



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services, ext. 4875

Prepared by: John Yeh, Manager, Strategy & Innovation, Development Services, ext.7922
Catherine Conrad, Counsel, Legal Services

Date: December 13, 2023

Re: 2024 Development Fee and City-wide Fee By-laws

RECOMMENDATION REFERRED FROM THE DECEMBER 4TH SPECIAL DSC MEETING:

1. That the memorandum titled “2024 Development Fee and City-wide Fee By-laws”, be received;
2. That the amendment to By-law 211-83, as amended, “Tariff of Fees for the Processing of Planning Applications,” substantially in the form attached as Appendix ‘B’, be enacted;
3. That the amendment to By-law 2002-276, as amended "A by-law to impose fees or charges for services or activities provided or done by the City of Markham" substantially in the form attached as Appendix ‘C’, be enacted’
4. That the amendment to By-law 211-83, as amended, “Tariff of Fees for the Processing of Planning Applications,” substantially in the form attached as Appendix ‘D’, be enacted;
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

At the December 4, 2023 Special Development Services Committee (DSC) meeting, a report and presentation titled “2024 Development Fee, Building, and City-Wide Fee by-laws” was received.

The report provided an overview of the results of the Development Application Fees Review Study and recommended amendments to the Development Fee and City-wide Fee By-laws to implement the recommendations from the Study. The report also explained the proposed increase to the fees of the Building By-law, which are separate from the Development Application Fees Review Study and sought authorization to refer the proposed amendments to the Building By-law to a Development Services Committee Public Meeting to be held on December 5, 2023. The Public Meeting was held on December 5, 2023 for the proposed amendments to the Building By-law. The new Building By-law is on the agenda for the December 13, 2023 Council meeting to be enacted.

OPTIONS/ DISCUSSION:

At the Special DSC meeting on December 4, 2023, the staff report and recommendations were referred to the December 13, 2023 Council meeting. Staff indicated at the December 4th meeting that they would make best efforts to meet with BILD representatives before the December 13, 2023 Council meeting where the Development Fee and City-wide Fee By-laws would be presented for enactment. The following is a high level timeline on when BILD received the final study report and staff report:

- Development Application Fees Review Study report finalized November 28, 2023
- Study report provided to BILD on November 29, 2023
- Staff report and Study report posted publicly on November 30, 2023 for the December 4, 2023 Development Services Committee meeting

Since the December 4th DSC meeting, staff has made best efforts to meet with BILD representatives and their counsel ahead of the December 13th Council meeting but the BILD representatives had indicated that they required more time to review the material and as a result the earliest the meeting could be scheduled with BILD representatives is December 14, 2023. In the interest of transparency and open communications, that December 14th meeting with BILD representatives will be held as scheduled.

The motion set out in agenda item 8.1.1 of the December 13th Council meeting contains the Staff recommendations from the report and presentation titled “2024 Development Fee, Building, and City-Wide Fee by-laws” to enact the amendments to the Development Fee By-law (211-83) and City-wide Fee By-law (2022-276).

Since the December 4, 2023 Special DSC meeting Staff have made refinements to the Development Fee By-law to update section Table numbers, notations, and definitions for clarity.

If Council decides to enact the amendments to the Development Fee By-law (211-83) and City-wide Fee By-law (2022-276) Staff recommend replacing the draft versions from the December 4th Special DSC meeting with the versions in Appendix 'B', Appendix 'C', and Appendix 'D' to this memo, which would take effect on January 1, 2024.

If Council defers the enactment of the amended Development Fee By-law (211-83) and City-wide Fee By-law (2022-276) to 2024, it is recommended applicants continue to be able to make a partial fee payment in the amount of 50% of site plan and subdivision development application fees set out in the current Development Fee By-law (211-83) (Draft recommendation in Appendix 'E2'). This would also be applied at execution of agreements. This extends the proposal approved by Council on April 19, 2023 that commenced in May of 2023, as an interim measure while the Development Fee By-law update was proceeding, to the date on which the Development Fee By-law amendment takes effect. Staff will reconcile fees received between May 1, 2023 and the date the new Development Fee By-law takes effect.

ATTACHMENTS:

Appendix 'B' - Draft of amendment to delete and replace Schedule 'A' from By-law 2023-108 to amend Development Fee By-law 211-83 and to further amend Development Fee By-law 211-83

Appendix 'C' – A draft amendment to amend City-wide Fee By-law 2002-276

Appendix 'D' – A draft amendment to amend Development Fee By-law 211-83 to update fees annually through an indexing provision

Appendix 'E2' – A draft recommendation to extend 50% partial payment