

The Corporation of the City of Kenora

By-Law Number 156 - 2021

A By-law to Establish a Tariff of Fees for *Planning Act* Applications

Whereas section 69 of the *Planning Act* R.S.O. 1990, c. P.13 provides that the Council of a municipality may, by by-law, establish a tariff of fees for Applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality in respect of the processing of each type of Application provided for in the tariff; and

Whereas the said Section 69 contains provisions respecting the reduction or waiver of the fees and respecting the limitations on the imposition of fees where the Application relates to development or redevelopment that includes affordable housing; and

Whereas such By-laws may not, pursuant to Regulation 584/06 be passed under the *Municipal Act*;

Now Therefore the Council of The Corporation of the City of Kenora enacts as follows:

1. (1) Schedule "A" hereto and forming part of this by-law is enacted as a Tariff of Fees payable for the processing of Applications made in respect of Planning matters by The Corporation of the City of Kenora.

(2) Despite the Tariff of Fees established under Subsection (1), in processing applications related to development or redevelopment that will include affordable housing units, the required fee shall not be greater than the maximum fee prescribed by the Regulations made under the *Planning Act* for the type of application being made.
2. The fees are payable at the time the Application is made or service request is submitted, provided that:
 - (a) where costs are subsequently incurred, such as for payment of Professional Fees, and for which re-imbusement to the Corporation is required, such re-imbusement shall be made upon demand;
 - (b) where the Director of Development Services or CAO of the Corporation considers it reasonable to do so, he or she may require from time to time that a deposit be paid to the Corporation to secure the anticipated costs of processing the Application.
3. The said Director of Development Services or CAO is further authorized to enter into agreements on behalf of the Corporation relating to the payment of fees for matters referred to in the Tariff, provided that such Agreements do not vary a prescribed fee and are otherwise consistent with the provisions of this By-law and Section 69 of the *Planning Act*.

4. If an Applicant submits a written request to withdraw or discontinue an Application prior to the completion of the entire process relating thereto or if the Director of Development Services or CAO determines that the file should be closed due to inactivity, then the Director of Development Services or CAO may approve a partial refund of the fee which he or she deems reasonable in the circumstances.
5. The Director of Development Services or CAO shall be responsible for the general administration of this by-law, including, without limitation, the enforcement hereof through collection activity and instructing legal Counsel to take such legal action as may be considered appropriate.
6. Any decision or determination authorized or required to be made hereunder shall be in the absolute discretion of the City or the City official involved, subject only to the provisions of Subsection 69(3) of the *Planning Act* respecting the payment of fees under protest and consequent appeals to the Local Planning Appeals Tribunal.
7. This By-law shall be known as the *Planning Act* Application Fees By-law.
8. This By-law shall come into force and take effect on the final passage hereof.
9. That bylaw number 37-2020 be hereby repealed.

By-Law Read a First and Second Time this 21st day of December, 2021

By-Law Read a Third and Final Time this 21st day of December 2021

The Corporation of the City of Kenora:-

Daniel Reynard, Mayor

Heather Pihulak, City Clerk

SCHEDULE 'A'
PROCESSING OF APPLICATIONS MADE IN RESPECT OF PLANNING MATTERS
To By-Law Number 156-2021

Section	Fee Description	Fee	Details
Official Plan and Zoning Amendment Fees			
Planning	Official Plan Amendment	\$3,000.00	+ professional fees and/or deposit
Planning	Zoning By-law Amendment (including temporary use and interim control by-laws, includes removal of holding provision)	\$1,250.00	+ professional fees and/or deposit
Planning	Additional meeting due to amendment by applicant	\$350.00	
Planning	Deposit for Notice Costs	\$1400.00	Unused balance to be refunded to applicant.
Planning	Minor revisions requiring internal circulation only	\$500.00	
Planning	Major revisions requiring new notices, or requests from applicant to reschedule/defer meeting date	\$500.00	+ new deposit for notice costs
Planning	Re-scheduling of meeting at request of applicant	\$500.00	+ new deposit for notice costs
Minor Variance Fees			
Planning	Minor Variance Application	\$650.00	
Planning	Deferral of PAC meeting date at request of applicant	\$200.00	
Planning	Amendment to Minor Variance application requiring re-circulation	\$225.00	
Planning	Amendment to Minor Variance application not requiring re-circulation	\$115.00	
Consent Fees			
Planning	Consent Application	\$1,100.00	
Planning	Deferral of PAC meeting date at request of applicant	\$200.00	
Planning	Amendment to Consent application requiring re-circulation	\$225.00	
Planning	Amendment to Consent application not requiring re-circulation	\$115.00	
Planning	Agreement as a condition of Consent approval	\$200.00	
Plan of Subdivision or Condominium Fees			
Planning	Application for Plan of Subdivision / Condominium description	\$2250.00 + \$100/lot	+ professional fees and/or deposits
Planning	Draft approval extension request	\$500.00	
Planning	Amendment to subdivision / condominium Agreement	\$455.00	+ professional fees
Planning	Deposit for Notice Costs	\$1,400.00	Unused balance to be refunded to applicant.
Planning	Deposit for Legal Fees	\$1,000.00	Unused balance to be refunded to applicant.
Site Plan Control Fees			
Planning	Site Plan Control Application – Minor	\$400.00	+ professional fees

Section	Fee Description	Fee	Details
Planning	Site Plan Control Application – Major	\$900.00	+ professional fees and legal deposit.
Planning	Major revisions requiring recirculation	\$400.00	
Planning	Minor revisions not requiring recirculation	\$150.00	
Planning	Release of Site Plan Agreement	\$200.00	+ professional fees
Planning	Amendment of Site Plan Agreement	\$200.00	+ professional fees
Planning	Deposit for legal fees	\$1000.00	Unused balance to be refunded to applicant.
Other Applications and General Fees			
Planning	Development Agreement	\$900.00	+ professional fees
Planning	Deeming By-law	\$500.00	+ professional fees
Planning	Part Lot Control	\$400.00	
Planning	Validation By-law	\$700.00	
Planning	Zoning and Building Compliance Letter	\$100.00	
Planning	Application for Letter of Comfort	\$350.00	
Planning	Application to purchase or lease municipal property – road/shore allowance abutting property owned by applicants	\$570 + costs and min. of \$1150 or fair market value	
Planning	Application to purchase or lease municipal property	\$570.00 + fair market value as established by Council	
Planning	Appeal of Order issued under Property Standards By-law	\$425.00	+ professional fees
Planning	Technical consent	\$700.00	
Planning	Costs in respect to appeals to Ontario Land Tribunal	Cost recovery	
Planning	License of Occupation – Sidewalk Café	\$0	
Planning	License of Occupation – Small Sidewalk Patio	\$0	
Planning	License of Occupation – Large Sidewalk Patio	\$0	
Planning	Marchandise Display	\$0	
Planning	Communication Tower Consultation	\$500.00	
Planning	Phase I or Phase II Environmental Letter	\$250.00	
Planning	Special Meeting of PAC	\$425.00	
Planning	Release from Title of any Agreement	\$300.00	+ professional fees