

# Corporate Policy and Procedure

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Policy	<b>Committee of Adjustment Fee Refund Policy</b>
Category	Departmental
Authority	City Clerk's Office
Related Policies	Committee of Adjustment Administrative Policy
Approved By	Committee of Adjustment
Effective Date	September 9, 2021
Revision Date	February 8, 2024

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## 1. Purpose

The purpose of this policy is to ensure a fair and consistent approach to providing refunds or waivers related to Committee of Adjustment fees, that also supports the recovery of processing costs.

## 2. Definitions

**"Application"** means an application made to the Committee under Section 45, 53 and 57 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

**"Committee"** means the City of Guelph Committee of Adjustment appointed by Guelph City Council pursuant to the Planning Act.

**"Fee"** means the applicable fee as approved by Guelph City Council under the Planning Act for a Committee of Adjustment application.

**"Incomplete"** means an application that does not contain all the information and material required to be included under Section 45, 53 and 57 of the Planning Act, R.S.O 1990, c. P.13, as amended, and any regulations thereto, as determined by the Secretary-Treasurer.

**"Secretary-Treasurer"** means the Secretary-Treasurer for the Committee or the Deputy Secretary-Treasurer, as the case may be.

## 3. Refund Policy

- a) If an application is determined incomplete by the Secretary-Treasurer, the Secretary-Treasurer may return any application fee payment received related to the incomplete application to the original payee.
- b) Any request for a fee refund related to a withdrawn application shall be submitted to the Secretary-Treasurer in writing, using the prescribed form.

- c) Upon withdrawal of an application, and the submission of a written request to refund the application fee by the owner and/or authorized agent, the Secretary-Treasurer shall approve refunds as set out in [Schedule 1 – Refund Calculation for Withdrawn Application](#).
- d) The Secretary-Treasurer shall be authorized to approve a refund of application fees in accordance with [Schedule 1 – Refund Calculation for Withdrawn Application](#).
- e) The Secretary-Treasurer shall, on an annual basis, prepare a report to the Committee including a summary of refunds authorized in accordance with Schedule 1.
- f) A fee refund request for a reason other than the withdrawal of an application must be submitted to the Secretary-Treasurer in writing, using the prescribed form, for consideration and decision by the Committee. Upon receipt of the refund request, the Secretary-Treasurer shall add the request to an upcoming agenda and prepare a report to the Committee that provides a recommendation on the refund request and outlines any incurred costs.
- g) Despite section 3 f), the Secretary-Treasurer shall be authorized to waive the requirement for payment of a deferral fee for an application that is deferred due to a tie vote of the Committee.
- h) Any request for waiver of an application fee shall be submitted to the Secretary-Treasurer in writing for consideration and decision by the Committee. Upon receipt of the waiver request, the Secretary-Treasurer shall add the request to an upcoming agenda and prepare a report to the Committee that provides a recommendation on the waiver request and outlines any anticipated costs. The waiver request must be approved by the Committee prior to the submission of an application.

## Schedule 1

### Refund Calculation for Withdrawn Application

Stage	Request Timing	Refund (Percentage of Application Fee Returned)	Notes
1	Application withdrawn prior to circulation of public hearing notice	90%	This covers costs with initial staff review of application for completeness, set up in AMANDA
2	Application withdrawn after circulation of a public hearing notice and prior to staff comments being provided	70%	This covers stage 1 costs plus circulation to staff and agencies and the public
3	Application withdrawn after staff comments have been provided and prior to public hearing	20%	This covers stage 1 and 2 costs plus staff time to complete review and provide comments
4	Application withdrawn after public hearing has been held	0%	In addition to stages 1, 2, and 3, a decision to approve, refuse or defer is made by the Committee