

The Corporation of the Town of Spanish

By-Law 2020-09

Being a By-Law To Establish a Tariff of Fees For The Processing of Applications made in Respect of Planning Matters Within The Town of Spanish

Whereas Section 69(1) of the Planning Act, R.S.O. 1990, Chapter P.13 provides that the Council of a municipality, by by-law establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the Council of the municipality in respect of the processing of each type of application provided for in the tariff;

And Whereas the cost to the municipality may include both internal administrative costs and disbursements paid to external agencies and service suppliers as part of the anticipated costs;

And Whereas the cost to the municipality may also include costs in connection with proceedings before the “Local Planning Appeal Tribunal” (LPAT);

And Whereas the Council of the Corporation of the Town of Spanish deems it expedient to enact a by-law to establish a tariff of fees to recover the anticipated costs for the processing of planning applications;

Now Therefore the Council of the Corporation of the Town of Spanish Hereby Enacts As Follows:

1. Definitions-In this By-Law:

- (a) “Applicant” means a person who submits a planning application and, in the case of an application submitted by the authorized agent of the property owner, it shall include both the property owner and the authorized agent;
- (b) “Application Fee” means a fee payable for a planning application in accordance with the Tariff of Fees, which covers the anticipated costs including advertising fees, public notice, Planner’s Report and the administration fees for an application exclusive of costs associated with an appeal process.
- (c) “CAO” means the Chief Administrative Officer of the Municipality;
- (d) “Committee of Adjustment” means a committee appointed by Council pursuant to Section 44(1) of the Planning Act;
- (e) “Council” shall mean the Council of the Corporation of the Town of Spanish;
- (f) “External Costs” shall mean costs and expenses paid by or on behalf of the Municipality to an external agency or service provider, including but not limited to legal, engineering, surveying, and consulting costs and expenses, in connection with a planning application or its related (LPAT) appeal;
- (g) “Municipality” shall mean the Town of Spanish;
- (h) “Planning Application” means any application for approval made pursuant to the Planning Act, R.S.O. 1990, Chapter P.13, as amended;
- (i) “Related Tribunal Appeal” means an appeal to the (LPAT) in circumstances where the municipality is required to appear before the Tribunal in support of a decision by Council to approve a planning application for the benefit of the municipality and/or the applicant;
- (j) “Tariff of Fees” means the tariff of application fees to be charged by the Municipality in respect of planning applications as set out in Schedule “A” to this by-law.
- (k) “Execution” means the passing by Council of the final agreement, by-law, and document, as prepared by the applicant’s representative.

2. **Tariff of Fees**
The Municipality and any Committee of Adjustment shall charge an application fee in accordance with the Tariff of Fees for processing planning applications. A portion of the fees may be refunded where authorized in Schedule "A" to this by-law and pursuant to the authority of Section 69(2) of the Planning Act
3. **Fee Payable Upon Application**
The applicant shall pay the required application fee in full to the Municipality at the time of submitting the planning application and the Municipality shall not be required to process or otherwise consider or review the application until the fee has been paid.
4. **External Costs**
In addition to the application fee, the applicant shall pay all external costs incurred by the Municipality in respect of the planning application.
5. **Agreement to Indemnify**
Every planning application shall include an Agreement to indemnify the Municipality as set out in Schedule "B" to this by-law that the applicant shall be required to execute and deliver to the Municipality, failing which the Municipality shall be entitled to treat the application as being incomplete for the purpose of processing or otherwise considering it.
6. **Deposit On Account of External Costs**
 - (a) Despite Section 5, if the Municipality determines at any time or times that it will be required to incur external costs in respect of a planning application, the Municipality may require as a condition of it processing or continuing to process the planning application that the applicant deposit with the Municipality such amount or amounts on account of the anticipated external costs as estimated by the external sources.
 - (b) If an applicant fails or refuses to comply with a request by the Municipality to deposit funds as security for external costs as required by Section 6 (a) of this by-law, the Municipality shall be entitled to cease all work in connection with the processing of the planning application until the required deposit has been paid.
7. **Participation in Local Planning Appeal Tribunal Proceedings**
If a decision of Council approving a planning application is appealed to the (LPAT) and the Municipality is required, or requested by the applicant, to appear as a party at the hearing of the appeal in support of its decision, the applicant shall pay any external costs incurred in connection with the hearing and the provisions of Sections 6 (a) and (b) shall apply with necessary modifications.
8. **Enforceability of Agreement to Indemnify**
If an application fails to reimburse the Municipality for its external costs when due, the applicant shall be deemed to be in default of the Agreement to indemnify and the Municipality may, in addition to any other remedies available to it at law, recover the amount owing by action.
9. **Severability**
If any Section, clause, sub-clause, provision or part of this By-Law should be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole, nor any part thereof, other than the part declared invalid.
10. **Effective Date**
This By-Law shall come into force and take effect immediately upon passing thereof by Council.

