value or part thereof as determined by the Chief Building Official.
B. 2.	**Fireplace, woodstove, insert, chimney. Solid fuel appliance, stand alone plumbing, HVAC or mechanical, banking machine**	$262.50	$262.50
B. 3.	**Basic Plumbing Fee**	$65.80	$65.80
B. 4.	**Sewage Disposal System**	$735	$735
C.	**Demolition**		
C. 1.	**1. Part 9 (Residential)**	$315	$315
C. 2.	**2. Other (non-residential)**	$735	$735
D.	**Miscellaneous**		
D. 1.	**Partial Occupancy**	$210	$210
D. 2.	**Change of Use**	$210	$210
D. 3. a.	**a. Transfer Permit**	$210	$210
D. 3. b.	**b. Deferral of Permit**	$210	$210
D. 4.	**Move a building**	$210	$210
D. 5.	**Conditional Permit, Temporary Permit**	$210	$210
D. 6.	**Conditional Permit Agreement**	$210	$210
D. 7.	**Occupancy Permit (residential)**	$210	$210

Category	Class of Permit	Metric	Imperial
D. 8.	**Occupancy Permit (non-residential)**	$210	$210
D. 9.	**Foundation only**	15% of applicable class above	
D. 10.	**Alternative Solution Review**	$735	$735
D. 11.	**Major Revision to Building Drawings**	10% of original permit fee	10% of original permit fee
E.	**Administrative**		
E. 1.	**Occupant Load Inspection and Report**	$210	$210
E. 2.	**Re-inspect, defective and incomplete work**	$78.88/hour	$78.88/hour
E. 3.	**After Hours Inspection**	$78.88/hour, minimum 2 hours	$78.88/hour, minimum 2 hours
E. 4.	**Inspection for Unit Removal**	$157.50	$157.50
E. 5.	**Compliance and other reports (fire, occupant load, LCBO, zoning, reports to other agencies, solicitors and real estate firms, file retrieval or research related to archived file)**	$150 base fee + $78.88/hour for reports or actions exceeding three hours in preparation	$150 base fee + $78.88/hour for reports or actions exceeding three hours in preparation
E. 6.	**Solar Panels & Rooftop Units (RTU)**	$336	$336
E. 7.	**Refundable Building Permit Deposit**	$150	$150

Schedule B – Plans, Documents and Specifications

Part 1

Class of **Permit** (from Subsection 3.1. of this By-law)	Type of **Permit**	Drawings and Supporting Documents (see Schedule B, Part 2)
Construction	New and Additions, all groups	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. On-site sewage system f. Supporting documents confirming compliance with **applicable law** and required approvals
	Interior Alterations and Renovations, all groups	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. On-site sewage system f. Supporting documents confirming compliance with **applicable law** and required approvals
	Designated Structures	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. Supporting documents confirming compliance with **applicable law** and required approvals
	Temporary **Buildings**	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. Supporting documents confirming compliance with **applicable law** and required approvals
Demolition	Part 9 **Buildings**	a. Site plan b. Supporting documents confirming compliance with **applicable law** and required approvals
	Part 3 **Buildings**	a. Site plan b. Structural c. Supporting documents confirming compliance with **applicable law** and required approvals
Conditional		a. Supporting documents confirming compliance with **applicable law** and required approvals

Class of **Permit** (from Subsection 3.1. of this By-law)	Type of **Permit**	Drawings and Supporting Documents (see Schedule B, Part 2)
Change of Use		a. Architectural b. Supporting documents confirming compliance with **applicable law** and required approvals
Occupancy		a. Supporting documents confirming compliance with **applicable law** and required approvals

Part 2

1. Site Plan

a) Legal description, location and orientation of property lines, property dimensions, compass orientation, location and name(s) of all adjacent streets and roads and all rights-of-way and easements.

b) Outline of all existing and proposed **buildings** and structures, **building** dimensions and their distance to property lines and other **buildings**.

c) Dimensions and location of fire routes, fire department connections, parking and vehicle access.

d) Dimensions and location of barrier-free parking, curb cuts, paths of travel to **building** and **building** access, retaining walls, swimming pools.

e) All existing and proposed services for water, sewer, hydro and gas.

f) Top of foundation elevation and the underside of footing elevations for all **buildings**, and the proposed finished surface grade adjacent to **buildings**.

g) Any additional drawings, information and specifications as determined by the **Chief Building Official**.

h) A drainage plan shall be required and done by a qualified person illustrating land drainage and storm water management showing catch basins, ponding areas, intended direction of surface flows, impediments to the free flow of water, storm water management report, if applicable, on-site storm water management facilities for quantity and quantity controls and overland flows for development. This is required if the development is not subject to a Site Plan Agreement.

i) A Rapid Access Management (RAM) box shall be required when a building requires a fire alarm. This requirement shall be added to the building plans.

j) The scale to which the plan is drawn.

