



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-003

A by-law to provide for the establishment of fees to be charged in the processing of applications made in respect of planning matters, subject to Supplemental Notes, and to repeal By-law 2020-131

WHEREAS the Council of The Corporation of the Town of Oakville is empowered under Section 69(1) of the *Planning Act, R.S.O.1990, c.P-13*, as amended, to prescribe a tariff of fees for the processing of applications made in respect of planning matters;

WHEREAS rates and fees are approved by Council as part of the annual budget process; and,

WHEREAS it is deemed advisable that rates and fees established under Section 69(1) of the *Planning Act* shall be subject to the provisions of this by-law.

COUNCIL ENACTS AS FOLLOWS:

1. A tariff of fees is hereby established for the processing of applications made in respect of planning matters and shall be as set out in the fees and charges for such matters as approved as part of the town's annual budget process, or as revised by Council at any time.
2. The application of the fees established pursuant to section 1 shall be subject to the Supplemental Notes set out in Schedule 'A' to this by-law.
3. Payment of all fees is due at the time the applicable application is made or service request is submitted and shall be submitted in a form of payment acceptable to the Town.
4. No request by any person for any service or activity regarding applications made in respect to planning matters set out in the fees and charges will be processed or provided by the Town unless and until the person requesting the service or activity has paid the applicable fee in the prescribed amount.

5. Fees paid by a cheque which is returned by a financial institution for insufficient funds shall be deemed never to have been paid and the applications to which the fees relate will be deemed incomplete.
6. Notwithstanding the tariff of fees approved as part of the town's annual budget process, Council or the Committee of Adjustment, at their discretion, reduce the amount of or waive the requirement for the payment of fees where the Council or the Committee of Adjustment is satisfied that it would be unreasonable to require payment in accordance with the approved tariff of fees.
7. By-law 2020-131 is hereby repealed.
8. This by-law comes into effect on March 1, 2023.
9. Unless Council specifically provides otherwise, amendments to the fee tariff through an annual budget process shall be deemed to come into effect on the later of January 1st of the budget year, or the date of approval of the rates and fees through the budget process.

PASSED this 27th day of February, 2023

MAYOR

CLERK

Schedule 'A' – Supplemental Notes

Notes Pertaining to Fees and Charges as approved as part of the town's annual budget process:

- (1) Fee Calculation:
 - a) For all applications proposing residential uses, the variable fee calculation based on unit count shall only be applied to "dwelling units" as defined in the applicable zoning by-law. For residential uses that propose other types of units, not defined as "dwelling units" (e.g. residential care facility rooms), the variable fee based on site area or gross floor area shall apply, whichever is greater.
 - b) Where a non-residential variable fee is required for a single block or lot, the greater fee between either the site area or the gross floor area shall be applied.
- (2) Development Applications requiring subsequent Site Plan approval: Where a development application (i.e. Zoning By-law Amendment application or draft plan of subdivision) proposes development block(s) or lot(s) that will require subsequent site plan approval, the site area of the affected block(s) or lot(s) shall be the applicable variable fee for the subject block(s) or lot(s). The residential variable fee for all development block(s) or lot(s) which are not subject to site plan approval shall continue to apply to those portions of the block(s) or lot(s) not subject to site plan approval.
- (3) Conservation Authority Fees and Halton Region Fees: The need for these fees will be reviewed at the time of pre-consultation or through consultation with Halton Region and/or local Conservation Authority staff prior to staff proceeding further with the application.
- (4) Peer Review: When evaluation of technical reports or other technical material relating to an application by a peer review consultant is required by the Town, an additional fee will be required equal to the actual cost of the peer review.
- (5) Agreements: Where an application will require an agreement, the prescribed fee for that agreement may be collected either at the time the application is submitted or during the processing of the application, but prior to the preparation or execution of the agreement by the Town.
- (6) Special Meeting of Committee of Adjustment: This fee will be charged when the applicant requests a Committee of Adjustment meeting outside of the pre-scheduled Committee of Adjustment meeting schedule. The fee will be charged for each application taken to that special Committee of Adjustment meeting.
- (7) Refund Policy: Refunds for withdrawn applications are at the discretion of the Director of Planning Services, except for Committee of Adjustment applications which are at the discretion of the Manager of Zoning and Committee of Adjustment. All requests for refunds must be made in writing to the Director of Planning Services or Manager of Zoning and Committee of Adjustment, as

appropriate. Refunds will be based on the following criteria:

