



THE CORPORATION OF THE CITY OF MISSISSAUGA
BUILDING BY-LAW 0236-2024

WHEREAS Section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, authorizes Council to pass by-laws with respect to (but not limited to) prescribing classes of permits under the Act, providing for applications for permits, requiring applications to be accompanied by such plans, specifications, documents and other information as is prescribed and requiring the payment of fees on applications (the “Building By-law”);

AND WHEREAS the Council of the City of Mississauga desires to repeal By-law 0203-2019, as amended and enact a new Building By-law;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

DEFINITIONS

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
 - (1) “Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended (or its successor);
 - (2) “applicant” means the owner of a building or property who applies for a permit to construct or demolish or the person authorized by the owner to apply for a permit to construct or demolish on the owner’s behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation;
 - (3) “application” means a submission of plans, documents, prescribed forms and fees as described in this by-law for the purpose of permit issuance; or for building code compliance review for a certified model and as required by the Chief Building Official;
 - (4) “architect” means a holder of a licence, a certificate of practice, or a temporary licence under the *Architects Act*, R.S.O. 1990, c. A.26;
 - (5) “building” means a building as defined in subsection 1(1) of the Act;
 - (6) “Building Code” means the “National Building Code of Canada 2020”, as amended by the document entitled “Ontario Amendments to the National Building Code of Canada 2020”, dated April 5, 2024 (O. Reg. 163/24) or its successor;
 - (7) “By-law” means this by-law to enact a new Building By-law;
 - (8) “certified model” means plans that have been reviewed for Building Code compliance, and authorized by the Chief Building Official for use in support of a building permit application;
 - (9) “change of use permit” means a permit issued under Section 10 of the Act;
 - (10) “Chief Building Official” means the Chief Building Official appointed by Council under subsection 3(2) of the Act;
 - (11) “City” means The Corporation of the City of Mississauga;

- (12) “conditional permit” means a permit issued under subsection 8(3) of the Act;
- (13) “construct” means to construct a building as defined in subsection 1(1) of the Act;
- (14) “Council” means the Council of The Corporation of the City of Mississauga;
- (15) “demolish” means to do anything in the removal of a building or any material part thereof as defined in subsection 1(1) of the Act;
- (16) “ePlans” refers to the digital building application submission system whereby all permit applications are submitted, reviewed and issued;
- (17) “Fire Chief” means the Fire Chief appointed by Council under subsection 6(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4;
- (18) “forms” means the applicable Provincial or municipal prescribed forms as set out by Regulation or this By-law;
- (19) “house” means a detached dwelling, semi-detached dwelling, townhouse or duplex containing not more than two (2) dwelling units;
- (20) “inactive” means an application that has had at least one (1) review cycle completed by the City and has not received any response from the applicant for a period of time set out in the By-law;
- (21) “owner” includes, in respect of the property on which the construction or demolition will take place, the registered owner, a lessee and a mortgagee in possession;
- (22) “permit” means permission or authorization given in writing by the Chief Building Official to perform work regulated by this By-law and the Act, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code;
- (23) “permit holder” means the owner to whom a permit has been issued or, where a permit has been transferred, the new owner to whom the permit has been transferred;
- (24) “plans and specifications” means documentation in support of a permit application whose requirements are further described in this By-law and any other information as required by Division C, Part 1, Sentence 1.3.1.3.(5) of the Building Code;
- (25) “pre-screening” means the review which precedes the acceptance of an application request to determine if it meets the requirements of this By-law or other requirements necessary to determine compliance with Division C, Part 1, Subsection 1.3.1. of the Building Code;
- (26) “professional engineer” means a person who holds a licence or a temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P.28; and
- (27) “work” means construction, demolition or both, of a building or part thereof, as the case may be.

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

CLASSES OF PERMIT

3. Classes of permits with respect to the construction, demolition, change of use and occupancy of buildings and permit fees shall be as set out in Schedule “A” and Schedule “B” to this By-law.

