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The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2021-P-17
Date: June 1, 2021

Subject:

Planning Application Processing Fees and Charges, File: F32-01

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That the Region's Planning Fees and Charges By-law be updated in accordance with the proposed fee schedule within Attachment 1 to this report;
 - B) That the Regional Solicitor be authorized to prepare the necessary by-law to incorporate amendments to the Planning Application Fee By-law;
 - C) That the new Planning Application Fee By-law come into effect on July 1, 2021; and
 - D) That a copy of Commissioner's Report #2021-P-17 be forwarded to the Area Municipalities, the Conservation Authorities, the Building Industry and Land Development Association (BILD), and The Durham Region Homebuilders' Association, for their information.
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Report:

1. Purpose

- 1.1 Section 69 of the *Planning Act* enables the Council of a municipality to establish a tariff of fees by-law for the processing of applications made in respect of planning matters. The tariff is designed to meet the anticipated costs to process each type

of application.

- 1.2 The Region's current Planning Application Fee By-law contains many different types of planning fees (refer to Attachment 1) and is reviewed every other year to ensure that the fees remain appropriate and reasonable. Although a fee review was scheduled for 2020, it was deferred due to the COVID-19 pandemic.
- 1.3 The purpose of this report is to provide an overview of the 2021 fee review and to recommend certain changes to the Fee By-law to ensure that adequate fees are being charged to review planning applications.

2. Proposed Fee By-law Amendments

- 2.1 This review examined the anticipated cost to process each type of planning application and compared the Region's fees with other Regional municipalities in the Greater Golden Horseshoe (GGH) and the Region's eight area municipalities.
- 2.2 The analysis reveals that modest changes to the existing Fee By-law are warranted to better recover some of the costs associated with application processing. The majority of the Region's fees are proposed to remain unchanged. A description of the recommended changes is provided below.

Area Municipal Official Plan Amendment (AMOPA) Fees

- 2.3 The current Fee By-law includes a fee of \$2,500 for the Region's review of an exempt¹ AMOPA application, and \$4,500 for the review of a non-exempt AMOPA application. AMOPA applications are becoming increasingly complex due to the increase of applications within infill and regeneration areas.
- 2.4 To account for inflation, increased processing effort, and to be more in-line with other municipalities in the Greater Golden Horseshoe (GGH), it is recommended that the fee to review an exempt AMOPA application be increased to \$3,500, and that the fee to review a non-exempt AMOPA application be increased to \$5,000.

¹ An exempt application means one which is exempt from Regional approval.

Plan of Subdivision/Condominium Application Fees

- 2.5 The current Fee By-law includes a fee of \$4,000 for the Region's review of a delegated Plan of Subdivision application, \$5,500 for the review of a non-delegated² Plan of Subdivision application, and \$1,125 for the final approval of a non-delegated Plan of Subdivision application.
- 2.6 To account for inflation and to be more in-line with comparable municipalities, it is recommended that the fee for a delegated Plan of Subdivision application be increased to \$5,000, the fee for a non-delegated Plan of Subdivision application be increased to \$6,000, and the fee for the final approval of a non-delegated Plan of Subdivision application be increased to \$1,500.

Major Revisions to Plan of Subdivision applications

- 2.7 The Regional Planning Division currently does not charge a fee for any major applicant-initiated redline revisions to a Draft Plan of Subdivision or Condominium after draft approval for non-delegated applications. Significant changes to applications require processing effort similar to new applications. It is recommended that a fee of \$1,500 be established, which is generally consistent with the fee to review amended plans in the delegated municipalities.

Multiple-phased Plan of Subdivision applications

- 2.8 There is currently no fee to review subsequent phases of a multiple phased draft Plans of Subdivision in both delegated and non-delegated municipalities when a draft approval does not apply to an entire site. It is recommended that a new fee of \$3,000 per phase be implemented. The new fee reflects the costs of reviewing multiple phased draft approvals of Plan of Subdivision applications, which tend to be more complex than those applications which aren't phased and require multiple circulations to internal commenting agencies.

² A "non-delegated" Plan of Subdivision/Condominium is one that is located in one of the three northern municipalities in Durham Region (Brock, Scugog, or Uxbridge).

Fee Standardization of Plan of Condominium applications

- 2.9 Currently, the Region charges five different fees for reviewing the different types of Plan of Condominium applications from delegated municipalities. It is recommended that the fee be standardized at \$2,000 with the exception of Common Element Plans of Condominium³ applications, which would remain at \$1,000. This change reflects the similar time and processing effort required to review these applications, and to simplify the fee schedule.

Consent applications

- 2.10 The Region currently charges a fee of \$1,000 to process a consent application and a fee of \$750 to stamp a deed, and finalize documents for applications that create new lots, and for stamping leases, mortgages and deeds for realigning lot lines. The consent application fee has not changed since 2012 and the stamping fee has not changed since 2014. To account for inflation, it is recommended that the fee to process a consent application be increased to \$1,350 and the fee to stamp a deed and finalize documents related to a consent application be increased to \$1,000.

Aggregate Site Plans

- 2.11 Currently the Region does not charge a fee for the review of Site Plan applications and/or amendments made under the Aggregate Resources Act (ARA) where the Ministry of Natural Resources and Forestry (MNR) is the approval authority. It is recommended that a fee of \$1,000 for a minor review where the Region does not require the review of technical studies, and a fee of \$5,000 for a major review where the Region would be required to review technical studies and/or consult with external agencies be implemented. The fee reflects the complexity to review and respond to these applications.

