

Subject: Establishment of a Development Application Refund and Withdrawal Policy

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0029 Establishment of a Development Application Refund and Withdrawal Policy, for information;

AND THAT Council approve the Development Application Refund and Withdrawal Policy, S300-02.

Background:

Pursuant to Section 69(1) of the *Planning Act*, R.S.O. 1990, c. P.13 (The Act), as amended, municipalities may establish a tariff of fees for the processing of applications made in respect of planning matters.

Development application fees are established annually by Town of Pelham Council through the Fees and Charges By-law. The current fee structure is contained within By-law No. 4411(2022).

Furthermore, The Act allows Council or a Committee of Adjustment to reduce or waive the prescribed tariff if satisfied that it would be unreasonable to require payment.

Analysis:

The Town receives a large volume of development applications for various statutory planning-related functions. On occasion, these applications are withdrawn, abandoned or left incomplete. Currently, staff do not have a mechanism in place to establish a fair, consistent or transparent approach to closing an undecided development application file and/or issuing a refund.

The Development Application Refund and Withdrawal policy is proposed to guide the decision of the Director of Planning and Development and Secretary-Treasurer of the Committee of Adjustment in a unified and consistent approach.

Staff have researched best practices and propose a percentage-based refund determined by the progression of the file. This structure will ensure that costs associated with staff review and preparation of the application are recognized. A number of municipalities in Niagara do have a policy regarding development application refund and withdrawal that is administered by staff without issue.

Financial Considerations:

Establishing a refund structure based on the progression of a file will allow the Town to continue to recover applicable processing fees.

Alternatives Reviewed:

Council and Committee of Adjustment could retain the authority to grant refunds on a case-by-case basis. Requests would be forwarded within the public forum for consideration. This is a cumbersome process, requiring individual reports to Council or the Committee of Adjustment depending on the application type on the merits of such requests and could potentially lead to inconsistent decisions.

Strategic Plan Relationship: Strong Organization

This policy provides guidance, clarity and cross-departmental consistency.

Consultation:

Barbara Wiens, Director of Community Planning and Development
Holly Willford, Town Clerk/ Secretary-Treasurer

Other Pertinent Reports/Attachments:

S300-02 – Proposed Development Application Refund and Withdrawal Policy

Prepared and Recommended by:

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