

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2015-131

Consolidated on January 15, 2016

Passed by Council on July 7, 2015

Amendments:

- 1) By-law 2016-013 January 12, 2016 Sections 2.01
- 2) By-law 2016-209 November 22, 2016 Sections 1.01, 2.01

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2015-131

A By-Law To Establish and Require Payment of an Application Fee Relating To Road Allowance Inquiries in The City of Kawartha Lakes

Recitals

1. The Council of the Corporation of the City of Kawartha Lakes may pass by-laws establishing and requiring the payment of fees and charges for services or activities provided or done by on behalf of the City and for the use of City property.
2. Section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes imposing such fees.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2015-131.

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.

“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“Consolidated Fees By-law” means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.

(2016-209, effective Nov. 22/16)

“Council” or “City Council” means the municipal council for the City.

“Land Management Co-ordinator” means the person who holds that position (or successor title) and his or her delegate(s) or, in the event of organizational changes, another person designated by the Chief Administrative Officer of the City.

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: Application Fee – Road Allowance Inquiries

- 2.01 **Application Fee:** Non-refundable step fee shall be charged and must be submitted with each application for information in accordance with Schedule A-4 of the Consolidated Fees By-law, as amended. The application fees will offset expenses relating to staff time spent in reviewing the inquiry.

2016-013, effective January 12, 2016
2016-209, effective November 22, 2016

- 2.01 In addition to the application fee, should the City have to incur disbursements from third parties, such as conveyancer search fees, survey fees, etc., as associated with the inquiry, such costs will be the responsibility of the applicant and they will be required to reimburse the City for same. The City will not incur any cost until it has received a deposit equal to 100% of the anticipated cost. Any shortfall remains the responsibility of the applicant. The City may apply any deposit to any amount owing under this by-law.
- 2.02 If the City cannot fully process the application because of a failure of the applicant to make payment, the City may terminate the application process upon 5 business days' notice to the applicant. In this case, the City will retain the application fee and return any balance owing to the applicant.

Section 3.00: Effective Date

- 3.01 **Effective Date:** This by-law shall come into force and take effect when it has been finally passed by Council.

Section 4.00: Enforcement and Penalties

- 4.01 **Administration of the By-law:** The Land Management Co-ordinator is responsible for the administration of this by-law.

By-law read a first, second and third time, and finally passed, this 7th day of July, 2015.

Andy Letham, Mayor

Judy Currins, Clerk