

# Municipal Government Act

progressive powers for municipalities

## INFORMATION BULLETIN #22

### PLANNING FEES AND EXPENSES

**Summary:** The MGA allows for a range of fees for permits and other planning applications.

**Legislation:** *Municipal Government Act (MGA)*, Sections 49, 211, 220(4)(l), 221(2), 232(4), 237(3), 270(3)(e), 271(3)(f), 282(1)(b)  
*Halifax Regional Municipality Charter (HRMC)*, Sections 60, 226, 235(4)(n), 236(2), 247(5), 252(3), 280(1), 281(3)(e), 293(1)(b)

**Discussion:** The *Municipal Government Act* provides clearer direction for the recovery of municipal costs incurred with respect to applications for various permits and changes needed for planning permission for developments.

MGA s.220(4)(l), HRMC s.235(4)(n) permits a municipality to include in its land-use by-law fees for applications to amend the land-use by-law; for entering into a development agreement, for a site plan (see MGA s.231, HRMC s.246) and for a variance (see MGA s.235, HRMC s.250). Supporting municipal planning strategy policy is not required.

Provincial subdivision regulations may include provisions for fees for the processing of applications for approval or repeal of a subdivision, including recording and filing fees: MGA s.270(3)(e), HRMC s. 280(1). The regulations now include a processing fee of \$50.00. The same (or higher) may be included in a municipal subdivision by-law: MGA s.271(3)(f), HRMC s.281(3)(e). The fees for registering deeds required to effect a consolidation must be provided to the development officer before the subdivision (consolidation) is approved: MGA s.282(1)(b), HRMC s. 293(1)(b).

The processing fees set out in a land-use by-law or a subdivision by-law may be amended by policy: MGA s.211, HRMC s.226, and therefore do not require a public hearing once they are provided for in the by-law. (Refer to MGA s.48, HRMC s.59 for

the procedure for passing policies.)

Council may by resolution require any person applying for a land-use by-law amendment, a development agreement or an amendment to a development agreement to pay the costs of required advertising, as well as, if required by the land use by-law, notifying affected landowners and posting a sign: MGA s.221(2), HRMC s.236(2). These costs are in addition to the fees authorized by MGA s.220(4)(l), HRMC s. 235(4)(n). Similar provisions apply to site plan approval: MGA s.232(4), HRMC s. 247(5), and to applications for a variance: MGA s.237(3), HRMC s. 252(3). Council may also lay reasonable charges for copies of proposed documents that are subject to a public hearing (MGA s.206(4), HRMC s.221(4)).

Council may establish fees by policy for any permit, application or approval required to be obtained from the municipality pursuant to a by-law or an enactment: MGA s.49, HRMC s. 60. This provision does not apply where the statute specifically has determined how some fees are to be set, but can apply in areas, such as development permits, where the legislation is silent.

**Note:** The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and therefore reference should be made to the *Municipal Government Act* or the *Halifax Regional Municipality Charter*, other relevant legislation and to legal advisors.