

Report to Committee of the Whole (CoW)  
April 13, 2026  
**Report Title: Request to Waive Planning and Building Fees – 30 B12**  
Department: Development Services  
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Position: Manager of Development Services  
Report #: DS-2026-10



## RECOMMENDATION

Be it resolved that the Committee of the Whole (CoW) recommends to Council that Option #\_\_\_\_\_ be approved regarding the request to waive planning and building fees for 30 B12, as presented in DS-2026-10

Option 1.) Maintain standard fee structure (no waiver of \$1,097 minor variance fee plus \$193 minimum building permit fee)

Option 2.) Partial fee waived (50% of noted required fees).

Option 3.) Full fee waived (100% of noted required fees).

## STRATEGIC PLAN COMMENTS

Sector 8 – Governance and Administration – Strategic Initiative #2 – Review the fundamental governance elements of Rideau Lakes Township.

Sector 8 – Governance and Administration - Strategic Initiative #4 – Township Council will ensure openness and transparency in its operations.

## BACKGROUND

At its meeting of March 9, 2026, the Committee of the Whole received correspondence from the owners of 30 B12 requesting that the Township waive certain planning and building related fees associated with their property. The rationale for the request includes concerns related to previous planning applications, interpretation of the *Planning Act*, and associated costs incurred through the development process.

In their correspondence the residents indicate that:

- Previous planning applications were reviewed under Section 45(1) of the *Planning Act* rather than Section 45(2);
- They believe that redevelopment should have been considered as an expansion of a legal non-conforming use;
- They incurred additional costs related to planning applications, surveys, and construction decisions;
- They believe that a different planning approach may have resulted in a more favourable or cost-effective outcome.

The residents have also referenced prior Tribunal decisions and their interpretation of planning policy and legal principles. The Committee of the Whole subsequently passed a resolution directing staff to

prepare a report to Council regarding the request. The correspondence has been provided to Council in full for review.

Planning applications within the Township are processed in accordance with:

- the *Planning Act*
- the Provincial Planning Statement, 2024
- the United Counties of Leeds and Grenville Official Plan
- the Township of Rideau Lakes Official Plan
- the Township of Rideau Lakes Zoning By-law 2023-50

Minor variances and permissions are considered by the Committee of Adjustment under Section 45 of the *Planning Act*, which provides for:

- Section 45(1): Minor variances from zoning standards
- Section 45(2): Permission to enlarge or extend a legal non-conforming use or structure.

Applications under either section are subject to statutory tests and planning discretion, and approval is not guaranteed. Planning and building fees are established through municipal by-laws and are intended to recover the costs associated with application review, technical analysis, and administration.

## DISCUSSION

The request raises questions regarding the role of the municipality in providing guidance on planning applications, the extent to which residents rely on municipal input, and whether additional costs incurred by an applicant should result in fee relief.

Municipal staff are responsible for processing applications in accordance with applicable legislation, policy, and by-laws, and providing information regarding requirements and procedures.

Applicants are generally responsible for determining how to proceed with development proposals, including whether to obtain independent professional advice (e.g., planning or legal services).

The Township's municipal solicitor has reviewed the circumstances described in the applicant's correspondence and advised that municipalities are expected to provide accurate information regarding applicable regulations but are not generally responsible for advising residents on the most advantageous or strategic approach to obtaining approvals. The opinion further notes that while liability may arise where factually incorrect information is provided, this is distinct from matters involving interpretation or strategic advice.

Township staff provide information on applicable policies, regulations, and processes; however, they do not act as professional advisors in determining the most appropriate approach to a development proposal. Applicants remain responsible for how they choose to advance their applications, including whether to obtain independent professional planning advice.

Staff note that Sections 45(1) and 45(2) of the *Planning Act* provide for different types of planning relief considered through the same Committee of Adjustment process, each of which is evaluated based on the specific circumstances of a proposal and applicable planning considerations. The applicant's request is based in part on the assumption that a different planning approach may have

resulted in a different or more favourable outcome. However, permissions under Section 45(2) of the *Planning Act* are discretionary, and it cannot be determined with certainty whether a different application would have been approved or would have reduced overall costs.

Accordingly, the request to waive fees is considered a matter of Council discretion rather than a requirement arising from demonstrated error or liability. Staff further note that providing fee relief based on retrospective consideration of alternative planning approaches may have implications for the consistent application of municipal fees and could result in similar requests in other circumstances.

**CONCLUSION**

The request to waive planning and building fees for 30 B12 arises from the resident’s concerns regarding past planning processes and associated costs. Based on the information available, including legal review, the matter does not present a clear obligation for the Township to provide fee relief. Council has the discretion to determine whether fees should be waived, reduced, or maintained in accordance with the Township’s established fee by-laws. In making this determination, Council may also wish to consider the importance of maintaining consistency and predictability in the application of municipal fees. Staff have provided the above options for Council’s consideration and direction.

**FINANCIAL IMPLICATIONS**

Planning and building application fees are intended to recover the costs associated with staff administration, review, and processing of applications. Waiving or refunding fees would result in a reduction in cost recovery for these services and may have implications for consistency in the application of the Township’s fee by-laws.

**ATTACHMENTS**

- 1.) Moffat/Donkers fee waiver request letter

e-signed  
Tom Fehr, Manager of Development Services

April 8, 2026  
Date

e-signed  
Shellee Fournier, CAO

April 9, 2026  
Date