



Report
Staff Report
 The Corporation of the City of Brampton
4/30/2025

Date: 2025-04-28

Subject: **Information Report – Response to Delegations on Committee of Adjustment Fees**

Contact: Carolyn Crozier, Strategic Leader, Office of the Commissioner
 Planning, Building and Growth Management

Report number: Planning, Bld & Growth Mgt-2025-377

RECOMMENDATIONS:

1. That the report from Carolyn Crozier, Strategic Leader, Office of the Commissioner, Planning, Building and Growth Management to the Council meeting of April 30, 2025, re: **Information Report – Response to Delegations on Committee of Adjustment Fees** be received for information.

OVERVIEW:

- **At the April 23, 2025 Committee of Council meeting, four delegations from members of the public were made with respect to the January 1, 2025 fee increase to Committee of Adjustment fees.**
- **The delegates specifically brought forward concerns with the increase of fees charged for Minor Variance applications.**
- **This report provides an overview and information on the Committee of Adjustment fee structure and a detailed response to the delegations.**

BACKGROUND:

Staff presented the Recommendation Report “2024 Fee Changes for Development Applications (Tariff of Fees By-law with Respect to Planning and other Municipal Applications – Bylaw 85-96, as amended) (PBGM-2024-796)” to the October 21, 2024 Planning and Development Committee meeting (Appendix A).

This report contained findings from the City's Development Application Fees Review completed by Watson & Associates Economics Ltd. As part of this report, Watson undertook an Activity Based Costing assessment to understand the true cost of processing development applications. These processing costs including staff level of effort, direct and indirect costs, and capital costs of processing these applications.

The report identified a substantial under-charging for Minor Variance applications, reflecting the City's historic policy decision to offer the Committee of Adjustment (CoA) service at a substantially subsidized rate to maintain accessibility for Brampton residents who need to seek modest permissions to facilitate changes to their properties.

The cost recovery of the service generated by application fees ranged from 15% for Minor Variance applications to 43% on Consent applications, as seen in Table 1 below.

Table 1: Committee of Adjustment Cost Recovery by Application Type

Application Type	Cost Per Application	2023 Application Volumes	Calculated 2023 Costs	Calculated 2023 Revenues	Cost Recovery %
Minor Variance	\$11,949	418	\$4,994,854	\$737,770	15%
Consent	\$10,157	30	\$304,701	\$131,490	43%

In this initial report, staff recommended that Council maintain the fees at the existing rates and only adjust them annually at the rate of inflation as indicated in the Tariff of Fee By-law.

The fee structure for CoA applications prior to the January 1, 2025 were:

- \$720 – Minor Variance (Residential/Institutional)
- \$2,920 – Minor Variance (Commercial/Industrial)
- \$4,519 – Consent

With no change to the CoA application fees the report identified there would be an ongoing under-recovery of revenue/operating cost amounting to just over \$4M, meaning that this cost would be born by the property tax base and not by the users of the CoA service.

Given the financial exposure, Council passed motion PDC183-2024 (Appendix B), which endorsed the approval of the proposed changes to the Fee By-law, save and except for the Committee of Adjustment applications.

The motion directed staff to undertake a review of fee options for CoA applications that would increase cost recovery and reduce the impact to the tax base while maintaining accessibility for Brampton residents.

CURRENT SITUATION:

Staff presented “Recommendation Report – Proposed Fee Changes for Committee of Adjustment Applications” at the December 9, 2024 Planning and Development Committee meeting (Appendix C).

The report recommended a CoA fee structure with more variability to account for some applications that have a higher degree of complexity resulting in higher processing costs, but which maintain a degree of subsidization, reducing the impact to the tax base by generating a measurable increase to the City’s cost recovery.

With respect to Residential Minor Variance applications, this fee structure provides a degree of subsidization where residents who are looking for modest variances to their land use permissions – this would include instances where residents need variances from the Zoning By-law to accommodate the installation of a new deck, fence or other small modification to their property.

More substantive residential variations, including those to access, driveways and parking have been set to reflect full cost recovery levels.

Committee of Adjustment		
Residential Minor Variance Applications		
Above/Below Grade Variance (Door/Window)	\$11,949	Per Application
Driveway Variance	\$11,949	Per Application
Parking Variance	\$11,949	Per Application
Variances to Section 10.16 (Garden Suites) of the Zoning By-Law	\$11,949	Per Application
All Other Variances	\$2,990	Per Variance
Maximum Fee	\$11,949	Per Application

As per the Planning Act, municipalities cannot charge an application fee greater than the cost to the City to deliver the service. This fee structure complies with this requirement.

Response to Delegations

The percent increase identified through the delegations is accurate and is consistent with the information provided in PBGM-2024-970 (Appendix B).

The report states the fee structure and rates for CoA applications will result in Brampton having some CoA application types having higher than average fees when compared against other municipalities in the GTAH, those being typified as the ‘major’ variances (below/above grade entrances, driveway matters, etc.). The proposed fees for more modest variance requests, such as decks or sheds, remain at a substantially lower fee when compared to other municipalities.

The report also notes that unless the municipality discloses whether they are setting fees to achieve full cost recovery, it is difficult to ascertain if this benchmarking is truly an 'apples to apples' comparison, as some municipalities may choose to set their fees at below cost recovery levels.

Delegation Comment	Staff Response
The fee increase is not affordable and decreases accessibility.	<p>The 'full cost' fee only applies to four types of Minor Variance applications:</p> <ul style="list-style-type: none"> - Driveway widenings - Access variance - Parking variance - Variances to Garden Suite policies <p>All other types of variances such as building height, lot coverage, changes to accommodate sheds or decks, are offered at a substantially lower fee of \$2,990 – 25% of the cost of the service.</p>
The fee is punitive and unfair.	<p>The fee charged for Minor Variance applications is set at either a discounted rate, or at full cost recovery, depending on type.</p> <p>If the user of the service does not pay the full cost, the cost is then transferred to the tax base.</p>
The fees are not transparent.	Full costing and rationalization of the fee schedule for all development applications can be found in Appendix 1 and 2.
The high fees will result in uncompliant activity.	The fee by-law includes an 'after-the-fact' variance to collect fees for service related to variances picked up through Enforcement action.

CoA applications are becoming a more predominant tool to implement land use changes and related programs (i.e. Additional Residential Units, Compliance to Residential Landlord Licensing, etc.).

The fee structure endorsed by Council is reflective of the cost to the City to deliver this service. Any application received on or after January 1, 2025 would be subject to the new fee structure.

Historic Driveway Widenings

Delegates and members of Council asked staff how a purchaser of a resale home would manage an enforcement of a driveway widening that was completed prior to them purchasing the home.

Staff have some ability to discern the veracity of such a claim, by reviewing the approved, as-built drawings of the property, utilizing Google maps and City-owned, dated aerial imagery, and comparing to the Agreement of Purchase and Sale date.

Should such an instance arise, staff could complete this level of due diligence to determine whether the property owner will need to comply with the 'after the fact' minor variance application for the driveway widening. Staff note, if this level of effort impacts existing service levels, staff will report to Council with options for cost recovery for this service.

Continuous Improvement

In 2022, the City undertook an end-to-end process improvement project specifically related to the Committee of Adjustment. In addition to a systematic review of processes and procedures, policies – specifically the City's zoning by-law, were reviewed to identify opportunities to lean out the process to streamline staff time and effort, as well as reduce policy barriers that cause the need for CoA applications in the first place.

Staff brought report PBGM-2023-036, "Continuous Improvements Update" to the January 23, 2023 Planning and Development Committee.

Regarding CoA processes and policies, the report outlined findings and actions to improve effectiveness and find efficiencies, which, when fully implemented, would remove 14 hours or \$1,400 on average, from the staff processing time and cost for CoA applications.

Approximately 70% of the recommendations from this report have been implemented to date, with others scheduled to be actioned when the City advances changes to its application processing software.

CORPORATE IMPLICATIONS:

Financial Implications:

There are no financial implications associated with this report.

Other Implications:

There are no other implications associated with this report.

STRATEGIC FOCUS AREA:

This report aligns and supports the strategic focus areas of:

- **Government & Leadership:** Focusing on service excellence with equity, innovation, efficiency, effectiveness, accountability, and transparency.

CONCLUSION:

This report provides information related to delegations received at Committee of Council related to CoA application fees.

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Appendices:

- Appendix A: Recommendation Report – 2024 Fee Changes for Development Applications (Tariff of Fees By-law with Respect to Planning and other Municipal Applications – By-law 85-96, as amended).
- Appendix B: Motion PDC183-2024
- Appendix C: Recommendation Report – Proposed Fee Changes for Committee of Adjustment Applications