



**Town of Whitchurch-Stouffville  
Administrative Policy and Procedure No. 94**

**Planning Applications File Maintenance and Closure Policy**

<b>Effective:</b>	<b>May 4, 2022</b>	<b>Revision Date:</b>	<b>None</b>
<b>Authority:</b>	<b>Director of Development Services</b>	<b>Supersedes:</b>	<b>None</b>

**1. Policy Statement**

This policy outlines administrative policy related to the administration of Planning Applications.

**2. Purpose**

The Planning Applications File Maintenance and Closure Policy (the “Policy”) sets out the administrative policy and procedure related to the administration of Planning Applications that are processed by the Development Services Department, Development Planning Division.

The Policy addresses the following:

- Implementation and enforcement of the Policy for Planning Applications within prescribed periods of inactivity;
- Administration and collection of the File Maintenance fee as set out in the Town of Whitchurch-Stouffville’s Fees and Charges By-law;
- Publication of the policy on the Town’s website and included in the Planning Applications; and,
- Closure of Inactive Planning Application Files.

**3. Roles and Responsibilities**

The Policy is established by the Director of Development Services.

The Director of Development Services or designate shall be responsible for the Implementation and enforcement of the Policy.

The Development Planning Division will manage the Planning Applications, as per the criteria and procedure set out below in the Policy.

#### 4. Background

It is good administrative practice to close inactive files for among other reasons, the following:

- Policies, legislations, and standards change over time;
- New issues may be identified;
- Need for new public input and technical input;
- Information and plans submitted with the Planning Applications become stale dated;
- Reduces the liability for the Town for non-decision of Open Applications;
- Long term and new servicing and infrastructure planning; and
- New or amendments to the applicable fees and charges.

#### 5. Definitions in the Policy

For the purposes of this Policy, the following terms have been defined:

**Abandoned and Closed** means Planning Applications that are Closed by the Director of Development Services as per prescribed timelines of this Policy, for which the Applicants and/or Owners are notified through Written Notices at six (6) and/or twelve (12) month periods and a Complete submission and the applicable File Maintenance Fee may or may not have been submitted to the Town.

**Applicant and/Owner** means the persons and/or companies who are listed on the Planning Application as the Applicant and/or Owner and including their contact information.

**Complete Submission** means a submission when all required submission materials have been submitted to deem any new Application Complete. For all subsequent submissions for any Application, a Complete submission means a submission when any/all updated and revised requested materials and requirements in accordance with the comments provided by the Town and any relevant external agencies on the previous submission have been submitted and is deemed to have been addressed by the Town Planning Staff, for further review.

**Close** means closing of Inactive Application and/or file by the Director of Development Services.

**Director** means the Director of Development Services.

**Effective Date** means the effective Date of this Policy.

**Fee** means File Maintenance Fee in the Town's Fees and Charges By-law, which is applicable to an inactive Application or file, at six (6) months and twelve (12) months from the date of the last Complete submission.

**Final Written Notice of File Closure** means a written letter from the Director of Development Services deeming the Applications as abandoned and Closed.

**Formal comments/comments package** means comments package provided by the Town at the end of review of each Complete submission submitted and reviewed by the Town and external agencies.

**Inactive Planning Application and/or file** means a Planning Application which has not received a Complete Submission over a period of the past six (6) months from the date of forwarding the formal comments/comments package to the Applicant and/Owner.

**Open Planning Application and/or file** means any Application that is currently marked as “In Abeyance”, “New”, “Pending”, “Proposed” and “Under Review” in the Land Manager are referred to as “Open” for the purposes of this Policy.

**Planning Application or Application** means an Official Plan Amendment Application, Zoning By-law Amendment Application, Draft Plan of Subdivision Application or Amendments to the Draft Plan Approval Application, Site Plan Approval Application or Amendment to Site Plan Agreement Application, Draft Plan of Condominium Application or Amendments to the Draft Plan Approval Application and Removal of Part Lot Control Application.

**Policy** means the “Planning Applications File Maintenance and Closure Policy”.

**Written Notice means** a written letter from the Town Planning staff sent to the Applicant as listed on the Planning Application form and/or the Owner of the subject property as listed on the Planning Application form, advising them of the Policy, applicable Fees or the closure of the file.

## **6. Application of the Policy**

The proposed Policy shall be applicable to the following Planning Applications, where decisions either by Council or staff have not been made on the Application and the Application is marked Open:

- Official Plan Amendment Application;
- Zoning By-law Amendment Application;
- Draft Plan of Subdivision Application or Amendments to the Draft Plan Approval Application;
- Site Plan Approval Application or Amendment to Site Plan Agreement Application;
- Draft Plan of Condominium Application or Amendments to the Draft Plan Approval Application; and
- Removal of Part Lot Control Application.

## **7. Procedure**

### **7.1. Final Determination of the status of the Planning Application**

For this Policy, the opinion of the Director of Development Services shall be the final determination as to whether a Planning Application is inactive or not and to Close the file.

