



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Jeff Markowiak, Director of Development Review

DATE: April 26, 2023

REPORT NO.: PD-2023-039

SUBJECT: Request to waive a Consent application fee for 15 Charles Street

RECOMMENDATION:

THAT Report No. PD-2023-039, dated April 26, 2023, regarding a “Request to waive a Consent application fee for 15 Charles Street”, be received;

AND FURTHER THAT Council select one of the following two options regarding the disposition of this matter:

A. That Council waive the Consent application fee of \$5,054.00 for 15 Charles Street, Town of Halton Hills (Georgetown), owned by Samantha Read;

OR

B. That the request for a waiver of the Consent application fee for 15 Charles Street, Town of Halton Hills (Georgetown), owned by Samantha Read be refused;

AND FURTHER THAT, if Council chooses Option “A”, a transfer of \$5,054.00 be made from the Tax Rate Stabilization reserve to the operating budget to fund the shortfall from the waiving of fees.

KEY POINTS:

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

- On April 19, 2023, the Town received a Consent application from the Owner of 15 & 17 Charles Street seeking to sever the merged properties to re-establish the previous lot lines.

- A semi-detached dwelling currently occupies 15 & 17 Charles St. The Owner (Samantha Read) resides in 15 Charles Street; she purchased 17 Charles Street in December 2021, placing the property under the same ownership as 15 Charles St. When two abutting properties are placed under the exact same ownership on title, they become merged and are considered one lot.
- The Owner is now seeking to re-establish the two separate lots to facilitate the sale of 17 Charles Street. A Consent application is required to sever the parcels.
- The Owner is requesting that Council waive the Consent application fee of \$5,054.00. This report provides Council with the option to waive the fee or deny the request.
- Town staff are recommending that the request to waive the fee be refused (e.g. Option B).

BACKGROUND AND DISCUSSION:

On April 19, 2023, the Town received a Consent application from the Owner (Samantha Read) of 15 & 17 Charles Street (Georgetown) seeking to sever the merged properties and re-establish the previous lot lines. A semi-detached dwelling currently occupies 15 & 17 Charles Street; see SCHEDULE 1 – LOCATION MAP. The Owner resides in 15 Charles and then purchased 17 Charles in December 2021, placing both lots under the same ownership. When two abutting properties are placed under the exact same ownership on title, they become merged and are considered one lot.

The Owner is now seeking to sell 17 Charles Street; to do so both 15 & 17 Charles Street need to once again legally exist as separate conveyable lots under the Ontario Land Registry system. To divide the merged parcels into separate lots a Consent (severance) application is required under the Planning Act.

Under the Town's Fee By-law, the 2023 application fee required to facilitate the severance of the two lots is \$5,054.00 (the application qualifies as a Minor Consent Application given it is intended to re-establish two lots exactly as they previously existed). A letter was submitted to the Town by the Owner requesting a waiver of the Minor Consent Application fee, citing financial hardship, that the application will result in more housing consistent with the recent Provincial direction and the belief that the City of Toronto no longer charges fees for Consent applications; see SCHEDULE 2 – OWNER'S FEE WAIVER REQUEST LETTER.

Town staff are not able to deem the Consent application complete and begin processing it until an application fee has been received or the fee waiver is approved by Council (it should be noted that staff are also waiting on a proper Land Division sketch and other documents from the Owner before deeming the application complete). As per the Town's Fee By-law (provision 3(c) of the Planning & Development section), planning application fees may be appealed to Council.

Staff Comments & Recommendation:

Town staff do not support the request to waive the Consent application fee to sever 15 & 17 Charles Street for the following reasons:

- The requirement to re-establish the lot line to facilitate the sale of 17 Charles Street is necessitated by the Ontario Land Registry system. As per the Ontario Planning Act, the process to sever the lots is through the filing of a Consent application with the Town.
- The Town fee amount of \$5,054.00 reflects the cost to the municipality to process and review the Consent application. Should Council choose to waive the fee, the amount to process the application will need to be refunded from the Tax Rate Stabilization reserve to recognize that the work to process the application is still being undertaken.
- The subject application does not reflect a unique circumstance or one that is unlikely to occur again within the municipality. The Minor Consent Application fee was applied because the proposal seeks to re-establish what once was, which is more technical in nature and takes less time to evaluate. However, the rest of the Consent process remains the same as other applications to sever a lot. The Town's fee regime was established to reflect the understood staffing resource costs to the municipality for this process.
- Staff frequently receive requests to reduce or waive application fees citing financial hardship and/or the cost of the Town's fees. Should Council choose to waive this fee it is expected that Council will receive additional fee waiver requests for future applications (of all types) citing similar reasons. Any additional fee waiver would also have to be refunded from the Tax Rate Stabilization reserve, which could have an identifiable impact on the Town's financial reserves.
- The Owner's fee waiver request letter suggests the waiving of the Consent fee would help support the directives of Bill 23 and other recent Provincial legislation intended to create more housing in Ontario. Staff do not object to the re-establishment of the two lots, the only concern lies with the waiving of fees intended to cover the cost to the municipality and taxpayers for processing the Consent application.
- The Owner's letter also cites that the City of Toronto has waived Consent application fees. It's not clear in the letter what information may have been obtained to form this opinion; however, Staff's research into the City of Toronto planning process confirmed that the City does still charge application fees for Consents.

For the reasons outlined above, staff are recommending that Council select Option B, that the request to waive the Consent application fee for 15 Charles Street be refused.

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 in the preparation of this report.

FINANCIAL IMPLICATIONS:

Should Council choose Option A to waive the Consent application fee, the \$5,054.00 would be funded from the Town's Tax Rate Stabilization reserve. As part of the consultation process for this report, Finance staff have indicated that the sustainability of the reserve will continue to be closely monitored and reported to Council through the quarterly reserve fund update.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer