



City of Barrie

70 Collier Street
P.O. Box 400
Barrie, ON L4M 4T5

Minutes - Final General Committee

Monday, May 14, 2018

5:00 PM

Council Chamber

GENERAL COMMITTEE REPORT For consideration by Barrie City Council on May 14, 2018.

The meeting was called to order by Mayor Lehman at 5:00 p.m. The following were in attendance for the meeting:

- Present:** 10 - Mayor, J. Lehman; Councillor, B. Ainsworth; Councillor, R. Romita; Councillor, D. Shipley; Councillor, B. Ward; Councillor, S. Trotter; Councillor, A. Prince; Councillor, A. Khan; Councillor, S. Morales; and Councillor, M. McCann
- Absent:** 1 - Councillor, P. Silveira

STAFF:

Acting General Manager of Infrastructure and Growth Management, D. Friary
Chief Administrative Officer, M. Prowse
City Clerk/Director of Legislative and Court Services, W. Cooke
Committee Support Clerk, T. McArthur
Deputy City Clerk, J. Carswell
Development Charge Administrator, N. Meyers
Director of Finance/Treasurer, C. Millar
Director of Planning and Building Services, A. Bourrie
General Manager of Community and Corporate Services, D. McAlpine
Legal Counsel, P. Krysiak
Supervisor of Building Services, D. Rigden
Supervisor of Development Charges, A. Gallant.

Mayor Lehman advised that the purpose of the meeting was to conduct a complaint hearing pursuant to Section 20 of the Development Charges Act, filed by Mr. Peter Hall, Vice-President of All Ontario Recycling. He confirmed for the record with the City Clerk that proper notification was delivered to the applicant in accordance the Development Charges Act.

SECTION "A"

18-G-109

DEVELOPMENT CHARGES - 343 TIFFIN STREET (WARD 6)

Mayor Lehman requested that the complainant(s) and/or their representatives identify themselves.

Mr. Peter Hall, Vice-President, All Ontario Recycling identified himself.

Mayor Lehman requested that the City's representative(s) identify himself.

Mr. Peter Krysiak, Legal Counsel identified himself.

Mr. Hall provided evidence in support of the complaint. He provided background information on All Ontario Recycling. He advised that new Ministry of the Environment and Climate Change (MOECC) regulations for vehicle salvaging require that removal of fluids must take place on an impermeable surface and covered from the elements. Mr. Hall noted that in order to meet the MOECC requirements they made application to construct a sheltered work area using sea containers and a cover-all structure. He indicated the estimated cost of the structure is \$40,000. Mr. Hall discussed that while working through the approval process for the structure, they were advised that the Development Charges would be \$52,503.25, which was much higher than he anticipated. The applicant requested that the reduced development charge applicable to accessory buildings be used, rather than the full development charge amount.

The complainant further explained that the business is not expanding and the structure is solely needed to comply with the MOECC regulations. Mr. Hall advised that he believed that the full Development Charge should not be applied in this situation.

Members of General Committee asked a number of questions of Mr. Hall. Mr. James Diehl, also with All Ontario Recycling joined Mr. Hall to respond to questions. Members of General Committee sought and obtained clarification from staff on matters raised by the complainant.

Mr. Krysiak presented evidence on behalf of the City of Barrie. Mr. Krysiak explained the grounds under which a complaint may be filed in accordance with Section 20 of the *Development Charges Act*. Mr. Krysiak provided information associated with the proposed development and he discussed how large the proposed building is compared to existing buildings on the site. He indicated that he believed that the proposed building cannot be considered accessory under the Development Charges By-law. Mr. Krysiak reviewed details associated with the definition of accessory building with the Committee. He provided examples of other locations that have paid Development Charges at the full rate, along with the concern about setting a precedent.

Members of General Committee asked a number of questions of Mr. Krysiak, Mr. Hall and City staff and received responses.

Mr. Krysiak provided a closing submission on behalf of the City indicating that he believed City staff correctly applied the Development Charges By-law in this situation and requested that the complaint under Section 20 of the *Development Charges Act, 1997* filed by Peter Hall, Vice-President, All Ontario Recycling regarding 343 Tiffin Street, be dismissed.

Mr. Hall provided a closing submission thanking the members of General Committee for their time. He requested that consideration be given to applying the accessory building rate for the Development Charge instead of the industrial rate.

Mayor Lehman noted that the Committee was acting in its capacity as a quasi-judicial body and as such would be required to address the specific grounds for a complaint under Section 20 of the *Development Charges Act*. He advised that the Committee was required to determine whether City staff had erred in the application of the provisions for development charges under the City's by-law. Mayor Lehman provided his perspective with respect to the submissions provided by both parties. (FIN011-18) (File: F00)

This matter was recommended (Section "A") to City Council for consideration of receipt at its meeting to be held on 6/4/2018.

The General Committee met and recommends adoption of the following recommendation(s):

SECTION "B"

18-G-110

SECTION 20 COMPLAINT (DCA, 1997) - 343 TIFFIN STREET (WARD 6)

1. That the complaint under Section 20 of the *Development Charges Act, 1997*, filed by Peter Hall, Vice-President, All Ontario Recycling regarding 343 Tiffin Street, be dismissed.
2. That a grant be provided to All Ontario Recycling equal to the value between the Full Industrial Development Charge and the Accessory Building Development Charge, to be applied to the property known as 343 Tiffin Street and be funded through the Tax Capital Reserve. (FIN011-18) (File: F00)

This matter was recommended (Section "B") to City Council for consideration of adoption at its meeting to be held on 6/4/2018.

The meeting adjourned at 6:26 p.m.

CHAIRMAN