- a) Withdrawal of an application prior to the circulation to the commenting agencies – up to 60% of the Town of Oakville application fee may be returned.
 - b) Withdrawal of an application during or after circulation but prior to one of the following: any statutory public meetings; preparation of staff reports; or drafting of agreements and by-laws – up to 20% of the Town of Oakville application fee may be returned.
 - c) There shall be no refund of fees after statutory public meetings having been held or after staff reports or bylaws have been prepared for a statutory public meeting.
 - d) Where an application is appealed to the Ontario Land Tribunal, at any point in the application review process, no refund of fees shall be provided.
- (8) An Annual Maintenance Fee equal to 5% of the Town-portion of the application fee in effect for the current calendar year, will apply to all *Planning Act* applications where a final decision has not been made by Town Council (or delegated approval authority) within one year of when an application has been deemed complete. The annual maintenance fee will be applied after the expiration of the one year anniversary date of when the application was deemed complete, and annually thereafter.

Failure to submit the applicable Annual Maintenance Fee to the Director of Planning Services within 30 days of written notice will result in closure of the file. Appealed applications will not be subject to the annual maintenance fee.

- (9) A Re-circulation Fee of 15% of the in-effect application fee will apply to every circulation of any *Planning Act* application, after the third circulation of the original application. (i.e. the circulation fee will apply at the fourth circulation and every re-circulation required thereafter.) This requirement may be waived by the Director of Planning Services provided the applicant outlines the justification for such a request in writing and undue hardship is demonstrated.
- (10) A Re-submission Fee of 25% of the in-effect application fee will apply to any applicant-initiated revision which in the opinion of the Director of Planning Services is substantially different from the original application to necessitate a broad circulation, and/or subsequent statutory public meeting, and/or a subsequent report to Town Council prior to a final decision by Council. This requirement may only be waived at the discretion of the Director of Planning Services on an individual case basis, and all requests must be made in writing outlining the justification for such consideration.
- (11) After a statutory public meeting is held, any additional Public Meeting requiring a circulation in accordance with *Planning Act* requirements, will be subject to an Additional Public Meeting fee. (One public meeting fee is included in the initial application fee.)
- (12) Consideration for changes to the application of planning fees for unique or complex applications

shall be at the discretion of the Director of Planning Services, and all requests must be made in writing outlining the justification for such consideration.

- (13) Additional fees may apply to development applications (beyond (8) and (9) above) where applications are subjected to changes, revisions or delays which require staff review beyond the typical scope of review. Applications which require several public meetings or staff consultation will also be subject to additional fees. The resulting fees will be determined by the Director of Planning Services in accordance with the Fee schedule in effect at the time of review.
- (14) Applications subject to a pre-submission review process, may be required to pre-pay a portion of the application fee at the time of a pre-submission review request. Any fees paid will be credited at the time of a formal application submission if a complete application (per *Planning Act* requirements) is made within 24 months of the pre-submission date.
- (15) A pre-consultation extension fee will not be charged for applications subject to a pre-submission review.
- (16) A refund of a pre-submission review fee may be considered where:
 - a) Withdrawal of a pre-submission prior to its circulation to Town Departments and commenting agencies – up to 60% of the fee may be returned.
 - b) Withdrawal of a pre-submission during or after circulation but prior to any formal comments are prepared and/or consolidated by the Town for an applicant – up to 20% of the fee may be returned.
 - c) There shall be no refund of fees after any of the following:
 - comments have been formally provided to an applicant,
 - an applicant has chosen to not pursue a full application,
 - the proposal has been substantially revised and warrants a new pre- submission review in the opinion of the Director of Planning Services, or
 - an applicant has not submitted a complete application(s) pursuant to the executed pre-consultation agreement and the time period within the pre-consultation agreement has lapsed and either the Director of Planning Services has not granted an extension or a new pre-consultation agreement has not been executed.
- (17) A variable rate for an Official Plan Amendment shall be up to a maximum of \$15,000.