



REPORT

TO: Mayor Bonnette and Members of Council

FROM: Jeff Markowiak – Director of Development Review

DATE: March 24, 2022

REPORT NO.: PD-2022-0017

SUBJECT: Rates and Fees By-law – Planning & Development application fee amendment

RECOMMENDATION:

THAT Report No. PD-2022-0017, dated March 24, 2022, regarding the “Rates and Fees By-law – Planning & Development application fee amendment”, be received;

AND FURTHER THAT an amendment to By-law 2021-0061 to update the fee for the Minor and/or Technical, Administrative Subdivision application when submitted concurrently with Common Element Condominium and Part Lot Control applications, as generally shown in SCHEDULE 2 – PLANNING & DEVELOPMENT RATES AND FEES AMENDMENT, be approved.

KEY POINTS:

The following are key points for consideration with respect to this report:

- The Owner of 12 Church Street East in Acton has requested that the Town waive or reduce the fee for the Minor and/or Technical, Administrative Subdivision application, which is required to be submitted to implement the accompanying Common Element Condominium and Part Lot Control applications for the 11-unit townhouse development previously approved for the site.
- The Owner’s argument is that when processed in conjunction with a Common Element Condo and Part Lot Control application, the current fee for the Minor Subdivision application is not commensurate with the cost to the Town to review.
- Planning staff has considered the request and agrees that a reduction to the Minor and/or Technical, Administrative Subdivision application fee is warranted.
- Staff is recommending that the Town’s Rates and Fee By-law be updated to reduce the current Minor and/or Technical, Administrative Subdivision application fee of \$25,706.00 by 90% to a total of \$2,570.60, only when submitted in conjunction with required Common Element Condominium and Part Lot Control applications.

BACKGROUND AND DISCUSSION:

1.0 Planning & Development Fee Regime:

A new development application fee regime was approved by Council in 2018, which came into effect July 1st of that year. The new fee regime was established following a comprehensive review undertaken by Watson & Associates that identified appropriate fee rates to recover development processing costs while remaining competitive with comparator municipalities.

Any changes to the fee schedule require Council approval by way of an amendment to the Town's Rates and Fee By-law.

2.0 Request for Fee Reduction:

In April 2019 Town Council approved a Zoning By-law Amendment to permit an 11-unit townhouse development at 12 Church Street East in Acton (File Nos: D14ZBA17.002). Site Plan approval was granted in January 2021 and construction of the townhouse units is currently underway.

At the time these applications were submitted and processed it was understood that the townhouse development would proceed through a Standard Condominium. However, subsequent to the conclusion of the Site Plan application the Owner determined that freehold townhouses were more desirable, which would be established through Common Element Condo and Part Lot Control application processes.

Pursuant to Section 50(5) of the Planning Act, in order to create individual townhouse lots on a common-element condo an application to remove part lot control is required. Removal of part lot control can only be completed if the subject lands are made up of whole lots or blocks within a plan of subdivision, which does not apply in this circumstance. Therefore, the Owners must submit an application for a one block Plan of Subdivision, which can then be further be subdivided by Part Lot Control. A Common Element Condominium application will also be required to establish the common elements.

Under the Town's Fee By-law, the 2022 application fees currently required to facilitate the intended ownership structure of this townhouse development are as follows:

Application Type	Fee
Minor and/or Technical, Administrative Subdivision	\$25,706.00
Condominium Application	\$29,768.00
Part Lot Control Exemption (PLC)	\$7,071.00

A letter was submitted to the Town on behalf of the Owner requesting a reduction or waiver of the Minor and/or Administrative Subdivision fee, citing the cost to the Town to process the application should be minor given the nature of the application; see SCHEDULE 1 – FEE WAIVER OR REDUCTION REQUEST LETTER. As per the Town's Fee By-law (provision 3(c) of the Planning & Development section), planning application fees may be appealed to Council.

3.0 Recommended Rates & Fees Amendment:

Planning staff does not support the waiving of the Administrative Subdivision fee but does acknowledge that when considered concurrently with Common Element Condo and Part Lot Control applications, the Subdivision application is mostly administrative with substantially less staff time required to complete.

When the new fee regime was established in 2018, the circumstance of filing Common Element Condominium, Part Lot Control and the Minor Administrative Subdivision application concurrently was not contemplated. The fees for each application were established based on the cost to the Town to process them separately and individually (the Minor and/or Technical, Administrative Subdivision application can be required for many different scenarios). However, when filed together most of the work to establish the condo and unit ownership occurs through the review of the Common Element Condo and Part Lot Control applications; the subdivision helps implement these applications in these circumstances by creating a whole lot or block in the underlying plan of subdivision.

Recognizing this, staff believes a reduction to the Minor and/or Technical, Administrative Subdivision application fee is appropriate for the 12 Church Street development and for all similar circumstances in the future. Staff is recommending that Council support a 90% reduction to the Minor and/or Technical, Administrative Subdivision application fee (ie. 10% of the Minor fee), when the application is required in conjunction with a Common Element Condominium and Part Lot Control application. Staff believes 10% of the current fee (ie. \$2,570.60) will appropriately recover the cost to the Town to process the application; the Common Element Condominium and Part Lot Control applications will both continue to pay the full fees currently set out under the Town's Rates and Fee By-law. Watson & Associates has reviewed staff's proposed fee change and agrees with the rationale for the proposed reduction.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies fiscal and corporate management as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

Planning staff has consulted with Corporate Services and Watson & Associates in preparation of this report.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

In developing long term budget projections for the Planning & Development Department staff anticipate the submission of a limited number of Minor and/or Technical, Administrative Subdivision applications where Common Element Condominium and Part Lot Control applications are being required. Therefore, the proposed fee change will not result in any negative financial implications.

Reviewed and approved by,

John Linhardt, Commissioner of Planning and Development

Chris Mills, Chief Administrative Officer