

**THE CORPORATION OF THE TOWNSHIP OF BALDWIN  
BY-LAW NO. 2023-17**



**BEING A BY-LAW TO PROVIDE FOR FEES AND CHARGES AND  
TO CONSOLIDATE CERTAIN BY-LAWS RELATED TO FEES AND  
CHARGES.**

**WHEREAS** Section 391 of the Municipal Act, 2001, as amended, provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it;

**AND WHEREAS** it is deemed necessary to establish a schedule of user fees;

**NOW THEREFORE** the Council of The Corporation of the Township of Baldwin enacts as follows:

**1. DEFINITIONS**

In this By-law:

- a) "Applicant" means a person who submits a planning application, and in the case of an application submitted by the authorized agent of the property owner, it shall include both the property owner and the authorized agent;
- b) "Application Fee" means a fee payable for a planning application in accordance with the Tariff of Fees;
- c) "CAO" means the Chief Administrative Officer of the Municipality;
- d) "Council" shall mean the Council of the Corporation of the Township of Baldwin;
- e) "External Costs" shall mean all costs and expenses paid by or on behalf of the Municipality to an external agency or service provider, including but not limited to legal, engineering, planning, surveying, advertising, and consulting costs and expenses, in connection with a planning application or its related tribunal appeal.
- f) "Municipality" shall mean the Township of Baldwin;
- g) "Planning Application" means any application for approval made pursuant to the Planning Act, R.S.O. 1990, Chapter P.13, as amended;
- h) "Related Local Planning Appeal" means an appeal to the Ontario Land Tribunal in circumstances where the Municipality is required to appear before the Tribunal in support of a decision by Council to approve a planning application for the benefit of the applicant; and
- i) "Tariff of Fees" means the tariff of application fees to be charged by the Municipality in respect of planning applications as set out in Schedule "A" to this by-law.

## 2. TARIFF OF FEES

The Municipality shall charge a non-refundable application fee in accordance with the Tariff of Fees for processing planning applications.

## 3. FEE PAYABLE UPON APPLICATION

The applicant shall pay the required application fee in full to the Municipality at the time of submitting the planning application and the Municipality shall not be required to process or otherwise consider or review the application until the fee has been paid.

## 4. EXTERNAL COSTS

In addition to the application fee, the applicant shall pay all external costs incurred by the Municipality in respect of the planning application.

## 5. AGREEMENT TO INDEMNIFY

Every planning application shall include an Agreement to indemnify as set out in Schedule "B" to this by-law that the applicant shall be required to execute and deliver to the Municipality, failing which the Municipality shall be entitled to treat the application as being incomplete for the purpose of processing or otherwise considering it.

## 6. DEPOSIT ON ACCOUNT OF EXTERNAL COSTS

- a) Despite Section 5, if the Municipality determines at any time or times that it will be required to incur external costs in respect of a planning application, the Municipality may require as a condition of it processing or continuing to process the planning application that the applicant deposit with the Municipality such amount or amounts on account of the anticipated external costs as estimated by the external sources.
- b) If an applicant fails or refuses to comply with a request by the Municipality to deposit funds as security for external costs as required by Section 6 a) of this by-law, the Municipality shall be entitled to cease all work in connection with the processing of the planning application until the required deposit has been paid.

## 7. PARTICIPATION IN LOCAL PLANNING APPEAL TRIBUNAL PROCEEDINGS

If a decision of Council approving a planning application is appealed to the Ontario Land Tribunal and the Municipality is required, or requested by the applicant, to appear as a party at the hearing of the appeal in support of its decision, the applicant shall pay any external costs incurred in connection with the hearing and the provisions of Sections 6a) and 6b) shall apply with necessary modifications.

## 8. ENFORCEABILITY OF AGREEMENT TO INDEMNIFY

If an applicant fails to reimburse the Municipality for its external costs when due, the applicant shall be deemed to be in default of the Agreement to Indemnify and the Municipality may, in addition to any other remedies available to it by law, recover the amount owing by action.

## 9. SEVERABILITY

If any Section, clause, sub-clause, provision, or part of this By-law should be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole, nor any part thereof, other than the part declared invalid.

10. This By-law shall come into force and take effect immediately upon the passing thereof by Council.

11. **THAT** By-Law 2014-A003 and all its amendments, and any other By-law or resolution passed that is inconsistent with this By-law are hereby repealed.

12. **THAT** the following Schedules shall set out the applicable fees and form part of this by-law.

Schedule "A" - Administration

Schedule "B" - Agreement to Indemnify

Schedule "C" – Fire Department

Schedule "D" - Waste Management

Schedule "D" - Land Use Planning

Schedule "E" - Tax Sales

15. **THAT** this By-law shall be known as the Fees and Charges By-law.

