

RESIDENTIAL SWIMMING POOL HOT TUB & SWIM SPA Installation Guide

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RESIDENTIAL SWIMMING POOL AND HOT TUB/SWIM SPA INSTALLATION GUIDE

STEP 1: Initiating the Process

Follow the steps below and provide the documents required to initiate your Swimming Pool Enclosure Application:

1. LEGAL SURVEY

You are required to supply a legal survey of the property in which the swimming pool, hot tub, or swim spa is being installed. A survey cannot be older than one (1) year from the date of the application. Further information about surveys and how to obtain one visit the Association of Ontario Land Surveyors at the following link: <https://www.aols.org/boundaries/survey-plans-and-their-uses>.

2. SWIMMING POOL SITE PLAN

You are required to submit one 11 x 17 scaled drawing of a **Swimming Pool Site Plan** showing the location of the proposed pool, pool equipment, accessory structure(s), landscaping features and relevant grade elevations. **Free-hand drawn sketches will not be accepted.** See a sample drawing below.

The Swimming Pool Site Plan must include:

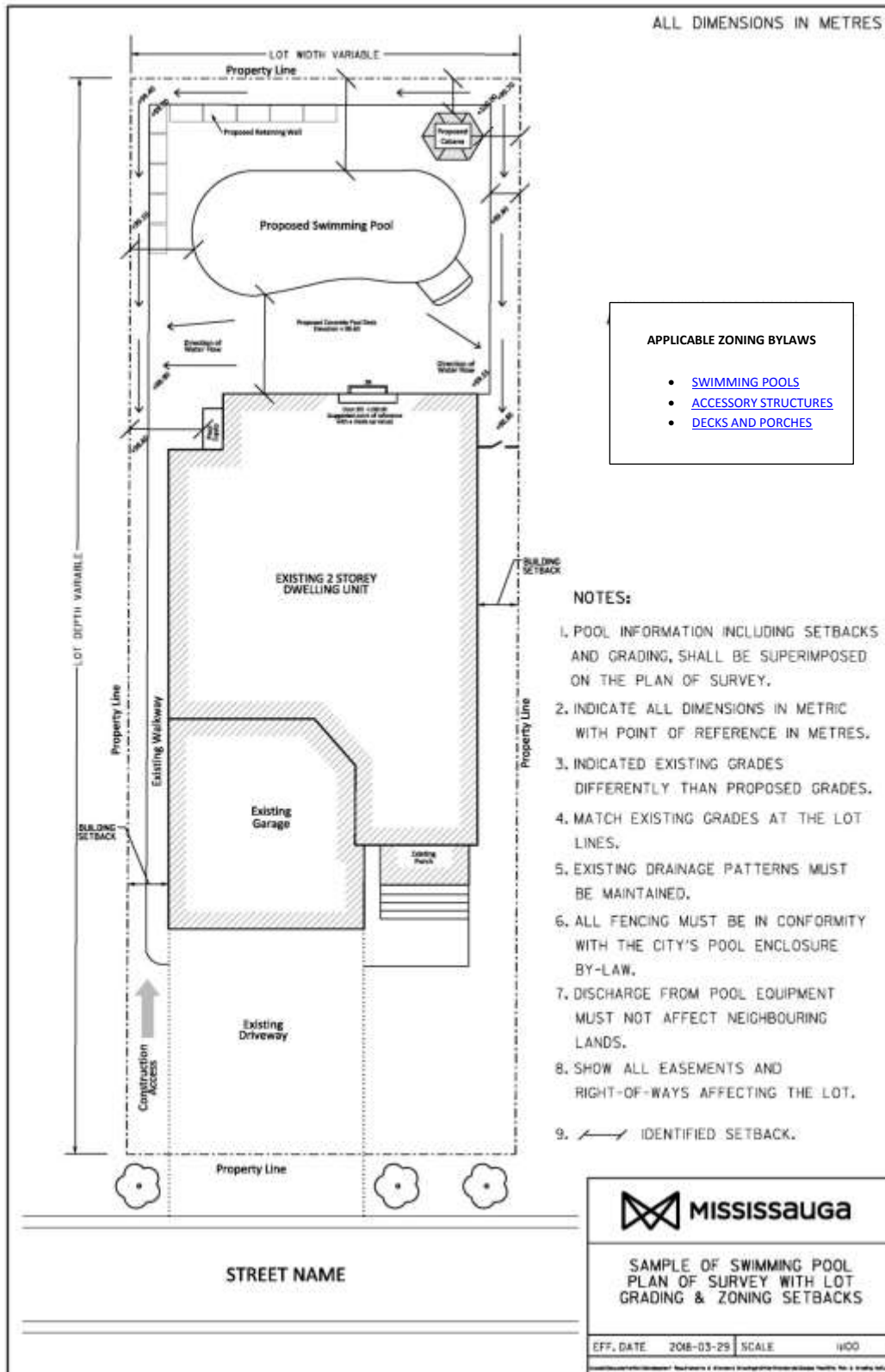
- a. the street location and street name (if the property is in a corner lot, show both street names)
- b. the shape and size of the lot
- c. the dimensions of the yard
- d. the house location with municipal address
- e. the proposed swimming pool with elevations, set-backs to property line and all accessory structures (sheds/cabanas/detached garages) and or pool equipment - the shape, location and overall dimensions, including the width of the coping to be around the pool (if proposed). These structures may require a building permit.
- f. the distance from the dwelling to the closed inside wall of the pool
- g. existing and proposed landscaping such as gardens, grassy areas, retaining walls, etc., with height and setback from the property line (minimum 0.6 metres or 2 feet)
- h. all hard surfaces such as decks, patio stones, interlocking brick, etc., include elevations and size (provide dimensions in brackets) and set-backs to property lines
- i. all easements and right-of-way's and their widths (check your property title if you are not sure)
- j. existing and proposed fence with self-closing gate location(s)
- k. construction access
- l. existing and proposed grading:
 - Start at the back door sill and use it as the base point measurement, assign a measurement value, for example 100.00. Use metres as unit of measurement

- Indicate the grading by estimating the difference in elevation at different points of property, i.e. points that are either above or below the base point measurement. If you look at the sample plan, you will see that the base value of the back door sill is 100.00, the North East corner of the lot slopes down slightly with a value of 99.70 and the North West corner slopes down a bit more and has a value 99.40
 - Indicate existing and proposed grading elevations at various points throughout the backyard property, including points along the property lines using the above method for assigning a value
- m. show street trees and adjacent parkland/greenbelt if applicable

Hot Tub/Swim Spa Site Plan

For Hot Tubs/Swim Spas that will be located above ground, a simplified drawing showing the location of the tub/spa in the rear yard, and setbacks to property lines will be accepted.

SAMPLE - SWIMMING POOL SITE PLAN WITH LOT GRADING



2. STATUTORY DECLARATION - Information

A Statutory Declaration is a written declaration or statement of facts which a person swears, affirms or declares to be true in the presence of an authorized witness. City staff may not commission this declaration and therefore the person must seek other individuals who are authorized to administer oaths - usually a Commissioner of Oaths, Notary Public, lawyer or a Justice of the Peace.

If there is more than one (1) registered homeowner, **EACH** homeowner will need to sign the Statutory Declaration.

It is a criminal offence to solemnly declare a false Statutory Declaration, and may be subject to prosecution resulting in an offence punishable on summary conviction (Section 134, Criminal Code of Canada).

The City of Mississauga will only accept an **ORIGINAL** signed copy of the Statutory Declaration. The person who is authorized to administer oaths (e.g. lawyer) must stamp the document and clearly provide their contact information.

The **ORIGINAL** signed Statutory Declaration for Swimming Pool Installation must be submitted to the Compliance and Licensing Enforcement Division services counter located on the ground floor of the Mississauga Civic Centre, 300 City Centre Drive with all other required documentation.

