

**CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND  
RICHARDS**

**By-Law # 47-2006**

**Being a by-law to amend By-Law #28-2002, being a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters in the Township of Killaloe, Hagarty and Richards.**

WHEREAS Section 69(1) of the Planning Act provides that the Council of the Municipality may by by-law, establish a tariff of fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 69(1) of the Planning Act provides that such tariff shall be designed to meet only the anticipated costs to the municipality or to a committee 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;

AND WHEREAS the cost to the municipality may also include costs in connection with proceedings before the Ontario Municipal Board;

AND WHEREAS the Council of the Corporation of the Township of Killaloe, Hagarty and Richards deems it expedient to enact a by-law to establish a tariff of fees for the processing of planning applications;

NOW THEREFORE the Council of the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

**1. DEFINITIONS:**

In this By-Law:

- (a) "Applicant" shall mean 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" shall mean a fee payable for a planning application in accordance with the Tariff of Fees;
- (c) "CAO/Clerk-Treasurer" shall mean the Chief Administrative Officer/Clerk-Treasurer of the Municipality;
- (d) "Council" shall mean the Council of the Corporation of the Township of Killaloe, Hagarty and Richards and includes the Committee of Adjustment for the Municipality in respect of those planning applications where the authority of Council has been delegated to it;
- (e) "External Costs" shall mean all 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, planning, surveying and consulting costs and expenses, in connection with a planning application or its related Board appeal;

- (f) "Municipality" shall mean the Township of Killaloe, Hagarty and Richards;
- (g) "Planning Application" shall mean any application for approval made pursuant to the Planning Act, RSO. 1990, C.P.13, as amended;
- (h) "Related Board Appeal" shall mean an appeal to the Ontario Municipal Board in circumstances where the Municipality is required to appear before the Board in support of a decision by Council to approve a planning application for the benefit of the applicant, and;
- (i) "Tariff of Fees" shall mean 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.

**2. TARIFF OF FEES:**

The Municipality shall charge a non-refundable application fee in accordance with the Tariff of Fees for processing planning applications.

**3. FEE PAYABLE UPON APPLICATION:**

The application 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 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:**

Despite Section 5, if the Municipality determines at any time or times that it will be required to incur external costs in respect of the 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 the CAO/Clerk-Treasurer deems advisable. If the applicant fails or refuses to comply with the request by the Municipality to deposit funds as security for external costs, 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 ONTARIO MUNICIPAL BOARD PROCEEDINGS:**

If a decision of Council approving a planning application is appealed to the Ontario Municipal Board 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 connections with the hearing and the provisions of Section 6 shall apply, with necessary modification.

**8. ENFORCEABILITY OF THE AGREEMENT TO INDEMNIFY:**

If an applicant fails to reimburse the Municipal 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, or 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 the final passing thereof by Council.

Read a first and second time this                    day of                    , 2007.

Read a third time and finally passed this                    day of                    ,  
2007.

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Mayor

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CAO/Clerk-Treasurer

**SCHEDULE "A"**  
**to By-Law #47-2006**

Being a By-Law to establish a tariff of fees for planning matters:

**FEES PAYABLE**

<u><b>Type of Application</b></u>	<u><b>Fee Payable</b></u>
1. Minor Variance	\$ 200.00
2. Official Plan Amendment	\$ 500.00
3. Zoning By-Law Amendment	\$ 400.00
4. Photocopies	\$ .20 per page
5. Zoning Compliance Letter/Report	\$ 25.00
6. Subdivision Agreement	\$1,000.00
7. Site Plan Approval	\$ 500.00
8. Agreements relating to planning matters other than those indicated in this schedule	Full Cost Recovery

All of the foregoing fees are non-refundable and do not include any external costs that the Municipality may incur in connection with its review of the application.

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Mayor

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CAO/Clerk-Treasurer

**SCHEDULE "B"**  
**TO**  
**By-Law #47-2006**

**AGREEMENT TO INDEMNIFY**

The applicant hereby agrees to indemnify and save harmless the Corporation of the Township of Killaloe, Hagarty and Richards ("the Municipality") from all costs and expenses that the Municipality may incur in connection with the processing of the applicant's application for 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 Ontario Municipal Board from any decisions of the Council or Committee of Adjustment, as the case may be, approving the applicant's 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 Ontario Municipal Board 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.

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Witness

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Applicant

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Municipality