#### **A. Inactive Planning Applications/Files**

To be implemented immediately for all Inactive Applications as of the effective date of this Policy.

- For All Inactive Planning Applications/Files that are marked as Open in the Town's Land Manager System, the following applies:
- The Director will send a Written Notice to the Applicant and/or Owner, advising the Applicant and/or Owner of the Policy and that they have thirty (30) days to:
  - Advise the Town if they wish to keep the Planning Application(s) file Open and the reason to keep it Open or to close the file:
    - Once a written response is received from the Applicant/Owner and a request has been made to keep the file Open, it shall be up to the discretion of the Director to keep the file Open (deem as Open) or Close the file; and,
    - If the Applicant and/or Owner in writing advise that they wish to close the file, a Written Notice of File Closure will be sent to the Applicant and/or Owner and the Application will be Closed.
  - Submit the applicable File Maintenance Fee if the Application is kept Open.
- If the Applicant and/or Owner does not provide a written confirmation within 30 days of the date of the Written Notice, the Planning Application(s) file will be Closed without further notice.
- If the contact information for the Applicant and/or Owner is unknown or has changed due to the length of the time period associated with the Planning Application(s) and staff have been unable to locate the current contact information, the subject Planning Application will be Closed without further notice.

#### **B. Open Applications that are deemed as Open**

For all Planning Applications which are deemed by the Director to remain Open, staff will continue to process the Applications. The following shall apply:

- When any Application becomes Inactive (see definition), the planner responsible for the file will send a first Written Notice to the Applicant and/or Owner within the six (6) months of the return of comments on the last Complete submission, advise them of the Town Policy and ask them to advise in writing within 30 days of the date of the first Written Notice;

- Whether they wish to continue to proceed with the Planning Application, and if so then request the Director to keep the file Open. No extension, if granted by the Director, shall be for more than six (6) months; and,
- Submit a Complete Submission within six (6) months of the date of the first Written Notice; and,
- Pay the applicable six (6) months Fee, within 30 days of the date of the first Written Notice
- If the Applicant and/or Owner advises in writing that they do not wish to proceed then the file will be Closed by the Director and a Written Notice of File Closure will be sent to the Applicant and/or Owner.
- If the Town does not hear back from the Applicant and/or Owner within thirty (30) days of the first Written Notice, then the file will be Closed by the Director and a Written Notice of File Closure will be sent to the Applicant and/or Owner.
- If the Applicant and/or Owner advises in writing that they wish to keep the Application Open and submit the required Fee and/or the Complete submission within the time periods prescribed in the first Written Notice, the Application will continue to be processed by staff.
- If the Applicant and/or Owner do not submit the Complete submission within the time periods prescribed in the first Written Notice, the planner responsible for the file will send a second Written Notice within six (6) months of the date of the first Written Notice to the Applicant and/or Owner asking them to advise in writing whether they wish to continue to proceed with the Application and if so then to submit a Complete submission within six (6) months of the date of the second Written Notice and pay the applicable 12 months Fee, within 30 days of the receipt of the Written Notice.
- If the Applicant and/or Owner advises in writing that they wish to keep the Application Open and submit the required Fee and/or the Complete submission within the time period prescribed in the second Written Notice, the Application will continue to be processed by staff.
- If the Applicant and/or Owner do not submit the required Fee and/or the Complete submission within the time periods prescribed in the second Written Notice and six (6) months have lapsed since the date of the second Written Notice, the Director will deem the Application abandoned and send a Final Written Notice of File Closure and the Planning Application will be closed.
- For any Planning Application, no more than 2 extensions will be granted for a total of 24 months of the file being Open.
- If the Director receives a request in writing from the Owner and/or Applicant to extend any of the above noted time periods under sub-section B) then the Director may extend any of the above periods of for an additional period at its sole discretion, that may possibly be based only on the grounds of extenuating circumstances, unique situations, etc.
- For Draft Plan of Subdivision and Draft Plan of Condominium Applications that are formally draft plan approved under the Planning Act and the Condominium Act, and Part Lot Control Applications that have an expiry date for the approval and then such files

will be Closed when the approval expires, unless extended by Council upon receipt of requests for extension of approvals, from the Applicant and/or Owner.

## **7.2. File Maintenance Fee**

The File Maintenance Fees is required to be paid by the Applicant and/Owner of the Planning Application to maintain the Open Applications.

The applicable File Maintenance Fees will be payable in accordance with the procedure as noted above. In the event the Fee is not paid, a Complete submission submitted by the Applicant and/Owner will not be processed and will be deemed as an incomplete submission until the Fees is paid.

## **8. Notes**

The Policy shall be posted on the Town's website and be appropriately included in all planning Applications so that the Applicant and/or Owner acknowledges the Policy when completing the Planning Application form.

The Director has the authority to make any minor administrative change to this Policy without Council's approval.