Peer Reviews

- 2.4 Currently, the Region includes a fee of 10 per cent of the costs to peer review technical studies submitted in support of planning applications. It is

³ A "Common Element Plans of Condominium" has no units and only has elements such as roads, gardens and parking. The owners of freehold parcels of land are tied together with a common interest in the common element condominium and are able to make use of, and are jointly responsible to maintain and repair, the common elements.

recommended that a fee of \$500 per peer review round⁴ replace the current fee. The revised fee is more representative of the Regional costs associated with the administration of any such review.

Minister's Zoning Order (MZO) Amendment Application Fees

- 2.5 Currently, a fee of \$1,000 is required for the review of an MZO Amendment application. The fee has not increased since its introduction in 2016. To account for the increasingly complex nature of these applications it is recommended that the fee be increased to \$1,500 for a minor application and to \$5,000 for a major application⁵.
- 2.6 By way of clarification, the above-noted fee only applies to MZO amendments, not brand new MZO requests.

LPAT Appeal Processing Fee

- 2.7 The Region currently charges a fee of \$250 to prepare a record for all applications appealed to the Local Planning Appeal Tribunal (LPAT). The fee has not changed since before 2011 and does not adequately capture the Regional cost associated with this component of the appeal process. Accordingly, it is recommended that the fee be increased to \$500.

Renewable Energy Approval applications

- 2.8 The current Fee By-law includes a fee of \$1,000 for the review of renewable energy approval applications. This type of application is no longer administered by the provincial government. Accordingly, it is recommended that this fee in Section 2.1 (n) of the current Fee By-law (25-2018) be removed.

3. Housekeeping Matters

- 3.1 Section 2.5 of the current Fees By-law states "All fees are to be paid by certified cheque or money order made payable to the Regional Municipality of Durham." It is recommended that e-transfer be added as an acceptable method of payment.
- 3.2 Section 4.18 of Council's Delegation of Authority By-law (By-law 29-2020)

⁴ A peer review round occurs when a technical study prepared by a company selected by an applicant is peer reviewed by a company from the Region's peer review roster.

⁵ A minor review fee would involve an application that conforms to the Regional Official Plan (ROP) whereas a major review fee would involve an application that does not conform to the ROP.

provides the Commissioner of Planning and Economic Development with the authority to refund all or part of a planning application fee to facilitate the withdrawal of a Regional planning application where planning merits cannot be adequately justified, or to correct an error in the original fee calculation.

4. Consultation

- 4.1 Planning Division staff consulted with representatives from the Building Industry and Land Development Association (BILD) to discuss the proposed changes to the Fee By-law. The proposed fees and charges were also circulated to the Durham Homebuilders' Association (DRHBA). BILD and DRHBA did not express any concerns with the proposed changes.

5. Previous Reports and Decisions

- 5.1 Report [#2018-COW-122](#) provides details regarding the Region's last review of the Planning Fees and Charges By-law. Regional Council adopted By-law 25-2018 on June 13, 2018 and the by-law came into effect on July 1, 2018.

6. Relationship to Strategic Plan

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Service Excellence – To provide exceptional value to Durham's taxpayers through responsive, effective and fiscally sustainable service delivery.

7. Conclusion

- 7.1 The 2021 review of the Region's Planning Application Fee By-law has concluded that some changes are required to ensure that the appropriate fees are charged to better reflect the anticipated costs to review the applications. The proposed changes are comparable with fees charged by other GGH Regional municipalities. Staff have consulted with BILD on the proposed changes and will continue to liaise with BILD on future application fee reviews.
- 7.2 It is recommended that the Regional Solicitor be authorized to prepare the necessary by-law to incorporate the recommended changes and that the new Fee By-law come into effect on July 1, 2021.

8. Attachments

Attachment #1: Region of Durham Planning Application Fee Schedule –
Summary of Fee Changes

Respectfully submitted,

Original signed by

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1: Summary of Fee Changes - 2021

Area Municipal Official Plan Amendment (AMOPA)

| | |
|-----------------------|---------|
| Exempt Review Fee | \$3,500 |
| Non-exempt Review Fee | \$5,000 |

Plan of Subdivision and Condominium

Delegated Municipalities (Ajax, Clarington, Oshawa, Pickering, Whitby)

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|--|---------|
| Subdivision Review Fee | \$5,000 |
| Subdivision Review Fee – additional phases | \$3,000 |
| Condominium Conversion Review Fee | \$2,000 |
| Phased Condominium Review Fee | \$2,000 |
| Vacant Lot Condominium Review Fee | \$2,000 |

Non-delegated Municipalities (Brock, Scugog, Uxbridge)

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|--|---------|
| Review Fee | \$6,000 |
| Final Approval Fee | \$1,500 |
| Major Revision | \$1,500 |
| Review Fee – subdivision – additional phases | \$3,000 |

Consent (severance, lot line adjustment, etc.)

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|-----------------|---------|
| Application Fee | \$1,350 |
| Stamping Fee | \$1,000 |

Site Plan

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|--|---------|
| Minor Review Fee for applications made under the Aggregate Resources Act | \$1,000 |
| Major Review Fee for applications made under the Aggregate Resources Act | \$5,000 |

Other Fees

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|---|---------|
| Costs to administer Peer Review study (per peer review round) | \$500 |
| Minor Minister's Zoning Order Amendment application review | \$1,500 |
| Major Minister's Zoning Order Amendment application review | \$5,000 |
| LPAT Appeal processing fee | \$500 |