

The Corporation of the City of Burlington

City of Burlington By-law 61-2021

A By-law to establish and impose certain 2022 rates and fees for services, activities or the use of property
File: 435-03 (F-35-21)

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001*, authorize the City of Burlington to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the City of Burlington; and

Whereas subsection 391(1) of the *Municipal Act, 2001*, provides that section 9 and 11 of the Act authorize the City of Burlington to impose fees or charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control; and

Whereas section 69 of the *Planning Act, R.S.O. 1990, c. P. 13*, as amended, provides that Council may prescribe a tariff of fees for the processing of applications made in respect of planning matters; and

Whereas fees and charges listed in Schedule "A" may be administered and calculated in accordance with other City of Burlington by-laws or provincial legislation or both, including but not limited to:

- animal services by-laws
- business licensing by-laws
- fire prevention and suppression by-laws
- site alteration by-laws
- parking by-laws
- the *Building Code Act, 1992*, its regulations and by-laws passed under the Act or its regulations
- the *Funeral, Burial and Cremation Services Act, 2002*, its regulations and by-laws passed under the Act or its regulations
- the *Planning Act*, its regulations and by-laws passed under the Act or its regulations
- Order in Council 1413/08 and lottery licensing by-laws passed under the Order in Council; and

Whereas the City of Burlington wishes to establish and maintain a list of services, activities and the use of property subject to fees or charges and the amount of each fee or charge; and

Whereas the Council of the City of Burlington has authorized the passage of a by-law for the purpose of establishing the list of 2022 fees and charges;

Now therefore the Council of the Corporation of the City of Burlington enacts as follow:

1. The fees and charges set out in the “2022 Base Rate” column of Schedule “A” shall be charged by the City of Burlington for those services, activities or uses of property specified in first column of Schedule “A”, entitled “Description of Service or Activity Provided or Use of City Property”.
2. The rates and fees set out in the “2022 Base Rate” column of Schedule “A” are approved and imposed commencing January 1st, 2022 or thereafter as specified within Schedule “A”.
- 3(1) The fees and charges approved and imposed under section 2 of this By-law are subject to any adjustment authorized by a statute, regulation or by-law in respect of the calculation or administration of a fee or charge, such adjustment to be effective as provided for in such statute, regulation or by-law.
 - (2) Despite section 2 of this By-law, any fee or charge:
 - (a) authorized by a by-law that comes into effect on the same or a later date than this By-law; or
 - (b) included in a valid agreement entered into by the City of Burlington and one or more other parties,shall be the approved and imposed fee or charge for the service, activity or use of property specified.
4. Subject to section 3:
 - (a) despite any reference to a fee or charge for a service, activity or use of property set out in any other City of Burlington by-law including any appendix or schedule attached to such a by-law, the fee or charge set out in the “2022 Base Rate” column of Schedule “A” shall be the approved fee or charge for the service, activity or use of property specified; and

- (b) the fee or charge for a service, activity or use of property set out in Schedule "A" continues in force until amended, repealed or replaced and for greater certainty, this includes continuing in force after December 31, 2022 until amended, repealed or replaced.
5. No request by any person for documentary, written or printed information relating to any land, building or structure in the City, or request for services or activities provided by the City, or request to use the City's property or any application specified in the first column of Schedule "A", entitled "Description of Service or Activity Provided or Use of City Property", shall be processed unless and until the person requesting the information, services, activities, use of property or application, as the case may be, has paid the applicable fee or charge in the prescribed amount set out in the "2022 Base Rate" column of Schedule "A".
6. The fees and charges as listed in Schedule "A" are subject to Harmonized Sales Tax (H.S.T) where applicable.
7. The fees and charges imposed by the City, as outlined in Schedule "A" to this by-law may be increased, decreased or waived completely by the Director to whose department the fee or charge relates, subject to any approved corporate policy.
8. The annual increases to fees and charges imposed by the City, as outlined in Schedule "A" to this by-law, may be rounded to result in whole dollar values.
9. Interest for unpaid accounts owing for fees and charges will be charged in accordance with any approved corporate policy.
10. All unpaid fees or charges imposed by this By-law on a person constitute a debt of the person to the municipality.
11. Where all or part of a fee or charge imposed by this By-law remains unpaid, such fee or charge may be added to the tax roll for the following property and collected in the same manner as municipal taxes:
 - (a) in the case of a fee or charge for the supply of a service or thing to a property, the property to which the service or thing was supplied.
 - (b) in all other cases, any property for which all of the owners are responsible for payment of the fee or charge.
12. Should any section or part of a section of this By-law, including any part of Schedule "A", be determined by a Court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of the By-law

shall be severable and that the remainder of this By-law, including the remainder of Schedule "A", as applicable, shall continue to operate and to be in force.

13. Schedule "A" is attached to and forms a part of this By-law.
14. This by-law may be referred to as the "Rates and Fees By-Law".
15. That by-law 92-2020 is repealed in its entirety upon the coming into force of this By-law.
16. This by-law comes into force January 1st, 2022.

Enacted and passed this 23rd day of November, 2021.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____