

Title:	Development Application File Closure Policy
Number:	SRV-12-01
Approved By:	City Council
Administered By:	Planning Services
Effective:	December 1, 2012
Revised:	March 1, 2013

1.0 Purpose/ Background

By-law 29-2009 as amended delegates the responsibility to create a file closure policy for inactive development applications to the Commissioner of Development Services or Director of Planning Services provided the policy prescribes minimum periods of inactivity to which the delegated authority applies and the policy is published on the City's website.

On January 1, 2013 the Commissioner of Development Services delegated the authority to close inactive files and to establish a file closure policy to the Director of Planning Services.

It is good administrative practice to close inactive files for among other reasons the following

- Policies and standards change;
- New issues may be identified;
- Need for new public input and technical input; and
- Information and plans become stale dated.

The following file closure policy is established by the Commissioner of Development Services and the Director of Planning Services.

2.0 Policy Statement

2.1 Final Determination

For the purpose of this policy the opinion of the Director shall be the final determination as to whether an application is inactive or not.

2.2 Applications for Site Plan Approval or to Amend a Site Plan Agreement

- (a) All applications that have been inactive for a minimum of 1 year immediately preceding December 1, 2012 are considered abandoned and are closed without providing any further notice;

(b) For all other applications the following applies:

- Any application that is inactive for a minimum of 1 year will be closed;
- When an application is inactive for a minimum of six months the planner responsible for the file will send a letter to the applicant asking the applicant to advise in writing whether they wish to continue to proceed with the application and if so then to submit all the required information within six months of the date of the letter. If all of the required information is not submitted within that time period or if the applicant advises that they do not wish to proceed then the file will be closed;
- For all active applications if the appropriate plans are not approved by the City within 1.5 years after the application is submitted then the file will be closed;
- If a site plan agreement or letter of undertaking, as the case may be, is not executed by the owner within eight months after City staff sends the agreement or letter of undertaking to the owner/applicant for execution then the file will be closed; and
- If the Director receives a request in writing from the applicant to extend any of the above time periods then the Director may extend any of the above periods of time in Section (b) for an additional period at its sole discretion.

2.3 Applications to Amend the Oshawa Official Plan and/or Part II Plan and/or Secondary Plan and/or Zoning By-law including Applications to Lift an “h” Holding Symbol

(a) All applications that have been inactive for a minimum of 1 year immediately preceding March 1, 2013 are considered abandoned and are closed without providing any further notice;

(b) For all other applications the following applies:

- Any application that is inactive for a minimum of 1 year will be closed;
- When an application is inactive for a minimum of six months the planner responsible for the file will send a letter to the applicant asking the applicant to advise in writing whether they wish to continue to proceed with the application and if so then to submit all the required information within six months of the date of the letter. If all of the required information is not submitted within that time period or if the applicant advises that they do not wish to proceed then the file will be closed; and
- If the Director receives a request in writing from the applicant to extend any of the above time periods then the Director may extend any of the above periods of time in Section (b) for an additional period at its sole discretion.

2.4 Applications for Approval of Draft Plan of Subdivision or an Amendment to Draft Plan of Subdivision Approval

- (a) All applications that have been inactive for a minimum of 1 year immediately preceding March 1, 2013 and that have not received formal draft plan approval are considered abandoned and are closed without providing any further notice;
- (b) For all other applications that have not received draft plan approval the following applies:
- Any application that is inactive for a minimum of 1 year will be closed;
 - When an application is inactive for a minimum of six months the planner responsible for the file will send a letter to the applicant asking the applicant to advise in writing whether they wish to continue to proceed with the application and if so then to submit all the required information within six months of the date of the letter. If all of the required information is not submitted within that time period or if the applicant advises that they do not wish to proceed then the file will be closed; and
 - If the Director receives a request in writing from the applicant to extend any of the above time periods then the Director may extend any of the above periods of time in Section (b) for an additional period at its sole discretion.

