

TORONTO MUNICIPAL CODE
CHAPTER 441, FEES AND CHARGES

Chapter 441

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[History: Adopted by the Council of the City of Toronto September 27, 2006 by By-law 1056-2006.¹ Amendments noted where applicable.]

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 This by-law also repealed former Ch. 441, Fees.

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General References

Administration of fees and charges - See Ch. 442.
City of Toronto Act, 2006 - See S.O. 2006, c. 11, Sched. A.

§ 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, Fees and Charges, Administration of, shall have the same meaning in this chapter:

ACT - The City of Toronto Act, 2006. **[Amended 2011-09-27 by By-law 1174-2011]**

BOARD - Any of the following: **[Added 2012-02-07 by By-law 209-2012²]**

- (1) The Board of Governors of Exhibition Place;
- (2) the Board of the North York Performing Arts Centre Corporation (Toronto Centre for the Arts);
- (3) Yonge-Dundas Square Board of Management;
- (4) the Board of Directors of the Hummingbird Centre for the Performing Arts (Sony Centre);
- (5) the Board of Management of the St. Lawrence Centre for the Arts; and
- (6) the various City Arena Boards of Management.

CATEGORY - The classification of fees and charges as set out in Column III of the Appendices to this chapter which describes the categorization given to the fee or charge under the City's User Fee Policy as either Market Based, Province-Legislated, City Policy or Full Cost Recovery. **[Added 2012-02-07 by By-law 209-2012³]**

CITY'S USER FEE POLICY - A user fee policy adopted by City Council from time to time. **[Added 2011-09-27 by By-law 1174-2011]**

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

LOCAL BOARD (EXTENDED DEFINITION) - Has the same meaning as in section 258 of the Act with the exception of excluding the Toronto Transit Commission. **[Added 2011-09-27 by By-law 1174-2011]**

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

The City shall impose the fees and charges set out Column V of the Appendices to this chapter on the basis set out in Column IV 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

² Editor's Note: By-law 209-2012 came into effect January 17, 2012. This by-law also repealed the definition of CONSUMER PRICE INDEX.

³ By-law 209-2012 came into effect January 17, 2012.

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purpose of recovering all or part of the costs to the City in providing such information, service, activity or use of property. All fees and charges set out in the Appendices to this chapter are categorized for the purpose of the City's User Fee Policy in the Category set out in Column III of the Appendices to the Chapter. **[Amended 2012-02-07 by By-law 209-2012⁴]**

§ 441-3. Taxes.

[Amended 2011-09-27 by By-law No. 1174-2011; amended 2012-02-07 by By-law 209-2012⁵]

The fees and charges set out in Column V of the Appendices to this chapter do not include harmonized sales tax ("HST") and goods and services tax ("GST"), and will be subject to HST and GST where applicable.

§ 441-4. Annual adjustment.

[Amended 2007-03-07 by By-law 267-2007⁶; 2010-12-16 by By-law 48-2011; 2011-09-27 by By-law 1174-2011; 2011-12-01 by By-law 1420-2011; 2012-02-07 by By-law 209-2012⁷; 2018-07-27 by By-law 1206-2018;]

- A. All fees for which an annual adjustment is indicated in Column VI of the Appendices to this chapter shall be adjusted annually, effective January 1, by an annual adjustment specific to each fee determined in accordance with Subsection B.
- B. The annual adjustment shall be determined annually for the upcoming calendar year by the Chief Financial Officer and Treasurer in accordance with the City's User Fee Policy, and authority is delegated to Chief Financial Officer and Treasurer to determine the annual adjustment specific to each fee. **[Amended 2018-12-13 by By-law 17-2019⁸]**
- C. To the extent of any conflict between this section and any other chapter of the City of Toronto Municipal Code or any other City by-law, this section will prevail.

§ 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.

⁴ By-law 209-2012 came into effect January 17, 2012.

⁵ By-law 209-2012 came into effect January 17, 2012.

⁶ Editor's Note: This by-law came into force April 1, 2007.

⁷ By-law 209-2012 came into effect January 17, 2012.

⁸ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.

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§ 441-6. Dishonoured cheque processing fee.

A dishonoured cheque processing fee of \$40 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. **[Amended 2016-10-07 by By-law 957-2016]**

§ 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. Reserved.⁹
- 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.

⁹ Editor's Note: Subsection B, respecting methods of payment accepted for the payment of fees and charges imposed by this chapter, was deleted May 6, 2021 by By-law 374-2021.

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§ 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.

§ 441-11. Local boards (extended definition).

[Added 2011-09-27 by By-law 1174-2011; amended 2011-10-25 by By-law 1226-2011; 2011-12-01 by By-law 1420-2011; 2012-02-07 by By-law 209-2012¹⁰]

- A. Subject to Subsection C and D, a by-law or resolution of a local board (extended definition) of the City which is not a local board (extended definition) of any other municipality, imposing fees or charges under Part IX of the Act to the general public does not come into force until the City passes a resolution approving the by-law or resolution of the local board (extended definition).
- B. A condition of City Council's approval under Subsection A is compliance by the local board (extended definition) with the City's User Fee Policy.
- C. Subsection A does not apply to a by-law or resolution of the Toronto Parking Authority imposing fees for:

¹⁰ By-law 209-2012 came into effect January 17, 2012.

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- (1) On-street parking meters or parking machines in accordance with § 179-7D of Chapter 179, Parking Authority; or
 - (2) Parking of a vehicle or the use of any parking meters or parking machines in or on any car park in accordance with § 950-601D of Chapter 950, Traffic and Parking.
- D. Subsection A does not apply to a by-law or resolution of a Board changing fees or charges of the Board marked as Market Based in the Category set out in Column III of the Appendices to this chapter.
- E. To the extent of any conflict between this section 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, this section will prevail.
- F. This chapter applies with necessary modifications to each local board (extended definition).

§ 441-12. Continuation of fees and charges.

[Added 2014-07-11 by By-law 704-2014]

All fees and charges set out in the Appendices to this chapter continue in full force and effect until such time as they are amended or repealed, unless otherwise set out in this chapter or another chapter.