

JOEDY BURDETT | RESIDENT ADVOCACY & MUNICIPAL ACCOUNTABILITY

PUBLIC-INTEREST CORRECTION REQUEST

Incorrect appeal-fee information in the Notice of Passing for By-law No. 2026-073

Prepared and issued by Joedy Burdett — the resident who identified and verified the City’s error

To: Mayor and Members of Council; City Clerk; Planning, Building & Development staff; local news media; and interested stakeholders

From: Joedy Burdett, Niagara Falls resident and public-interest advocate

Date: August 31, 2026

Re: Immediate correction, disclosure and procedural clarification concerning the Community Improvement Plan Amendment No. 1 notice

The City told potential appellants that this appeal carried a fee of \$1,100, reducible to \$400. The Ontario Land Tribunal’s official fee chart says the exact appeal type—Planning Act, s. 28(5), a decision on a Community Improvement Plan amendment—has “No Charges.”

“I found this error because I did not simply accept the City’s notice at face value. I checked the legislation, located the exact OLT fee entry and called the Tribunal for confirmation. Residents should not have to perform this level of quality control on an official municipal notice.” — Joedy Burdett

The issue in one sentence

An official statutory notice created a false financial barrier to an appeal, and a resident—not the municipality that issued the notice—had to identify, investigate and confirm the error.

What the City’s notice said—and what the governing source says

Question	City notice dated August 25	Official OLT fee chart
Appeal type	Notice of Passing for CIP Amendment No. 1, adopted by By-law 2026-073 under Planning Act s. 28.	Planning Act s. 28(5): “Decision – Amendment (Community Improvement Plan).”
Fee stated	\$1,100, with a possible reduction to \$400 for a private citizen or eligible group.	“No Charges.”
Statutory framing	The notice’s legal-notice heading refers to sections 17 and 34.	The relevant fee-chart entry is specifically s. 28(5).

Source: City of Niagara Falls Notice of Passing dated August 25, 2026; Ontario Land Tribunal, “Detailed Case Type Chart by Act and Section,” accessed August 31, 2026.

Why this is not a harmless typo

The incorrect fee is not a minor spelling error or an inconsequential formatting defect. It concerns a condition that an ordinary reader would reasonably understand to be necessary to exercise a statutory appeal right. A stated cost of \$400—let alone \$1,100—can deter a resident, community group or other eligible participant from filing at all.

The harm is therefore not limited to inconvenience. The misinformation could chill participation, create unequal access between people who can absorb an unexpected cost and those who cannot, cause needless last-minute inquiries, and undermine confidence in the reliability of municipal legal notices. Municipal notices must inform the public, not misdirect it.

How I was forced to verify the City's work

After receiving the notice, I did what a citizen should not have to do with an official legal communication: I audited it. I reviewed the scanned document, checked the statutory route, searched the Ontario Land Tribunal's current fee chart, located the exact entry for a Planning Act s. 28(5) CIP amendment, and then obtained telephone confirmation from an OLT representative that no filing fee applies.

That verification required time, persistence and familiarity with where to look. Many recipients would understandably rely on the City's notice as written. The City cannot assume every resident will have the time or confidence to challenge an apparently authoritative statement before a short appeal deadline expires.

The apparent source of the error

The combination of two features—the sections 17 and 34 heading and the \$1,100/\$400 wording—strongly suggests that language associated with official-plan or zoning appeals was carried into a section 28 CIP notice without adequate verification. This is an inference from the face of the notice, not an allegation about any individual's intention. The City should disclose how the notice was drafted, reviewed and approved so the actual cause can be established.

Whatever the internal explanation, the result reflects a quality-control failure. Publishing statutory language by habit or template, without checking the exact appeal category against the Tribunal's current chart, is the administrative equivalent of speaking before thinking. When legal rights and deadlines are involved, that is unacceptable.

