



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
RECOMMENDATION REPORT**

To: Members of Hantsport Area Advisory Committee

Submitted by:

Madelyn LeMay
Director of Planning and Development

Date: September 11, 2019

Subject: Fees: Hantsport Subdivision By-law Amendment

1.0 ORIGIN

At the July 18, 2019 West Hants Planning Advisory Committee (WHPAC) meeting, members agreed by consensus to have staff draft reports and begin the formal procedures to remove clauses regarding fees from both the West Hants and Hantsport Subdivision By-laws and replace them with clauses noting that Council will set fees by policy from time-to-time.

This report begins the process required to amend the Hantsport Subdivision By-law (HSUB).

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act s. 49, *Power to make policies*

3.0 RECOMMENDATION

It is recommended that HAAC recommend:

... that the Planning Advisory Committee recommend that Council give First Reading and hold a Public Hearing to consider amending the text of the Hantsport Subdivision By-law by removing the existing Section 6.13 of the Hantsport Subdivision By-law and replacing it with the following section:

6.13 *The subdivider shall pay:*

- (a) *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and*
- (b) *any processing fees prescribed by Council from time to time by policy.*

and by deleting the existing subsection 9.9(1) and removing the numbering from subsection 9.9(2) so that section 9.9 is as follows:

9.9 *Where the development officer refuses to repeal a subdivision, the development officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to Section 9.8.*

4.0 BACKGROUND

Background and discussion can be found in the July 18, 2019 staff report to WHPAC entitled “Fees Related to Planning, Development and Building” and the WHPAC/HAC Minutes of July 18, 2019 (Attachment A).

4.1 Recommended Subdivision By-law Amendments

Fees for subdivision are established within the HSUB (Attachment B). In order to simplify future changes, these fees can be moved to the Fees Policy (COFN-005.03) established by Council. No changes in the amounts charged are being recommended now. The proposed clause is:

6.13 *The subdivider shall pay:*

- (a) *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and*
- (b) *any processing fees prescribed by Council from time to time by policy.*

In addition, section 9.9 makes reference to a processing fee which should be moved to the Fees Policy (COFN-005.03)

The proposed amendments are shown in Attachment B.

5.0 OPTIONS

HAAC may recommend that WHPAC/HAC recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WHLUB amendment as drafted or as specifically revised by direction of WHPAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

6.0 ATTACHMENTS

Attachment A	Staff report to WHPAC July 18, 2019: <i>"Fees Related to Planning, Development and Building"</i>
Attachment B	Existing HSUB
Attachment C	Proposed HSUB Amendment



MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

To: Members of West Hants Planning/Heritage Advisory Committee

Submitted by: _____
Madelyn LeMay, Director of Planning and Development

Date: July 18, 2019

Subject: Fees Related to Planning, Development, Building and Heritage

1.0 ORIGIN

Fees other than those for Planning, Development Control, Building and Heritage-related matters have been reviewed by West Hants over the past several years. In preparation for consolidation with the Town of Windsor, it is reasonable to ensure that processing fees can be changed in the easiest possible manner and that the processing fees charged are appropriate.

Recommendations similar to those below were made to the Windsor Planning and Heritage Advisory Committees on July 10, 2019.

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act 49(1)(c)(3); 220(4); 211(1) (b)

3.0 RECOMMENDATION

Should the Planning/Heritage Advisory Committee (PAC/HAC) wish to recommend changes regarding fees, the following motions would be in order:

PAC/HAC directs that staff draft amendments and begin the formal procedures to require that applicants for a Land Use By-law amendment, a development agreement, amendment to a development agreement or discharge of a development agreement

pay a processing fee to be established in the Fees Policy (COFN-005.03).

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing heading and Section 2.8 from the West Hants Land Use By-law and replace it with the following section:

Application Fees

"2.8

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy."

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing Section 4.5, "Amendment of By-law" from the Hantsport Land Use By-law and replace it with the following section:

"4.5 Application Fees

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy."

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing Section 11 of the West Hants Subdivision By-law and replace it with the following section:

- 11. *The subdivider shall pay:***
 - (a) *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses***

- to approve a final plan of subdivision these fees shall be returned to the subdivider; and*
- (b)** *any processing fees prescribed by Council from time to time by policy.*

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing Section 6.13 of the Hantsport Subdivision By-law and replace it with the following section:

- 6.13** *The subdivider shall pay:*
- (a)** *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and*
 - (b)** *any processing fees prescribed by Council from time to time by policy.*

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the fee schedule from the Building Code Act By-law.

PAC/HAC directs that staff draft amendments which would establish that West Hants pay all costs related to the registration of a municipally-registered heritage property and begin the formal procedures related to these amendments.

PAC/HAC directs that staff draft amendments which would establish that West Hants waives processing fees for all planning, development, building and heritage-related applications for municipally-registered heritage properties and begin the formal procedures related to these amendments.

PAC/HAC directs that staff draft amendments which would establish that West Hants waive processing fees for properties in West Hants owned by non-profit organizations which are registered under the Societies Act and begin the formal procedures related to these amendments.

4.0 BACKGROUND

4.1 Existing Fees Policy

West Hants has a Fees Policy (COFN-005.03). Council intends that all fees be specified within this policy rather than in individual documents. In order to accomplish this goal, in a number of cases the document in which the fees have been established must be amended to remove the fees so that they will only remain in the Fees Policy (COFN-005.03). Changes to the Fees Policy (COFN-005.03) can more easily be accomplished than changes to each individual by-law.

4.2 Future Amendments: Municipal Planning Strategies (MPS)

Clause 220(4) of the MGA notes that " A land-use by-law may...(l) prescribe the fees for an application to amend a land use by-law or for entering into a development agreement, site plan or variance. Both the Hantsport and West Hants Municipal Planning Strategies include policy regarding charging fees for some applications (Appendix A). Although these policy statements are not required, they do no harm and removal can wait until the documents are reviewed. An amendment to either MPS is not required at this time.

4.3 Recommended Land Use By-law Amendments (LUB)

The ability to charge fees for development agreements, site plan approvals or variances should be included within both the West Hants and Hantsport LUB in a way that ensures an amendment to the document is not required in order to charge a fee or to set or change the amount. The clause included in each document should cover all potential charges, leaving the specifics of what is charged for and what the fee is to the Fees Policy (COFN-005.03) established by Council. The clauses within the West Hants By-law now require only the payment of costs, while in Hantsport a processing fee is charged (Appendix B).

4.4 Required Subdivision By-law Amendments

Fees for subdivision are established within the Subdivision By-laws for West Hants and Hantsport (Appendix C). In order to simplify future changes, these fees can be moved now to the Fees Policy (COFN-005.03) established by Council. No changes in the amounts charged are being recommended now.

5.0 DISCUSSION

Why Charge Applicants?

5.1 Direct Costs

Direct costs refer to those costs which would not be incurred without a specific application having been made. There are a number of costs which are now charged to applicants for any application, including:

- the cost of advertising in the paper and letters which must be mailed;

- the fee charged by the Registry of Deeds/Land Registry Office to record a heritage registration, development agreement, amendment to a development agreement or discharge of a development agreement.

The only direct cost which is not charged to applicants now is the cost of having a lawyer record material at the Registry of Deeds or Land Registration Office. This cost is incurred when recording a heritage registration and recording a development agreement, amendment to a development agreement or discharge of a development agreement. Should PAC/HAC wish, charging applicants this direct cost could be recommended to Council.

Applicants are not asked to pay the costs of having documents reviewed by the Municipal Solicitor as this is done to ensure the Municipality's interests are protected.

It is reasonable that the applicant pays most direct costs associated with an application. The exceptions to this are discussed later in the report.

5.2 Processing Costs

For any application, the Municipality expends resources in order to consider the request, including staff time, physical resources and Committee and Council meetings.

