

Advisory Committee of Council Staff Report



To Committee of Adjustment
Date Thursday, February 8, 2024
Subject **Updates to Committee of Adjustment Fee Refund Policy**

Recommendation

1. That the proposed updates to the Committee of Adjustment Fee Refund Policy related to waiver of deferral fees related to tie votes, included as Attachment-1, dated February 8, 2024, be approved.
 2. That the proposed updates to the Committee of Adjustment Fee Refund Policy related to refund requests for previously deferred applications that are withdrawn, included as Attachment-1, dated February 8, 2024, be approved.
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Executive Summary

Purpose of Report

To update the [Committee of Adjustment Fee Refund Policy](#) to address the following situations:

- a) waiving deferral fees when applications are deferred following a tie vote; and
- b) refund requests when previously deferred applications are withdrawn.

Key Findings

Waiving deferral fees when applications are deferred following a tie vote

Section 3 f) of the Committee of Adjustment Fee Refund Policy permits a fee refund request for a reason other than the withdrawal of an application to be submitted and decided by the Committee of Adjustment. Currently there is no mechanism to permit the waiver of a deferral fee unless it is considered by the Committee of Adjustment in accordance with the Committee of Adjustment Fee Refund Policy.

In situations where applications are deferred due to a tie vote by the Committee of Adjustment, staff are recommending that the deferral fee be waived by staff rather than issuing a refund. This waiver recognizes that the situation causing the deferral is beyond the control of the applicant.

Refund requests when previously deferred applications are withdrawn

According to the current Committee of Adjustment Fee Refund Policy, no refund is issued once an application is withdrawn after a hearing is held, and notes that the policy is to be used in situations where a decision to approve or refuse is made by the Committee. The current policy is unclear regarding whether or not refunds should be issued when applications are withdrawn following a deferral.

In a situation where a previously deferred application is then withdrawn, staff are recommending that no refund of the application fee be issued, to be consistent with

a situation where a decision to approve or refuse is made. While it is acknowledged that an application may change after submission, the eligible refund amount is based on timing to ensure consistency and fairness amongst fee refund requests.

Strategic Plan Alignment

Updating policies reinforces the Strategic Plan value of integrity by ensuring accountability and transparency in decision-making. In addition, this updated policy serves to improve how the City delivers services in accordance with the Foundations theme and Lead with Accountability objective of the Future Guelph Strategic Plan.

Future Guelph Theme

Foundations

Future Guelph Objectives

Foundations: Lead with accountability

Financial Implications

Waiving the requirement to pay the deferral fee of \$453.00 in tie vote situations is not expected to have a significant financial impact since these situations are infrequent. Clarifying refund requests for previously deferred applications that are withdrawn is not anticipated to have any financial impact, as staff are recommending no refunds be issued in such cases.

Report

The [Committee of Adjustment Fee Refund Policy](#) was approved by the Committee of Adjustment on September 9, 2021. Since that time, staff have continued to monitor the current policy to determine if updates are needed. Staff are recommending updates to add clarity and address the following situations:

- a) waiving deferral fees when applications are deferred following a tie vote; and
- b) refund requests when previously deferred applications are withdrawn.

Waiving deferral fees when applications are deferred following a tie vote

The Committee of Adjustment Administrative Policy requires fee payments to be included with the application upon submission. This also applies in situations where applications are deferred by the Committee, and the applicant submits a deferral fee with the resubmission of the application.

Section 3 f) of the Committee of Adjustment Fee Refund Policy permits a fee refund request for a reason other than the withdrawal of an application to be submitted and decided by the Committee of Adjustment. Currently there is no mechanism to permit the waiver of a deferral fee unless it is considered by the Committee of Adjustment in accordance with the Committee of Adjustment Fee Refund Policy.

In cases where applications are deferred due to a tie vote by the Committee of Adjustment, staff are recommending that the deferral fee be waived by staff rather than issuing a refund. While it is acknowledged that waiving the deferral fee in this situation would result in a financial loss for the time and materials cost required to recirculate the application and hold an additional hearing, it is also recognized that the situation causing the deferral is not within the applicant's control.

Refund requests when previously deferred applications are withdrawn

The Committee of Adjustment Fee Refund Policy permits the Secretary-Treasurer to approve a refund of application fees in accordance with [Schedule 1 – Refund Calculation for Withdrawn Application](#). According to Schedule 1, no refund is issued once an application is withdrawn after a hearing is held, and notes that the policy is to be used in situations where a decision to approve or refuse is made by the Committee. The current policy is unclear regarding whether or not refunds should be issued when applications are withdrawn following a deferral.

In a situation where a previously deferred application is then withdrawn, staff are recommending that no refund of the application fee be issued, to be consistent with a situation where a decision to approve or refuse is made. In terms of costs related to time and materials, similar costs are incurred in the preparation and holding of a hearing whether the application is being recommended for approval, refusal or deferral. While it is acknowledged that an application may change after submission, the eligible refund amount is based on timing to ensure consistency and fairness in handling fee refund requests.

Financial Implications

Waiving the requirement to pay the deferral fee of \$453.00 in tie vote situations is not expected to have a significant financial impact since these situations are infrequent. Clarifying refund requests for previously deferred applications that are withdrawn is not anticipated to have any financial impact, as staff are recommending no refunds be issued in such cases.

Consultations

None.

Attachments

Attachment-1 Updates to Committee of Adjustment Fee Refund Policy

Departmental Approval

None.

Report Author

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This report was approved by:

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