The online record compounds the problem

As checked on August 31, 2026, the City's public planning page for "Community Improvement Plan (Amendment No. 1)" still describes the amendment as something the City "is proposing." Its associated files list a draft by-law, draft highlights and the July 14 public-meeting notice. The page does not list the August 25 Notice of Passing, the final adopted by-law or the September 14 appeal deadline.

The notice supplied by email was also a scanned document, making text searching, copying and accessibility-dependent analysis more difficult than a properly generated, text-readable PDF. These publication choices make it harder—not easier—for residents to understand and verify a time-sensitive process.

Immediate corrective action requested

I request that the City take the following steps without delay:

1. Issue a clear written correction identifying the exact error: a Planning Act s. 28(5) appeal of a Community Improvement Plan amendment carries no OLT filing fee.
2. Immediately notify me and every person, organization, party member and interested stakeholder who received or was entitled to receive the original notice. The correction should not depend on recipients discovering it for themselves.
3. State, in plain language, the procedural consequences of the defective notice: whether the September 14, 2026 deadline remains operative; whether a new or corrected Notice of Passing must be issued or posted; whether a fresh appeal period is required; and what steps the City will take to protect anyone who may have been discouraged by the false fee.
4. Post the corrected notice and the final adopted materials prominently on the City's planning page and any other location where the original or related materials were published.
5. Provide an accessible, text-readable version of the notice and final materials rather than relying only on a scan.
6. Explain how the sections 17/34 wording and the incorrect \$1,100/\$400 fee statement were drafted, reviewed, approved and distributed.
7. Preserve the original notice, distribution list, drafting history, templates, internal approvals and communications relating to the notice and its correction.
8. Describe the quality-control measures that will be implemented so future statutory notices are checked against the correct legislative provision, current Tribunal form and current fee chart before release.
9. Obtain and disclose the City's legal position on whether a corrected notice and a renewed appeal period are required. The City should not ask affected residents to guess at the legal consequences of the City's own error.

Deadline and reservation of rights

I am not relying on the City to extend the deadline. I intend to proceed on the basis that September 14, 2026 remains the operative filing date unless and until a competent authority confirms otherwise. At the same time, I expressly reserve all rights and positions arising from the defective notice, including any position concerning whether the notice validly commenced the appeal period or whether corrective notice is required.

This is a request for an immediate, public and accountable response—not an invitation for the City to minimize the error as inconsequential. The City should respond before the stated appeal deadline, while affected persons still have a meaningful opportunity to act.

A measured but serious conclusion

“We are being buried beneath the avalanche of your inadequacies, Mr. Creedy!”

— High Chancellor Adam Sutler, *V for Vendetta*

When I discovered the incorrect appeal-fee information in the City’s notice, this line came immediately to mind—not because the circumstances of a fictional film are comparable to municipal administration, but because the image of an avalanche accurately describes how repeated administrative failures can accumulate.

In my experience, this is not simply about one incorrect fee. Each time a resident must independently examine an official statement, locate the governing authority, telephone another level of government and then return to City Hall with proof of the error, another measure of public confidence is lost. One mistake may be corrected. A continuing pattern, however, can gradually bury transparency, accountability and trust beneath an avalanche of administrative inadequacies.

Public confidence is being buried beneath an avalanche of administrative inadequacies.

That is how I now feel after my history of dealing with the City. I should not repeatedly have to act as the municipality’s fact-checker in matters involving legal rights, public notices, deadlines and access to statutory processes. The City must recognize that its credibility is affected not only by the original errors, but also by whether it acknowledges and corrects them promptly once they are brought to its attention.

I take no satisfaction in finding this error. I would prefer to be able to rely on a municipal statutory notice without independently checking every legal reference, fee and deadline. But public confidence is earned through accuracy, transparency and prompt correction—not through the expectation that residents will serve as the City’s unpaid quality-control department.

This incident is especially troubling because it concerns access to an appeal process. It also adds to my broader concern that residents are too often left to investigate and correct municipal information after it has already been presented as authoritative. This letter confines itself to the present, objectively verifiable error. On this record alone, disappointment in the municipality’s performance is justified.

