THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW NUMBER 2013-037  

Being a By-law Respecting Construction, Demolition, Change of Use, Conditional Permits, Sewage Systems and Inspections

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992 c.23 as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, conditional permits, sewage systems and inspections;

AND WHEREAS pursuant to 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 pursuant to Section 2 of the Trespass to Property Act, R.S.O. 1990, c. T.21, as amended, makes it an offence for every person who is not acting under right or authority conferred by law and who, without the express permission of the occupier, the proof of which rest on the defendant, enters on premises when entry is prohibited under the Act or engages in an activity on the premises when the activity is prohibited under the Act or does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier;

AND WHEREAS pursuant to Section 5 of the Trespass to Property Act, R.S.O. 1990, c. T.21, as amended, allows a municipality as "occupier" to post signs, prohibiting activities within an area.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

1. SHORT TITLE

a) This By-law may be cited as the "Building By-law"

1. DEFINITIONS

1.1 In this By-law,


2. "As Constructed Plans" as defined in the Building Code;

3. "Builder" a person or persons that cause a building to be erected or demolished;

4. "Building" as defined in Section 1.(1) of the Act.

5. "Building Area" the greatest horizontal area of a building within the outside surface of the exterior walls;

6. "Building Code" the Regulations made under Section 34 of the Act;

7. "Building Official" a person(s) appointed by the By-law of the Corporation of the Township of Lake of Bays for the purpose of enforcement of the Act;

8. "Chief Building Official" a person appointed by the By-law of the Corporation of the Township of Lake of Bays for the purpose of enforcement of the Act;

9. "Completion Permit" means a permit that is obtained to complete a project that has had a portion of the project constructed without benefit of a permit. The permit fee for this class of permit includes the cost of any enforcement required to obtain compliance;

10. "Corporation" the Corporation of the Township of Lake of Bays;

11. "Farm Building" as defined in the Building Code;
12. "Permit" written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act;

13. "Plumbing" as defined in Section 1.(1) of the Act;

14. "Property Owner" a person, persons, company or corporation that is the registered owner of land;

15. "Remedy Unsafe Permit" a permit that has become necessary due to a building being determined to be unsafe by the Chief Building Official. The permit fee includes the cost of any enforcement required to obtain compliance;

16. "Sewage System" as defined in the Building Code; and

17. "Special Inspection" an inspection that is requested and conducted outside normal building inspections at the discretion of the Chief Building Official. Which may include inspections requested on permits that are more than 12 months old or that were issued under a previous version of the Ontario Building Code.

2. CLASSES OF PERMITS

1. Classes of permits with respect to the construction, demolition, change of use of buildings and permit fees shall be as set out in Township's User Fee By-Law, as amended.

3. REQUIREMENTS FOR APPLICATIONS

3.1 The Application

1. To obtain a permit, the owner or an agent authorized by the owner shall file an application in writing by completing a prescribed form available at the office of the Chief Building Official, on the Lake of Bays web site www.lakeofbays.on.ca or from the Building Code website www.obe.mah.gov.on.ca

3.2 Construction Permit

1. Where application is made for a construction permit under Subsection 8.(1) of the Act, the application shall:

   1) Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made;

   2) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;

   3) Include a minimum of two sets of complete plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building;

   4) State the valuation of the proposed work including materials and labour and be accompanied by the required fee;

   5) State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor;
6) Be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code; and

7) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

3.3 Demolition Permit

1. Where application is made for a demolition permit under Subsection 8.1 of the Act, the application shall:

   1) Contain the information required by clauses 3.2.1; and

   2) May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone or other utilities and services.