For more information, contact:

By Phone:	3-1-1 (if calling outside of City 905-615-4311)
By Email:	bylaw.enforcement@mississauga.ca
In Person:	Compliance and Licensing Enforcement 300 City Centre Drive, Ground Floor Mississauga, Ontario L5B 3C1

Statutory Declaration

CANADA	Swimming Pool Installation MUNICIPAL ADDRESS:
PROVINCE OF ONTARIO	_____
	Mississauga, Ontario (the "Lands")

I/We _____ and _____, of the City of Mississauga, in the Regional Municipality of Peel, DO SOLEMNLY DECLARE THAT:

1. I am the registered owner or one of the registered owners of the above described Lands and as such I have direct knowledge of the matters hereinafter deposed to.
2. I/We confirm that the swimming pool and the fence surrounding the swimming pool, including any equipment, buildings or structures relating to the swimming pool (the "Installations") are or will be located entirely within the boundaries of the Lands that I/We own.
3. I have conducted a proper title search of the lands and confirm that none of the Installations referred to in section 2 are or will be located upon or encroach upon any City owned property, easements, right-of- ways, neighbour's property or any property owned by the Credit Valley Conservation Authority, the Toronto Region Conservation Authority, or the Halton Region Conservation Authority.
4. I/We have or will satisfy all applicable requirements imposed by the relevant conservation authority (i.e. the Credit Valley Conservation Authority or the Toronto Region Conservation Authority or the Halton Region Conservation Authority).
5. I/We have reviewed the applicable provisions of the Mississauga Zoning By-law regarding permitted uses and property line setbacks and hereby confirm that all such provisions have been or will be fully complied with.
6. I/We confirm that I/We are solely responsible for lot grading and drainage works within the identified Lands; and that any and all works associated with the lot grading and drainage will be completed and maintained so as to not adversely impact any surrounding lands.
7. I/We have or will supervise the work of all contractors on our Lands to ensure strict conformity with all the statements made herein.

AND I/WE MAKE this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the City of _____ this _____ day of _____ 20____ _____ <i>A Commissioner for taking Oaths</i>	_____ <i>Signature</i> _____ <i>Signature</i>
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2018/02

3. SWIMMING POOL ENCLOSURE INSPECTION REQUEST FORM

You are required to complete a [Swimming Pool Enclosure Inspection Request](#) form in legible writing and pay the Pool Enclosure Inspection Fee of **\$303.00 plus HST**. Please note an application for a Pool Enclosure Inspection is only valid for ONE (1) year from the date the application was issued. A new application and inspection fee will be required, if the process is not completed within one year of application.

Swimming Pool Enclosure Inspection Request

Transportation & Works
Compliance and Licensing Enforcement
300 City Centre Drive, Mississauga, Ontario L5B 3C1
Telephone No. 905-615-4311
Fax: 905-615-3374
mississauga.ca/enforcement



Personal information of this form is collected pursuant to the Municipal Act, 2001, S.O. 2001, c.25, as amended and City of Mississauga By-Law 191-11, as amended. The information will be used for the purpose of issuing a Certificate of Approval and the compilation of statistical reports. Questions about the collection of Personal Information should be directed to the City of Mississauga, Manager, Compliance and Licensing Enforcement, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1, Telephone: 905-615-3200, ext. 4454.

Applicant and Pool Enclosure Details			
Property Owner	Name - Last	First	Phone
Address of Pool Enclosure Number/street/postal code			
Email Address			
Contractor			
Business Name		Phone	
Business Address Number/street/postal code		City	
Email Address			

Pool Type:
☐ Inground ☐ Above Ground ☐ On Ground ☐ Hot tub/Whirlpool/Spa Pool Volume (litres)

Pool Sanitation System:
☐ Chlorine ☐ Bromine ☐ Salt ☐ Other

Enclosure Type:
☐ Wood (with/without lattice) ☐ Wrought Iron ☐ Chain Link (max 1½" gauge wire mesh) ☐ Other

Agreement

I hereby certify that I am a/the registered owner of the Property as described in the records of the land registry office.

In completing and submitting this application and the payment for an inspection fee, I hereby request City staff enter onto the "Property" to conduct an inspection of the pool enclosure pursuant to the City of Mississauga Swimming Pool Enclosure By-Law 191-11, as amended. I acknowledge and understand that inspections are necessary to verify compliance with the Swimming Pool Enclosure By-Law and have a Certificate of Approval issued for the enclosure.

I hereby authorize my Agent of
Name Company Phone Number

Email Address to act on my behalf for any inspection approval processes that may be required.

I understand that pursuant to the Swimming Pool Enclosure By-Law 191-11, as amended, I must ensure that the swimming pool on my property is not filled with water and that no water is allowed to remain in the pool unless a Certificate of Approval has been issued by the Manager of Compliance & Licensing Enforcement.

Certificates of Approval issued under the provisions of the By-Law do not address or verify the property boundary lines. It remains the complete responsibility of the applicant to ensure that the swimming pool and enclosure are situated on or within the boundary lines of the property.

Important Notes:

Pursuant to section 6 of the City of Mississauga Swimming Pool Enclosure By-Law 191-11, every owner of a property on which a swimming pool is located, constructed, or erected shall:

- Erect or cause to be erected a swimming pool enclosure around the entire swimming pool in accordance with the provisions of the By-Law;
- Ensure that the swimming pool is not filled with water and that no water is allowed to remain in the swimming pool unless a valid Certificate of Approval has been issued for the swimming pool enclosure;
- Maintain the swimming pool enclosure in compliance with the provisions of the By-Law and the City of Mississauga Property Standards By-Law 654-98, as amended.

The Certificate of Approval will only be issued where a Request for Swimming Pool Enclosure Inspection form has been signed by the owner and the enclosure complies with all the requirements of By-Law 191-11, as amended.

Name of Property Owner/Agent	Signature	Date
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Office Use Only			
Received by	Date	Receipt No.	Final Approval

STEP 2: Review of Site Plan

Your site plan will be reviewed by the following City departments:

- Zoning Section – will review the applicable zoning regulations
- Development Construction – will review for required grading
- Heritage Section – will review for heritage regulations
- Community Services – where a property is under the jurisdiction of a conservation authority (CVC or TRCA) and if there are street trees that may require protection. Also, if your property abuts a park or a greenbelt and applicant wishes to use adjacent parkland for construction access, a [Park Access Permit](#) is required.
- Compliance and Licensing Enforcement will review plans for Hot Tub or Swim Spa that is located above ground.

Applicants are required to verify if the property where the swimming pool/hot tub/swim spa falls under the jurisdiction of a conversation authority by contacting the Credit Valley Conversation <https://cvc.ca/> or the Toronto and Region Conversation Authority <https://trca.ca/>.

STEP 3: Joint Pre-construction Meeting

- Once the site plan has been approved, an Officer from Compliance and Licensing Enforcement will contact the applicant to arrange for a pre-construction site meeting. The meeting will include staff from Compliance and Licensing Enforcement, Development Construction, and if required Community Services, Heritage or the CVC or the TRCA.
- During the meeting, the Inspectors will determine if there is any by-law, lot grading or other issues that may impact on the proposed location and construction of the pool. It is important that the location and configuration of the pool be staked-out accurately; and that the homeowner or agent be present at the meeting. If a stake-out has not been completed and/or homeowner or agent is not present, the site meeting **will not** proceed which will delay the pool installation process.
- Trees on the boulevard and/or adjacent to parkland/greenbelt require hoarding and/or sediment control to be installed prior to the initial inspection so Community Services can inspect on site to accelerate the process and not have to wait for another inspection or photo.
- If changes to the site plan are identified during the inspection, you will receive a notice from the Development Construction section advising you not to proceed with construction until the changes have been addressed and a revised site plan is submitted.

STEP 4: Development & Construction Payments & Deposits

Once your Site Plan has been deemed acceptable by all applicable City Departments, you will be asked to provide the appropriate refundable Deposits for Municipal Services Protection and Lot Grading, together with a non-refundable Administration Fee as follows:

- ✓ Administrative/Inspection Fee **\$290.00 +HST**
 - ✓ Municipal Services Protection Deposit – “MSPD” (refundable) **\$500 for above-ground or \$1,000 for in/on-ground**
 - ✓ Lot Grading Deposit (refundable) **\$5,000** (above ground pools, hot tubs and swim spas exempted, unless excavating is required).
- Payments are made in person at the Transportation and Works Department’s Customer Service Counter, 3185 Mavis Road, 1st Floor. Method of payments for the applicable Deposit(s) is restricted to Letter(s) of Credit or certified cheque(s) or can be paid by credit card.
 - All fees and charges are in accordance with the Transportation and Works Department’s Fees and Charges By-law, No. 166-17, as amended or replaced from time to time. Lot Grading and Municipal Services Protection Deposits are collected through the Road Occupancy, Lot Grading and Municipal Services Protection Deposit By-law, No. 251-12, as amended or replaced from time to time.
 - Once you have made all required payments, Development Construction will advise you in writing that you may proceed to construct the pool.

