



Memorandum Corporate By-law Number: 024-2025-Corporate Services-Finance

TO: Office of the City Clerk **FILE:**

FROM: Keri Greaves, CPA
Commissioner and City Treasurer
Corporate Services Department

DATE PREPARED: January 8, 2025

SUBJECT: By-law 024-2025 User Fee By-law.docx

MEETING DATE: City Council - March 24, 2025

By-law Description: A By-law to set fees and charges imposed for various municipal services, to be known as the “User Fee By-law” and to repeal By-law 028-2007, as amended.

Authorization: Corporate Report 1-2025 – (Corporate Services-Finance) Committee of the Whole January 30, 2025.

By-law Explanation: The purpose of this By-law is to repeal and replace By-law 028-2007 as amended, being a By-law to set fees and charges imposed for various municipal Services.

Schedules and Attachments:

- Schedule A: City Manager’s Department – City Solicitor
- Schedule B: City Manager’s Department – Office of the City Clerk
- Schedule C: Corporate Services Department – Licensing & Enforcement (Municipal Enforcement Services)
- Schedule D: Corporate Services Department – Licensing & Enforcement (Municipal Parking Services) – Rate Supported
- Schedule E: Corporate Services Department – Revenue
- Schedule F: Corporate Services Department – Supply Management
- Schedule G: Community Services Department – Child Care Centres

Schedule H: Community Services Department – Long Term Care (LTC) & Senior Services
Schedule I: Community Services Department – Recreation & Culture
Schedule J: Community Services Department – Superior North Emergency Medical Services (SNEMS)
Schedule K: Community Services Department – Transit Services
Schedule L: Growth – Development Services
Schedule M: Infrastructure & Operations Department – Engineering
Schedule N: Infrastructure & Operations Department – Environment (Solid Waste & Recycling)
Schedule O: Infrastructure & Operations Department – Environment (Landfill) – Rate Supported
Schedule P: Infrastructure & Operations Department – Environment (Waterworks) – Rate Supported
Schedule Q: Infrastructure & Operations Department – Environment (Wastewater) – Rate Supported
Schedule R: Infrastructure & Operations Department – Parks & Open Spaces
Schedule S: Infrastructure & Operations Department – Parks & Open Spaces (Boater Services) – Rate Supported
Schedule T: Infrastructure & Operations Department – Roads
Schedule U: Infrastructure & Operations Department – Thunder Bay Fire Rescue

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 024-2025

A By-law to set fees and charges imposed for various municipal services, to be known as the "User Fee By-law" and to repeal By-law 028-2007, as amended.

Recitals

1. The *Municipal Act* provides that municipalities may impose fees or charges for services or activities provided by it, and for various other matters.
2. Various other statutes that govern municipalities also provide similar authority.
3. The Corporation, acting under these authorities, charges fees for various activities, services, property use and other matters. These fees are adjusted from time to time in accordance with the annual budget process, the introduction of new or different services, and the evolution of existing processes and services.
4. The Corporation considers that the consolidation of all or most of its fees and charges into one by-law is beneficial for users of services for which fees and charges are levied.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1.00 Definitions and Interpretation

1.01 Definitions

Wherever a term set out below appears in the text of this By-law with its initial letter capitalized, the term is intended to have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

- (a) "By-law" means this By-law, as it may be amended from time to time, unless another by-law is expressly referenced by name or number. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
- (b) "Corporation" means The Corporation of the City of Thunder Bay.
- (c) "Council" means the elected municipal council for the Corporation.

- (d) "Deposit" means a sum paid as an estimate of the final amount that will be payable, to be adjusted after service is delivered and the final amount accurately determined.
- (e) "Manager" means the City Manager or the Commissioner of any department of the Corporation's administration. The term includes any person to whom authority under this By-law is specifically delegated by any of them with respect to the department over which he or she has management authority.
- (f) "Municipal Act" means the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, including successor legislation.
- (g) "Security Deposit" means an amount paid or pledged as surety that an event will occur or a service will be delivered, to be refunded when the event occurs or service is rendered, and to be retained if the event does not occur and/or the service is not rendered.
- (h) "Service" means any service, activity, product, cost, use of property, facilities, equipment, or any other thing with respect to which a municipality is authorized by Sections 9, 10, 11 or 391 of the *Municipal Act* to impose a fee.
- (i) "Recovery Cost" means a sum equal to the cost to the Corporation to provide the Service, calculated or approved by the Manager. A Recovery Cost may include an amount of up to thirty (30%) percent for overhead costs.
- (j) "Thunder Bay" means the geographic area under the jurisdiction of the Corporation.
- (k) "Treasurer" means the person within the Corporation's employment who fulfills the role of "treasurer" as set out in the *Municipal Act*.

1.02 Interpretation Rules

This section sets out the rules for interpreting the text used in this By-law.