3.4 Change of Use Permit

2. Every application for a change of use permit issues under Subsection 10.1 of the Act shall be submitted to the Chief Building Official and shall:

   1) Describe the building in which the occupancy 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 occupancies of the building or part of a building for which the application is made;

   3) 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 floor plans, details of wall, ceiling and roof assemblies, identifying required fire resistance ratings and load bearing capabilities;

   4) Be accompanied by the required fee;

   5) State the name, address and telephone number of the owner; and

   6) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

3.5 Condition Permit

1. Where application is made for a conditional permit under Subsection 8.3 of the Act, the application shall:

   1) Contain the information required by clauses 3.2.1;

   2) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;

   3) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
4) State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and

5) State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

3.6 Sewage System Permit

1. Every application for a sewage system permit shall be submitted to the Chief Building Official and contain the following information:

   1) The information required by sections 3.2.1;

   2) The name, address, telephone number and licence number of the person installing the sewage system.

   3) Where the person named in Section 3.6.1.2) above requires a licence under the Act and the Building Code, the number and date of issuance of the licence, and the name of the qualified person supervising the work to be done under the sewage system permit.

4) A site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:

   1) the date the evaluation was done;

   2) name, address, telephone number and signature of the person who prepared the evaluation;

   3) a scaled map of the site showing:

      - the legal description, lot size, property dimensions, existing rights-of-way, easements of municipal/utility corridors,
      - the location of any existing buildings,
      - the location of the proposed sewage system including number of runs,
      - the location of any unsuitable, disturbed or compacted areas,
      - proposed access routes for system maintenance.

   4) depth of bedrock;

   5) depth to zones of soil saturation;

   6) soil properties, including soil permeability; soil conditions, including the potential for flooding

3.7 Alternative Solution

1. The person proposing an alternative solution shall provide the documents required by Div. C section 2.1 of the Building Code.

4. PLANS AND SPECIFICATIONS

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 and any other applicable law.

   1) After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued shall not be made without the written authorization of the Chief Building Official.
2) Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications as required under this by-law.

3) Plans shall be drawn to scale on paper, cloth or other durable material shall be legible and without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "B" to this by-law, unless otherwise specified by the Chief Building Official.

4) Site plans shall be accurately drawn to scale, and when required by the Chief Building Official to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of a survey prepared by an Ontario Land Surveyor shall be submitted. Site Plans shall show:

1) Lot Size and the dimensions of the property lines and setbacks to any existing or proposed buildings;

2) Existing and finished ground levels or grades;

3) Existing rights-of-way, easements and municipal services; and

4) Verification by an Ontario Land Surveyor of by-law compliance may be required before proceeding past foundation state, if required by the Chief Building Official.

5. PAYMENT OF FEES

1. Fees for a required permit shall be as set out in Township’s User Fee By-Law, and are due and payable upon submission of an application for a permit.

2. Where the fees payable in respect of an application for a construction or demolition permit issued under Subsection 8.1 of the Act or a conditional permit under Subsection 8.3 of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total value of all work regulated by the permit, including the cost of all material, labour, equipment, overhead, professional and related services, provided that where application is made for a conditional permit, fees shall be paid for the complete project.

3. The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed the applicant shall pay the required fee under protest and, within six (6) months of completion of the project, shall submit an audited statement of the actual costs and where the audited value is determined to be less than the valuation, the Chief Building Official shall issue a refund.

6. REFUNDS

1. In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, 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" attached to and forming part of this by-law. Application for refund must be made within 6 months of the date of permit application in order to be eligible for a refund of any permit fee.
7. NOTICE OF REQUIREMENTS FOR INSPECTIONS

1. The owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to each stage of construction for which notice in advance is required under the Building Code. In addition to the prescribed notice contained in 2.4.5.1 of the Building code, notice of any solid fueled fire appliance rough in and notice of the final inspection detailed in clauses 2.4.5.2.(1)(c) and 2.4.5.2.(1)(i) is also required.

