

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2019-78

A by-law to establish 2020 Fees and Charges for services and planning applications provided by the Corporation of the Town of Caledon and to repeal By-Law 2019-1, as amended

WHEREAS section 391 of the *Municipal Act, 2001*, as amended, authorizes a municipality and a local board to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it and for various types of licences, permits and approvals;

AND WHEREAS section 69 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended provides that the Council of a municipality, by-law may establish a tariff of fees for the processing of applications made in respect of planning matters;

AND WHEREAS section 7 (1) of the *Building Code Act, S.O. 1992, Chapter 23* as amended provides that a Council of a municipality may pass by-laws requiring the payment of fees on applications for an on the issuance of permits, requiring the payment of fees for maintenance inspections, and prescribing the amount of the fees.

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

This by-law shall be known as the "Fees By-law"

1. In this by-law,

"costs" means any and all disbursements incurred by the municipality, and includes, but is not restricted to, any registration costs, title search costs, corporate search costs, survey costs, reference plan costs, advertising costs, outside counsel fees, paralegal fees, site inspection costs and any applicable taxes including H.S.T.;

"property owner" includes the registered owner of property or any person, firm or corporation having control over or possession of the property or any portion thereof, including a property manager, mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy;

"site inspection costs" means non-routine inspections performed by Town staff and specifically excludes the performance of inspections required pursuant to the Building Code Act and the Building Code;

"Town" means The Corporation of the Town of Caledon

2. (1) Any person requesting or applying for the services or approvals listed in the attached schedules attached hereto and forming part of this by-law shall pay the fees listed for that service or approval as set out in the attached schedules.

(2) No request by any person for a service or approval listed in the attached schedules shall be acknowledged or performed by the Town unless and until the person requesting the service or approval has paid the fee or charge for the service or approval as set out in the attached schedules, unless noted otherwise.

3. The Town may request a deposit of up to fifty percent (50%) of the applicable fee or charge, payable in advance, if one or more of the following circumstances are applicable:

- (1) the applicant is a non-resident;
- (2) the applicant does not carry on business in the Town;
- (3) the applicant is a first time applicant;
- (4) the applicant:

- (i) has previously failed to pay a fee or charge imposed by the Town in a timely manner; or
 - (ii) is currently or has previously been indebted to the Town;
 - (5) the service or activity to be provided by the Town is for a substantial period of time;
 - (6) the service or activity requested by the applicant is not the usual type of service or activity provided by the Town; or
 - (7) the past conduct of the applicant or, if applicable, of the organization he or she represents has been such that the Town on reasonable grounds may anticipate damage resulting from the applicant's or the organization's use of Town property.
- 3.1. The Town may request a deposit of:
- (1) up to one hundred percent (100%) of all applicable fees, charges and costs, payable in advance where the fees, charges and costs will be required as part of the application to purchase Town land; and
 - (2) up to ten percent (10%) of the value of the land, payable in advance where such deposit is required as part of the application to purchase Town land.
4. All Town accounts and invoices are due and payable when rendered.
- (1) Outstanding Town accounts and invoices shall bear interest at the rate of 1.5% monthly or 18% per annum, calculated from the first day of the month after the account is overdue.
 - (2) In addition to the fees noted in subsection 4(1) if peer or legal review costs are incurred by the Town in the processing of a planning application by the Town, the applicant is required to pay these costs to the Town.
 - (3) Where Staff determines upon reasonable grounds that peer and legal review costs will be encountered during the processing of a planning application, the applicant shall deposit with the Town \$25,000.00 or \$10,000.00 depending on the extent of peer and legal review costs that Staff determines are likely to be encountered.
 - (4) If peer and legal review costs during the processing of a planning Application exceed the amount deposited with the Town, the applicant shall re-establish the full amount of the deposit or such other reasonable amount as is determined by Staff.
 - (5) If peer and legal review costs incurred by the Town in the processing of a planning application are less than the amount deposited with the Town, the Town shall reimburse the unused portion of the deposit.
5. The Town may require that an applicant pay the fees or charges prescribed under this by-law or any interest or penalties due and owing under this by-law by means of a certified cheque, cash or money order where the applicant or the organization he or she represents has previously submitted to the Town a Non-sufficient fund (NSF) cheque or has stopped payment on a cheque submitted to the Town.
6. An Administration fee calculated at the rate of 15% of the amount of the fee or charge imposed by the Town shall, where applicable, be added to the fee or charge.
7. The fees and charges listed in the schedules to this by-law shall, where applicable, be subject to any applicable provincial and federal taxes.
8. (1) The fee for a Town souvenir/merchandise is the cost to the Town of the purchase of the souvenir/merchandise plus the administration fee.

- (2) The administration fee for a Town souvenir shall not apply to any souvenir distributed for Town promotional purposes by Town Staff or by Members of Council.
9. The Treasurer shall add the fees and charges imposed pursuant to this by-law to the tax roll for any real property in the Town for which all of the owners are responsible for paying fees and charges under this by-law and collect them in the same manner as municipal taxes.
10. If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible by law.
11. The following Schedules form part of this By-law:

Schedule	Department
A	Town Wide Administration Fees
B	Community Services Department
C	Corporate Services Department
D	Finance and Infrastructure Services Department
E	Strategic Initiatives Department

12. By-law 2019-1 and all amendments thereto are hereby repealed.
13. This By-law shall come into full force and effect on January 1, 2020.

Enacted by the Town of Caledon Council this 17th day of December, 2019.

Allan Thompson, Mayor

Carey Herd, Town Clerk