



Policy Name: Development Application Refund and Withdrawal Policy	Policy No: S300-02
Committee approval date:	-
Council approval date:	February 22, 2022
Revision date(s):	-
Department/Division:	Community Planning and Development

1. Purpose

The purpose of the Development Application Refund and Withdrawal Policy is to provide a fair, consistent and transparent approach for issuing refunds and recovering development application processing fees.

2. Scope

The Development Application Refund and Withdrawal Policy applies to all development applications made to the Community Planning and Development Department, including applications made to the Committee of Adjustment.

The refund of external agency fees is not covered by this policy.

3. Definitions

“Abandoned Application” mean an application that is no longer pending due to inactivity for a period of one year.

“Adjourned Application” means the postponement of an application, either temporarily or permanently.

“Administrative Fee” mean a fee deducted from a refunded application fee, for administrative purposes.

“Application Fee” means the applicable application fee pursuant to the Town of Pelham Fees and Charges By-law, as annually approved by Town Council.

“Appropriate Head” With respect to Consent to Sever, Minor Variance and/or Certification of Validation applications, the Secretary Treasurer is the appropriate



head. With respect to Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval and/or Subdivision or Condominium Approval applications, the Director of Community Planning and Development is the appropriate head.

“Development Application” means an application made under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, as follows:

- Section 22 - Official Plan Amendment;
- Section 34 - Zoning By-law Amendment;
- Section 41 - Site Plan Approval;
- Section 45 - Minor Variance;
- Section 51 – Subdivision or Condominium Approval;
- Section 53 - Consent to Sever; and
- Section 57 - Certificate of Validation.

“Incomplete” means an application that does not contain all information and material required to be processed and circulated with the applicable section of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and any regulations thereto.

“Refund” means the repayment of application fees, or a percentage of application fees, in accordance with Schedule 1 to this policy.

“Secretary-Treasurer” means the Secretary-Treasurer for the Committee of Adjustment or the Assistant Secretary-Treasurer for the Committee of Adjustment as the case may be.

“Withdrawal” means a written request by an applicant or authorized agent that the Town of Pelham terminate its activity on the subject application, with refunding of payment where applicable.

4. Application Withdrawals

- 4.1. Requests for the withdrawal of a Minor Variance, Consent to Sever and/or Certificate of Validation application must be made in writing to the Secretary-Treasurer to the Committee of Adjustment;



- 4.2. Requests for the withdrawal of an Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval and/or Subdivision or Condominium Approval application must be made in writing to the Director of Community Planning and Development;
- 4.3. Refunds as a result of a withdrawn application may be granted in accordance with Schedule 1 – Refund Calculation for Withdrawn or Abandoned Applications;
- 4.4. The Town of Pelham will issue a refund by cheque or electronic funds transfer (“EFT”), if applicable;
- 4.5. A fee refund request for a reason other than the withdrawal of an application must be submitted in writing to either the Secretary-Treasurer to the Committee of Adjustment or the Director of Community Planning and Development, and will be considered and a decision rendered by the Appropriate Head, in their sole discretion;
- 4.6. The Town of Pelham is not responsible for, and does not guarantee the issuance of a refund for applicable commenting agency fees. It is the applicant’s sole responsibility to request a refund directly through the external commenting agency. The Town of Pelham will not intervene or aid in such requests;
- 4.7. In the event unsupportive comments are received by a commenting agency, the applicant and/or authorized agent will be notified and given the opportunity to withdraw the development application prior to the application being considered by Town Council or the Committee of Adjustment. Under this circumstance, the refund policy for withdrawing an application will apply.

5. Incomplete Application(s)

- 5.1. Any application which has been deemed incomplete by the Appropriate Head for a period of one year from submission shall be further deemed abandoned (refer to Section 6).

6. Abandoned Application(s)

- 6.1. Abandoned applications cannot be re-activated. Exceeding a period of one year from submission, the full application fee in accordance with the Fees and



Charges By-law at the time of application shall be required to activate a new application;

- 6.2. Where Council, Committee or the Committee of Adjustment has adjourned an application, the applicant and/or authorized agent must proceed with the application within one year of the date of adjournment. Otherwise, the application may be deemed abandoned by the Appropriate Head;
- 6.3. Adjourned applications that have been deemed abandoned for a period of year may be granted a refund in accordance with Schedule 1 – Refund Calculation for Withdrawn or Abandoned Applications;
- 6.4. Where an application fee has been paid, save and except an application that has been granted adjournment, any application deemed abandoned by the Appropriate Head may be granted a refund in accordance with Schedule 1 – Refund Calculation for Withdrawn or Abandoned Applications;
- 6.5. The Town of Pelham will issue a refund by cheque or electronic funds transfer (“EFT”), if applicable;
- 6.6. The Town of Pelham is not responsible for, and does not guarantee the issuance of a refund for applicable commenting agency fees. It is the applicant’s sole responsibility to request a refund directly through the external commenting agency. The Town of Pelham will not intervene or aid in such requests.

7. Attachments

Schedule 1 – Refund Calculation for Withdrawn or Abandoned Applications



Schedule 1 – Refund Calculation for Withdrawn or Abandoned Applications

Request	Refund (% of Application Fee)
Application withdrawn prior to circulation of public hearing notice	90%
Application withdrawn after circulation of a public hearing notice and prior to staff comments being provided	70%
Application withdrawn after staff comments have been provided and prior to public hearing	20%
Application withdrawn after public hearing has been held	0%
Abandoned Application(s)	
Application abandoned prior to circulation of public hearing notice	90%
Application abandoned after public hearing has been held and adjournment granted (for Committee of Adjustment applications)	0%
Application abandoned after comments received and no action taken by applicant to respond to comments	0%