2. Notice may be given in one of the following ways:
   1) Telephone message at (705) 635 - 2272 ext. 228;
   2) Facsimile to (705) 635-2132; or
   3) In person at the Building Department Counter

8. AS CONSTRUCTED PLANS

1. The Chief Building Official may require that a set of plans of a building or any class of building as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

9. ENFORCEMENT (Offences)

1. No person shall:
   1) Construct a building without a permit contrary to subsection 8(1) of the Act;
   2) Cause construction of building without a permit contrary to subsection 8(1) of the Act;
   3) Demolish a building without a permit contrary to subsection 8(1) of the Act;
   4) Cause demolition of a building without a permit contrary to subsection 8(1) of the Act;
   5) Change plans without authorization contrary to subsection 8(12) of the Act;
   6) Construct a building not in accordance with plans contrary to subsection 8(13) of the Act;
   7) Change the use of a building without a permit contrary to subsection 10(1) of the Act;
   8) Occupy a building newly erected without notice or inspection contrary to section 11(1) of the Act;
   9) Obstruct or remove a posted order without authorization contrary to section 20 of the Act;
   10) Furnish false information on an application for a permit contrary to clause 38(1)(a) of the Act;
   11) Commence demolition before a building has been vacated contrary to Div. C sentence 1.3.1.1.(4) of the Building Code;
12) Fail to post a permit on the construction site contrary to Div. C article 1.3.2.1 of the Building Code;

13) Fail to post a permit on the demolition site contrary to Div. C article 1.3.2.1 of the Building Code;

14) Occupy an unfinished building without a permit contrary to Div. C sentence 1.3.3.1.(1) of the Building Code; and

15) Fail to provide notification of construction phase contrary to Div. C sentence 1.3.5.1 (2) of the Building Code.

16) No person shall 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.

2. No Person Shall Fail to Comply With

1) An order to comply made by an inspector under subsection 12(2) of the Act;

2) An order not to cover made by an inspector under subsection 13(1) of the Act;

3) An order to uncover made by an inspector under section 13(6) of the Act;

4) A stop work order made by the Chief Building Official under subsection 14(4) of the Act

5) An order to remedy an unsafe building made by an inspector under subsection 15.9(4) of the Act;

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

7) An order to repair a dangerous building made by the Chief Building Official under subsection 15.10(1) of the Act

10. PENALTIES

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 conviction is liable to a fine, in accordance with section 36 of the Act with respect to offences arising from section 8.01 and 8.02 of this by-law; or otherwise as provided for in the Provincial Offences Act R.S.O. 1990, c. P.33.;

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

3. Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, R.S.O. c 1990, c. P33 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;

4. In addition to the penalties prescribed in section 8.01 and 8.02 of this by-law, the Chief Building Official may apply under subsection 38(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, Chapter P33.; and

5. No part of this by-law shall come into force and take effect until the set fines are approved and filed by Regional Senior Justice, pursuant to Provincial
Offences Act Part 1. A copy of this approval is attached and forms part of this by-law.

11. REPEAL OF BY-LAWS

1. By-law 12-136 and any other by-laws or provisions in other by-laws found to be inconsistent with this new by-law are hereby deemed to be repealed.

2. Should any clause in this by-law be declared invalid by a court of competent jurisdiction, such clause shall be construed as being severed from this by-law and the remainder of the by-law shall continue in full force and effect.

READ a FIRST and SECOND time this 9th day of April 2013

Mayor – Robert Young  Clerk – Michelle Percival

READ a THIRD time and finally passed this 9th day of April, 2013.

Mayor – Robert Young  Clerk – Michelle Percival
SCHEDULE "A"

TO BY-LAW NUMBER 2013-037

REFUNDS

<table>
<thead>
<tr>
<th>Status of Permit Application</th>
<th>Percentage of Fee Eligible for Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Application withdrawn in writing, no processing of review of plans submitted</td>
<td>95% maximum</td>
</tr>
<tr>
<td>2. Application withdrawn in writing plans reviewed and prior to permit issuance</td>
<td>75% maximum</td>
</tr>
<tr>
<td>3. Application withdrawn in writing or revoked, prior to construction, after the permit has been issued</td>
<td>50% maximum</td>
</tr>
<tr>
<td>4. Application withdrawn in writing or revoked, six (6) or more after permit has been issued</td>
<td>0%</td>
</tr>
</tbody>
</table>

NOTE:

No refunds after any building inspections are carried out.