STEP 5: Pool Installation Phase

The contractor/applicant/homeowner must ensure during the swimming pool installation phase that:

- there are no infield changes made to the information submitted on the site plan(s) with regard to grades, elevations, landscaping and setbacks;
- all existing grades at the lot lines and all existing drainage patterns are maintained; and
- all municipal rights-of-way (which includes roads, boulevards, sidewalks, City-owned lands and all easements) are maintained free of equipment, debris and mud at all times.
- It will be necessary to obtain a Road Occupancy Permit (ROP) to utilize a mobile crane and/or place/store dumpsters, equipment/machinery, materials or portable washrooms within a municipal right-of-way. For further information on, and to apply for an ROP, please contact the Transportation and Works Department’s Customer Service Counter at tw.counter@mississauga.ca; call at 905-615-4950; or visit in person at Transportation and Works Department’s Customer Service Counter, 3185 Mavis Road, 1st Floor.

By-Law Requirements

Zoning

- Ensure that the swimming pool/hot tub/swim spa meets the regulations of the Zoning By-Law 225-07. Information can be found at <http://www.mississauga.ca/portal/pb/swimmingpools>
 - ❖ No part of an outdoor **swimming pool** is permitted in a front or required **exterior side yard**
 - ❖ An outdoor **swimming pool** shall be set back a minimum of 1.5 m from all **lot lines**, measured from the inside wall of the outdoor **swimming pool**
 - ❖ Pool heating/filtering equipment may be located in a required **yard**, other than a **front yard**, provided that it is not closer than 0.61 m to any **lot line**
 - ❖ All setbacks to Greenland Zones are met

Encroachment

- Make sure no part of your swimming pool, enclosure (fence), pool equipment, sheds, or structures are encroaching on **ANY** public lands owned by the City of Mississauga.
- City lands include parks, boulevards, and easements (city right-of-way) that may run adjacent to or on your property.

Heritage Planning

- If the property is designated under the Ontario Heritage Act, a heritage permit may be required. This is an additional process that will impact timelines. For more information on the process, visit www.mississauga.ca/heritageplanning

Fiberglass Pool Installation

Fiberglass Swimming Pools are required to be filled with water as part of the installation process. Prior to the installation, the homeowner or agent must contact Compliance and Licensing Enforcement with the installation date. The Officer will attend the property on that date to inspect the temporary enclosure and provide a Fiberglass Swimming Pool Temporary Fencing Letter allowing the swimming pool to be filled, prior to a Final Swimming Pool Enclosure inspection.

- The swimming pool **must** be surrounded by a substantially completed enclosure or a temporary enclosure that will restrict any access to the swimming pool except for those persons installing the pool.
- After the swimming pool is filled with water, it must be kept enclosed by the swimming pool enclosure or temporary enclosure. Any breaches or openings must be immediately repaired and secured so that no person can access the swimming pool.

Pool and Spa Wastewater Safety

Debris and Anti Littering By-Law 219-85 places strict conditions for discharge of pool and spa water including filter backwash.

- Filter backwash water should **only** be directed to the closest sanitary sewer connection **on the pool owner's property**.

A plumbing permit is required from the City's Planning and Building Department prior to the installation of a direct connection to the sanitary sewer system for the purpose of discharging backwash water **Storm Sewer Use By-Law 259-05** makes it illegal to discharge water to a storm drain that contains contaminants. If you discharge (or hire someone to discharge) water that exceeds the Storm Sewer Use By-Law limits, you may be subject to enforcement action.

- **Chlorine or Bromine** treated pool and spa water may be discharged to a storm drain **ONLY** if the water meets the following conditions:
 - ✓ It is free of chemicals in toxic amounts including, but not limited to, chlorine, bromine, hydrogen peroxide-based sanitizers, algaecides, fungicides, copper, silver, muriatic acid, soda ash and cyanuric acid. Remember, most pool and spa chemicals are toxic to aquatic organisms.
 - ✓ It is free of debris, vegetation or algae
 - ✓ It has a pH of between 6 and 9
 - ✓ It has a chlorine concentration of no more than 1 ppm (1 mg/L)
- To help to reduce chemical concentrations, stop adding chlorine and bromine 7-10 days before pumping down the pool and leave the cover off to allow exposure to sunlight.

Saltwater pools and spas contain elevated levels of sodium chloride or sodium bromide. Because these salts cannot be removed from the water, saltwater pool and spa owners should direct all saltwater discharge to the **sanitary sewer connection**.

The Region of Peel suggests the following conditions for discharge to the sanitary sewer system:

- ✓ Direct the discharge from the pool to your nearest drain inside your house
- ✓ Limit the size of the discharge hose from the pool to 4 cm (1 1/2 inches) or less in diameter
- ✓ Discharge the water at a non-peak time such as evenings after 8 p.m. or weekends after 10 a.m.

FAILURE TO FOLLOW REGIONAL SANITARY DISCHARGE GUIDELINES MAY CAUSE FLOODING IN BASEMENTS OF NEARBY HOMES & SURCHARGES ADDED TO YOUR ACCOUNT.

Pool Enclosure (Fence) Inspection Checklist

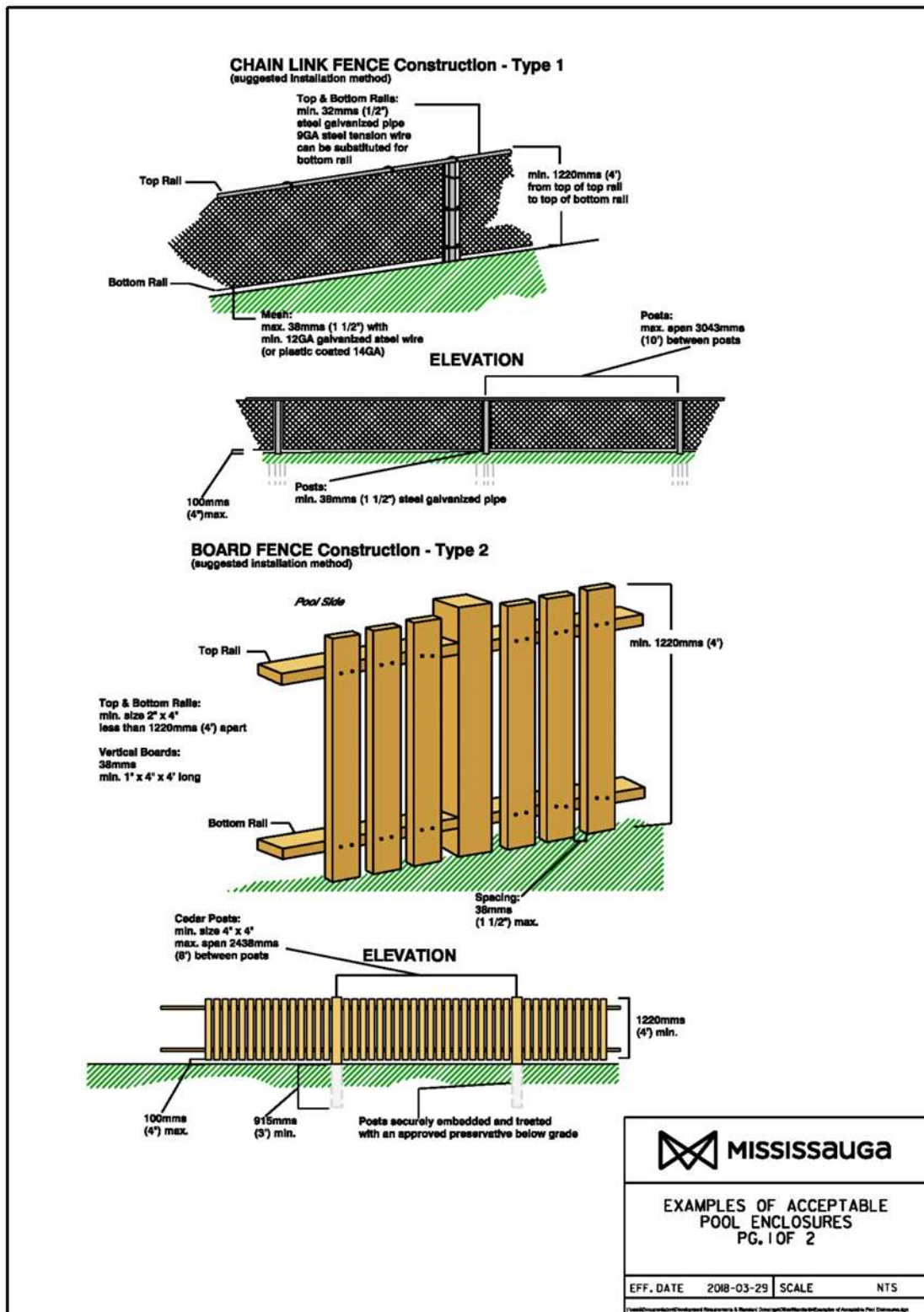
Prior to calling Compliance and Licensing Enforcement for your Final Pool Enclosure Inspection, ensure that the enclosure meets the following minimum requirements. Swimming pool enclosures not meeting the minimum requirements will delay the progression of installing the liner and filling the pool.

