



# The Corporation of the Town of Milton

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Report To: Council

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From: Glen Cowan, Chief Financial Officer / Treasurer  
Barbara Koopmans, Commissioner, Development Services

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Date: January 18, 2021

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Report No: DS-006-21

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Subject: Refund of Engineering and Inspection fees for Site Plan Application for 194 Bronte Street South (Town File SP-11/16)

**Recommendation: THAT Council authorize staff to refund the Engineering and Inspection fee in the amount of \$34,493.90 (exclusive of HST) associated with site plan application SP-11/16 for lands located at 194 Bronte Street South.**

## EXECUTIVE SUMMARY

- The Town has received a request from the Owner of 194 Bronte Street South to close site plan file SP-11/16, approved on March 29, 2019, and return fees/monies provided through the associated agreement.
- Staff have returned the road development charges paid and financial securities posted through the site plan agreement.
- As no site works have commenced, it is recommended the applicant be refunded the Engineering and Inspection fees paid in accordance with User Fee By-law 062-2018 and collected through the site plan agreement.
- To cover the costs of non-planning staff time expended supporting the site plan file, it is recommended the Per Unit Processing fee paid by the applicant be retained by the Town.

## REPORT

### Background

Town staff recently received a formal request from the Owner of 194 Bronte Street South, Village Developments Inc., to close the approved site plan application (Town File: SP-11/16), return the road development charges paid and release the site securities that were being held by the Town. In addition, the owner is requesting a refund for the Engineering and Inspection fees and the Per Unit Processing fee associated with the approved site plan application for these lands that were collected in accordance with the Town's User Fee By-law 062-2018 as part of the site plan agreement.



## Background

The site plan application was made on May 10, 2016 and subsequently granted approval on March 29, 2019, which would allow for the development of eighteen (18) stacked townhouses on the subject lands. Since that time, the Owner has decided not to proceed with developing these lands. No site works have been undertaken on the lands and the lands continue to be used for a single detached dwelling.

Accordingly, the Owner requested Town staff to close the site plan file and release and discharge the site plan agreement from the subject lands. Staff have proceeded to close the file and have returned the road development charges paid as well as the associated site securities that were being held to ensure the development was constructed in accordance with the approved site plan.

In addition to the development charges and securities, an Engineering & Inspection fee of \$34,493.90 (exclusive of HST) was paid in order to cover the cost of staff overseeing and inspecting the site works that would have been undertaken if the site were to be developed. Moreover, a Per Unit Processing fee in the amount of \$8,748.00 was collected in order to cover the Town's non-planning staff time associated with the site plan.

Staff do not currently have the authority to process a refund as there is no clause in the site plan agreement that speaks to the uniqueness of the situation in the event that development does not proceed nor is there any authority within the Town's user fee by-law. As such, staff is requesting Council authorization to allow for a refund of the Engineering and Inspection fees.

## Discussion

Staff is of the opinion that it is appropriate to return the Engineering and Inspection fees that were collected as part of the site plan approval for 194 Bronte Street South and Town File SP-11/16 as no site works were undertaken on the lands. As a result, there was no staff time allotted to the engineering and inspection fees that would normally have taken place if development were to have occurred.

Staff does not recommend a refund of the Per Unit Processing fee as there has been considerable non-planning staff time spent to support the administration of the site plan. As such, staff is requesting Council authorization to allow for the refund of the Engineering and Inspection fees in the amount of \$34,493.90 and recommends the Town retains the Per Unit Processing fee to offset non-planning staff time already expended in support of the file.

Other fees have been paid for this proposed development at earlier stages of the planning process including site plan application and site plan agreement preparation fees, and no adjustments are required in relation to those.



### Discussion

Going forward, staff will review the existing site plan agreement template language and ensure that appropriate clauses are added that would clearly address which fees are to be refunded in the event that a similar request is made in future from any property within the Town.

With respect to this specific site, should the property owner decide to undertake the future development of this site, all of the fees associated with the site plan process will again be payable in accordance with the prevailing user fee by-law at that time, as will the Town's requirements for the submission of securities.

### Financial Impact

User fees are an important source of revenue for the Town as they provide an effective method of ensuring the users of a service assist in the cost recovery, thereby mitigating pressure on property tax rates. Both the Engineering and Inspection and Per Unit Processing fees are designed to recover costs associated with staff time for the administration and inspection of lands subject to development. Given that development on the subject lands did not commence, no staff time was expended in relation to the Engineering and Inspection fee payment of \$34,493.90 (exclusive of taxes). Retaining the Per Unit Processing fee of \$8,748 ensures that the staff time spent administering the site plan is appropriately recovered directly from the user of the service.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO  
Commissioner, Development Services

Glen Cowan  
Chief Financial Officer / Treasurer

For questions, please contact: Christian Lupis, MCIP, RPP      Phone: Ext. 2310  
Director, Development Review

### Attachments

None

CAO Approval  
Andrew M. Siltala  
Chief Administrative Officer