16. **THAT** from time to time, by means of a resolution the Council may increase or decrease fees as deemed necessary.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11<sup>TH</sup> DAY OF SEPTEMBER, 2023.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**SCHEDULE "A"**  
**TO BY-LAW NO. 2023-17**  
**Administrative Fees and Charges**

**Tax Certificates**

\$40.00 – upon written/email request

**Zoning/Building Conformity**

\$40.00 – upon written/email request

**N.S.F. Cheques**

\$45.00

**Commissioner/Certification Services**

\$30.00 – non ratepayers only

**SCHEDULE "B"**  
**TO BY-LAW NO. 2023-17**  
**AGREEMENT TO INDEMNIFY**

The applicant hereby agrees to indemnify and save harmless the Corporation of the Township of Baldwin ("the Municipality") from all costs and expenses that the Municipality may incur in connection with the processing of the applicant's application for approval under the Planning Act.

Without limiting the foregoing, such costs and expenses will include all legal, engineering, planning, advertising, and consulting fees and charges incurred or payable by the Municipality to process the application together with all costs and expenses arising from or incurred in connection with the Municipality being required, or requested by the applicant, to appear at the hearing of any appeal to the Local Planning Appeal Tribunal from any decision of the Council or Committee of Adjustments.

The applicant acknowledges and agrees that if any amount owing to the Municipality in respect of the application is not paid when due, the Municipality will not be required to process or to continue processing the application, or to appear before the Local Planning Appeal Tribunal in support of a decision approving the application until the amount has been paid in full.

The application further acknowledges and agrees that any amount owing by the applicant to the Municipality is, when due, a debt of the applicant and the Municipality may, in addition to any other remedies available to it at law, recover the amount owing together with interest from the applicant by action.

Declared before me at the \_\_\_\_\_ in the Province of Ontario this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Applicant's Name (Please Print)

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
A Commissioner, etc.

**SCHEDULE “C”  
TO BY-LAW NO. 2023-17  
Fire Department Fees and Charges**

**Wildfires – Cost of Suppression**

Shall be paid by individuals responsible if it is deemed that they have contravened By-law 771 being a By-Law to prescribe times for setting fires and precautions.

Fee to be calculated at the rate of \$25.00 per firefighter attending the fire call, in addition to the Ministry of Natural Resource’s costs of suppression and/or those from any other agency.

**Vehicle Extrication and Vehicle Fires**

Applicable to any Provincial Highway corridor, as per Ministry of Transportation rate structure.

Cost per fire apparatus:

\$500.00 per hour.

**SCHEDULE “D”  
TO BY-LAW NO. 2023-17  
Waste Management Fees and Charges**

**Hauled Solid Waste Site**

\$25.00 – per load residential

\$50.00 – per load commercial

**Garbage Tags**

\$5.00 per tag

**Landfill Cards**

\$5.00 per replacement card

**SCHEDULE “E”  
TO BY-LAW NO. 2023-17  
Land Use Planning Fees and Charges**

1. The fees shall be paid on the following types of applications in the following amounts:

<b>Type of Service/ Application</b>	<b>Fee</b>
Advertisement	**\$200 MINIMUM
Pre-consultation with applicant prior to submission of a Complete Application	**\$500
Official Plan Amendment	**\$2,500.00
Zoning By-law Amendment	**\$2,000.00
Minor Variance	**\$1,000.00
Consent	**\$1,800.00
Part Lot Control, Deeming By-Law, Validation of Title	**\$1,000.00
Zoning Compliance, Building Permit Review	**Hourly
MDS Calculations	**Hourly
Site Plan Control Application Review and Agreement(s)	**Hourly
Draft Plan of Subdivision Application Review and Agreement(s)	**Hourly
Attendance at meeting and/or travel to meetings, should attendance be required	**Hourly
Preparation and attendance at Ontario Land Tribunal Hearings	**Hourly

**Hourly Rates**

Principal in Charge	\$250.00
Senior Planner	\$187.50
Intermediate Planner	\$172.50
Junior Planner	\$140.00
GIS Technologist	\$167.50
Mileage (\$/km)	\$0.61

\*\* A 25% administration fee will be added to the above amounts to cover miscellaneous expenses such as technology, support personnel, telecom, printing, and other administrative costs. Tasks which are invoiced at hourly rates will be subject to the rates provided above plus HST. All of the foregoing application fees are non-refundable. In addition to the application fees above, the applicant shall pay all external costs incurred by the Municipality in respect of the planning application. All applications are subject to the terms and conditions of Bylaw No. 2023-17.

Note #1: Applications for zoning bylaw amendment, official plan amendment, consent, part lot control, deeming, site plan control, plan of subdivision or plan of condominium require a pre-consultation review to the municipality in advance of application submission. Pre-consultation is not required, but is strongly encouraged, for minor variance applications.

**SCHEDULE “F”  
TO BY-LAW NO. 2023-17  
Tax Sale Fees and Charges**

1. That the Treasurer and/or his/her designate are duly authorized to recover any legal fees, agent’s fees or other fees incurred through the administration of Part XI of the Municipal Act 2001, as amended, with respect to Sale of Land for Tax Arrears.