In order to determine whether a processing fee is charged to applicants, the question usually considered by a Council is: who benefits from this application and process?? If only, or primarily, the applicant benefits, a processing fee is usually charged; if a number of residents or the public could benefit, costs are borne by the public (through the Municipality). Benefit is usually considered to primarily result as follows:

Application	Benefit
MPS amendment	public
LUB text amendment	individual and public
LUB map amendment (rezoning)	individual
Development Agreement, Amendment or Discharge	individual
Heritage Designation	public benefit; individual burden

This private/public benefit is considered when reviewing each process.

- 5.2.1 *Municipal Planning Strategy (MPS) Amendment*
Although an MPS text amendment may be requested by an individual, any change in policy will affect more than one lot or individual. A change in a designation on the Generalized Future Land Use Map, the primary map of the MPS, may affect only one lot or may affect many. As a result, it is recommended that direct costs for any requested MPS amendment be charged to the applicant and that no processing costs be charged to the applicant.
- 5.2.2 *LUB Text Amendment*
A requested amendment to the text of the LUB will immediately benefit the applicant and it may also benefit others. As a result, it is recommended that both direct costs and processing costs for any requested LUB text amendment be charged to the applicant.
- 5.2.3 *LUB Map Amendment (rezoning)*
A requested amendment to the Zoning Map of the LUB will immediately benefit the applicant and will not benefit other lots. As a result, it is recommended that both direct costs and processing costs for any requested LUB map amendment be charged to the applicant.
- 5.2.4 *Development Agreement, Amendment or Discharge*
Development agreements provide a direct benefit to the applicant and not to others as they broaden the use permitted on a lot or in an area. As a result, it is recommended that both direct costs and processing costs for any requested development agreement, amendment to a development agreement or discharge of a development agreement be charged to the applicant.
- 5.2.5 *Development Agreements*
There are just over 30 development agreements or development agreement amendments which have been approved in West Hants since land use regulation by the Municipality began. At least nine (9) of these have never been used and it is very unlikely they ever will be. . No processing fee is now charged; a processing fee may decrease applications for development agreements or development agreement amendments which are unlikely to be used.

Processing fees would be in addition to the "direct costs" charged. The following processing fees should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Development Agreement \$500.00

Substantive Amendment \$500.00
Non-Substantive Amendment \$300.00

Should PAC/HAC wish to recommend these, or similar, fees to Council, they would be included within a report regarding the Fees Policy at a later date.

5.2.6 *Development Permits*

MGA subclause 49(1)(c)(3) allows Council to set fees for “permits, applications and approvals required to be obtained from the municipality or an employee of the municipality pursuant to a by-law of the municipality or an enactment”. No processing fee is now charged for a development permit application. A basic processing fee of \$25.00 would be a reasonable charge and should be listed only in the Fees Policy. This would add a minimal cost to applications which also require a building permit and would ensure that applications which do not require a building permit, such as for a sign or change of use, pay a small fee.

The following processing fee should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Development Permit: \$25.00

Should PAC/HAC wish to recommend this, or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.7 *Variances*

In order to provide a degree of flexibility in the regulation of development, the MGA enables the Development Officer to grant a variance from the requirements of the Land Use By-law when an applicant cannot meet specifically-listed required standards of the LUB. The process takes more staff time to consider and process than a development permit and both approval and refusal of a variance may be appealed to Council.

No processing fee is now charged. The following processing fee should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Variance Application: \$25.00 in addition to the development permit fee.

Should PAC/HAC wish to recommend this, or a similar fee, to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.8 *Site plan approval*

A site plan approval is a process through which the Development Officer reviews and approves the design details of a site-specific proposal. Neither the Hantsport nor West Hants Land Use By-laws now provide for site plan approval.

5.2.9 *Zoning Confirmation Letters*

A letter of Zoning Confirmation, occasionally referred to as a "Zoning Certificate" is usually requested by someone purchasing a property to ensure that what they wish to do on/with the property will be allowed and permits can be issued. These are prepared by the Development Officer and take time and research to prepare.