PERMIT APPLICATION

General

4. (1) To obtain a permit, the applicant shall file with the Chief Building Official an application containing the information required in this By-law and in the prescribed forms.
- (2) An application shall, unless otherwise determined by the Chief Building Official, be submitted using ePlans. Applications for a permit shall not constitute an acceptance of the application by the Chief Building Official until a pre-screening has been completed and the application is deemed to be acceptable as determined by the Chief Building Official.
- (3) An owner may cancel an application at any time by providing written notice to the Chief Building Official. An authorized agent may cancel an application with the written authorization from the owner.
- (4) The Chief Building Official may refuse to accept an application for a permit if any of the requirements for the application set out in this By-law, the Act or the Building Code are deemed to be incomplete or insufficient at the time of application request.
- (5) Where an application for a permit remains inactive for six (6) months, the application may be deemed by the Chief Building Official to have been abandoned and notice of cancellation may be given to the applicant and the owner upon which the Chief Building Official will proceed to cancel the application.

Permit to Construct

5. All applications for a permit to construct a building shall be made using the provincial application form, "Application for a Permit to Construct or Demolish" and in addition to meeting all other application requirements set out in this By-law shall:
 - (1) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - (2) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
 - (3) include the legal description, the municipal address and where appropriate the unit number of the building on which the work is to be done;
 - (4) be accompanied by the forms, plans and specifications as described in Schedule "C" and Sections 32 to 37 of this By-law and as required by the Act;
 - (5) be accompanied by the required fees as calculated in accordance with Schedules "A" and "B" to this By-law;
 - (6) state the name, address and telephone number and available e-mail of the owner, and where the owner is not the applicant, the name, address and telephone number and available e-mail of the authorized agent, and where applicable, the qualified architect, engineer or other designer and the constructor or person hired to carry out the construction or demolition, as the case may be;
 - (7) include, where applicable, the applicant's registration number where an applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan Act*, R.S.O. 1990, c. O.31, or its successor;
 - (8) be signed by the owner or authorized agent who shall certify as to the truth of the contents of the application.

General Review

6. In addition to the requirements of Sections 4 and 5 of this By-law, where Division C, Part 1, Subsection 1.2.2 of the Building Code applies, an application for a permit to construct or demolish a building shall:

- (1) be accompanied by a signed acknowledgement of the owner on the prescribed form that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building; and
- (2) be accompanied by a signed statement of the architect or professional engineer, or both, on the form prescribed, undertaking to provide general review of the construction or demolition of the building.

Stages of Construction

7. In addition to the general requirements set out above, an application for a permit to construct part of a building shall include plans and specifications, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.

Conditional Permit

8. In addition to the requirements set out above in Sections 5, 6 and 7, an application for a conditional permit shall:
 - (1) be accompanied with the prescribed form "Conditional Building Permit Request Form" as prescribed by the Chief Building Official in Schedule "C" to this By-law;
 - (2) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - (3) require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the City; and
 - (4) be accompanied with payment of securities as deemed necessary by the Chief Building Official to restore the site to its original state in the event that final approvals are not obtained.

Permit to Demolish

9. In addition to the requirements set out in Sections 4, 5 and 6 of this By-law, every permit application that includes demolition, shall:
 - (1) when Division C, Section 1.2. of the Building Code applies, be accompanied by structural design characteristics of the building and the method and time schedule of demolition;
 - (2) be accompanied by a completed "Commitment to General Reviews by Architect and Engineers" form as prescribed by the Chief Building Official in Schedule "C" to this By-law;
 - (3) indicate the method of demolition;
 - (4) where the application includes the use of explosives during the course of demolition, be accompanied by a signed declaration that the applicant shall comply with all applicable law respecting the transportation, storage, handling and use of explosives, including, but not limited to, the *Explosives Act*, R.S.C. 1985, c. E-17, the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, and the Fire Code (O. Reg. 213/07); and
 - (5) where the application includes the use of explosives during the course of demolition, be accompanied by, at the sole discretion of the Chief Building Official, an undertaking, proof of liability insurance, and a security, in a form satisfactory to the Chief Building Official.

Change of Use Permit

10. In addition to the general requirements set out in this By-law, an application for a change of use permit as outlined in subsection 10(1) of the Building Code Act shall:
 - (1) describe the building in which the use is to be changed, by a description that will readily identify and locate the building;

- (2) identify and describe in detail the current and proposed uses and major occupancy of the building or part of a building for which the application is made; and
- (3) include plans and specifications showing the current and proposed use of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code.

