



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Robert Auger, Director Legislative Services & Clerk

Date to Council: November 14, 2023

Report Number: LCS-2023-31

Subject: Proposed New Legislative & Clerk Services Administrative Fees

Recommendations

It is recommended:

That Report LCS-2023-31 entitled “Proposed New Legislative & Clerk Services Administrative Fees” **be received**;

And that the fees proposed herein **be included** in the Administrative Fees and Charges By-law for 2024 for Council consideration during budget deliberations;

And further that the Director Legislative Services & Clerk **be authorized** to not perform a particular commissioning or notarization of a document if, in their sole professional discretion, doing so would otherwise conflict with their obligations under the rules of professional conduct applicable to Ontario Lawyers.

Background

In May 2022, Council received the Clerk’s Service Delivery Review (Review) which was conducted by WSCS Consulting. The Review examined the Town’s various services offered including Commissioning of Oaths, and the level of staff support by the Department to offer such services. As part of the principles established by the Review and in preparation for Council’s consideration of the 2024 Administrative Fees and Charges By-Law, the Department has undertaken what is to be an annual internal review of its services that are offered to the public with due consideration to cost

recovery in administering these services. In 2022, as part of this annual review Council approved fee increases for the issuance of burial permits and marriage licences. At this time, Administration is not recommending a fee increase to these two services. However, this report will outline proposed new fees for the following specific services offered in the Department which currently are performed without cost recovery.

Comments

1. Commissioner of Oaths

Since amalgamation, the Town's Clerk and Deputy Clerks have, in accordance with the Commissioners for Taking Affidavits Act (Ontario), provided the services of a Commissioner of Oaths to Tecumseh residents and have done so without a fee. A Commissioner of Oaths can take affidavits or declarations by asking a person to swear or affirm that what is in a document is true. Once completed, the Commissioner will then sign to verify the document was sworn or affirmed.

The demand for this service from residents has increased in the past few years for commissioning documents such as name changes, student school immunization exemptions, pension verification for proof of life, and vehicle registration transfers. It is recommended that a fee of \$15.00 per document be implemented with the exemption of annual pensioner declarations, which will remain free of charge.

2. Notary Public Services

Since January 2023, the Town has had the ability to provide the services of a Notary Public with the hiring of the Director Legislative Services & Clerk who is a licensed Lawyer and Notary Public (in accordance with the Notaries Act, Ontario) in the Province of Ontario. Prior to the hiring of the Director, any resident seeking notarization was directed to seek this service elsewhere in the community.

A Notary Public has all the powers of a Commissioner of Oaths; however, they can additionally verify and certify that signatures, marks, and copies of documents are true or genuine. Some documents that may require notarization include travel documents for children, documents for immigration or emigration purposes, passport-related documents, and documents that originate outside of Ontario or Canada.

The Director reserves the right not to perform a particular commissioning or notarization of a document if doing so would conflict with their obligations under the rules of professional conduct applicable to Ontario Lawyers.

Furthermore, the Town will not notarize any contentious documents such as divorce papers, custody agreements, real estate transactions, or testamentary documents which often require legal advice or independent legal review prior to or at time of signing.

The Director, over the last year has offered this service from time to time to residents. Moving forward, it is recommended that an administrative fee of \$40.00 per document be implemented for 2024 in an effort to meet this service demand with cost recovery.

3. Municipal Review of Liquor Licence Applications

The Alcohol and Gaming Commission of Ontario (AGCO) requires the following municipal information and documentation be provided to support business applications for new liquor licences or additions to existing liquor licences:

- **Municipal Information Forms:** which are completed and signed by the municipal Clerk's office. This form not only indicates whether the area in which the premises will be located is "wet", "damp" or "dry" (in relation to the sale of liquor) but as well provides notification to the Municipality and an opportunity to provide comments within a 30-day period regarding zoning or other concerns.
- **Compliance Letters** to be completed and signed by the Building and Fire Departments indicating the applicant's establishment meets the standards administered by AGCO. The Compliance Letter from the Building and Fire Departments indicates the occupant load for the licensed area, including inspection of a licensed outdoor area (patio), if applicable.

The Department receives notification of liquor licence applications from the AGCO and circulates the information internally for departmental review before providing municipal approval and Compliance Letters to the applicant. It is recommended that an administrative fee of \$50.00 per application be implemented to recover costs associated with the Clerk, Chief Building Official, and Deputy Fire Chief time in reviewing the application and completing the required AGCO forms.

4. Review of Applications for Noise By-law Exemptions

The Noise By-law [2002-07](#), adopted in 2002, was amended in 2007 to allow residents and businesses to apply for an exemption from the by-law as this by-law prohibits certain sounds and types of noise at all times. In Report CS-2021-26, Council approved and delegated authority to the Clerk to grant exemptions to the Noise By-Law no later than 11:30 p.m.

Currently, when a request for a noise by-law is received, the Clerk's Office circulates the request both to internal departments and to the OPP for review and issues a letter to the applicant advising if the Noise By-law Exemption has been approved or denied, and any required conditions thereto. After approval, if granted, the approval letter is prepared and circulated to the OPP for follow-up if warranted. In some cases, certain requests seek noise exemptions that exceed the Clerk's authority to approve. In those cases, an Administrative Report is then prepared and brought to Council for approval. It is

recommended therefore that a request for Noise By-Law Exemption requires a fee of \$50.00 per request.

Administration is aware of potential concerns from the public related to the Noise By-law and the exemption process. A report detailing a comprehensive review of the by-law will be forthcoming to the Policies & Priorities Committee on November 28, 2023.

Proposed New Fees

The table below summarizes the proposed administrative fees to be considered and included in the 2024 Administrative Fees and Charges By-law:

Type of Fee	2024 Fee
Signing of Document by Commissioner of Oaths (pension papers exempt)	\$15.00
Signing of Document by Notary Public	\$40.00
Review of Liquor Licence Application	\$50.00
Requests for Noise By-law Exemption	\$50.00

In comparison, in Attachment 1, the fees for these same noted services as charged by other municipalities in the Essex County region for the 2023 calendar year are noted. The administrative fees proposed fall within the range of fees charged within surrounding municipalities.

Consultations

Financial Services

Financial Implications

It is estimated that approximately 50 documents are **commissioned** per year. Based on the proposed fee of \$15 per document, the estimated revenue would be **\$750 per year**.

As 2023 was the first-year notary services were provided and only done so on a limited basis, it is difficult to estimate the number of notarizations per year. In 2023, approximately 10 documents were **notarized**. Based on the proposed fee of \$40 per document, the estimated revenue would be **\$400 per year**. It is expected that the number of notarizations will increase as promotions of this service increase in 2024.

It is estimated that approximately 8 applications for a **liquor licence** are reviewed each year. Based on the proposed fee of \$50 for this service, the estimated revenue would be **\$400 per year**.

It is estimated that approximately 10 requests for **noise by-law exemptions** are reviewed each year. Based on the proposed fee of \$50 per application, the estimated revenue would be **\$500 per year**.

Should these user fees not be approved, the costs of administrative time spent providing these services would not be recovered and the approximate revenue of **\$2,050 per year** would not be realized by the Town.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable

Website Social Media News Release Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Reviewed by:

Christina Hebert, BA (Hons), MA, Dipl. M.A.
Deputy Clerk - Clerks Services & Policy Advisor

Reviewed by:

Jennifer Alexander, AOMC, MPA
Deputy Clerk & Manager Legislative Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	2023 Clerks User Fee Comparison – Local Municipalities