The following processing fee should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Zoning Confirmation Request: \$50.00

Should PAC/HAC wish to recommend this or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.10 *Building Code Act By-law*

The fee to be paid for each type of permit issued under the Building Code Act By-law is already included within the Fees Policy (COFN-005.03). In order to avoid duplication and ensure that conflicts don't arise, fees should be removed from the Building Code Act By-law (Appendix E) and be replaced with a clause which covers all potential charges, leaving the specifics of what is charged for and what the fee is to the Fees Policy established by Council. No changes in the amounts charged are being recommended now; a review of these charges should be done following Consolidation. The proposed clause for the Building Code By-law Act is:

5.1 *An applicant for a building, occupancy or demolition permit shall pay the fees prescribed by Council from time to time by policy.*

5.2.11 *Heritage Property By-law*

No mention of fees is made in the West Hants Heritage Property By-law. The former West Hants application form for registration of a heritage property (replaced 2018) required applicants to pay the direct charges for registering the property in the Land Registry Office (LRO). There is no record of how this originated, and West Hants appears to be one of a very few municipalities in Nova Scotia to require this. Since the registration of a heritage property is considered to bring benefit to the municipality and a burden to the owner, other municipalities usually bear the costs of registration and the cost of the plaque. West Hants now covers the cost of the plaque; adding the costs of registration is anticipated to likely cost the Municipality a maximum of approximately \$226.70 in any calendar year, the cost of recording the information in the Land Registry Office, as no more than one property has been registered in any year in the recent past.

There is no processing fee charged for a heritage permit application. Most of these applications also require a development permit and/or building permit.

It is recommended that all planning, development, building and heritage-related processing fees be waived for municipally-registered heritage properties as the benefit accrues to the public rather than, or in addition to, the applicant.

The following exemption is recommended for inclusion in the Fees Policy (COFN-005.03) and would be similar to other units (Appendix D):

West Hants will pay the cost of registration of a municipally-registered heritage property.

All planning, development, building and heritage-related costs and processing fees are waived for municipally-registered heritage properties.

Should PAC/HAC wish to recommend this or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.12 *Fees for Non-Profits*

There are a number of organizations in West Hants which support the community through various types of volunteer work. Most of the organizations carry out some type of fund raising and receive grants from West Hants. Most which own buildings have a difficult time maintaining them, especially to modern Fire Code standards. It is proposed that all planning, development, building and heritage-related processing fees be waived for non-profit organizations which

are registered under the Societies Act as these organizations benefit the community.

The following exemption is recommended for inclusion in the Fees Policy (COFN-005.03) and would be similar to other units, where it is often applied but not stated in policy:

All planning, development, building and heritage-related processing fees are to be waived for properties owned by non-profit organizations which are registered under the Societies Act.

Should PAC/HAC wish to recommend this or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

6.0 ALTERNATIVES

PAC/HAC may:

- 6.1 direct that the process for amendment not be followed for each of the recommendations;
- 6.2 provide alternative direction, such as requesting further information on a specific topic.

7.0 ATTACHMENTS

Appendix A	Existing MPS Policies
Appendix B	Existing LUB Regulations
Appendix C	Subdivision Regulations Regarding Fees
Appendix D	2018 Processing Fees in Some Other Municipal Units and Proposed Fees for Hantsport and West Hants
Appendix E	Building Code Act By-law Fee Schedule

APPENDIX A
Existing MPS Policies

Taken from the Hantsport MPS May, 2019:

11.5 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the costs of amendments to the Land Use By-law and variances.

Policy IM-8

It shall be the policy of Council to levy fees from the applicant for following:

- (a) cost of notifying adjacent land owners;*
- (b) cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded; and*
- (c) administrative processing costs.*

Taken from the West Hants MPS May 2019:

16.10 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the cost of amendments to the Land Use By law, variances and development agreements.