Occupancy Permit - General

- 11. An application for a permit to occupy a building pursuant to Division C, Part 1, subsection 1.3.3.1 of the Building Code shall use the application form in Schedule “C” to this By-law, “Application for Permit to Occupy a Building Prior to Completion”.

Occupancy Permit – Certain Buildings of Residential Occupancy

- 12. An application for a permit to occupy a building of residential occupancy pursuant to Division C, Part 1, Subsection 1.3.3.4 of the Building Code shall use the application form in Schedule “C” to this By-law, “Application for Permit to Occupy a Building Prior to Completion”.

Occupancy Permit – Super Tall Buildings

- 13. An application for a permit to occupy a building pursuant to Division C, Part 1, Article 1.3.3.7 of the Building Code shall be subject to an administrative fee as outlined in Schedule “A” to this By-law and shall use the application form “Application for a Permit to Occupy – Super Tall Buildings” as prescribed by the Chief Building Official in Schedule “C” to this By-law and the applicant shall declare their intent to occupy the building, prior to completion, at the time of acceptance of the application.

Permits – Sewage Systems

- 14. In addition to the general requirements set out in this By-law, an application for a permit for an on-site sewage system shall:
 - (1) use the provincial application form “Application for a Permit to Construct or Demolish”;
 - (2) include complete plans and specifications, documents and other information as required under Division C, Part 1, Sentence 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit;
 - (3) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (a) the date the evaluation was done; including the name, address, telephone number and signature of the person who prepared the evaluation; and include
 - (i) depth to bedrock;
 - (ii) depth to zones of soil saturation;
 - (iii) soil properties, including soil permeability; and
 - (iv) soil conditions, including potential for flooding; and
 - (b) a scaled map of the site showing:
 - (i) the legal description, lot size, property dimensions, existing right of-ways, easements or municipal/utility corridors;
 - (ii) the location of items listed in Division B, Part 8, Column 1 of Tables 8.2.1.6.A: 8.2.1.6.B; and 8.2.1.6.C. of the Building Code;
 - (iii) the location of the proposed sewage system; and
 - (iv) the location of any unsuitable, disturbed or compacted areas of soil.

PERMITS AND REVISIONS

15. The scope of work for which a permit is issued can be for all or part of a building, as determined by the Chief Building Official.
16. After the issuance of a permit, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, shall be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without the prior written authorization of the Chief Building Official.
17. Where a material change is substantial, the Chief Building Official may require the applicant to submit an application for a revision to the permit in which case a revision permit must be issued by the Chief Building Official before any work described in the material change can be commenced.
18. The Chief Building Official may, where the relevant provisions of this By-law and subsections 8(3) to 8(5) of the Act are met, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any other applicable law.
19. The issuance of a permit for a part of a building or a conditional permit shall not be construed to authorize construction beyond that for which approval was given nor obligate the Chief Building Official to grant any further permit or permits for the building.
20. A permit to demolish shall not be issued until a demolition control permit is issued pursuant to By-law 0045-2019 (Demolition Control By-law), or its successor by-law, where applicable.

REVOCAION OF PERMITS

21. Prior to revoking a permit under Section 8(10) of the Act, the Chief Building Official may serve the permit holder written notice of the intention to revoke the permit.
22. Notice provided under Section 21 of this By-law may be served either by personal service, mailing the notice by standard mail or by email addressed to the permit holder, to the last address the permit holder has communicated to the Chief Building Official in writing; and where notice is served by mailing, the permit holder shall be conclusively deemed for all purposes to have been served with the notice on the fifth (5th) business day after the day of mailing.
23. Where a document is served by email to the permit holder, it is deemed to have been served on the business day following the sending of the email or delivery of the notice.
24. If upon expiration of thirty (30) days from the date of service of the notice of the intention to revoke a permit, the grounds for revocation continue to exist, the Chief Building Official may revoke the permit without further notice to the permit holder.
25. Upon revocation of a permit, the Chief Building Official has the sole discretion to dispose of any plans or any other information submitted with the permit application, or to return same to the permit holder.