2. **Architectural**

a) Existing and proposed floor plans indicating room and space identification, fire separations, size and dimensions, structural framing of floors and locations of all openings.

b) Roof plan showing structural framing, roof slope, drainage and roofing construction details.

c) **Building** elevations showing grade height, floor and ceiling heights, overall **building** height from average grade, eave heights from average grade, exterior finish materials, window heights and sizes and spatial separation requirements and calculations.

d) Construction details of walls, floors, ceilings, roofs, stairs, guards, fireplaces and other significant design details including heights, materials and specifications.

e) Location and details of all barrier free facilities and paths of travel.

f) **Building Code** and energy efficiency matrices.

g) Any additional drawings, information and specifications as determined by the **Chief Building Official**.

h) The scale to which the plan is drawn.

3. **Structural**

a) Foundation plans, floor and roof framing plans, footing, column and beam schedules, structural details and material specifications.

b) Design specifications, live and dead loading, wind and snow loading, earthquake loading, geotechnical report design basis.

c) All reinforced concrete work including thickness and strength of concrete and size, spacing, minimum cover and type of reinforcing steel.

d) Roof and floor truss drawings sealed by a professional engineer.

e) Guard design, where applicable.

f) Any additional drawings, information and specifications as determined by the **Chief Building Official**.

g) The scale to which the plan is drawn.

4. **Mechanical and Electrical**

a) Heating, ventilating and air conditioning designs and plans, equipment layout and schedules.

b) Heat loss and gain calculations, ventilation design summary and the sizing of heating and cooling equipment, where applicable.

c) Sprinkler and standpipe drawings including floor plans, riser diagrams and fire department connections.

d) Piping and drainage plans of all above ground and underground plumbing systems.

e) Location and specification of lighting, emergency lighting, exit signs, emergency power and fire alarm and detection systems and carbon monoxide detection.

f) Methods employed to maintain integrity of fire separations such as damper and fire stopping locations and specifications.

g) Any additional drawings, information and specifications as determined by the **Chief Building Official**.

h) The scale to which the plan is drawn, where applicable.

5. On-site Sewage System

a) A current site evaluation report.

b) Name, address, telephone, fax, email of the person who prepared the evaluation report.

c) Name, address, telephone, fax, email, licence number and date of issuance of the on-site sewage system installer and the name of the qualified person supervising the work to be done under the **permit**.

d) Depth to bedrock.

e) Depth to zones of saturation.

f) Soil properties, including soil permeability, and

g) Soil conditions including potential for flooding

h) A scaled site plan showing:

i) Legal description, lot size, property dimensions, rights-of-way, easements and municipal/utility corridors.

ii) Location and clearances of items listed in Column 1 of Tables 8.2.1.5., 8.2.1.6.A., 8.2.1.6.B., and 8.2.1.6.C. of Division C of the **Building Code**.

iii) Location of the proposed on-site sewage system on the property.

iv) Location of any unsuitable, disturbed or compacted areas.

v) Proposed access routes for maintenance.

Any additional drawings, information and specifications as determined by the **Chief Building Official**.

6. Supporting Documents

The **applicant** shall submit the following supporting documents to confirm compliance with **applicable law** and other required approvals:

a) A survey of the property prepared by an Ontario Land Surveyor or a professional engineer, when deemed required.

b) The registered plan and lot numbers and the municipal address for the property.

c) Approval from the **Corporation**'s Planning Division that the proposed use of the property complies with the municipal Zoning By-law.

d) Approval from the **Corporation**'s Operations and Engineering Department that:

   i) the lot grading, road access/entrance requirements and fire break controls have been approved, when applicable;

   ii) the requirements of a Subdivider's Agreement have been completed satisfactorily with respect to a building **permit**, when an application for **permit** relates to an undeveloped lot within a plan of subdivision; and

   iii) a Development Agreement has been registered, when a property is regulated by site plan control.

e) Approval from the Ministry of Natural Resources and Forestry where the proposed development of the property may affect the land as regulated within their jurisdiction.

f) Approval from the Ministry of the Environment and Climate Change that the proposed development and use of land satisfies the Ministry's requirements, if applicable.

g) Confirmation that all development charges, lot levies and other charges and fees required by any municipal by-law have been paid in full, where deemed applicable.

Note: The **Chief Building Official** may require more or less of any specified drawings or documents to suit the application being considered.

Schedule "C" – Set Fines

City of Pembroke
By-Law 2025-83: Prescribing Standards for the Regulation of the Building By-law Within the City of Pembroke
Part 1 Provincial Offences Act

Item Number	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Property **Owner** – Construct **building** without **permit**	s.8(1)	$350.00
2.	Property **Owner** – Cause construction of **building** without **permit**	s. 8(1)	$350.00
3.	Property **Owner** – Demolish **building** without **permit**	s.8(1)	$350.00
4.	Property **Owner** – Cause demolition of **building** without **permit**	s.8(1)	$350.00
5.	Property **Owner** – Change plans without authorization	s.8(12)	$350.00
6.	Property **Owner** – Construct **building** not in accordance with plans	s.8(13)	$350.00
7.	Property **Owner** – Change the use of **building** without **permit**	s.10(1)	$350.00
8.	Property **Owner** – Occupy newly erected **building** without notice or inspection	s.11(1)	$350.00
9.	Property **Owner** – Obstruct or remove posted order without authorization	s.20	$400.00
10.	Property **Owner** – Furnish false information on **permit** application	s.36(1)(a)	$400.00
11.	Property **Owner** – Commence demolition before **building** vacated	Div. C sentence 1.3.1.1(4) of the **Building Code**	$400.00
12.	Property **Owner** – Fail to post **permit** on construction site	Div. C article 1.3.2.1 of the **Building Code**	$250.00

W.V.C., R.S.J.