Policy 16.10.1 It shall be the policy of Council to levy fees from the applicant for following costs:

- (a) the cost of notifying adjacent land owners;*
- (b) the cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded;*
- (c) the cost of posting a sign; and*
- (d) administrative processing costs.*

APPENDIX B
Existing LUB Regulations

Taken from the West Hants Land Use By-law May 2019

Advertising and Notification Costs

- 2.8 (a) Where an application is made to amend this By-law or to enter into or amend a development agreement, the applicant shall deposit with the Municipal Clerk at the time of application an amount estimated by the Municipal Clerk to be sufficient to pay the costs of any advertising and notification required.
- (b) If the amount paid under subsection (a) is not sufficient to cover the actual cost incurred, the applicant shall pay the additional amount required within 30 days of remittance of an invoice. If the amount paid exceeds the actual costs incurred, the Municipal Clerk shall refund the excess amount.

Taken from the Hantsport Land Use By-law May 2019

4.5 Amendment of By-law

- (a) Any person who wishes to obtain the amendment, revision, or repeal of this Bylaw shall submit an application in writing to the Development Officer of the Town of Hantsport.
- (b) The application shall state an address for service.
- (c) The applicant shall deposit with the Development Officer an amount estimated by the Development Officer to be sufficient to pay the cost of advertising required by the Municipal Government Act, Part VIII, Section 205. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.
- (d) After the notice and advertising required under the Municipal Government Act, Part VIII, Section 205, has been completed, the applicant shall pay to the Development Officer any additional amount necessary to defray the cost of advertising, or if there is a surplus the Development Officer shall refund the same to the applicant.
- (e) The applicant shall pay a processing fee of \$200.00, payable at the time of application. The fees shall only be refundable if the application is cancelled before the work related to processing of the application has begun.

APPENDIX C
Subdivision Regulations Regarding Fees
Taken from the West Hants Subdivision By-law May 2019

Part 4 ...

- 11.** (a) The subdivider shall pay:
- (i) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan; and
 - (ii) for review and approval of a tentative plan of subdivision, a processing fee of \$25.00; and
 - (iii) for review and approval of a final plan of subdivision, a processing fee of \$75.00 plus \$4.00 for each lot for which approval is being requested; and
 - (iv) where a final plan of subdivision shows proposed public streets or private roads, an additional processing fee of \$200.00.
- (b) The fees referred to in subsection (a)(i) shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the "Registry of Deeds".
- (c) The fees referred to in subsections (a)(ii) and (iii) shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the "Municipality of the District of West Hants".
- (d) The fee referred to in subsection (a)(iv) is a one time fee which shall be paid, in the case of a proposed private road, at the time the application is submitted for approval of the first lots shown on a final plan of subdivision, and in the case of a proposed public street, prior to acceptance of the public street by the Municipality, by cheque or money order made payable to the "Municipality of the District of West Hants".
- (e) Where the Development Officer refuses to approve a final plan of subdivision, the Development Officer shall return the fees referred to in sub subsection (a)(i) to the subdivider.

Taken from the Hantsport Subdivision By-law May 2019

- 6.13 (1) At the time of application for approval of a final plan of subdivision, the subdivider shall submit to the development officer
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan; and
 - (b) a processing fee of \$100.00 per application for approval of a final plan of subdivision.
- (2) Where the development officer refuses to approve a final plan of subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

APPENDIX D
2018 PROCESSING FEES IN SOME OTHER MUNICIPAL UNITS and PROPOSED FEES FOR HANTSPORT AND WEST HANTS

	Kings	Chester	Lunenburg Municipality	East Hants	Bridgewater	Colchester	West Hants	Windsor	Hantsport	West Hants and Hantsport Proposed
Development Agreement	~\$500	\$400	\$500		\$200		0	0	n/a	\$500 + costs (legal firm to record ?; LRO recording fee)
Non-Substantive amendment to a DA	not specified	\$100	not specified	\$100	\$100		0	not specified	n/a	\$300 + costs (legal firm to record; LRO recording fee)
Discharge of a DA	not specified		not specified				0	not specified	n/a	Costs (legal firm to record; LRO recording fee)
MPS Amendment	~\$500 (including LUB amendment)	\$500	\$500	\$200/\$500/\$75 based on development size	\$300 (including LUB amendment)	\$100	0	0	0	0
LUB Amendment	~\$500	\$300	\$500	\$200/\$500/\$75 based on development size	\$300		HLUB \$200. (not collected)	0	\$200 in HLUB	\$300.00
Heritage Registration										Legal firm to record; LRO recording fee to be paid by Municipality
Development Permit	combined with building permit (\$20.)	\$40. basic/ \$60.00 over \$5,000.	\$25.00	\$100 (Sign \$50)			0			\$25.00

