

The Corporation of the City of Kenora

By-Law Number 37 - 2020

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 Development Services Manager 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 Development Services Manager 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 Development Services Manager or CAO determines that the file should be closed due to inactivity, then the Development Services Manager or CAO may approve a partial refund of the fee which he or she deems reasonable in the circumstances.
5. The Development Services Manager 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.

By-Law Read a First and Second Time this 18th day of February, 2020

By-Law Read a Third and Final Time this 18th day of February, 2020

The Corporation of the City of Kenora:-

Rory McMillan, Deputy Mayor

Heather Pihulak, City Clerk

SCHEDULE 'A' – PROCESSING OF APPLICATIONS MADE IN RESPECT OF PLANNING MATTERS

To By-Law Number 37-2020

Fee Description	Fee	Details
Official Plan Amendment	\$1,500.00	+ Professional fees, where applicable
Zoning By-law Amendment (including temporary use, holding and interim control bylaws)	\$ 1,100.00	+ Professional fees, where applicable
Application for Minor Variance	\$ 325.00	
Application for Consent	\$ 550.00	
Further consideration of an application upon deferral of a Planning Advisory Committee decision at request of applicant	\$ 100.00	
Amendment to any application noted above where such changes require recirculation	\$ 200.00	
Amendment to any application noted above where such changes do not require recirculation	\$ 100.00	
Special meeting of Kenora Planning Advisory Committee	\$ 375.00	
Copy of Comprehensive Zoning By-law	\$ 55.00	
Copy of City of Kenora Official Plan	\$ 50.00	
Application for Plan of Subdivision/condominium description	\$ 2,000.00 \$ 4,000.00 \$ 5,000	1-19 lots/units 20-39 lots/units 40 + units
Deeming by-law	\$ 250.00	+Professional Fees &Registration Fees
Part Lot Control	\$ 350.00	
Validation By-law	\$ 350.00	
Zoning Compliance Letter	\$ 50.00	
Building Compliance Letter	\$ 50.00	
Zoning and Building Compliance Letter	\$ 90.00	
Application for Letter of Comfort	\$ 175.00	
Technical Consent	\$ 350.00	
Costs in respect to appeals to LPAT		Cost Recovery including Professional Fees where applicable
Processing Appeals to LPAT	\$ 150.00	
Planning Agreements		
Site plan – minor and under 7 residential units	\$ 200.00	+Professional/registration fees
Site plan – major industrial/commercial/institutional and 7 and over residential units	\$ 800.00	+Professional/registration fees
Development agreement	\$ 800.00	+ Professional/registration fees
Subdivision/condominium agreement	\$ 900.00	+ Professional/registration fees
Amendment to subdivision/condominium or site plan agreement	\$ 400.00	+ Professional/registration fees
Agreement as a condition of consent	\$ 100.00	+ Professional/registration fees
Release from Title of any agreements noted above	\$ 300.00	+ Professional fees
Release of Site Plan Agreement	\$ 100.00	+Professional fees, where applicable
Amendment of Site Plan Agreement	\$ 100.00	+Professional fees, where applicable