DEFERRAL OF REVOCATION

26. A permit holder may, within thirty (30) days from the date of service of the notice of intention to revoke a permit, if provided, request the Chief Building Official in writing to defer the revocation of the permit.
27. A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.
28. The Chief Building Official may allow the deferral and shall notify the permit holder of the decision.
29. A request for deferral of revocation shall be accompanied by the required fee as set out in Schedule "A" of this By-law.

TRANSFER OF PERMIT

30. Every person who acquires land on which construction or demolition is occurring in respect of which a permit has been issued, shall apply to transfer the permit.
31. Every application for a transfer of permit shall be submitted to the Chief Building Official and shall:
 - (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (2) include a copy of the deed, lease or rental agreement confirming that the person is the owner of the property, as defined in this By-law;
 - (3) include such information as may be determined by the Chief Building Official; and
 - (4) be accompanied by the required fee as required in Schedule "A" to this By-law.

PLANS AND SPECIFICATIONS

32. Every applicant shall submit sufficient information, including plans, specifications, documents and other information, 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 with the Act, the Building Code and any other applicable law.
33. Each application shall, unless otherwise determined by the Chief Building Official, be accompanied by an electronic copy of plans and specifications required under this By-law.
34. Plans shall:
 - (1) Include sufficient details and contain all information to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use conforms to the Act, the Building Code, and any other applicable law;
 - (2) Be of sufficient detail to construct in accordance with submitted plans and specifications;
 - (3) Be drawn to scale;
 - (4) Be legible;
 - (5) Be dated and marked as "issued for construction"; and
 - (6) Shall contain the necessary designer information as required by the Act.
35. Site plans submitted shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the City unless this requirement is waived by the Chief Building Official because they are able, without having a current plan of survey, to determine whether the proposed work is in compliance with the Act, the Building Code, and any other applicable law. The site plan shall show:
 - (1) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
 - (2) existing and finished ground levels or grades; and
 - (3) existing right-of-way, easements and municipal services.
36. The Chief Building Official shall determine any additional submission standards for digitally submitted plans and specifications. This information can be found at www.mississauga.ca
37. On completion of the construction, the Chief Building Official may require that a set of plans of the building or any class of buildings as constructed including a plan of survey showing the location be filed with the Chief Building Official.

ALTERNATIVE SOLUTIONS

38. Where an application for a permit or for authorization to make a material change to the plan, specification, document or other information on the basis of which a permit was issued, contains an alternative solution for which approval in accordance with Division C, Part 2, Section 2.1. is required, the application shall include documentation in accordance with Division C, Part 2, Article 2.1.1.1.

Such information shall be accompanied with the prescribed forms "Alternative Solution Authorization Form" and "Alternative Solution Application" as prescribed by the Chief Building Official in Schedule "C" to this By-law.

PRESCRIBED NOTICES AND INSPECTIONS

39. The person to whom a permit has been issued under Section 8 of the Act shall give to the Chief Building Official notice of the readiness for inspection in accordance with prescribed notices described in Division C, Subsection 1.3.5.1 of the Building Code and as outlined in Schedule "D" to this By-law.

FIRE CHIEF ENFORCEMENT

40. The Fire Prevention Staff shall be responsible for the review of plans and specifications, and the field inspections to ensure compliance with the Building Code, on behalf of the Chief Building Official, of the systems mutually agreed upon between the Chief Building Official and the Fire Chief. For the purposes of compliance with the Building Code, the Fire Prevention Staff shall report to the Chief Building Official.

REGISTERED CODE AGENCIES

41. Where Council has authorized registered code agencies the Chief Building Official is authorized to enter into service agreements with registered code agencies and appoint them to perform specified functions from time to time pursuant to Section 4.1 of the Act.
42. Where Council has authorized registered code agencies the fees established by this By-law shall be calculated in accordance with Schedule "A" to this By-law.

