



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

User Fees and Charges By-law 0251-2020

(Amended by 0298-2020, 0020-2021, 0040-2021)

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 (“*Municipal Act, 2001*”), authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the municipality;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that sections 9 and 11 of that Act authorize a municipality to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS subsection 391(2) of the *Municipal Act, 2001* provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time;

AND WHEREAS subsection 391(3) of the *Municipal Act, 2001* provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

AND WHEREAS subsection 391(4) of the *Municipal Act, 2001* provides that a fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property;

AND WHEREAS subsection 391(5) of the *Municipal Act, 2001* provides that, in the event of a conflict between a fee or charge by-law and the *Municipal Act, 2001*, or any other act or regulation made under any other act, the by-law prevails;

AND WHEREAS fees and charges listed in the Schedules (attached hereto) may be administered and calculated in accordance with other City of Mississauga by-laws or provincial legislation or both, including but not limited to:

- (i) animal services by-laws;
- (ii) business licensing by-laws;
- (iii) fire prevention and suppression by-laws;
- (iv) parking by-laws;
- (v) the *Building Code Act, 1992*, its regulations and by-laws passed under the Act or its regulations;
- (vi) the *Funeral, Burial and Cremation Services Act, 2002*, its regulations and by-laws passed under the Act or its regulations;
- (vii) Subsection 69(1) of the *Planning Act*, R.S.O. 1990, c. P.13; and
- (viii) Order in Council 1413/08 and lottery licensing by-laws passed under the Order in Council.

AND WHEREAS the Council of The Corporation of the City of Mississauga wishes to establish and maintain a list of services, activities and the use of property subject to fees or charges and the amount of each fee or charge;

AND WHEREAS the Council of The Corporation of the City of Mississauga has authorized the passage of a by-law for the purpose of establishing the list of 2021 user fees and charges;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

DEFINITIONS

1. In this By-law:
 - (a) **“Administration Fee”** has the meaning assigned to it in Schedule “B-2” to this By-law;
 - (b) **“City”** means The Corporation of the City of Mississauga;
 - (c) **“City Manager”** means the Chief Administrative Officer for the City or a person authorized by the City Manager to act as a designate for the purposes of this By-law;
 - (d) **“City Solicitor”** means the City Solicitor for the City or a person authorized by the City Solicitor to act as a designate for the purposes of this By-law;
 - (e) **“Commissioner”** means any of the Planning and Building Commissioner, the Commissioner of Transportation and Works, the Commissioner of Community Services and the Commissioner of Corporate Services;
 - (f) **“Commissioner of Community Services”** means the Commissioner of Community Services for the City or a person authorized by the Commissioner of Community Services to act as a designate for the purposes of this By-law;
 - (g) **“Commissioner of Corporate Services”** means the Commissioner of Corporate Services and Chief Financial Officer for the City or a person authorized by the Commissioner of Corporate Services to act as a designate for the purposes of this By-law;
 - (h) **“Commissioner of Transportation and Works”** means the Commissioner of Transportation and Works for the City or a person authorized by the Commissioner of Transportation and Works to act as a designate for the purposes of this By-law;
 - (i) **“Department”** means a department of the City;
 - (j) **“Direct Costs”** has the meaning assigned to it in Schedule “B-2” to this By-law;
 - (k) **“Director of Culture”** means the Director of Culture for the City or a person authorized by the Director of Culture to act as a designate for the purposes of this By-law;
 - (l) **“Director of Parks, Forestry and Environment”** means the Director of Parks, Forestry and Environment or a person authorized by the Director of Parks, Forestry and Environment to act as a designate for the purposes of this By-law;
 - (m) **“Director of Recreation”** means the Director of Recreation or a person authorized by the Director of Recreation to act as a designate for the purposes of this By-law;
 - (n) **“Division”** means a division within a Department;
 - (o) **“Effective Date”** means the date that a fee or charge comes into effect or where applicable, the date range that a fee or charge is in force and effect;

- (p) “**External Parties**” includes, but is not limited to, the Regional Municipality of Peel, the Ontario Ministry of Transportation (MTO), public utilities, developers, private interests, including, but not limited to, private interests related to insurance claims or conditions of development;
- (q) “**Fire & Emergency Services**” means the division of the Department of Community Services for the City being a fire department within the meaning of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, and is deemed to include any fire department personnel of the Fire & Emergency Services Division;
- (r) “**Fire Chief**” means the Fire Chief for the City or a person authorized by the Fire Chief to act as a designate for the purposes of this By-law;
- (s) “**Government body**” includes, as designated by the City’s Director, Revenue and Materiel Management, (i) any Ontario municipality together with its agencies, boards and commissions; (ii) a public utility or public transportation system owned or operated by the City or the Region of Peel or by their boards; (iii) the Governments of Canada and Ontario together with their ministries and agencies; (iv) a board as defined in the *Education Act*, R.S.O. 1990, c.E.2, as amended, and any school operated by a board and located within the boundaries of the City of Mississauga; an Ontario university, college of applied arts and technology or other post-secondary institution; (v) an institution approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended; and a conservation authority established under the *Conservation Authorities Act*, R.S.O. 1990, c.C.27, as amended;
- (t) “**Internal Parties**” means City departments;
- (u) “**MiWay**” means the division of the City responsible for the operation and control of the City’s public bus transportation system;
- (v) “**non-resident**” means a person who is neither a property owner nor a tenant of property within the City;
- (w) “**person**” includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust, and a natural person in his or her capacity as a trustee, executor, administrator, or other legal representative;
- (x) “**Planning and Building Commissioner**” means the Commissioner of Planning and Building for the City or a person authorized by the Planning and Building Commissioner to act as a designate for the purposes of this By-law.
- (y) “**property**” means any public or private real property within the City, including buildings, structures and erections of any nature and kind in or upon such lands, but excludes real property owned by the Federal or Provincial Crown;
- (z) “**property owner**” means the registered owner of property or any person, firm or corporation having control over or possession of the property or any portion thereof, including a property manager, mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy;
- (aa) “**temporary outdoor patio**” means an accessory seating area, located adjacent to or within proximity of a restaurant, convenience restaurant or take-out restaurant, that may be covered by a temporary tent;
- (bb) “**Total Charge**” has the meaning assigned to it in Schedule “B-2” to this By-law;
- (cc) “**Treasurer**” means the Director of Finance and Treasurer for the City or a person authorized by the Director of Finance and Treasurer to act as a designate for the purposes of this By-law.

SCHEDULES TO THIS BY-LAW

2. The fees and charges identified on the Schedules attached hereto, shall be imposed by the City for those services, activities or uses of property provided by the City.

3. The following Schedules are attached to and form part of this By-law:

Schedule "A"	General Fees and Charges
Schedule "B-1"	Transportation and Works Fees and Charges
Schedule "B-2"	Transportation and Works – Charges to External Parties for Engineering, Construction, Maintenance and Traffic Works
Schedule "B-3"	Transportation and Works - MiWay Fares
Schedule "C-1"	Planning Act Processing Fees - Applications
Schedule "C-2"	Planning Act Processing Fees – Inspections
Schedule "C-3"	Planning Act Processing Fees – Committee of Adjustment
Schedule "D"	Parks, Forestry and Environment Fees and Charges
Schedule "E-1"	Recreation Rental Rates for Meeting Rooms, Food Services and Banquets, Paramount Fine Foods Centre Events, Gary W. Morden Training Centre, Pools, Civic Centre, Central Library, Sundries and Minor Centres
Schedule "E-2"	Recreation Rental Rates for Arenas, Gyms, Domes and Field Houses
Schedule "E-3"	Recreation Program Fees and Charges
Schedule "F-1"	Culture Rental Rates and Service Fees and Charges
Schedule "F-2"	Culture Program Fees and Charges
Schedule "F-3"	Culture School Education Programs – Museum of Mississauga and Living Arts Centre
Schedule "G"	Mississauga Public Libraries Fees & Charges
Schedule "H"	Fire & Emergency Services Fees

ADMINISTRATION AND ENFORCEMENT

4. Subject to sections 5 and 6, the Treasurer is authorized to carry out the administration of this By-law, including but not limited to the enforcement thereof and the collection activity, and for instructing the City Solicitor to take such legal action as may be considered appropriate.
5. Where a Schedule to this By-law states that the City Manager, a Commissioner, or a Director has the authority to impose a new fee, waive, reduce or otherwise vary a fee or charge, Council hereby delegates to the City Manager or the Commissioner or Director, as applicable, and their designate, the authority to impose a new fee, waive, reduce or otherwise vary the fee or charge for the item concerned, in accordance with the general criteria for any such imposition of a new fee, waiver, reduction or variation as specifically set out in the Schedule with respect to that item.
6. The power under section 5 of this By-law to impose a new fee may be used, subject to the requirements of the *Municipal Act, 2001*, where a new program or service is being offered by the City in response to market demand, to maximize usage of City facilities and locations, or for promotional or trial purposes. In imposing the new fee or charge, the City Manager, Commissioner or Director, as the case may be, shall have regard to all applicable City criteria and policies, and the direct and indirect costs to the City to deliver the new program or service. The new fee or charge imposed shall be added to the applicable Schedule of this By-law as soon as is practicable.