11. Repealing Previous By-Law
That By-Law 2018-21 “Being a by-law to establish a tariff of fees for the processing
of applications made in respect of planning matters within the Town of Spanish” is
hereby repealed.

Read a first time this
4th day of March, 2020.


Jocelyne Bishop-Mayor


Pam Lortie-CAO

Read second and third time
And finally passed this
17th day of June, 2020.


Jocelyne Bishop-Mayor


Pam Lortie-CAO

Schedule "A" To By-Law 2020-09
 Tariff of Fees for Planning Matters

Fees Payable
**[The fees below 1.--10. include the Municipal Planner's fee plus a Municipal
 Administration fee of \$50.00]**

[See Section 4-External Cost]

	Type of Application	Fee Payable
1	Consent Applications Each additional consent-same parcel of land	\$ 300.00 * \$ 300.00
2	Official Plan Amendment -Major Application (see note 1) Official Plan Amendment -Minor Application (see note 2)	\$2,550.00 * \$ 1,550.00 *
3	Zoning By-Law Amendment	\$ 1,050.00 *
4	Lifting "H" Symbol Amendment	\$ 550.00
5	Minor Variance (see note 3)	\$ 300.00
6	Execution of Deeming By-Law (see note 4)	\$ 250.00 per lot
7	Plan of Subdivision or Condominium Approval-20 lots 21-50 lots 50 + lots	\$2,050.00 \$4,050.00 \$6,050.00
8	Execution of Subdivision Agreement	\$ 800.00 *
9	Execution of Validation of Title (see note 5)	\$ 550.00
10	Site Plan Approval (see note 6)	\$ 550.00
11	Zoning or Building Conformations	\$ 40.00
12	Copy of Zoning By-Law	\$ 25.00
13	Copy of Official Plan By-Law	\$ 25.00

Refundable fees:

*The following Refund Considerations shall be applicable on the applications as marked above, by asterisk.

- (a) Application submitted, and withdrawn, no advertisement-33%
- (b) Application submitted, Planning Report prepared, public meeting advertised, application withdrawn or refused-20%

Notes:

1. Major Official Plan Amendment: An application that is significant in scale and scope which may have greater impact or policy implication beyond the subject lands. Such applications may include those relating to multiple properties; site specific proposals that represent large scale development/significant change in use; and applications involving significant changes to the test/policies of the Official Plan.
2. Minor Official Plan Amendment: An application that is a small scale amendment to the Official Plan policies and designations, having limited impact or policy implications beyond the subject lands.
3. A minor variance is a small variation from the requirements of the zoning by-law under Section 45 (1) of the Planning Act. There are four tests a minor variance must meet:
 - a) General intent and purpose of the Official Plan are maintained.
 - b) The general intent and purpose of the Zoning By-Law are maintained.
 - c) The variance is minor; and
 - d) The proposed use of land, building or structure is desirable for appropriate development.
 - e) Where the Committee of Adjustment is authorized to grant variances to other by-laws, the application fee shall be the same as if the application were for a minor variance.
4. A deeming By-Law application is applied for in order to allow for two or more neighbouring lots on a registered plan of subdivision to merge.
5. Validation of title is to grant authority to validate title to a property which was conveyed in contravention of the Planning Act.
6. Site Plan Approval is a form of development control provided to municipalities by Section 41 of Planning Act. It ensures that municipal and other agency standards and requirements are met.

Schedule “B” to By-Law 2020-09

Agreement to Indemnify

The applicant hereby agrees to indemnify and save harmless the Corporation of the Town of Spanish (“the Municipality”) from all anticipated costs and expenses that the Municipality and any Committee of Adjustment appointed thereby may incur in connection with the processing of the applicant’s application or approval under the Planning Act.

Without limiting the foregoing, such costs and expenses will include all legal, engineering, planning, and consulting fees and charges incurred or payable by the Municipality to process the application together with all costs and expenses arising from or incurred in connection with the Municipality being required, or requested by the applicant, to appear at the hearing of any appeal to the Local Planning Appeal Tribunal from any decision of the Council or Committee of Adjustments, as the case may be, approving the applicants’ application.

The applicant acknowledges and agrees that if any amount owing to the Municipality in respect of the application is not paid when due, the Municipality will not be required to process or to continue processing the application, or to appear before the (LPAT) in support of a decision approving the application until the amount has been paid in full.

The applicant further acknowledges and agrees that any amount owing by the applicant to the Municipality is, when due, a debt of the applicant and the Municipality may, in addition to any other remedies available to it at law, recover the amount owing together with interest from the applicant by action.

Declared before me at

In the Province of Ontario

_____ day of _____, _____

Applicant’s Name (Please Print)

A Commissioner, etc.

Applicant’s Signature