



Title: Waiving of Planning Application Fees	
Policy Group: Your Community's Change and Growth	Policy Administrator: Development Services
Resolution No.: CW-53-2022	Policy Number: DS-02
Approval Date: 2022-02-24	Revision Date: 2026-02-24

1. Policy Statement

- a) Prince Edward County (hereafter the "County") is committed to collecting all fees to expenses incurred by the County in processing the various planning applications, including staff wages and the advertising and conducting of public meetings.
- b) This Policy ensures a fair and consistent approach when applying by setting parameters for waiving fees or refunding fees for various planning services in the application of County's Fees and Charges By-law, as amended.

2. Purpose

- a) The purpose of this Policy is to provide direction to staff, Council, County Committee of Adjustment and the public on when a planning application fee refunds (full or partial) shall be considered and under what circumstances a request will they be granted.

3. Scope

- a) This Policy applies to the Planning Services division in the County.

4. Legislative Authority

- a) Section 69 (1) of *Planning Act, 1990* permits council of a municipality, planning committee and committee of adjustment to establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or

to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff.

- b) Section 69 (2) of the *Planning Act, 1990* allows council of a municipality, planning committee and committee of adjustment in processing an application, to reduce the amount of or waive the requirement for the payment of a fee in respect of the application where the council, planning board or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.

5. Definitions

- a) "Planning Applications" shall mean all types of land development applications including but not necessarily limited to an official plan amendment, zoning by-law amendment, plan of subdivision or condominium approval, consent (severance) and minor variance.

6. General

- a) All appropriate planning application fee(s) will be paid in full at the time the application is submitted. A refund or waiving of the fees will be permitted only in compliance with the provisions of this Policy and the County's Fees and Charges By-law.
- b) The request to waiving or refunding of a portion or all of a planning application must be made in writing by the applicant or their agent to staff, prior to completion of the staff report and either the Planning Committee or the Committee of Adjustment conducting the public meeting for the related application, stating the reasons for the request.
- c) A request for the waiving of a portion or all of a planning application will be reviewed and evaluated to determine whether an error or omission occurred by staff or Council relative to the property or related planning application.
- d) Errors or omissions by staff or Councils prior to January 1, 1998 shall generally not be considered for the waiving of a fee. However, there may be consideration for the waiving of a fee in exceptional or unusual circumstances where an error or omission that has created particular problems or difficulties for the affected landowner(s).

- e) The following types of minor variance application shall not be considered for the waiving of a fee:
 - i. A reduction in a setback as the result of a conveyance of a road widening to the municipality in situations where the survey information accompanying the application was insufficient; and,
 - ii. An historic, non-complying setback pre-dating the adoption of the Comprehensive Zoning By-law, which the applicant or agent wishes to have legalized/recognized.

- f) With respect to any request that is to be directed through Council:
 - i. Staff will review the request and provide a recommendation within the applicable staff report and make a recommendation to the Planning Committee either approving in whole or in part or denying the request;
 - ii. The Planning Committee will make a recommendation to waive the fee in whole or in part or to deny the request; and,
 - iii. Council will ratify the motion through its consideration of the Planning Committee minutes.

- g) With respect to any request that is to be directed through the Committee of Adjustment:
 - i. Staff will review the request and provide a recommendation within the applicable staff report and make a recommendation to the Committee of Adjustment either approving in whole or in part or denying the request;
 - ii. The Committee of Adjustment will make a decision to waive the fees in whole or in part or to deny the request; and,
 - iii. Pursuant to Section 69(2) of the *Planning Act*, the decision of the Committee of Adjustment will be final and is not to be revisited by Council.

- h) Upon approval of waiving of a planning application fees in whole or in part, staff will process a cheque requisition through the Finance Department for the appropriate value to be reimbursed to the applicant with a copy of the motion from the minutes of the appropriate meeting attached.

7. Responsibility and Implementation

- a) Any changes to this Policy shall be approved by Council.

- b) The Director of Development Services or designate is accountable:
 - i. for ensuring that requests for waiving of fees and refund of fees charged for planning services are administered in compliance with the principles set out in this Policy; and,

- ii. Reviewing this Policy, along with its associated principles and guidelines, every four years, or earlier if needed, in order to ensure continuing relevance and conformance with best practices.
- c) This Waiving of Planning Fees Policy shall be made available at all times on County's website.

8. Documentation and Forms

- a) N/A