



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: August 3, 2023
Department: Building, By-law and Planning
Report No.: BBP-2023-88
Submitted by: Jennifer Huff, Director, Building & Planning
Approved by: Jennifer Huff, Director, Building & Planning
SUBJECT: **Committee of Adjustment Refund Request Policy – Amended Policy**

RECOMMENDATION: THAT: Committee receive report BBP-2023-88; and further THAT Committee approve the recommended Committee of Adjustment Refund Policy.

PURPOSE:

Committee provided direction to staff on April 6 2023 to investigate the development of a refund request policy. Staff brought a draft policy back to Committee on June 1 for consideration, at which time the Committee directed some minor adjustments to the policy. The policy has been adjusted accordingly, whereby staff have replaced the reference to a 'recommendation report' with a 'report for background and information', as well as adding a clause to allow appeals to committee where there is a disagreement with the refund policy.

The amended refund policy is provided below.

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STRATHROY-CARADOC COMMITTEE OF ADJUSTMENT REFUND POLICY

1. Purpose

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.

2. Definitions

“Application” means an application made to the Committee under Section 45, 53 and 57 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

“Committee” means the Municipality of Strathroy-Caradoc Committee of Adjustment appointed by Municipal Council pursuant to the Planning Act.

“Fee” means the applicable fee as approved by Municipality of Strathroy-Caradoc City Council under the Planning Act for a Committee of Adjustment application.

“Incomplete” means an application that does not contain all the information and material required to be included under Section 45, 53 and 57 of the Planning Act, R.S.O 1990, c. P.13, as amended, and any regulations thereto including, as determined by the Secretary-Treasurer.

“Secretary-Treasurer” means the Secretary-Treasurer for the Committee or the Deputy Secretary-Treasurer, as the case may be.

3. Refund Policy

- a) If an application is determined incomplete by the Secretary-Treasurer, the Secretary-Treasurer may return any application fee payment received related to the incomplete application to the original payee.
- b) Any request for a fee refund related to a withdrawn application shall be submitted to the Secretary-Treasurer in writing, using the prescribed form.
- c) Upon withdrawal of an application, and the submission of a written request to refund the application fee by the owner and/or authorized agent, the Secretary-Treasurer shall approve refunds as set out in [Schedule 1 – Refund Calculation for Withdrawn Application](#).
- d) The Secretary-Treasurer shall only be authorized to approve a refund of application fees in accordance with [Schedule 1 – Refund Calculation for Withdrawn Application](#).

- e) The Secretary-Treasurer shall, on an annual basis, prepare a report to the Committee including a summary of refunds authorized in accordance with Schedule 1.

- f) A fee refund request for a reason other than the withdrawal of an application must be submitted to the Secretary-Treasurer in writing, using the prescribed form, for consideration and decision by the Committee. Upon receipt of the refund request, the Secretary-Treasurer shall add the request to an upcoming agenda and prepare a report to the Committee for information and background on the refund request and outlines any incurred costs.

- g) A fee refund request due to the disagreement with the application of this policy must be submitted to the Secretary-Treasurer in writing, using the prescribed form, for consideration and decision by the Committee. Upon receipt of the refund request, the Secretary-Treasurer shall add the request to an upcoming agenda and prepare a report to the Committee for information and background on the refund request and outlines any incurred costs.

- h) Any request for waiver of an application fee shall be submitted to the Secretary-Treasurer in writing for consideration and decision by the Committee. Upon receipt of the waiver request, the Secretary-Treasurer shall add the request to an upcoming agenda and prepare a report to the Committee that provides information and background on the waiver request and outlines any anticipated costs. The waiver request must be approved by the Committee prior to the submission of an application.

Schedule 1

Refund Calculation for Withdrawn Application

Stage	Request Timing	Refund (Percentage of Application Fee Returned)	Notes
1	Pre-consultation application meeting fees – before pre-consultation meeting	70% of pre-consultation fee	This covers costs with initial staff review of application for completeness, set up in Cloudpermit
2	Pre-consultation application meeting fees – after pre-consultation meeting	0% of pre-consultation fee	The pre-consultation fee is intended to cover the costs of staff time, circulation, meeting time and notes
3	Application withdrawn prior to circulation of public hearing notice	70% of planning application fee, no pre-con fee refund	This covers costs with initial staff review of application for completeness, set up in Cloudpermit
4	Application withdrawn after circulation of notice and prior to public hearing	20% of planning application fee, no pre-con fee refund	This covers stage 3 costs plus staff time to circulate notice, complete review and provide comments, may include report writing.
5	Application withdrawn after public hearing has been held	0% of planning application fee, no pre-con fee refund	In addition to stages 3 & 4, a decision to approve, defer or refuse is made by the Committee