No refund shall result in the retention by the Township of Lake of Bays of an amount less than $50.00.
SCHEDULE "B"

TO BY-LAW NUMBER 2013-037

LIST OF PLANS OR WORKING DRAWINGS
TO ACCOMPANY APPLICATIONS FOR PERMITS

Site Plan
Floor Plans
Foundation Plans
Framing Plans
Roof Plans
Sections & Details
Building Elevations
Electrical Drawings
Heating, Ventilation, Air Conditioning Drawings with Heat Gain Loss Calculations
 Plumbing Drawings
Sewage System Design and Plans (including cross section)

Note:
The Chief Building Official may specify exceptions to the above-mentioned plans required to accompany an application for permit.
### The Corporation of the Township of Lake of Bays
#### Part 1 Provincial Offences Act
##### Building Code Act

<table>
<thead>
<tr>
<th>Item</th>
<th>Short Form Wording</th>
<th>Provision Creating or Defining Offence</th>
<th>Set Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Property owner - Construct building without permit</td>
<td>s.8(1)</td>
<td>$250.00</td>
</tr>
<tr>
<td>2</td>
<td>Property owner - Cause construction of building without permit</td>
<td>s. 8(1)</td>
<td>$250.00</td>
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<tr>
<td>3</td>
<td>Property owner - Demolish building without permit</td>
<td>s. 8(1)</td>
<td>$150.00</td>
</tr>
<tr>
<td>4</td>
<td>Property owner - Cause demolition of building without permit</td>
<td>s. 8(1)</td>
<td>$150.00</td>
</tr>
<tr>
<td>5</td>
<td>Property owner - Change plans without authorization</td>
<td>s. 8(12)</td>
<td>$150.00</td>
</tr>
<tr>
<td>6</td>
<td>Property owner - Construct building not in accordance with plans</td>
<td>s. 8(13)</td>
<td>$150.00</td>
</tr>
<tr>
<td>7</td>
<td>Property owner - Change the use of building without permit</td>
<td>s. 10(1)</td>
<td>$250.00</td>
</tr>
<tr>
<td>8</td>
<td>Property owner - Occupy newly erected building without notice or inspection</td>
<td>s. 11(1)</td>
<td>$250.00</td>
</tr>
<tr>
<td>9</td>
<td>Property owner - Obstruct or remove posted order without authorization</td>
<td>s. 20</td>
<td>$300.00</td>
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<tr>
<td>10</td>
<td>Property owner - Furnish false information on permit application</td>
<td>s. 36(1)(a)</td>
<td>$300.00</td>
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<tr>
<td>11</td>
<td>Property owner - Commence demolition before building vacated</td>
<td>Div. C sentence 1.3.1.1.(4) of the Building Code</td>
<td>$300.00</td>
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<tr>
<td>12</td>
<td>Property owner - Fail to post permit on construction site</td>
<td>Div. C article 1.3.2.1 of the Building Code</td>
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<tr>
<td>13</td>
<td>Property owner - Fail to post permit on demolition site</td>
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<td>$150.00</td>
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<td>15</td>
<td>Property owner - Fail to provide notification of construction phase</td>
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<td>$150.00</td>
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<td>16</td>
<td>Property owner - Fail to comply with order to comply</td>
<td>s. 12(2)</td>
<td>$400.00</td>
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<tr>
<td>17</td>
<td>Property owner - Fail to comply with order not to cover</td>
<td>s. 13(1)</td>
<td>$400.00</td>
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<tr>
<td>18</td>
<td>Property owner - Fail to comply with order to uncover</td>
<td>s. 13(6)</td>
<td>$400.00</td>
</tr>
<tr>
<td>19</td>
<td>Property owner - Fail to comply with stop work order</td>
<td>s. 14(4)</td>
<td>$400.00</td>
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<tr>
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<td>Property owner - Fail to comply with order to remedy unsafe building</td>
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<td>21</td>
<td>Property owner - Fail to comply with an order prohibiting use or occupancy of unsafe building</td>
<td>s. 15.9(6)</td>
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<tr>
<td>22</td>
<td>Property owner - Fail to comply with order to repair dangerous building</td>
<td>s. 15.10(1)</td>
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<tr>
<td>23</td>
<td>Property owner - Hinder or obstruct person lawfully carrying out enforcement duties</td>
<td>s. 19(1)</td>
<td>$400.00</td>
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</tbody>
</table>
### SET FINES

<table>
<thead>
<tr>
<th>Item</th>
<th>Short Form Wording</th>
<th>Provision Creating or Defining Offence</th>
<th>Set Fine</th>
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<tbody>
<tr>
<td>24</td>
<td>Builder - Construct building without permit</td>
<td>s. 8(1)</td>
<td>$500.00</td>
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<tr>
<td>25</td>
<td>Builder - Cause construction of building without permit</td>
<td>s. 8(1)</td>
<td>$500.00</td>
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<tr>
<td>26</td>
<td>Builder - Demolish building without permit</td>
<td>s. 8(1)</td>
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</tr>
<tr>
<td>28</td>
<td>Builder - Change plans without authorization</td>
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<td>Builder - Occupy newly erected building without notice or inspection</td>
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<td>33</td>
<td>Builder - Furnish false information on permit application</td>
<td>s. 36(1)(a)</td>
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<td>34</td>
<td>Builder - Commence demolition before building vacated</td>
<td>Div. C sentence 1.3.1.1.(4) of the Building Code</td>
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<td>Builder - Fail to post permit on construction site</td>
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<td>Builder - Fail to comply with order to comply</td>
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<td>40</td>
<td>Builder - Fail to comply with order not to cover</td>
<td>s. 13(1)</td>
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<td>41</td>
<td>Builder - Fail to comply with order to uncover</td>
<td>s. 13(6)</td>
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<td>42</td>
<td>Builder - Fail to comply with stop work order</td>
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<td>43</td>
<td>Builder - Fail to comply with order to remedy unsafe building</td>
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<tr>
<td>44</td>
<td>Builder - Fail to comply with an order prohibiting use or occupancy of unsafe building</td>
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<td>Builder - Fail to comply with order to repair dangerous building</td>
<td>s. 15.10(1)</td>
<td>$600.00</td>
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<td>46</td>
<td>Builder - Hinder or obstruct person lawfully carrying out enforcement duties</td>
<td>s. 19(1)</td>
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</tbody>
</table>

Note: "the penalty provisions for the offences listed above are section 36 of the Building Code Act, S.O. 1992, Ch. 23, and s.61 of the Provincial Offences Act, R.S.O, c. P.33".
April 24th, 2013.

Township of Lake of Bays
RR#1, 1012 Dwight Beach Rd. Dwight
Muskoka, Ontario
P0A 1H0

Attention: Stephen Watson
Director of Building/By-law Services

Dear Sir:

Re: Set Fines – Part I
The Corporation of the Township of Lake of Bays

Enclosed herewith please find a copy of the Order and a copy of the Schedule of set fines for the Building Code Act.

The setting of the fines does not constitute my approval of the short form of the wording used to describe the offences.

I have forwarded a copy of the Order and the Schedule of the set fines to the POA Court in Bracebridge, together with a certified copy of the By-law.

Yours truly,

Gregory Regis
Regional Senior Justice
Central East Region

/clm

Enclosures
PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal Building Code Act, S.O. 1992, c.23 for the Corporation of the Township of Lake of Bays, attached hereto is the set fine for those offences. This Order is to take effect April 24th, 2013.

DATED at Newmarket this 24th day of April, 2013.

Gregory Regis
Regional Senior Justice
Central East Region