



Report to: Development Services Committee

Report Date: June 25, 2018

SUBJECT: Fee for Re-Application of Lapsed Provisional Approval of
Consents – File No. PR 18 235203

PREPARED BY: Brad Roberts
Ext .2800

RECOMMENDATION:

- 1) THAT the report dated June 25, 2018 titled, “Fee for Re-Application of Lapsed Provisional Approval of Consents – File No. PR 18 235203” be received;
- 2) THAT Council endorse the proposed new planning fees associated with the re-application of a provisionally approved consent application where the applicant has failed to satisfy the conditions within the prescribed one (1) year timeframe;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to recommend the establishment of a new planning fee related to resubmission of a consent to sever application in cases where a previously-approved application of provisional consent has lapsed under Section 52 of the Planning Act. Section 52 of the Planning Act specifies that conditions of provisional consent imposed by a Committee of Adjustment must be satisfied within one year or the severance will lapse.

BACKGROUND:

The City receives approximately 30 consent applications to sever land (land divisions) a year. The Committee of Adjustment is the approval authority for these applications. In approving the division of land, the Committee of Adjustment grants provisional consent, subject to the applicant satisfying a number of conditions recommended by Staff, and imposed by resolution. Conditions applied by the Committee include but are not limited to, providing necessary documents to register new lots or easements, payment of any outstanding taxes or fees on the property, and the registration of a development agreement with the City. The conditions imposed by the Committee of Adjustment must be satisfied before the new lot can be created.

Section 52 (41) of the Planning Act states that the conditions of a provisional consent must be met within one (1) year of the date notice of approval is issued, or the consent is deemed to be refused. During the one year period, it is the City’s practice for Staff to issue three reminder letters to applicants about the need to satisfy the conditions within the one year period. Through a review of the current application process and practice, it has become evident that approximately four (4) provisional consents each year do not

satisfy their conditions within the required one year period. Reasons for not satisfying conditions within one year can vary, but are often associated with the complexity of an application, and the number and complexity of the conditions that need to be satisfied.

OPTIONS/ DISCUSSION:

There is no provision in the Planning Act that allows an applicant to seek an extension of the one year deadline. When a provisional consent application lapses, applicants are currently required to re-apply and pay the full fees associated with a new consent application. The base fee for a new consent application is \$11,450. These fees cover the cost of each department's detailed review, along with the administrative cost of processing the application through the approval and registration process.

Applicants subject to full resubmission fee have questioned the need to submit a full cost application, given that much of the work associated with a detailed technical review has been completed if no changes to the original application are proposed. Based on this inquiry, Staff have evaluated the time associated with the review of a new consent application, and the review of a re-submitted but unchanged, consent that has lapsed. When the re-submitted application is identical to the provisionally approved application, Staff have determined that a re-submitted application requires approximately 42% of the Staff hours associated with a new application. While the time needed for staff review of the application is significantly reduced, certain "fixed costs" remain including, for example, requirements to mail out notifications to surrounding residents, and the need for staff to review the application to ensure that it is essentially the same as the original application and prepare a report and recommendations to the Committee of Adjustment.

Based on this, Staff are recommending the adoption of a new planning fee category related to Provisionally approved Consent application that have not completed conditions with the one year timeframe. The proposed fee is \$4800, which amounts to approximately 42% of the current consent application fee. The proposed reduction of fees would be representative of the somewhat reduced workload associated with the resubmission of an identical application.

This fee would apply only to cases where the applicant is proposing an identical number of lots and lot configurations; where no change in the original conditions are requested by the applicant; and to applications that are received within 6 months of the expiry of a consent application. The proposed time limit is to avoid potential policy or regulatory changes, which could impact the workload associated with the review of an application of this type and might arise if there is a significant gap between the lapse of a severance and resubmission,

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Currently, applicants are required to submit full fees for a consent application that has lapsed. Base on the proposed fee difference of \$6,650 (\$11,450 - \$4,800), and the number of lapsed Provisional Consents that occur each year (i.e. 4 occurrences per year), the potential reduction in fees generated would be \$26,600 (\$6,650 price difference x 4

occurrences per year). While this does represent a decrease in fees generated by the City, it does represent transparent, responsible, and effective service delivery.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

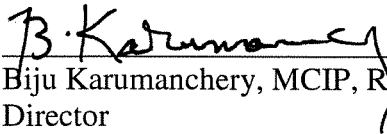
Safe and Sustainable Community, Stewardship of Money and Resources

BUSINESS UNITS CONSULTED AND AFFECTED:

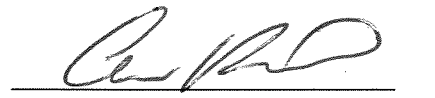
Finance

RECOMMENDED

BY:


Biju Karumanchery, MCIP, RPP
Director

Planning & Urban Design


Arvin Prasad, MPA, RPP, MCIP
Commissioner of Development
Services

ATTACHMENTS:

Appendix A Draft by-law to amend fee by-law 211-83, as amended

File path: Amanda\File 18 235203\Documents\Recommendation Report

“Appendix A”



BY-LAW 2018-

A by-law to amend 211-83, as amended
(A by-law to prescribe a Tariff or Fee)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 211-83, as amended, be and the same is hereby further amended as follows:

- 1.1 By amending section 7.2 of Schedule 'A' to include the following:

- 7.2.4. Re-Application of Provisionally approved Consent without completion of conditions within One (1) year timeframe
.....\$4800

- i). Application must be received within 6 months of the lapse of the original consent application
 - ii) Proposed lot configuration and development must be identical to the lapsed application previously receiving provisional consent.

2. That this By-law comes into force and takes effect upon its passage.
 3. All other provisions of By-law 211-83, except as herein amended or effected, which are not inconsistent with the provisions of this By-law, shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
_____, 2018.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR