

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 22-67

**A BY-LAW TO ESTABLISH A TARIFF OF FEES AND PROCEDURES FOR THE
PROCESSING OF PLANNING APPLICATIONS**

WHEREAS the *Planning Act*, 1990, c.P.13., Section 69(1), authorizes the establishment of a tariff of fees for the processing of applications made in respect of planning matters.

AND WHEREAS the *Planning Act*, 1990, c.P.13., Section 22(3.1), Section 34 (10.0.1), Section 41(3.1), and Section 51(16.1) authorizes a municipality to make consultation mandatory prior to the submission of an application.

AND WHEREAS the *Planning Act*, 1990, c.P.13., Section 45 (1) authorizes the establishment of criteria for a minor variance application.

AND WHEREAS the *Planning Act*, 1990, c.P.13., Section 34 (10.12) and Section 41 (11.1) provides for rules when municipalities are required to refund fees.

NOW THEREFORE the Council of the Township of Adjala-Tosorontio hereby enacts as follows:

- 1) **THAT** prior to the submission of an application in respect of planning matters, the applicant shall consult with the Township Planner, or designate. The consultation of the application shall be accompanied by payment of the appropriate fee, payable to the Municipality, in accordance with the tariff of fees outlined on Schedule "A" attached to this by-law.
- 2) **THAT** all applications to Council, or the Committee of Adjustment, made in respect of planning matters shall be accompanied by payment of the appropriate fee, payable to the Municipality, in accordance with the tariff of fees outlined on Schedule "A" attached to this by-law.

The applicant will be responsible for all consulting and legal fees incurred, including the Township's consulting fees for reviewing supporting submissions. Invoices will be issued for these costs which the applicant is responsible to pay within 30 days of the invoice date.

Deposits made, in accordance with Schedule "A" are to have a continuous balance in the amount of the original dollar amount, which shall serve as security for the application.

All such fees shall be payable in advance with each application, and all applications shall be considered mutually exclusive.

- 3) **THAT** the tariff of fees described in Schedule "A", attached hereto, shall not include the processing of objections to amendments, the attendance of the Municipality at Ontario Land Tribunal (OLT) hearings, the attendance of the Municipality at any public meetings other than those formally required by the *Planning Act*.
- 4) **THAT** the administration fees prescribed in Schedule "A" of this by-law represent the anticipated costs of The Corporation of the Township of Adjala-Tosorontio for the processing of applications related to planning matters specifically described therein, for a period of one (1) year from the date that the application is received and deemed complete by the Township. Where consideration of an application relative to a particular planning matter exceed one (1) year, the applicant shall formally be notified in writing that no further processing of the application shall occur unless and until the applicant has refilled the above prescribed fee(s) in advance, which fee(s) shall cover the further anticipated costs of the Township for a period of one (1) year only.
- 5) **THAT** with respect to each application received by Council, or the Committee of Adjustment, the Treasurer shall record the charges and expenses incurred by the Township in consideration and processing thereof, including all consultant's services and in each instance, an administration charge as prescribed in Schedule "A" will be charged. Upon the closing or completion of an application, its formal withdrawal by the applicant, or its rejection by the Council, any part of the deposit paid under the provisions of Schedule "A" of this by-law which has not been used to reimburse the Township for its charges and expenses in considering and processing the application, shall be forthwith returned to the applicant. In the event of any dispute arising as to the specific amount to be returned, the financial records of the Township of Adjala-Tosorontio as maintained by the Treasurer shall be final and binding.
- 6) **THAT** with respect to each application received by Council, if after one (1) year from the date that the application is received and determined to be complete, the application shall be deemed by Council to be inactive if there has been no serious effort made by the applicant to produce required and necessary information and materials to advance the processing of the application by the Township, the public or an external agency. A one-time administrative fee of 10% of the initial application fee, shall be assessed by the Township and paid by the applicant to reactivate the inactive application if the applicant notifies the Township in writing that the application process shall proceed. After one (1) year that the application has been inactive, the application shall go to Council with the recommendation for decision on the

application by Council resolution. Upon Council decision, notice shall be given in accordance with the requirements of the Planning Act.

