

Staff Report



To	Committee of Adjustment
Service Area	Corporate Services
Date	Thursday, September 9, 2021
Subject	Committee of Adjustment Fee Refund Policy and Administrative Policy

Recommendation

1. That the existing Committee of Adjustment Administrative Policy, included as Attachment-1, be repealed.
 2. That the Committee of Adjustment Administrative Policy, included as Attachment-2, dated September 9, 2021, be approved.
 3. That the Committee of Adjustment Fee Refund Policy, included as Attachment-3, dated September 9, 2021, be approved.
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Executive Summary

Purpose of Report

To approve the updated Committee of Adjustment (Committee) Administrative Policy and proposed Fee Refund Policy to ensure legislative compliance and consistency with current best practices.

Key Findings

Administrative Policy

The purpose of the proposed Administrative Policy is to provide consistent and transparent guidelines on the administration and processing of Committee of Adjustment applications. Procedures related to hearings are contained in the Procedural By-law and the Committee's Hearing Procedures document. The current Administrative Policy has not been updated since 2005 and is comprised of one-time directions provided by the Committee from time-to-time over a period of several years.

The proposed Administrative Policy includes updates to ensure compliance with legislation, remove redundancies, and ensure consistency with the Committee's Hearing Procedures and current best practices.

Fee Refund Policy

Section 69(2) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides that a Committee of Adjustment may reduce the amount or waive the fee in respect of an application in circumstances where the Committee is satisfied that it would be unreasonable to require payment. There is currently no policy regarding Committee of Adjustment fee refunds or waivers. The proposed Fee Refund Policy will provide a

fair and consistent approach to requests for refunds related to Committee of Adjustment fees, that also supports the recovery of application processing costs.

Financial Implications

The proposed Administrative Policy is not expected to have any financial impact. The proposed Fee Refund Policy is not expected to have any significant impact on Committee of Adjustment revenues as fees refunded for withdrawn applications through the proposed Fee Refund Policy will be for costs not incurred.

Report

The Establishing By-law for the Committee, By-law Number (2014)-19765, permits the Committee to establish policies and procedures to ensure that its processes comply with applicable law. The purpose of this report is to ensure that the Committee has up-to-date administrative and fee refund policies that are compliant with legislation and reflect current best practices.

Proposed Administrative Policy

The proposed Administrative Policy outlines the administration and processing of applications, and includes matters such as fees, application submission, deferrals and conditions of approval. While some of the content of the existing Administrative Policy remains, the proposed Administrative Policy has been updated to remove redundancies and codify existing practices.

Changes Resulting from the Proposed Administrative Policy

The following is a brief summary of the new changes proposed by the Administrative Policy:

- A sketch accompanying a minor variance application must be legible, whether it is prepared by the applicant or a professional.
- A sketch accompanying a consent application can only be prepared by an Ontario Land Surveyor.
- The Secretary-Treasurer has the ability to correct errors in a written decision without notice and affix electronic signatures to a written decision.

References to requirements that are already contained in other documents (ie. by-laws, legislation, or other policies) have been removed to reduce duplication and redundancies. References to specific condition wording has also been removed to provide staff and the Committee greater flexibility in determining conditions based on an application specific basis.

Proposed Fee Refund Policy

Committee of Adjustment fees are set so that costs are recovered for the time and materials required to review, prepare and circulate Committee of Adjustment applications. Section 69(2) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides that a Committee of Adjustment may reduce the amount or waive the fee in respect of an application in circumstances where the Committee is satisfied that it would be unreasonable to require payment.

It is recognized that during the review of an application, it may be identified by staff that a request for relief from the City's Zoning By-law, or permission or

consent under the Planning Act is not required, or at any point, an applicant may decide to withdraw an application.

The purpose of this policy is to ensure a fair and consistent approach to providing refunds or waivers related to Committee of Adjustment fees, that also supports the recovery of processing costs. To address this, the proposed Fee Refund policy has identified four stages of processing which support refunds based on the percentage of work completed on an application.

Changes Resulting from the Proposed Fee Refund Policy

The following is a brief summary of the new changes proposed by the Fee Refund Policy:

- Upon request, and upon an application being withdrawn, the Secretary-Treasurer will be authorized to approve a refund of application fees in accordance with the percentage of work completed on an application, as outlined in Schedule 1 of the proposed Fee Refund Policy.
- On an annual basis, the Secretary-Treasurer will prepare a report to the Committee including a summary of refunds authorized in accordance with Schedule 1.

Any refund request for a reason other than the withdrawal of an application, or any request for waiver of an application fee, must be submitted in writing for consideration and decision by the Committee.

Financial Implications

The proposed Administrative Policy is not expected to have any financial impact. The proposed Fee Refund Policy is not expected to have any significant impact on Committee of Adjustment revenues as fees refunded for withdrawn applications through the proposed Fee Refund Policy will be for costs not incurred.

Consultations

Not applicable.

Strategic Plan Alignment

Updating and creating new policies reinforces the Strategic Plan value of integrity by ensuring accountability and transparency in decision-making. In addition, these policies serve to improve how the City delivers services in accordance with the Working Together for our Future Strategic Plan pillar.

Attachments

Attachment-1 Existing Committee of Adjustment Administrative Policy

Attachment-2 Proposed Committee of Adjustment Administrative Policy

Attachment-3 Proposed Committee of Adjustment Fee Refund Policy

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