GENERAL

7. Subject to section 5 of this By-law, no request by any person for documentary, written or printed information relating to any land, building or structure in the City, or request for services or activities provided by the City, or request to use the City's property or any application specified in the column entitled "Fee Name" of a Schedule, shall be processed unless and until the person requesting the information, services, activities, use of property or application, as the case may be, has paid the fee or charge in the prescribed amount set out in the "2021 Fee" column of the applicable Schedule (or the interim fee or charge in the prescribed amount set out in the "2020 Fee" column of Schedules "E-2", "E-3" and "F-2", where applicable).
8. The fees and charges approved and imposed under section 2 are subject to any adjustment authorized by a statute, regulation or by-law in respect of the calculation or administration of a fee or charge, such adjustment to be effective as provided for in such statute, regulation or by-law.
9. Despite section 2 and section 16, any fee or charge:
 - (a) authorized by a by-law that comes into effect on the same or a later date than this By-law shall be the approved and imposed fee or charge for the service, activity or use of property specified; or
 - (b) included in a valid agreement entered into by the City and one or more other parties shall be the approved and imposed fee or charge for the service, activity or use of property specified.
10. The fees and charges as listed in the Schedules to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.
11. The fees and charges as listed in the Schedules to this By-law may be paid in accordance with applicable Corporate Policy 04-11-13 except that Corporate Policy 04-01-05 shall govern payment terms for all recreation facility rentals and refunds.
12. The fees and charges imposed by this By-law are due and payable:
 - (a) at the time of the transaction for which the fee or charge is imposed; or
 - (b) if subsection 12(a) is not applicable, upon the due date specified in any invoice issued by the City or by any other body acting on behalf of the City to any person in connection with a fee or charge imposed by this By-law.
13. Interest for unpaid amounts owing for fees and charges will be charged in accordance with Corporate Policy 04-07-02. Payment is due within 30 days of the invoice date. With the exception of Government Bodies, interest will accrue on overdue accounts at a rate of 1.25% compounded and applied every 30 days until paid, unless precluded by contract, by-law or legislation.
14. All unpaid fees or charges imposed by this By-law on a person 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.
15. Where all or part of a fee or charge imposed by this By-law remains unpaid, such fee or charge, including interest and any other eligible recovery, may be added to the tax roll for the following property and collected in the same manner as municipal taxes:
 - (a) in the case of a fee or charge for the supply of a service or thing to a property, the property to which the service or thing was supplied;
 - (b) in all other cases, any property for which all of the owners are responsible for payment of the fee or charge.
16. The fees and charges set out in the "2021 Fee" column of each Schedule (and the interim fees and charges set out in the "2020 Fee" column of Schedules "E-2", "E-3" and "F-2") are approved and imposed commencing on the Effective Date set out in each Schedule.

17. Each provision of this By-law, including all of the Schedules, continues in force until amended, repealed or replaced (by by-law or by a resolution of the Council confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2021 until amended, repealed or replaced.
18. Should any part of this By-law, including any part of a Schedule attached hereto, be determined by a court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of this By-law shall be severable from this By-law and that the remainder of this By-law, including the remainder of each Schedule, as applicable, shall continue to operate and be in force.
19. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
20. A citation of or reference to a by-law or other enactment, including reference to a City Policy, is deemed to be a citation of or reference to the by-law or enactment as amended or updated from time to time.
21. By-law 0156-2019, as amended, being the 2020 User Fees and Charges By-law, is repealed effective at the end of December 31, 2020, immediately before the time this By-law comes into force and effect.
22. This By-law shall come into force on January 1, 2021.
23. This By-law may be referred to as the "User Fees and Charges By-law".

ENACTED and PASSED this 25th day of November, 2020

Signed by: Bonnie Crombie, Mayor and Diana Rusnov, City Clerk