
CITY OF KELOWNA
MEMORANDUM

Date: December 1, 2004
File No.: DVP04-0129
To: City Manager
From: Acting City Clerk
Subject: **Request for Refund of Development Variance Application Fee –
DVP04-0129 569 and 579 Elliot Avenue**

RECOMMENDATION:

THAT Council NOT refund the Development Variance Application fee for DVP04-0129 as to do so would be contrary to the provisions set out in Development Application Fees Bylaw No. 8034.

BACKGROUND:

During the Regular Council Meeting of November 30, 2004, Mr. Ron Egert requested that he be refunded the application fee for Development Variance Application DVP04-0129. Council subsequently passed the following motion:

THAT staff report back with a recommendation for consideration regarding the applicant's request for a refund of the fee for DVP04-0129 (Egert/Eidse - 569/579 Elliot Avenue).

Schedule "A" of Development Application Fees Bylaw No. 8034 sets the manner in which development fees may be refunded. The ability of staff to refund a development fee is dependent upon the amount of time staff has spent dealing with the application. Schedule "A" subsection (d) states:

No development fees will be refunded if the application has been submitted to Council.

It is clear that neither Council nor staff may refund a development fee once Council has considered the application. Therefore, Mr. Egert's request must be denied.

Stephen Fleming
Acting City Clerk

cc: Director of Planning and Corporate Services
Manager of Development Services