- 7) **THAT** with respect to Minor Variance application under Section 45(1) of the Planning Act, where the municipality can establish a by-law for criteria for the powers of the committee, the municipality deems anything up to and including 25% of an alteration to the zoning by-law, to be the standard criteria for being considered minor. Please see examples in Schedule B.
- 8) **THAT** the Township will only provide mandatory refunds on applications in accordance with sections 34 (10.2) and 41 (11.1), once a decision is made on the application, or when the applicant submits an appeal for non-decision in accordance with sections 34 (11) and 41 (12) of the Planning Act
 - i) Nothing shall prevent the applicant from requesting a reduction or waiver of fees in accordance with Section 69 (2) of the Planning Act.
- 9) **THAT** Schedule "A" & Schedule "B", attached, does, and hereby forms part of this by-law
- 10) **THAT** this by-law repeals the portions of the Township's Fees and Charges By-law, By-law 21-19, pertaining to planning applications, in accordance with the *Planning Act*, 1990, c.P.13., Section 69(1).
- 11) **THAT** this By-law shall come into force on the date of passage and take effect the day after the last date for filing a notice of appeal, where no notice of appeal is received, or, where a notice of appeal is received, upon the approval of the Ontario Land Tribunal, and in either case, in accordance with the provisions of the Planning Act, R.S.O. 1990, Ch. P. 13, as amended.
- 12) **THAT** notwithstanding anything contrary to the rules of procedure, this By-law having been introduced and read a first and second time and be considered read a third time and finally passed this 8th day of June 2022.



Floyd Pinto, Mayor



Dianne Gould-Brown, Clerk

SCHEDULE A – FEES & CHARGES

Amendment To Official Plan	
Major (500m ² +)	\$6,000*
Minor	\$3,000**
Amendment To Zoning By-law	
Major (500m ² +)	\$4,500*
Minor	\$2,500***
Temporary Use By-law Holding provision Section 34 Planning Act	\$2,500
Temporary Use By-law – 3 year extension	\$500
Lifting of the Hold (H)	\$750
Minor Variance	\$1,000
Subdivision/Condominium Applications	
Application Fee	\$10,000*
Deeming By-law	\$500
Redline revisions (requiring circulation)	\$2,000
Extension to draft conditions	\$2,000
Application under Part Lot Control	\$500
Extension of Part Lot Control	\$500
Subdivision Agreement	\$8,000**
Amending Agreement	\$1,000***
Pre-Servicing Agreement	\$1,500**
Earthworks Agreement	\$1,500**
Consent Applications	
Application	\$2,000***
Amendment or Reconsideration of Conditions	\$1,000
Development Agreement for Conditions	\$1,000***
Site Plan Applications	
Residential Development	
Major – more than six (6) units	\$5,500**
Minor – three (3) to Five (5) units	\$2,500***
Single/Semi Residential Grading Plans	\$300
Revisions & Amendments	\$1,000
NHE Site Plan Agreements	\$550***
Commercial and Industrial Development	
Major - (500m ² +)	\$5,500*

Minor	\$2,800**
Telecommunication Site Review/Agreement	\$2,000**
Building/Zoning Compliance Request	
Standard	\$200
Expedited Response	\$250
General Planning Fees	
Release of Agreement or Agreement Provisions **Written Request Required**	\$500**
Inactive File Fee	10% of Initial Fee
Additional Processing Fee – Construction prior to Township approval	Required Application Fee is Doubled
Major Cost Acknowledgement*	\$10,000
Intermediate Cost Acknowledgement **	\$5,000
Minor Cost Acknowledgement***	\$1,500
Encroachment Application	\$1,000**
Encroachment Agreement	\$500***
Pre-Consultation	\$250

NOTES:

1. The * beside the fee indicates the cost acknowledgement type associated with the application.

SCHEDULE B – EXAMPLES FOR MINOR VARIANCE

	Zoning Standard	25% of Zoning Standard	Minor Variance Allotment
Frontage	150 m	37.5 m	112.5 m
Minimum Lot Area	0.4 hectares	0.1 hectares	0.3 hectares
Maximum Lot Area	1 hectare	0.25 hectares	0.75 hectares
Maximum Coverage	50%	12.5%	62.5%
Yard Standards	3.0 m	0.75 m	2.25 m
Maximum Height	11.0 m	2.75 m	13.75 m
Minimum Gross Floor Area	125 m ²	31.25 m ²	93.75 m ²
Maximum Gross Floor Area	100 m ²	25.0 m ²	125 m ²

NOTES:

1. The examples are only for information purposes, and applications must be reviewed with the applicable lot standards.
2. Meeting the 25% allotment does not guarantee success of a minor variance application.