- ✓ **Height of Pool Enclosure (fence)** - A continuous **non climbable fence**, having a minimum height of **1.2 metre (4 feet)** around the pool, but not higher than 2 metres (6 feet, 7 inches) above effective ground level. Decorative/ornamental items, accessible latches on wrought iron fencing, or exposed diagonal braces on wood gates would not be acceptable as part of the enclosure and would have to be removed.
- ✓ **Vertical Spacing** - A separation distance between vertical boards, bars, pipes, tubes, rails or other material does not exceed **10 centimetres (4 inches)**, or in the case of a chain link fence, have a chain link mesh does not exceed **38 millimetres (1 ½ inches)**.
- ✓ **Chain Link Fence** - Must be at least **1.2 metre (4 feet)** in height, with maximum **38 millimetres (1 1/2 inch)** mesh, a continuous solid top rail, and a bottom tension wire.
- ✓ **No Fence Stepping** – Where there is a grade change that affects the height of the swimming pool enclosure, the height measurement is taken from the “effective ground level” which is the highest level of the ground within **1.0 metre (3 feet 3 inches)** measured in a horizontal distance in any direction from the swimming pool enclosure.
- ✓ **Fence type Changes** - Where fence materials change from one type to another, the vertical spacing between materials must not be greater than 2 inches.
- ✓ **Bottom Spacing** - any ground clearance space or gap cannot be more than **10 centimetres (4 inches)** at any point under the enclosure.
- ✓ **Gates** - Gates must be **self-closing and self-latching**. The latches must be located on the pool side of the gate. A padlock on the gate is not considered adequate, even if the intention is to keep the gate permanently locked. You cannot have decorative ornaments or cross-braces that could be climbable from the outside.