2.5 Applications for Approval of a Draft Plan of Condominium or Amendment to Draft Plan Approval

- (a) All applications that have been inactive for a minimum of 1 year immediately preceding March 1, 2013 and that have not received formal draft plan approval are considered abandoned and are closed without providing any further notice;
- (b) For all other applications that have not received draft plan approval the following applies:
- Any application that is inactive for a minimum of 1 year will be closed;
 - When an application is inactive for a minimum of six months the planner responsible for the file will send a letter to the applicant asking the applicant to advise in writing whether they wish to continue to proceed with the application and if so then to submit all the required information within six months of the date of the letter. If all of the required information is not submitted within that time period or if the applicant advises that they do not wish to proceed then the file will be closed;
 - If the Director receives a request in writing from the applicant to extend any of the above time periods then the Director may extend any of the above periods of time in Section (b) for an additional period at its sole discretion; and

- (c) All decisions on applications that are formally draft plan approved under the Planning Act and Condominium Act shall include an expiry date for the approval and then such files will be closed when the approval expires. The Director has the authority to extend the draft plan approvals, as applicable.

2.6 Applications for the Removal Part Lot Control

- (a) All applications that have been inactive for a minimum of 1 year immediately preceding December 1, 2012 and where no decision has been made on the application or the decision does not include an expiry date are considered abandoned and are closed without providing any further notice;
- (b) For all other applications the following applies:
- Any application that is inactive for a minimum of 1 year will be closed;
 - When an application is inactive for a minimum of six months the planner responsible for the file will send a letter to the applicant asking the applicant to advise in writing whether they wish to continue to proceed with the application and if so then to submit all the required information within six months of the date of the letter. If all of the required information is not submitted within that time period or if the applicant advises that they do not wish to proceed then the file will be closed;
 - If the Director receives a request in writing from the applicant to extend any of the above time periods then the Director may extend any of the above periods of time in Section (b) for an additional period at its sole discretion; and
- (c) All decisions on other applications that are approved under the Planning Act shall include an expiry date for the approval and then such files will be closed when the approval expires. The Director has the authority to extend the approval, as appropriate.

2.7 Applications for Land Division

- (a) Any Land Division application that does not receive a decision or final approval for registration will be closed when the related Regional file is considered closed.

2.8 Applications for Committee of Adjustment

- (a) All applications that have been inactive for a minimum of 1 year immediately preceding March 1, 2013 are considered abandoned and are closed without providing any further notice;

(b) For all other applications the following applies:

- Any application that is inactive for a minimum of 1 year will be closed;
- When an application is inactive for a minimum of six months the planner responsible for the file will send a letter to the applicant asking the applicant to advise in writing whether they wish to continue to proceed with the application and if so then to submit all the required information within six months of the date of the letter. If all of the required information is not submitted within that time period or if the applicant advises that they do not wish to proceed then the file will be closed; and
- If the Director receives such requests in writing from the applicant to extend any of the above time periods then the Director may extend any of the above periods of time in Section (b) for an additional period at its sole discretion.

2.9 Applications for a Sign Variance

(a) All applications that have been inactive for a minimum of six months immediately preceding March 1, 2013 are considered abandoned and are closed without providing any further notice;

(b) For all other applications the following applies:

- Any application that is inactive for a minimum of 1 year will be closed;
- When an application is inactive for a minimum of six months the staff responsible for the file will send a letter to the applicant asking the applicant to advise in writing whether they wish to continue to proceed with the application and if so then to submit all the required information within six months of the date of the letter. If all of the required information is not submitted within that time period or if the applicant advises that they do not wish to proceed then the file will be closed; and
- If the Director receives a request in writing from the applicant to extend any of the above time periods then the Director may extend any of the above periods of time in Section (b) for an additional period at its sole discretion.

3.0 General Information

3.1 The file closure policy shall be posted on the City's website and be appropriately included in all development applications so that the applicant acknowledges the policy when completing the application form.