

BY-LAW 2014-31

**BEING A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2014-3, TO ESTABLISH MISCELLANEOUS
USER FEES FOR CERTAIN SERVICES PROVIDED BY
THE CITY OF GREATER SUDBURY**

WHEREAS by By-law 2014-3, the City established user fees for certain services provided by the City of Greater Sudbury;

AND WHEREAS Council of the City of Greater Sudbury has determined that it is in order to amend the said By-law 2014-3;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

Replace 3(3) to 3(5)

1. Subsections 3(3) to 3(5) inclusive of By-law 2014-3, being a By-law of the City of Greater Sudbury to Establish Miscellaneous User Fees for Certain Services Provided by the City of Greater Sudbury are hereby repealed and the following Subsections 3(3) to 3(5) inclusive are enacted in their place and stead:

“3.(3) On all applications under the Planning Act, including without limitation, applications for minor variance, consent, re-zoning, Official Plan amendment, subdivision approval, the applicant shall, in the application for services, undertake to pay a fee determined in accordance with Schedule “AS-C” as a contribution towards the City's legal fees, costs and disbursements associated with the preparation for and attendance at all Ontario Municipal Board hearings in the event that the application is approved by the Committee of Adjustments, the Consent Official or Council, as the case may be and

- (a) the application is appealed by a third party to the Board; and
- (b) the applicant wishes the City of Greater Sudbury to attend on or participate in the appeal.

(4) The applicant shall pay to the City of Greater Sudbury in advance of any scheduled hearing date, an amount equal to the number of days the hearing is anticipated to last as established by the City Solicitor, times the fee determined in accordance with Schedule "AS-C". In the event that payment is not made or guaranteed to the satisfaction of the City Solicitor, prior to the commencement of the hearing, the City of Greater Sudbury shall not attend upon the hearing. The applicant shall be responsible to pay any fees required by the Ontario Municipal Board, whether required to be paid by the City of Greater Sudbury or not and shall be responsible for payment of any costs associated with his or her own representation at the hearing. Any amount owing to the City of Greater Sudbury in excess of the amount secured by advance payment shall be a debt owing to the City of Greater Sudbury and bear interest at the rate provided for in this By-law until payment in full.

(5) Nothing in Subsection 3(3) limits Council for the City of Greater Sudbury from determining that the City will attend and participate in the hearing of the third party appeal without the applicant being required to pay the fee as set out in Schedule "AS-C". "


Replace Schedule AS-C

2. Schedules "AS-C" of By-law 2014-3, a By-law of the City of Greater Sudbury to Establish Miscellaneous User Fees for Certain Services Provided by the City of Greater Sudbury is hereby repealed and Schedule AS-C attached hereto as Schedule A is enacted in its place and stead.

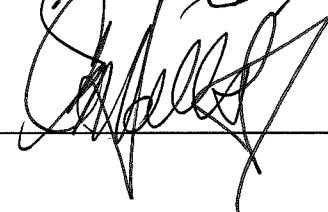
Effective

3. This By-law comes into effect upon passage.

READ AND PASSED IN OPEN COUNCIL this 28th day of January, 2014.



Mayor



Clerk

SCHEDULE "A"
TO BY-LAW 2014-31 OF THE CITY OF GREATER SUDBURY

SCHEDULE "AS-C"

TO BY-LAW 2014-3

LEGAL SERVICES

<u>CATEGORY</u>	<u>FEE</u>	<u>HST</u>	<u>TOTAL</u>
1. LEGAL SERVICES - PER HOUR OF SOLICITOR'S TIME	362.83	47.17	410.00
2. PROSECUTORIAL SERVICES - PER HOUR OF PROSECUTORS TIME	156.64	20.36	177.00
3. AGREEMENTS / DOCUMENTS			
A) PREPARATION / ARRANGING FOR EXECUTION / REGISTERING / REPORTING ON AGREEMENTS ARISING OUT OF OR RELATED TO PLANNING / DEVELOPMENT / BUILDING SERVICES / ROAD CONSTRUCTION			
-AGREEMENT TO GRANT EASEMENT	156.64	20.36	177.00
-ROAD DEDICATION AGREEMENT			NIL
-SUBDIVISION AGREEMENT (including redrafts) BUT EXCLUSIVE OF DISCHARGE FEE TO REMOVE EXISTING AGREEMENTS FROM TITLE	2,477.88	322.12	2,800.00
-REDRAFTS OF AGREEMENTS OTHER THAN SUBDIVISION AGREEMENTS, DONE AT THE REQUEST OF OTHER PARTIES	274.34	35.66	310.00
-ALL ROUTINE AGREEMENTS OTHER THAN AS IDENTIFIED ABOVE, ARISING OUT OF OR RELATED TO PLANNING / DEVELOPMENT / BUILDING SERVICES / ROAD CONSTRUCTION MATTERS	601.77	78.23	680.00
B) LEASES / LICENSE AGREEMENTS AND AGREEMENTS OF A ROUTINE NATURE OTHER THAN DESCRIBED IN A) WHERE THE CITY SOLICITOR DEEMS A FEE APPROPRIATE	601.77	78.23	680.00
C) NON-ROUTINE AGREEMENTS ON A TIME SPENT BASIS, OR AS DETERMINED BY THE CITY SOLICITOR			
D) PREPARATION / REGISTRATION / REPORTING OF E-REG DOCUMENTS			
PREPARATION OF E-REG DOCUMENTS INCLUDING WITHOUT LIMITATION: TRANSFERS, MORTGAGES, APPLICATIONS, DISCHARGES, RELEASES, POSTPONEMENTS OF CITY INTERESTS	278.76	36.24	315.00
TRANSFERS OF LAND FOR ROAD PURPOSES UNLESS PROVIDED TO THE CONTRARY BY AGREEMENT			NIL
E) EXAMINATION OF AGREEMENTS / DOCUMENTS PREPARED BY OTHERS			
50% OF FEE OTHERWISE CHARGED FOR AGREEMENTS/DOCUMENTS PREPARED BY THE LEGAL DEPARTMENT			
4. OTHER FEES			
SEARCH & REVIEW FEE - REVIEWING FILES TO RESPOND TO REQUESTS FROM THIRD PARTIES, eg.. DETERMINING IF AN EASEMENT CAN BE REMOVED FROM TITLE	58.41	7.59	66.00
RUSH FEE FOR LATE AGREEMENT REQUESTS BY EXTERNAL PARTIES WHEN APPROVAL OF COUNCIL IS NOT REQUIRED AND A TURN-AROUND TIME OF 72 HOURS IS PROVIDED	216.81	28.19	245.00
FEE PER DAY FOR CITY LEGAL COUNSEL ATTENDANCE AT ONTARIO MUNICIPAL BOARD HEARINGS ON A THIRD PARTY APPEAL BEFORE MARCH 28, 2014	5,309.73	690.27	6,000.00
FEE PER DAY FOR CITY LEGAL COUNSEL ATTENDANCE AT ONTARIO MUNICIPAL BOARD HEARINGS ON A THIRD PARTY APPEAL AFTER MARCH 28, 2014	5,632.74	732.26	6,365.00
5. DISBURSEMENTS			
IN ADDITION TO ANY APPLICABLE FEES, THE APPLICANT WILL ALSO PAY FOR ANY REGISTRATION FEES, SEARCH FEES, ADVERTISING AND OTHER APPLICABLE DISBURSEMENTS INCLUDING COSTS RELATED TO THIRD PARTY APPEALS TO THE OMB REFERENCED IN SUBSECTION 3(3) OF THE BY-LAW			