

# CITY OF WELLAND

## POLICY

<b>Policy Title:</b> Third Party Appeal to Ontario Municipal Board (OMB)	
<b>Date of Approval:</b> May 20, 2014	<b>Policy Number:</b> SER-012-0013
<b>Lead Role:</b> General Manager, Infrastructure & Development Services/City Engineer	<b>Support Role:</b>
<b>Cross Reference:</b> City of Welland User Fee By-law	<b>Next Review Date:</b>
<b>Council File Number:</b> 13-4	<b>Revision Date:</b>

### Policy Statement:

The City of Welland requires a full recovery of costs, as determined by it from time to time, associated with a Third Party Appeal to the Ontario Municipal Board (OMB) as a result of a By-law and/or Approval of the Council or Committee of Adjustment arising from any Planning related Application, including the cost for the City Solicitor and any City Staff;

The City of Welland shall only attend Ontario Municipal Board Hearings on a Third Party Appeal where the Applicant agrees to pay the City's expenses for attendance at the Hearing;

A deposit of \$6,000 shall be paid by the Applicant to the City within 14 days of the date of the notice of Appointment of Hearing. Fees incurred by the Municipality above and beyond the amount of the deposit will be invoiced to, and payable by, the Applicant. Should the fees incurred be less than the amount of the deposit required, the appropriate refund will be issued to the applicant;

If no deposit payment is received, the City may not attend the OMB Hearing to support the City's position;

Third Party Appeal means that the approval authority has approved an Application, a third party has appealed the decision and the City is requested to support the approval authority's decision at the OMB.