- (a) The captions, articles and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- (b) This By-law is to be read with all changes of gender or number required by the context,
- (c) The words "include", "includes", "including" and "included" are not to be interpreted as restricting or modifying the words or phrases which precede them.
- (d) If any article, section, subsection, paragraph, clause or subclause or any of the words contained in this By-law is held wholly or partially illegal, invalid,

or unenforceable by any court or tribunal or competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.

- (e) This By-law takes precedence over any by-law of the Corporation which pre-dates it and is inconsistent with it.
- (f) References within this By-law to the titles of the Corporation's employees are references to the positions that held those titles at the time that this By-law was enacted. Where a corporate restructuring has occurred such that there is no longer a person within the organization who holds a referenced title, the reference is to the person who undertakes the duties of the title-holder at the time this By-law was enacted. In any case of doubt, the Chief Administrative Officer for the Corporation shall delegate the authority to the appropriate person and direct that this By-law be amended to reflect the new title.
- (g) Any reference to a person employed by, or contracted to the Corporation is considered to include his or her delegates, provided the delegation is in writing.
- (h) All references to dollars in this By-law are references to Canadian Dollars.

2.00 Fees and Charges

2.01 Schedules

The Schedules to this By-law list the fees for the Services administered by the different Departments of the Corporation.

2.02 Boards and Corporations

This By-law may not include any or all of the fees charged by the Corporation's local boards or municipal service boards, or by any corporate entities owned or controlled by the Corporation.

2.03 Other Fees

While this By-law attempts to encompass all fees charged by all departments, there may be fees authorized by policy or by-law of the Corporation that are not summarized within this By-law.

3.00 Payments and Collections

3.01 Time of Payment

Payment of the fees under this By-law may be required in whole or in part by the Manager at any time, including: the time of delivery of the service, prior to the time of delivery of the service, or after delivery of the service upon receipt of an invoice for the relevant fee.

3.02 Estimates for Recovery Costs

Where the fee payable under this By-law is stipulated as Recovery Cost, the person who will be required to pay the fee may request an estimate from the Manager as to what the fee will be. The actual Recovery Cost will be determined after provision of the Service, and the person who received the Service will pay the Recovery Cost.

3.03 Deposits for Recovery Costs

Every Manager is authorized to require that a Deposit be paid prior to the delivery of the Service in circumstances where the fee is a Recovery Cost that cannot be calculated until after the Service has been delivered. Deposits shall not exceed the amount of any estimate requested under Section 3.02. Other by-laws of the Corporation may make payment of a Deposit mandatory.

3.04 Refund or Additional Charge Related to Deposit

Where a Deposit has been paid under Section 3.03, and the actual Recovery Cost is less than the amount of the Deposit, the person who paid the Deposit is entitled to a refund of the difference between the Deposit paid and the Recovery Cost invoiced, without interest or deduction. Where a Deposit has been paid under Section 3.03, and the actual Recovery Cost is more than the amount of the Deposit, the person who paid the Deposit will be required to pay to the Corporation the difference between the Deposit paid and the Recovery Cost invoiced. Refunds must be made to the person who made the original Deposit. Rights to recover Deposit funds are not assignable.

3.05 Security Deposits

Where shown in the Schedules to this By-law, the Manager may require a Security Deposit for surety for the actions of any person.

3.06 Goods and Services Tax, Provincial Sales Tax & Other Applicable Tax

For some Services, the Corporation is obliged at law to collect goods and services tax and/or provincial sales tax. Other taxes may become applicable in the future. The fees stipulated in the schedules to this By-law are exclusive of any applicable taxes.

3.07 Debt

Amounts payable under this By-law which remain unpaid are a debt due to the Corporation. The Corporation may recover the debt in accordance with law in any lawful manner the Treasurer chooses.

3.08 Addition to Property Taxes

In accordance with the *Municipal Act* and Section 3.07 of this By-law, the Treasurer may choose to add any amount owing to the Corporation under this By-law by any person to the tax roll for any property within Thunder Bay that is owned by the person who owes the debt.

4.00 Managerial Responsibility

4.01 General

Provided that there is no overall impact to the budget in any given year, the Manager is authorized to adjust the fees in the Schedules to allow for the purchase of portions of full Services for which fees are charged.

4.02 Promotional Authority

The Manager is delegated the authority to reduce any of the fees listed in the Schedules for the department for which he or she has managerial authority for the purposes of promoting products or services of the Corporation. The authority under this Section is limited to a maximum reduction of fifty (50%) per cent of the fee shown in the Schedule.

5.00 General

5.01 Repeal of Predecessor By-laws

The following by-law of the Corporation is repealed.

- (a) By-law 028-2007 as amended – A By-law to set fees and charges imposed for various municipal services.

5.02 This By-law shall come into force and take effect on April 1, 2025.

Enacted and passed this 24th day of March, A.D. 2025 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff

Mayor

Dana Earle

Deputy City Clerk