FEES

43. The Chief Building Official shall determine the required fees for the work proposed and, unless otherwise directed by a Council resolution or By-law, the applicant shall pay the fees calculated in accordance with Schedule "A" and Schedule "B" to this By-law. No permit shall be issued until the required fees have been paid in full, unless otherwise identified in this By-law.
44. Unless otherwise stipulated in the by-law or by the Chief Building Official, all fees are to be paid electronically via the ePlans online payment portal, electronic funds transfer or other provided electronic payment method.
45. Where fees payable in respect of an application for a construction or demolition permit issued under Section 8 of the Act or a conditional permit issued under subsection 8(3) of the Act are based on floor area. The floor area shall mean the total floor space of all stories above and below grade, measured as the horizontal area between the outer face of exterior walls and to the centre of party walls or demising walls.
46. Where fees payable in respect of an application for a change of use permit issued under Section 10 of the Act are based on floor area, the floor area shall mean the total floor space of all stories subject to the change of use.
47. For all applications made on or after January 1, 2025 the required fees shall be the fees calculated in accordance with Schedules "A" and "B" to this By-law, as indexed to the date of the acceptance of the application by the Chief Building Official.
48. Except as set out in Section 49, the fees listed in Schedules "A" and "B" shall be adjusted annually, on February 1, based on a rate equal to the annual non-union cost of living wage adjustment for City employees, if any, for the year immediately preceding.

49. Where the annual report on fees, required by subsection 7(4) of the Act, for the calendar year immediately preceding the rate increase has indicated that the fees collected have exceeded the total operating costs of the Building Division of the City for three (3) consecutive years; the indexing of fees set out in Section 48 of this By-law shall not be applied.
50. Any person who commences construction, demolition or changes the use of a building before a permit has been issued, shall in addition to any penalty under the Act, Building Code or this By-law pay an additional fee in accordance with Schedule "A" to this By-law, in order to compensate the City for the additional work incurred as a result of the commencement of the construction.
51. Where construction or demolition has commenced prior to the issuance of a building permit and an order to comply is subsequently issued, except where construction or demolition is required for a fire damage repair, an additional forty percent (40%) of the permit fee, calculated in accordance with Schedules "A" and "B", as applicable, to a maximum of five thousand dollars (\$5,000.00) shall apply and shall be payable upon issuance of the building permit.
52. An administration fee shall apply in accordance with Schedules "A" and "B", as applicable, for costs associated with registering order on title and discharging an order to comply. The fees shall be payable upon the issuance of the permit authorizing construction or change of use.

REFUNDS

53. In the case of withdrawal of an application or, abandonment of all or a portion of the work or, the non-commencement of the work or, the refusal or revocation of a permit, upon written request by the applicant, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "A" to this By-law.

FENCING

54. Where, in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, the Chief Building Official may, under subsections 7(1)(i) and 7(1)(j) of the Act, require the erection of such fencing as the Chief Building Official deems necessary to abate that hazard.
55. The height of every fence shall be a minimum of 4 feet (1.2 meters) and a maximum of 6 feet (1.8 meters), to be measured from the highest adjacent grade and, shall be of a description as determined by the Chief Building Official.

PENALTY

56. Any person or corporation who contravenes any provision of this By-law is guilty of an offence and on conviction, is liable to a penalty as set out in Section 36 of the Act.

MISCELLANEOUS

57. All Schedules to this By-law form part of this By-law.
58. A reference to the singular or the masculine shall be deemed to refer to the plural or feminine as the context may require.
59. Should any section, subsection, clause or provision in this 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.

SCHEDULES

60. The following Schedules are attached to and form part of this By-law:

Schedule "A"	Permit Fees and Refunds
Schedule "B"	Classes of Permits and Fees
Schedule "C"	Forms
Schedule "D"	Prescribed Notices/Inspections

REPEAL

61. Building By-law 0203-2019, as amended, is hereby repealed effective at the end of the day on December 31, 2024.

SHORT TITLE

62. This By-law shall be known and may be cited as the "Building By-law".

EFFECTIVE DATE

63. This By-law comes into force at the beginning of the day after the day By-law 0203-2019 is repealed.

ENACTED and PASSED this 11th day of December, 2024.
Signed by Carolyn Parrish, Mayor and Diana Rusnov, City Clerk.