

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA
BY-LAW NUMBER 49-2023

**BEING A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR PLANNING MATTERS
AND TO REPEAL BY-LAW 17-2015 AS AMENDED**

Whereas the provisions of Section 69 (1) of the Planning Act, 1990, as amended, provides that the Council of a Municipality may, by by-law, prescribe a tariff of fees for the processing of applications made in respect of planning matters;

And Whereas Section 391 of the Municipal Act 2001, S.O. 2001, as amended, provides for a municipality to pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control;

And Whereas Section 398(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to add fees and charges to the tax roll for the property and collect them in the same manner as municipal taxes;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS AS FOLLOWS:

1. The amounts as set out in Schedule A to this By-Law, Columns 2 and 3, shall be paid to the Treasurer of the Township of East Garafraxa with any application made in respect of the Planning Matters listed in Column 1.
2. The fees listed in Schedule A to this By-Law, Column 2 are required for the purposes of the administrative processing of applications listed in Column 1, by the Township of East Garafraxa including the use of staff time, corporate overhead, office equipment, supplies, postage and advertising. The fees listed in Columns 2 and 3 must accompany application.
3. The fees listed in Schedule A to this by-law, Column 3, are security deposits held in trust, should the applicant not cover the invoiced costs of any external consultants and professional experts used by the Township of East Garafraxa for the purposes of processing Column 1 items. Applicants are expected to pay any invoice received from all external consultants and professional experts used by the Township on their application, within 30 calendar days of the date of the invoice to keep the application(s) active. Security deposits will be released back to the applicant upon satisfactory confirmation by the Township that all outstanding invoices have been paid, and either 1) upon a written request from the applicant to withdraw the Column 1 application request, OR after a minimum of 60 calendar days have passed upon the completion of said applications in Column 1 and as certified complete by the Township Registered Professional Planner.
4. The fees listed in Schedule A to this by-law, Column 2, are not intended to cover the fees of the attendance at Ontario Land Tribunal OLT or the actual expenses incurred by the Township of East Garafraxa in the processing of an application or an appeal of a decision of Council to OLT, or the preparation or giving of evidence at an OLT hearing on the applicant's behalf. Additional costs or charges, if any, shall be taken from funds listed in Column 3 (deposits), which must be immediately replenished to the full deposit amount by the applicant upon request.
5. The Treasurer is granted authority under this by-law with the ability to reduce and/or waive Column 2 fees for applicants, upon consultation with the CAO and documented evidence that discretion and/or leniency is warranted.
6. Upon completion of the project/development, and all fees and charges have been paid to the satisfaction of the Treasurer of the Township of East Garafraxa, the remaining unused deposit(s) will be returned to the applicant without interest.
7. Any provisions of this by-law which may be determined by a competent court to be

beyond the jurisdiction of Council to enact, shall be considered to be severable and shall not affect the validity of the remainder of the by-law.

- 8. Any required amount not paid to the Township of East Garafraxa which is recoverable from the Applicant and for which payment remains outstanding for greater than 60 days may be added to the tax roll for the property subject to the Application and shall be collected in the same manner as municipal taxes by the Township under the provisions of the Municipal Act.
- 9. That By-Laws 17-2015, 19-2021, 37-2021, 36-2022 and 67-2022 are hereby repealed.
- 10. That this By-Law shall take effect January 1, 2024.
- 11. In the event of any conflict between the provisions of this by-law and any previous by-law(s) or resolution(s) passed by Council, the terms outlined in this by-law shall prevail.

BY-LAW READ A FIRST AND SECOND TIME THIS 12th DAY OF DECEMBER 2023
BY-LAW READ A THIRD TIME AND PASSED THIS 12th DAY OF DECEMBER 2023

CLERK

HEAD OF COUNCIL

PROPOSED CHANGES

SCHEDULE 'A' TO BY-LAW 49-2023

TARIFF OF FEES FOR PLANNING MATTERS

COLUMN 1 APPLICATIONS	COLUMN 2 FEES	COLUMN 3 DEPOSITS
Land Use Inquiry <i>Note: Includes Zoning Compliance Letters</i>	\$150	Not applicable
Draft Plan of Subdivision Application	\$10,000	\$20,000
Administration Charge per Subdivision Lot / Condominium Unit	\$500	Not applicable
Subdivision Agreement	\$5,000	\$10,000
Draft Plan of Condominium Application	\$10,000	\$20,000
Condominium Agreement	\$5,000	\$10,000
Extension of Draft Approval	\$2,000	\$5,000
Development Agreement	\$5,000	\$10,000
Official Plan Amendment (Minor)	\$3,000	\$5,000
Official Plan Amendment (Major)	\$5,000	\$10,000
Zoning Bylaw Amendment (Minor)	\$2,000	\$3,000
Zoning Bylaw Amendment (Major)	\$5,000	\$5,000
Holding Zone Removal	\$2,000	\$3,000
Temporary Use Bylaw	\$2,000	\$3,000
Minor Variance	\$1,000 \$2,000	\$2,500 Not Applicable
Site Plan Application — (Minor/Residential Uses)	\$3,000	\$5,000
Site Plan Application – (Major/Commercial Industrial and Institutional Uses)	\$5,000	\$10,000
Site Plan Agreement Amendment Application	\$2,000	\$3,000
Consent Application	\$2,000	\$3,000
Parkland Dedication for consent applications	\$1,500	Not applicable
Municipal Approval for a Building/Demolition Permit Application	\$200	Not applicable
All other Planning Act Applications	\$1,000	\$1,000
Validation of Title	\$800	Not applicable
Pre-Consultation (Minor) <i>Note: Includes Minor Site Plan Applications</i>	\$1,000	\$2000 Not Applicable
Pre-Consultation (Major)	\$2,000	\$5,000

Pre-Consultation (Plan of Subdivision and Major Site Plan Approvals)	\$2,000	\$25,000
Revised Application requiring recirculation	50% of current fee	50% of current deposit

- ~~• **Minor:** an application is determined to be “Minor” where no technical studies are required for review, or only a scoped technical study is required.~~
- ~~• **Major:** an application is determined to be “Major” where several technical studies and /or significant work to review are required.~~

PROPOSED CHANGES