

The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-law to Prescribe a Tariff of Fees for the Processing of Heritage Applications in the City of Kawartha Lakes

Recitals

1. By-laws may be passed to establish and require the payment of fees for information, services, activities and the use of City property.
2. Section 391 of the Municipal Act 2001, S.O. 2001, as amended provides for a municipality to pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control.
3. Section 69(1) of the Planning Act R.S.O. 1990, c.P.13, as amended, provided that a municipality may establish a tariff of fees for the processing of applications.
4. Council deems it desirable to enact a tariff of fees by-law for heritage-related matters as prescribed in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Consolidated Fees By-law" means the City of Kawartha Lakes By-law 2016-206, as amended, or if it has been repealed, any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-Law;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
 - (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Heritage Fees

- 2.01 The heritage fees identified in Schedule E to the Consolidated Fees By-law are adopted and are incorporated into this By-law and shall have the same force and effect as if contained in the main body thereof.

Section 3.00: Peer Review

- 3.01 Prior to initiating a peer review of technical studies submitted in support of an application to alter or demolish a heritage property, the repeal of a heritage designation by-law, the removal of a property from the heritage register, or a development application involving or adjacent to a heritage property or site with archaeological potential, the City shall obtain a written quote from a pre-selected consultant(s). The applicant shall provide the minimum peer review deposit plus the combined total of the written quote(s) to commence the peer review process. Where multiple peer reviews are required, only one deposit fee will be charged.
- 3.02 For the purpose of this by-law, technical studies shall include:
- (a) Heritage impact assessments;
 - (b) Cultural heritage evaluation reports; and
 - (c) Archaeological assessments.

Section 4.00: Deposits and Refunds

- 4.01 Where a deposit is required within this by-law, a refund of any remaining funds will be made after a decision on the application has been made by Council.
- 4.02 If the peer review costs exceed the deposited amount, then the outstanding amount shall be paid before the signing of the documents by municipal staff.

Section 5.00: Ontario Land Tribunal Hearings

- 5.01 If a matter regulated under the Ontario Heritage Act is appealed to the Ontario Land Tribunal in which the City has supported the application through the passing, amendment or repeal of a by-law or has granted approval, the City will require from the applicant a deposit as prescribed in Schedule E to the Consolidated Fees By-law towards the hearing and preparation thereof, and the applicant will be responsible for all actual costs incurred by the City at the Ontario Land Tribunal in support of the application.
- 5.02 The applicant is responsible for all legal and other professional fees incurred by the municipality for any and all hearings referenced in Subsection 5.01. The choice of whether to actively participate in the hearing and the use of outside professional services or in-house professional services is at the sole and unreviewable discretion of the City. The fee for the service of in-house staff is outlined in Schedule A-4 to the Consolidated Fees By-law.

Section 6.00: Administration and Effective Date

- 6.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 6.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XX day of XXX, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk