

FRONT-ENDING AGREEMENT APPLICATION GUIDE

APPLYING FOR FRONT-ENDING AGREEMENT

The *Development Charges Act, 1997* provides that municipalities in which a development charge by-law is in force may enter into front-ending agreements that relate to the provision of services for which there will be an increased need as a result of development and will benefit an area of the municipality defined in the agreement. The front-ending agreement must apply to an area in which the development charge applies along with providing for the cost of the works to be borne by one or more of the parties to the agreement and, that persons who in the future develop land within the area defined in the agreement are required to pay an amount to reimburse some part of the costs of the work.

The framework for front-ending agreements is formally established in the *Development Charges Act 1997*, S.O. 1997, c.27. Applications for front-ending agreements are considered by the Planning Committee and Council of the City of Greater Sudbury.

DEALING WITH THE APPLICATION

1

REVIEW and REPORT

City staff will review the application for a front-ending agreement and through their review may require additional information to be provided by the applicant. The application will not be processed until the additional information is submitted to the City. As part of the review a report will be prepared by City staff for consideration at the Planning Committee. The recommendation of the Planning Committee will be considered at the subsequent meeting of City Council.

2

AGREEMENT

If the application is approved, a front-ending agreement will be prepared by the City for the parties to sign. A party to the agreement may register the agreement against the land to which it applies.

3

NOTICE

The City Clerk shall give written notice of an agreement and of the last day for filing an objection to the agreement not later than 20 days after the agreement is made. The last day for filing an objection is 40 days after the day the agreement is made. If no appeal is filed, the front-ending agreement is in effect as of the day the agreement is made.

4

OBJECTION

Any owner of land within the area defined in the front-ending agreement may object to the front-ending agreement by filing an appeal with the Clerk on or before the last day for filing a notice of objection, which the Clerk shall forward to the Ontario Municipal Board (OMB) within 30 days of the last day for filing an appeal.

5

ONTARIO MUNICIPAL BOARD

The OMB will hold a hearing to deal with the appeal. The OMB may dismiss the objection in whole or in part, terminate the agreement or order that the agreement is terminated unless the parties amend it in accordance with the Board order.

FRONT-ENDING AGREEMENT

- 5. Supporting Material to be attached.
 - 1. A description and location of the service including the date that the service was completed or if the service is yet to be constructed the anticipated date of completion;
 - 2. A detailed cost estimate for the service prepared by a professional engineer including whether the costs are estimates or based on actual construction costs;
 - 3. A plan outlining the boundaries of the lands that will benefit from the service;
 - 4. An assessment by a professional engineer of those properties that will benefit from the service including a cost sharing formula for the apportionment of the costs to the benefiting properties;

- 6. **If there is any additional information which may be relevant to the request and which should be considered by the City in reviewing this application, please attach outlining the particulars of same.**

Unless otherwise requested, all communications will be sent to the agent.

OFFICE USE ONLY

Date of Receipt

PART A: OWNER ACKNOWLEDGMENT & CONSENT

I/We _____ (please print name), the registered owner(s) of the property described as _____

_____ in the City of Greater Sudbury:

Collection, Use and Disclosure of Information

- a) acknowledge that personal information collected on this form is collected pursuant to the *Development Charges Act S.O. 1997, c.27* for the purpose of processing this application;
- b) in accordance with the *Municipal Freedom of Information and protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City’s website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- c) grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for: internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

Authority to Enter Land and Photograph

- d) grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City’s review and processing of this application;
- e) acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Municipal Board, the City of Greater Sudbury may not attend at the Ontario Municipal Board hearing unless the City is provided with the City’s required fee for attendance at the hearing;

Appointment of Authorized Agent

- f) appoint and authorize _____ (print name of agent) to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions and providing any approvals or consents and ratify, confirm and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf;

Dated this: _____ day of _____, 20_____.

(witness)

(Signature of Owner #1 or Signing Officer where a Corporation*)

Print Name: _____

(witness)

(Signature of Owner #2 or Signing Officer where a Corporation*)

Print Name: _____

*Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

PART B: OWNER OR AUTHORIZED AGENT DECLARATION

I,/We _____ (please print name), the
registered owner(s) of the property described as _____

in the City of Greater Sudbury solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Date: _____

(Signature of Owner #1 or Signing Officer where a Corporation*)

Print Name: _____

I have authority to bind the Corporation

(Signature of Owner #2 or Signing Officer where a Corporation*)

Print Name: _____

I have authority to bind the Corporation

Dated this: _____ day of _____, 20_____.

Commissioner of Oaths

*Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.

Questions regarding the collection of personal information should be directed to the Manager Development Approvals, City of Greater Sudbury, 200 Brady Street, Sudbury, ON P3A 5P3.