

The Corporation of the Township of North Frontenac

By-Law # 33-23

Being a By-law to establish requirements for the Processing of Planning Applications and for Ontario Land Tribunal Appeals and Repeal By-law #07-16

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

And Whereas the Council of the Corporation of the Township of North Frontenac deems it expedient to enact a by-law to establish the requirements for the processing of planning applications and to ensure costs associated with processing a planning application or to defend the Township at the Ontario Land Tribunal hearings are reimbursed by the benefiting party.

Now Therefore the Council of The Corporation of the Township of North Frontenac enacts as follows:

1. Definition

In this By-Law:

- a) **Applicant** means the Owner of the property that is the subject of the Planning Act application or the person who is authorized by the Owner to make the Planning Act application.
- b) **Application Fee** means a fee payable for a Planning Application in accordance with the Township's Fees and Charges By-law.
- c) **External Costs** means all costs and expenses paid by or on behalf of the Township to an external agency or service provider, including but not limited to legal, engineering, planning, surveying, advertising and consulting costs and expenses incurred in connection with a Planning Application.
- d) **Township** means The Corporation of the Township of North Frontenac.
- e) **Planning Application** means any application for approval made pursuant to the *Planning Act, RSO 1990, c. P.13*, as amended.
- f) **Ontario Land Tribunal Appeal** means an appeal to the Ontario Land Tribunal in circumstances where the Township is required to appear before the Ontario Land Tribunal in support of a decision by the Township to approve a Planning Application for the benefit of the Applicant.

2. Application Fee

The Township shall charge a non-refundable Application Fee in accordance with the Fees and Charges By-law, as amended.

3. Fees Payable Upon Application

The Applicant shall pay the required Application Fee in full to the Township at the time of submitting the Planning Application and the Township 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 Township in respect of the Planning Application.

The following hours for review by the Planning Consultant are included in the Application Fee:

- Official Plan Amendment – 20 hours
- Zoning By-law Amendment – 15 hours
- Plan of Subdivision/Condominium – 1 to 20 lots/units – 25 hours
Greater than 20 lots/units – 35 hours
- Site Plan Control – Minor – 15 hours
Major – 25 hours

Any hours for review by the Planning Consultant exceeding the above allotted hours shall be considered external costs.

5. Agreement to Indemnify

Every Planning Application shall include an Agreement to Indemnify that the Applicant shall execute and deliver to the Township.

6. Deposit on Account for External Costs

Despite anything to the contrary in this By-law, if the Township determines at any time or times that it will be required to incur external costs in respect of a Planning Application, the Township may require as a condition of it processing or continuing to process the Planning Application that the Applicant deposit with the Township such amount or amounts on account of the anticipated external costs in accordance with the Indemnity Agreement.

All applications for Site Plan Approval, Plan of Subdivision, Plan of Condominium, Official Plan Amendments, and Zoning By-law Amendments shall include a Deposit in addition to the Application Fee as set out in the Fees and Charges By-law, as amended. The Deposit will be held by the Township in trust until the final decision on the Application has been made or the Application is withdrawn. Applicants will receive invoices for External Costs incurred by the Township for processing the Application. The Township will deduct outstanding costs from the Applicant’s deposit. The Applicant shall submit further money if the Deposit is depleted prior to the Township proceeding with further review of the Application. Any unused portion of the Pre-Development Deposit shall be reimbursed to the Applicant upon completion of the project.

7. Failure to Comply with Request for Funds

If an Applicant fails or refuses to comply with a request by the Township to deposit funds as security for External Costs as required by section 6 of this by-law, the Township shall be entitled to cease all work in connection with the processing of the Planning Application until the required deposit has been paid.

8. Participation in Ontario Land Tribunal Proceedings

If a decision of Council approving a Planning Application is appealed to the Ontario Land Tribunal and the Township 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 the actual fees paid by the Township for legal services, planning services and consulting services necessary to defend the *Planning Act* approval granted by the Township and the provisions of sections 6 and 7 shall apply with necessary modification.

9. Enforceability of Agreement to Indemnify

If an Applicant fails to reimburse the Township for its external costs when due, the Applicant shall be deemed to be in default of the Agreement to Indemnify and the Township may, in addition to any other remedies available to it at law, recover the amount owing by action.

10. 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.

11. Enactment

This By-Law shall come into force and take effect on the date of its passing.

12. Previous By-laws

By-law #7-16 is hereby repealed. All resolutions, By-laws or part of By-laws, which are contrary to or inconsistent with this By-law, are hereby repealed.

Read a first and second time, this 19th day of May, 2023

Read a third time and finally passed this 19th day of May, 2023

Mayor

Clerk