Item Number	Short Form Wording	Provision Creating or Defining Offence	Set Fine
13.	Property **Owner** – Fail to post **permit** on demolition site	Div. C article 1.3.2.1 of the **Building Code**	$250.00
14.	Property **Owner** – Fail to provide notification of construction phase	Div. C sentence 1.3.5.1(2) of the **Building Code**	$250.00
15.	Property **Owner** – Occupy a **building** without requirements set out in Section 11 being met	s.11(1)	$250.00
16.	Failure to comply with an Order	s.36(1)(b)	$500.00
17.	Property **Owner** – Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	$500.00
18.	Builder – Construct **building** without **permit**	s.8(1)	$600.00
19.	Builder – Cause construction of **building** without **permit**	s.8(1)	$600.00
20.	Builder – Demolish **building** without **permit**	s.8(1)	$400.00
21.	Builder – Cause demolition of **building** without **permit**	s.8(1)	$400.00
22.	Builder – Change plans without authorization	s.8(12)	$400.00
23.	Builder – Construct **building** not in accordance with plans	s.8(13)	$400.00
24.	Builder – Change the use of **building** without **permit**	s.10(1)	$600.00
25.	Builder – Occupy newly erected **building** without notice or inspection	s.11(1)	$600.00
26.	Builder – Obstruct or remove posted order without authorization	s.20	$600.00
27.	Builder – Furnish false information on **permit** application	s.36(1)(a)	$600.00
28.	Builder – Commence demolition before **building** vacated	Div. C sentence 1.3.1.1(4) of the **Building Code**	$700.00

W.V.C., R.S.J.

Item Number	Short Form Wording	Provision Creating or Defining Offence	Set Fine
29.	Builder – Fail to post **permit** on construction site	Div. C article 1.3.2.1 of the **Building Code**	$400.00
30.	Builder – Fail to post **permit** on demolition site	Div. C article 1.3.2.1 of the **Building Code**	$400.00
31.	Builder – Fail to provide notification of construction phase	Div. C sentence 1.3.5.1(2) of the **Building Code**	$500.00
32.	Builder – Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	$700.00

NOTE: The General penalty provisions for the offences listed above is Section 36 of the Building Code Act, 1992, S.O. Ch. 2

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: November 21, 2025

Electronic Signature:

W. Vincent Clifford, R.S.J.

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

The Corporation of the City of Pembroke

By-law Number 2026-89

Being a By-law to amend the administration and enforcement of the Building Code Act and with respect to the establishment and requirement of the payment of fees for information and services.

Whereas Section 3(1) of the **Building Code Act**, S.O. 1992, c.23, as amended, provides that the council of each municipality is responsible for the enforcement of the **Building Code Act**, 1992, as amended, in the municipality;

Whereas Section 3(2) of the **Building Code Act**, S.O. 1992, c.23 provides that the council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction;

Whereas Section 7 of the **Building Code Act**, S.O. 1992, c.23, as amended, authorizes a municipal council to pass by-laws respecting the administration and enforcement of the Act and the Ontario Building Code through prescribing of classes of permits, submission of applications, collection of fees, notifications for inspections and the charging of permit fees and other related matters;

Whereas the Council of the Corporation of the City of Pembroke deems it expedient to amend By-law 2025-83, being a by-law to administer and enforce the Building Code Act, S.O. 1992, c.23, amended:

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. That Section 4 – Applications for Permits of By-law 2025-83 be amended by adding thereto the following:

   4.7 g) As a condition of the issuance of a demolition permit, the permit holder shall remove demolition debris and shall remove or properly address any basement, foundation, cellar, excavation or other below grade void remaining after demolition. All below-grade voids shall be backfilled with suitable material to match the surrounding existing grade or to another grade approved type the Chief Building Official. The restored area shall be compacted and graded to provide positive drainage to prevent the ponding or accumulation of water on the property or drainage onto adjacent properties.

2. That Section 4 – Applications for Permits of By-law 2025-83 be amended by adding thereto the following:

   4.7 h) Despite Section 4 Subsection 4.7g), the requirements for removal of foundations, backfilling and restoration to existing grade do not apply where the demolition work is part of an approved building project.

3. That Section 5 – Plans and Specifications of By-law 2025-83 be amended by adding thereto the following:

   5.8 Upon completion of a foundation, a building location survey prepared by a registered Ontario Land Surveyor shall be submitted when required by the Chief Building Official. This foundation survey will be submitted to the Chief Building Official prior to the commencement of framing.

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

This 20th day of October, 2026

Ron Gervais
Mayor

Victoria Charbonneau
Clerk