		construction value								
Variance	no charge	\$50	\$75	\$100			0			\$50.00
Site plan approval	-	-	-	\$100			n/a			\$25.00 + development permit fee
Zoning Confirmation/ Certificate	n/a	n/a	\$50	\$75			0	\$25.00		\$50.00

APPENDIX E

Taken from the Building Code By-law Act May 2019

PART 5 PERMIT FEES

5.1 Fees for permits shall be as follows:

Class of Project	Fee
New construction of, and additions to, residential buildings, community centres, cottages and churches	\$25.00 + \$0.12ft ²
New construction of, and additions to, commercial, industrial and other buildings not otherwise specified	\$50.00 + \$0.15ft ²
New construction of, and additions to sheds, decks, storage buildings, garages, barns, and other farm, forestry or fishing buildings not designed for human occupancy	\$25.00 + \$0.06ft ²
Repairs, renovations or alterations to all existing buildings	\$25.00 + \$2.50 per \$1,000 of value of construction; except that for non-structural repairs, renovations or alterations where the estimated value of construction is less than \$5,000.00, the fee shall be \$25.00.
Relocation of mobile homes and mini-homes where there is no finished basement	\$50.00
Additional fee where construction has been started prior to issuance of a building permit. This fee reflects heightened municipal costs and risks where a builder requests a permit (and therefore the associated inspection services) after already having started construction. It does not preclude prosecution for non-compliance, and does not prevent the Building Official from requiring construction work to be undone in whole or in part in order to inspect conditions not otherwise observable.	\$50.00 + applicable building permit fees
Tents or Air supported structures	\$50.00
Pools	\$25.00
Demolition of building/structure	\$25.00
Renewal or amendment of an approved permit, whether or not construction has commenced	\$25.00

- 5.2 For the purposes of calculating permit fees, square footage shall be based on:
- (a) for buildings intended for human occupancy, the gross floor area of the building; including the floor area of a basement; or
 - (b) for buildings not intended for human occupancy, the gross floor area of the main floor.
- 5.3 Fees, less a \$25.00 processing charge, shall be refunded where the application was not completed, was denied, or was withdrawn after the permits was issued and before construction has commenced.
- 5.4 The Municipality of the District of West Hants is exempt from the payment of building permit fees.

ATTACHMENT B

Taken from the Hantsport Subdivision By-law August 2019

- 6.13 (1) At the time of application for approval of a final plan of subdivision, the subdivider shall submit to the development officer
- (a) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan: and
 - (b) a processing fee of \$100.00 per application for approval of a final plan of subdivision.
- (2) Where the development officer refuses to approve a final plan of subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.
- 9.9 (1) At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer
- (a) the fees contained in the Costs and Fees Act, and its regulations, for registering a repeal of a plan of subdivision; and
 - (b) a processing fee of \$100.00 per final application for repeal of a subdivision.
- (2) Where the development officer refuses to repeal a subdivision, the development officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to Section 9.8.

ATTACHMENT C

Proposed Hantsport Subdivision Bylaw Amendment

Amendment to clarify fees for subdivision.

.....

1. Amend the text of the Hantsport Subdivision By-law by deleting the existing section 6.13 and replacing it with the following section 6.13:

6.13 *The subdivider shall pay:*

- (a) *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision a processing fee may be determined by Council from time-to-time and the remainder of the fees shall be returned to the subdivider; and*
- (b) *any processing fees prescribed by Council from time to time by policy.*

2. Amend the text of the Hantsport Subdivision By-law by deleting the existing subsection 9.9(1) and removing the numbering from subsection 9.9(2) so that section 9.9 is as follows:

9.9 Where the development officer refuses to repeal a subdivision, the development officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to Section 9.8.