

The Corporation of the City of Kenora

By-Law Number 43 - 2024

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-imbursment to the Corporation is required, such re-imbursment 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 Planning and Building 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 Planning and Building Services or CAO determines that the file should be closed due to inactivity, then the Director of Planning and Building Services or CAO may approve a partial refund of the fee which he or she deems reasonable in the circumstances.
5. The Director of Planning and Building 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 156-2021 be hereby repealed.

By-Law Read a First and Second Time this 26th day of March, 2024

By-Law Read a Third and Final Time this 26th day of March, 2024

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

SCHEDULE 'A'
PROCESSING OF APPLICATIONS MADE IN RESPECT OF PLANNING MATTERS
To By-Law Number 43 - 2024

| Section | Fee Description | Fee | Details |
|--|--|---------------------------|---|
| Official Plan and Zoning Amendment Fees | | | |
| Planning | Official Plan Amendment | \$5,000.00 | + deposit & legal fees |
| Planning | Zoning By-law Amendment (including temporary use and interim control by-laws, includes removal of holding provision) | \$2,000.00 | + deposit & legal fees |
| Planning | Additional meeting due to amendment by applicant | \$370.00 | |
| Planning | Deposit for Notice Costs | \$1500.00 | Unused balance to be refunded to applicant. |
| Planning | Minor revisions requiring internal circulation only | \$525.00 | |
| Planning | Major revisions requiring new notices, or requests from applicant to reschedule/defer meeting date | \$525.00 | + deposit for notice costs |
| Planning | Re-scheduling of meeting at request of applicant | \$525.00 | + deposit for notice costs |
| Minor Variance Fees | | | |
| Planning | Minor Variance Application | \$800.00 | |
| Planning | Deferral of PAC meeting date at request of applicant | \$210.00 | |
| Planning | Amendment to Minor Variance application requiring re-circulation | \$30000 | |
| Planning | Amendment to Minor Variance application not requiring re-circulation | \$150.00 | |
| Consent Fees | | | |
| Planning | Consent Application | \$1,500.00 \$300.00 | First lot Second & subsequent lots |
| Planning | Deferral of PAC meeting date at request of applicant | \$210.00 | |
| Planning | Amendment to Consent application requiring re-circulation | \$300.00 | |
| Planning | Amendment to Consent application not requiring re-circulation | \$150.00 | |
| Planning | Agreement as a condition of Consent approval | \$500.00 | + deposit for legal fees |
| Plan of Subdivision or Condominium Fees | | | |
| Planning | Application for Plan of Subdivision / Condominium description | \$2,500.00 + \$300/lot | + deposit for notice & legal fees |
| Planning | Draft approval extension request | \$525.00 | |
| Planning | Amendment to subdivision / condominium Agreement | \$475.00 | + deposit for legal fees |
| Planning | Deposit for Notice Costs | \$1,500.00 | Unused balance to be refunded to applicant. |
| Planning | Deposit for Legal Fees | \$1,100.00 | Unused balance to be refunded to applicant. |
| Site Plan Control Fees | | | |

| Section | Fee Description | Fee | Details |
|--|--|--|---|
| Planning | Site Plan Control Application – Minor | \$450.00 | + deposit for legal fees |
| Planning | Site Plan Control Application – Major | \$1,000.00 | + deposit for legal fees |
| Planning | Major revisions requiring recirculation | \$300.00 | |
| 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 | \$1100.00 | Unused balance to be refunded to applicant. |
| Other Applications and General Fees | | | |
| Planning | Development Agreement | \$1,000.00 | + deposit for legal fees |
| Planning | Deeming By-law | \$550.00 | + deposit for legal fees |
| Planning | Part Lot Control | \$450.00 | |
| Planning | Validation By-law | \$750.00 | |
| Planning | Zoning and Building Compliance Letter | \$110.00 | |
| Planning | Application for Letter of Comfort | \$400.00 | |
| Planning | Application to purchase or lease municipal property – road/shore allowance abutting property owned by applicants | \$650.00 + costs and min. of \$1150 or fair market value | + deposit for legal fees |
| Planning | Application to purchase or lease municipal property | \$800.00 + fair market value as established by Council | + deposit for legal fees |
| Planning | Appeal of Order issued under Property Standards By-law | \$500.00 | deposit for legal fees |
| Planning | Technical consent | \$750.00 | |
| 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 | Merchandise Display | \$0 | |
| Planning | Communication Tower Consultation | \$500.00 | |
| Planning | Phase I or Phase II Environmental Letter | \$300.00 | |
| Planning | Special Meeting of PAC | \$500.00 | |
| Planning | Release from Title of any Agreement | \$315.00 | + deposit for legal fees |