

Chapter 441

FEES AND CHARGES

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[**HISTORY:** Adopted by the Council of the City of Toronto 2006-09-27 by By-law No. 1056-2006.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Administration of fees and charges — See Ch. 442.

§ 441-1. Definitions.

As used in this chapter and in the Appendices to this chapter, the following terms shall have the meanings indicated, and all terms defined in Chapter 442 shall have the same meaning in this chapter:

ACT — The *Municipal Act, 2001*.²

CONSUMER PRICE INDEX — The All Item Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on October 1 in the year immediately preceding the year.

FORMER MUNICIPALITIES — The Municipality of Metropolitan Toronto and its area municipalities.

¹ Editor's Note: This by-law was passed under the authority of sections 391 and 392 of the Municipal Act, 2001, S.O. 2001, c. 25. This by-law also repealed former Ch. 441, Fees.

² Editor's Note: See S.O. 2001, c. 25.

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§ 441-2

§ 441-2. Fees and charges set out in appendices.

The City shall impose the fees and charges set out Column IV of the Appendices to this chapter on the basis set out in Column III of the Appendices to this chapter for the information, service, activity or use of City property set out in Column II of the Appendices to this chapter, for the purpose of recovering all or part of the costs to the City in providing such information, service, activity or use of property.

§ 441-3. Taxes.

The fees and charges set out in Column IV of the Appendices to this chapter do not include provincial sales tax (“PST”) and goods and services tax (“GST”), and will be subject to PST and GST where applicable.

§ 441-4. Annual adjustment.

[Amended 2007-03-07 by By-law No. 267-2007³]

Unless otherwise noted in this chapter or Chapter 442 of the Municipal Code, all fees for which an annual adjustment is indicated in Column V of the Appendices to this chapter may be adjusted annually, effective January 1, by the Consumer Price Index from the previous year, and in the event that a fee is not adjusted by the Consumer Price Index, the cumulative adjustment for past years may be made in future years.

§ 441-5. Late payment charges.

Late payment charges shall be added to all or any portion of any fees and charges imposed by this chapter that are due and payable, at the rate of 1.25 percent on the first day of default, and every 30 days thereafter on the principal amount owing during such time as the default continues (15 percent per annum), and such late payment charges shall form part of the fees or charges owing.

§ 441-6. Dishonoured cheque processing fee.

A dishonoured cheque processing fee of \$35 shall be added to any fee or charge paid by cheque, which cheque was returned by a bank or other financial institution for reasons such as insufficient funds being available in the account upon which the cheque was drawn, and the dishonoured cheque processing fee shall form part of the fees or charges owing.

³ Editor’s Note: This by-law came into force 2007-04-01.

§ 441-7. Payment of fees and charges.

Subject to the provisions of any other chapter of The City of Toronto Municipal Code, to any other City by-law, and to any by-law of a former municipality, the following apply to all fees and charges imposed under § 441-2:

- A. Subject to Subsection C, no request by any person for any information, service, activity, or use of City property described in the Appendices to this chapter will be processed or provided until the person requesting the information, service, activity or use of City property has paid the applicable fee or charge in the prescribed amount as set out in the applicable Appendix.
- B. The following methods of payment will be accepted for the payment of fees and charges imposed by this chapter:
 - (1) Cash;
 - (2) Cheque;
 - (3) Money order;
 - (4) Credit card; or
 - (5) Debit card where payment is made in person
- C.
 - (1) Where a fee or charge described in the Appendices to this chapter is not collected prior to any information, services, activity or use of City property being provided, an invoice will be sent by the City by personal service, regular letter mail, e-mail or fax.
 - (2) Service shall be deemed to have been made on:
 - (a) The third day after the day of mailing by regular letter mail; or
 - (b) The first day after the day of transmission by e-mail or by fax.
 - (3) An invoice shall describe:
 - (a) The information, service, activity or use of City property provided;
 - (b) When and where it was provided, if applicable;
 - (c) The fee or charge payable;
 - (d) The terms of payment and the date on which payment is due; and
 - (e) Any applicable late payment fees, or dishonoured cheque processing fee as set out in §§ 441-5 and 441-6.

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§ 441-8

§ 441-8. Unpaid fees and charges are debt.

All unpaid fees or charges imposed by this chapter are a debt due to the City and the City may take such action as it considers necessary and as permitted by law to collect the debt.

§ 441-9. Adding fees and charges to the tax roll.

- A. Where all or part of a fee or charge imposed by this chapter related to real property within the City of Toronto remains unpaid for more than 90 days, such fee or charge shall be added to the tax roll for the property, which is owned, in whole or in part, by the person upon whom the fee or charge is imposed, and shall be collected in a like manner as municipal taxes.
- B. All of the owners of the real property to whose tax roll the fee or charge is added pursuant to Subsection A shall be liable jointly and severally for paying such fee or charge.

§ 441-10. Conflict with other by-laws.

- A. Conflict with Appendices.

To the extent of any conflict between the Appendices to this chapter and any other chapter of The City of Toronto Municipal Code, any other City by-law, or any by-law of any of the former municipalities, the Appendices to this chapter shall prevail.

- B. Conflict with § 441-7.

To the extent of any conflict between § 441-7 and any other chapter of The City of Toronto Municipal Code, any other City by-law or any by-law of any of the former municipalities, such other chapter of The City of Toronto Municipal Code, City by-law, or by-law of any of the former municipalities shall prevail.