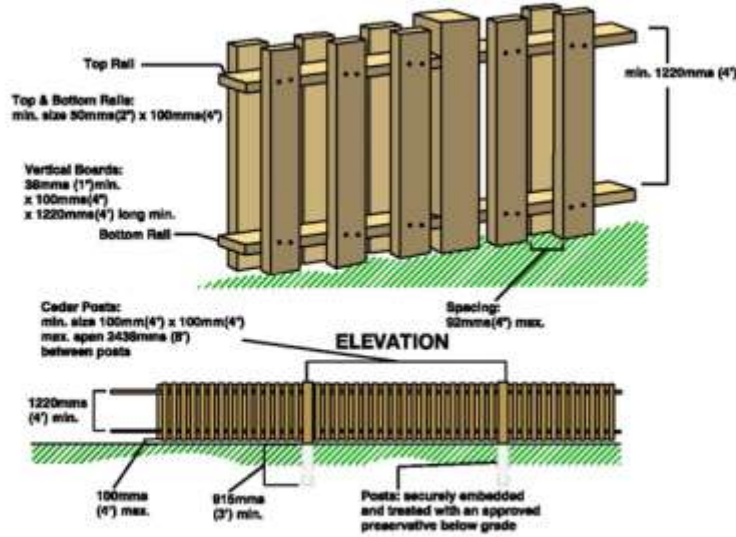
Hot Tubs/Swim Spas

Where an above ground Hot Tub/Swim Spa meets the required Zoning By-Law setbacks, a prefabricated fitted and secured cover may be considered as a swimming pool enclosure and may be exempted from the specifications required for a fenced enclosure.

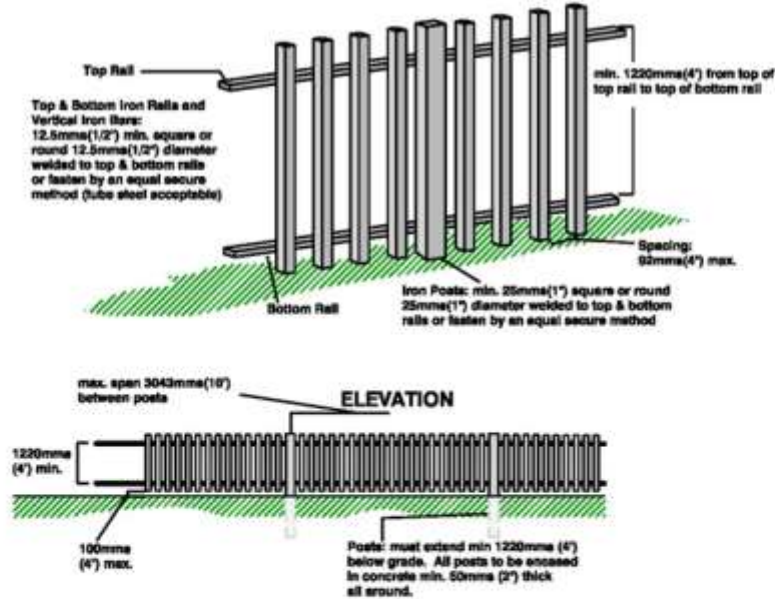
EXAMPLES OF ACCEPTABLE POOL ENCLOSURES



BOARD FENCE Construction - Type 3 (suggested installation method)



STEEL or IRON FENCE Construction - Type 4 (suggested installation method)



STEP 6: Final Pool Enclosure Inspection

After the fence has been erected but **before** you have filled the pool, you must contact the Compliance and Licensing Enforcement Section for an inspection of the pool enclosure (fence and gates). If the enclosure is in compliance, the Officer will issue a Final Swimming Pool Enclosure Approval form and you may proceed to fill the pool. You will receive your Certificate of Approval by email or regular mail. **It is illegal to fill a pool without an approved swimming pool enclosure.**

STEP 7: Lot Grading and Municipal Services Protection Deposit Refund Process

After the pool has been installed, all associated sodding and landscaping works have been completed and the Swimming Pool Enclosure Approval has been issued by Compliance & Licensing Enforcement, you must request a lot grading and municipal right-of-way inspection by emailing twdevcon@mississauga.ca. **Please note, should the landscaping and sodding work not be completed at the time of inspection, additional inspection fees may be charged for each subsequent inspection.**

It is preferred that the homeowner, agent, and/or contractor are present at the inspection to review the lot grading and address any outstanding work that may be required. Prior to receiving a refund of the Lot Grading Deposit, all identified deficiencies shall be repaired and re-inspected.

Should there be damage identified to the municipal right-of-way, the Development and Construction Inspector will provide details of the damaged area/item(s). All associated costs will be assessed to the held Deposits. Repair work may take up to 18 months to complete and can only be completed by City staff. Both Deposits (Lot Grading and the MSPD) will be retained in full until the reinstatement work is completed.

If all is in order, and no damage and/or deficiencies are identified, the City's Finance Department will issue a refund of the applicable deposits. A refund may take four (4) weeks to process.

For all other Deposits, please contact the relevant City Department and/or external Agency for their respective refund process.