

THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

BY-LAW NO. 41-24

A BY-LAW TO ADOPT A PLANNING FEE REFUND POLICY

WHEREAS Section 5 of the *Municipal Act, 2001*, as amended, authorizes Council to exercise its powers under the Act by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 69 of the *Planning Act, 1990*, as amended, authorizes Council to establish planning fees and provide fee reductions;

AND WHEREAS Council directed staff to bring forward a 'Planning Fee Refund Policy' at the April 15, 2024 Council meeting for review and consideration;

AND WHEREAS the Council of the Corporation of the Municipality of Strathroy-Caradoc deems it appropriate to approve a 'Planning Fee Refund Policy'.

NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC:

1. **THAT:** The Planning Fee Refund Policy attached to and forming part of this by-law be approved.
2. **THAT:** This by-law shall come into force and effect on the date of its final passage in Open Council.
3. **THAT:** Any previous by-laws inconsistent with the content of this by-law and policy are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 6TH DAY OF MAY, 2024.



Colin Grantham, Mayor



Brianna Hammer-Keidel, Clerk

STRATHROY-CARADOC PLANNING APPLICATION REFUND POLICY

1. Purpose

The purpose of this policy is to ensure a fair and consistent approach to providing refunds or waivers related to pre-consultation fees, zoning by-law amendment, official plan amendment, site plan control, and subdivision /condominium that also supports the recovery of processing costs.

2. Definitions

“Application” means an application made to under Section 22, 34, 41, and 51, of the Planning Act, R.S.O. 1990, c. P.13, as amended.

“Council” means the Municipality of Strathroy-Caradoc Council.

“Fee” means the applicable fee as approved by Municipality of Strathroy-Caradoc Council under the Planning Act for a zoning by-law amendment, official plan amendment, site plan control, and subdivision /condominium applications.

“Incomplete” means an application that does not contain all the information and material required to be included under Section 22, 34, 41, and 51 of the Planning Act, R.S.O 1990, c. P.13, as amended, and any regulations thereto.

3. Refund Policy

- a) Any request for a fee refund related to a withdrawn application shall be submitted to the Director of Building and Planning or his/her delegate in writing within 30 days of the withdrawal, using the prescribed form.
- b) Upon withdrawal of an application, and the submission of a written request to refund the application fee by the owner and/or authorized agent, the Director of Building and Planning or his/her delegate shall approve refunds as set out in [Schedule 1 – Refund Calculation for Withdrawn Application](#).
- c) The Director of Building and Planning or his/her delegate shall only be authorized to approve a refund of application fees in accordance with [Schedule 1 – Refund Calculation for Withdrawn Application](#).
- d) A report shall be provided to Council, on an annual basis, that includes a summary of refunds authorized in accordance with Schedule 1.

- e) A fee refund request for a reason other than the withdrawal of an application must be submitted to the Director of Building and Planning or his/her delegate in writing, using the prescribed form, for consideration and decision by Council. Upon receipt of the refund request, the Director of Building and Planning or his/her delegate shall add the request to an upcoming agenda and prepare a report to the Council for information and background on the refund request and outlines any incurred costs.

- f) A fee refund request due to the disagreement with the application of this policy must be submitted to the Director of Building and Planning or his/her delegate in writing, using the prescribed form, for consideration and decision by Council. Upon receipt of the refund request, the Director of Building and Planning or his/her delegate shall add the request to an upcoming agenda and prepare a report to the Council for information and background on the refund request and outlines any incurred costs.

- g) Any request for waiver of an application fee shall be submitted to the Director of Building and Planning or his/her delegate in writing for consideration and decision by the Council. Upon receipt of the waiver request, the Director of Building and Planning or his/her delegate shall add the request to an upcoming agenda and prepare a report to Council that provides information and background on the waiver request and outlines any anticipated costs. The waiver request must be approved by the Council prior to the submission of an application.

Schedule 1

Refund Calculation for Withdrawn Application

Stage	Request Timing	Refund (Percentage of Application Fee Returned)	Notes
1	Pre-consultation application meeting fees – before pre-consultation meeting	70% of pre-consultation fee	This covers costs with initial staff review of application for completeness, set up in Cloudpermit
2	Pre-consultation application meeting fees – after pre-consultation meeting, prior to submission of application	0% of pre-consultation fee	The pre-consultation fee is intended to cover the costs of staff time, circulation, meeting time and notes.
3	Application withdrawn prior to circulation of public hearing notice	70% of planning application fee, no pre-con fee refund	This covers costs with initial staff review of application for completeness, set up in Cloudpermit
4	Application withdrawn after circulation of notice and prior to public hearing	20% of planning application fee, no pre-con fee refund	This covers stage 3 costs plus staff time to circulate notice, complete review and provide comments, may include report writing.
5	Application withdrawn after public hearing has been held	0% of planning application fee, no pre-con fee refund	In addition to stages 3 & 4, a decision to approve, defer or refuse is made by the Committee