The appropriate response is straightforward: acknowledge the error, correct it everywhere, notify everyone affected, explain the procedural consequences, protect appeal rights, disclose how the failure occurred and prevent it from happening again.

Independent oversight if the City does not act

I am asking the City first to find, acknowledge and correct its own error, and to notify every affected recipient of the consequences. That is the reasonable and responsible opportunity for municipal administration to address this matter directly. However, once a citizen has identified a consequential error, supplied the authoritative source and requested a correction, inaction or an inadequate response would create a separate accountability concern.

I also expect a substantive written response addressed directly to me. A general website update, silent correction or internal referral will not answer this request. The response should confirm the action taken on each of the corrective measures set out above, answer the questions concerning the notice and appeal period, identify any steps that remain outstanding, and state the City's position on whether the matter has been fully remedied. Because the stated appeal deadline is September 14, 2026, that personal response should be provided promptly and while the information can still protect affected appeal rights.

If the City is unwilling or unable to correct the misinformation promptly, explain its effect on the appeal process and protect everyone who may have relied on the defective notice, I will have little practical alternative but to refer the matter to the Ontario Ombudsman or another competent oversight authority. Such a referral would ask an independent authority to examine the City's administrative response, including whether the correction process was fair, transparent and adequate. I sincerely hope that will not be necessary. The City can avoid outside escalation by doing what should already occur when an official error is brought to its attention: acknowledge it, correct it publicly, notify those affected and explain how recurrence will be prevented.

Joedy Burdett

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Another consequential City error — identified by Joedy Burdett

A visual account of how an incorrect municipal filing fee was discovered, independently verified and brought into public view.



Figure 1. Another City mistake that did not correct itself: Joedy Burdett found the error, checked the official rules and obtained direct confirmation from the Ontario Land Tribunal.

The illustration summarizes the documented sequence described in this letter. It is intended to make a technical planning-appeal issue understandable to a wider public audience.

Source record

City notice: City of Niagara Falls, “Notice of Passing – By-law No. 2026-073, Amendment No. 1 to Niagara Falls Community Improvement Plan,” dated August 25, 2026; received by email from the Director of Planning. The notice states that Council passed the by-law on August 11, 2026 and gives September 14, 2026 as the appeal deadline.

OLT fee chart: Ontario Land Tribunal, “Fee Chart,” Detailed Case Type Chart by Act and Section. The entry for Planning Act s. 28(5), “Decision – Amendment (Community Improvement Plan),” states “No Charges.” <https://olt.gov.on.ca/fee-chart/>

Telephone confirmation: Telephone conversation with an Ontario Land Tribunal representative, August 31, 2026, confirming that no OLT filing fee applies to this CIP appeal.

City planning page: City of Niagara Falls, “Current Planning Application Details – Community Improvement Plan (Amendment No. 1),” checked August 31, 2026. The page described the amendment as proposed and listed draft materials and the public-meeting notice, but not the Notice of Passing. <https://webpublic.niagarafalls.ca/Planning/Details/393>

Council record: City of Niagara Falls Council agenda/materials for August 11, 2026, including By-law No. 2026-073. <https://docs.niagarafalls.ca/WebLink/DocView.aspx?dbid=0&id=2540650&repo=NFALLS-DOC>

Planning Act: Planning Act, R.S.O. 1990, c. P.13, s. 28, official Ontario e-Laws source. <https://www.ontario.ca/laws/statute/90p13>

Cultural reference: V for Vendetta (2005), line spoken by High Chancellor Adam Sutler during a video conference with Mr. Creedy. The quotation is used here as a metaphor for the cumulative erosion of public confidence, not as a comparison between the film’s fictional regime and municipal government.

Accuracy note: The conclusion that the incorrect language appears to have been carried from another planning-notice template is a reasoned inference from the statutory headings and fee wording. The City should confirm the actual drafting history. This document does not provide legal advice and does not concede the validity of the stated appeal deadline.