

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW NO. 2014-25

**BEING A BY-LAW TO PRESCRIBE A TARIFF OF FEES
FOR THE PROCESSING OF APPLICATIONS
MADE IN RESPECT OF PLANNING MATTERS**

WHEREAS Section 69 of the Planning Act R.S.O. 1990, c. P.13, as amended, provides the statutory authority for a by-law prescribing a tariff of fees for the processing of applications made in respect of planning matters.

AND WHEREAS Section 391(1) of the Municipal Act, 2001, S.O. 2001, c.25 provides the statutory authority for a by-law prescribing fees and charges for the processing of applications made in respect of services or activities provided or done by a municipality and for the use of its property.

NOW THEREFORE the Council of the Corporation of the United Townships of Dysart et al enacts as follows:

1. The fee for each application for a Certificate of Occupancy is \$60.00. (Section 34(6) of the Planning Act)
2. The fee for each application for a deeming by-law is \$800.00. The fee includes a non-refundable administration fee of \$100.00 and a fee to register the by-law in the Land Registry Office for the County of Haliburton. (Section 50(4) of the Planning Act)
3. The fee for each application for a minor variance is \$750.00. If the application is referred to the Ontario Municipal Board for a hearing, Paragraph 13 applies. (Section 45 of the Planning Act)
4. The fee for each application for a zoning by-law amendment is \$1000.00. If the Municipality requires the services of a solicitor, surveyor, engineer or other professional to complete the review of the application, Paragraph 12 applies. If the application is referred to the Ontario Municipal Board for a hearing, Paragraph 13 applies. (Section 34 of the Planning Act)
5. The fee for each application for an official plan amendment is \$2000.00, which is a non-refundable administration fee. If the Municipality requires the services of a solicitor, surveyor, engineer or other professional to complete the review of the application, Paragraph 12 applies. If the application is referred to the Ontario Municipal Board for a hearing, Paragraph 13 applies. (Section 22 of the Planning Act)
6. The fee for the review of a proposal and/or the application for a subdivision or condominium application is \$3000.00 of which \$2000.00 is a non-refundable administration fee. The application fee is considered a deposit towards the total cost to process the application. The corresponding subdivision agreement is a separate fee in accordance with Paragraph 10 below. If the Municipality requires the services of a solicitor, surveyor, engineer or other professional to complete the review of the application, Paragraph 12 applies. If the application is referred to the Ontario Municipal Board for a hearing, Paragraph 13 applies. (Section 51 of the Planning Act)

7. The fee for the review of a severance proposal and/or an application for consent is as follows:
 - Lot creation: \$500.00;
 - Lot addition and right of way: \$200.00; and
 - Resubmission of a proposal and/or an application: \$100.00

The above fees are non-refundable administration fees. If the Municipality requires the services of a solicitor, surveyor, engineer or other professional to complete the review of the application, Paragraph 12 applies. If the application is referred to the Ontario Municipal Board for a hearing, Paragraph 13 applies. (Section 53 of the Planning Act)

8. The fee for each application for a site plan agreement is \$1200.00 of which \$500.00 is a non-refundable administration fee. The application fee is considered a deposit towards the total cost to process the application and to register the agreement in the Registry Office for the County of Haliburton. If the Municipality requires the services of a solicitor, surveyor, engineer or other professional to complete the review of the application, Paragraph 12 applies. If the application becomes the subject of an Ontario Municipal Board hearing, Paragraph 13 applies. (Section 41(7)(c) of the Planning Act)
9. The fee for each application for a responsibility agreement is \$1200.00 of which \$500.00 is a non-refundable administration fee. The application fee is considered a deposit towards the total cost to process the application and to register the agreement in the Registry Office for the County of Haliburton. The Municipality will recover the cost for the Municipal solicitor to prepare the agreement and for the Municipal engineer to peer review the required hydrogeology study and accompanying plans. Paragraph 12 applies.
10. The fee for each application for a subdivision agreement or severance agreement is \$1200.00 of which \$500.00 is a non-refundable administration fee. The application fee is considered a deposit towards the total cost to process the application and to register the agreement in the Registry Office for the County of Haliburton. If the Municipality requires the services of a solicitor, surveyor, engineer or other professional to complete the review of the application, Paragraph 12 applies. If the application becomes the subject of an Ontario Municipal Board hearing, Paragraph 13 applies. (Section 51(26) of the Planning Act).
11. The fee for each application for a license of occupation agreement is \$300.00. The application fee is considered a deposit towards the total cost to process the application. If the Municipality requires the services of a solicitor, surveyor, engineer or other professional to complete the review of the application, Paragraph 12 applies. (Sections 9 and 11 of the Municipal Act).
12. The Municipality shall charge against the deposits referred to in Paragraphs 4 through 11 inclusive, all costs relating to the processing of the application. These costs may include all planning fees, legal fees, engineering fees, fees of other professionals, registration fees, disbursements, reproduction costs, postage, advertising, telephone charges, facsimile charges, peer review fees and any other reasonable costs which may be incurred by the Municipality.

Where the services of the municipal solicitor, the municipal engineer or other profession is required to process an application, a deposit of \$5000.00 will be submitted by the applicant, upon submission of the application. Additional funds may be requested from time to time, to fully cover the municipal expenses. Work will not be completed by the Municipality, its solicitor or consultants until such deposit has been paid by the applicant.

13. If Council supports an application and its decision on the application is appealed to the Ontario Municipal Board by someone other than the applicant, the applicant will be responsible for all Municipal costs to defend the decision. These costs may include all planning fees, legal fees, engineering fees, fees of other professionals, disbursements, reproduction costs, telephone charges, facsimile charges, peer review fees and any other reasonable costs which may be incurred by the Municipality.

The applicant will submit a deposit of \$5000.00 to the Municipality, upon submission of the file to the Ontario Municipal Board. Additional funds may be requested to fully cover the Municipal expenses. Work will not be completed by the Municipality, its solicitor or consultants until such deposit has been paid by the applicant.

14. The Municipality will keep an accurate record of all costs incurred with respect to planning applications.

Upon completion of the processing of an application, the Municipality will reconcile the account for the applications where a deposit has been paid pursuant to Paragraphs 11 and/or 12. A refund of the deposit will be made with the exception of those costs incurred by the Municipality, as determined by the Director of Planning and Development.

If the cost to process an application exceeds the deposit, the applicant will be responsible for the additional costs and will pay such costs upon invoice by the Municipality.

15. This By-law shall come into force and effect on the date of passing.

16. By-law 2013-25 is hereby repealed.

READ a first, second and third time, passed, signed and the Corporate Seal attached hereto this 24th day March, 2014.

Reeve: Murray Fearrey

Clerk: Cheryl Coulson