

**THE CORPORATION OF THE  
MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 06-684**

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Being a by-law to establish the Tariff of Fee Schedule for Planning related matters and to repeal Schedule “E” of By-law No. 06-664 and By-law No. 02-533

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**WHEREAS** under Section 69 of the Planning Act, Ch. P13, R.S.O. 1990 states that Council of a municipality may by By-law prescribe a tariff of fees for the processing of applications made in respect of planning matters;

**AND WHEREAS** Section 42 (1) states, As a condition of development or redevelopment of land, the Council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes;

**AND WHEREAS** Section 51.1 (1) states, The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes;

**AND WHEREAS** Section 51.1 (3) states, If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting the conveyance, require the payment of money by the owner of the land to the value of the land otherwise required to be conveyed.

**AND WHEREAS** Section 53.(13) states, If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given. 1994, c. 23, s. 32.;

**AND WHEREAS** the Municipality of Temagami Official Plan Section 9.13 states, Cash-in-lieu of parkland is authorised under Section 42 of the Planning Act for park or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at a rate of 5% or for commercial or industrial severances at the rate of 2% of the value of land as set out in Sections 42, 51 and 53 of the Planning Act. Such monies may be placed in a special account and spent only for the acquisition of land to be used for park or other recreational purposes, including the erection or repair of buildings and the acquisition of machinery for park or other recreational purposes.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION MUNICIPALITY OF TEMAGAMI HEREBY ENACTS AS FOLLOWS:**

1. THAT this by-law applies to all lands within the Municipality.
1. THAT The Planning Application Fees for the Municipality of Temagami shall be as specified on Schedule “A” attached to this By-law;
2. THAT Cash-in-lieu of Parkland shall be as per the Planning Act R.S.O. 1990, c. P. 13;

3. THAT Schedule "A" attached hereto shall form part of this By-law;
4. THAT Schedule "E" to By-law No. 06-664 is hereby repealed;
5. THAT By-law No. 02-533 is hereby repealed;
6. THAT this By-law shall come into full force and effect upon final passing thereof.

READ a First time on this 26<sup>th</sup> day of October, 2006.

READ a Second time this 9<sup>th</sup> day of November, 2006.

READ a third time and finally passed this 23<sup>rd</sup> day of November, 2006.

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Mayor

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CAO/Clerk