



April 27, 2020

City of Hamilton  
 Planning & Economic Development Department, Growth Management and Planning Division  
 71 Main Street West  
 Hamilton ON L8P 4Y5

**West End Home Builder's Association | Submission on Proposed Amendment to the Tariff of Fees for Planning and Engineering Development Applications (City Wide) (PED19015(b))**

Attn: Mayor Eisenberger and Members of Council

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The West End Home Builders' Association would like to start by thanking the City of Hamilton for the opportunity to provide feedback on the proposed amendments to the tariff of fees for planning and engineering development applications. In 2019, the City passed a comprehensive Tariff of Fees that was reflective of Council's direction to achieve full activity-based cost recovery, inclusive of overhead costs for all development application related processing. WE HBA provided input on the matter at that time.

Since the implementation of the new Tariff of Fees, many of our members have experienced exorbitant cost increases for their various development applications as a result of fees for applications that have a per unit charge attached to them. Our previous submission brought attention to the potential of this, and we put forth the suggestion for including rate caps to all fees that have a per unit charge. We are very happy to see that the current amendments include the establishment of caps related to the residential per unit and non-residential per square metre charges for Complex Rezoning Applications. The fees for complex rezoning's will be significantly reduced and this is a beneficial step for encouraging development in Hamilton.

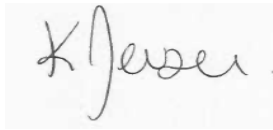
We are pleased to see progress being made in lowering the costs for planning and engineering development applications. WE HBA provided some initial comments on the proposed amendments through the Development Industry Liaison Group (DILG) and it appears that some of our comments have been incorporated into the report. However, there are a few out-standing items that we would like to bring attention to, for further consideration:

- The proposed amendments for complex rezoning applications for commercial and industrial developments indicates an application base fee of \$35,054.00 plus a per square metre charge (\$8/square metre), up to a maximum of \$60,000. The changes to the non-residential fees by including a maximum per square metre charge amount are a step in the right direction, however this maximum is on top of the base fee, and the resultant base fee plus the maximum square metre charge is a cost over \$95,000.00, which we feel is still too excessive for an application fee. It is important to the City's tax base to promote growth in commercial and industrial development and this application cost feels too high to adequately encourage those development forms.

- In Schedule “A” to By-law No. 20-XXX (Appendix A to Report PED19015(b)), the fee for an Official Plan amendment of \$33,271.00 is reflective of a combined application (i.e. Official Plan Amendment plus any combination of a Zoning By-law Amendment, Draft Plan of Subdivision or Condominium), which is subject to a 25% reduction. Comparatively, a stand-alone application for an Official Plan Amendment is not eligible for the 25% reduction, and the required fee becomes an extra \$8,317.75, for a total of \$41,588.75 for a stand-alone Official Plan Amendment. Although the need for a stand-alone Official Plan application is quite rare, we do not feel that adequate reasoning has been provided that justifies such a significant increase to the fee for this form of application. Many comparative municipalities (St. Catharines, Burlington, Niagara Falls, Brantford, Kitchener), charge *less* for a stand-alone OP compared to combined applications. We are appreciative of the reduction for combined planning applications, as these are far more prevalent for our members than stand-alone OPA’s, however the 25% surcharge to the stand-alone OP application is a substantially greater fee increase than warranted. The report only identifies that this increase is for processing costs for notification, report preparation and statutory requirements, yet realistically a stand-alone OP typically involves less complex supporting studies and staff time required to process than those applications which involve multiple forms of development application and consequently study review, analysis and complexity of notifications and reports.
- We understand that new fee line items have been added to Complex Rezoning applications with respect to a residential per unit and non-residential per square metre charges, to reflect the time and work required to review larger scale developments. Including the first 10 units within the base fee of these applications is a beneficial change that we are happy to see, as it will support smaller companies and projects that facilitate infill and intensification, and better encourages all sizes of projects.
- Regarding Site Plan Control applications, the inclusion of Institutional uses within the fee structure as a non-residential line item is a helpful clarification for our members for how Institutional uses are to be classified. The per unit charge is to apply to these uses in a similar manner to those of complex rezoning with respect to the definition of a unit – that being, any habitable room enclosed by four walls shall be deemed to be a unit, regardless of any Ontario Building Code definitions. This clarity is important, as some members have experienced confusion with retirement residences and similar facilities and what constitutes a ‘unit’ versus a ‘suite’. We request that attention be given to this definition to ensure its consistent application across all forms of institutional facilities for the consistency of fee calculations.
- The inclusion of a breakdown within the Site Plan Control applications of ‘Ground Related Developments’ versus ‘Vertical Developments’ is confusing. The fees for the per unit residential charges and per square metre charges for non-residential uses are the same for both ‘ground-related’ and ‘vertical’ developments, and we do not see a purpose for differentiating between these items as their own individual line items. We suggest that these forms of developments should be merged for clarity purposes, or else further explanation should be provided as to why there is a need for the separation of ‘ground-related’ versus ‘vertical’ developments, when the fees for both are the same.

In conclusion, the West End Home Builders' Association is pleased to see the proposed amendments to the tariff of fees for planning and engineering development applications. The proposed unit and square metre caps, plus various clarifications and added definitions as revisions to the 2019 Tariff of Fees By-law are significant and beneficial improvements that will support further development and intensification in the City, at more affordable costs to developers. These changes reflect the ongoing positive relationship the City of Hamilton continues to employ with the home building industry, and we appreciate the opportunity to speak to the ongoing changes facing the industry in Hamilton. WE HBA hopes that the comments provided will be thoroughly reviewed and taken into consideration. Please feel free to contact us with any questions. We welcome any further opportunities to provide input throughout this process.

Sincerely,



Kirstin Jensen, MPI, MA  
Manager of Planning & Government Relations  
West End Home Builders' Association

