



TO: GENERAL COMMITTEE

SUBJECT: SECTION 20 COMPLAINT (DCA, 1997) – 343 TIFFIN STREET

WARD: 6

PREPARED BY AND KEY CONTACT: A. GALLANT, SUPERVISOR OF DEVELOPMENT CHARGES, (EXTENSION #4503)
J. COWLES, SENIOR MANAGER OF CORPORATE FINANCE AND INVESTMENT (#5347)

SUBMITTED BY: C. MILLAR, DIRECTOR OF FINANCE AND TREASURER

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

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.

PURPOSE & BACKGROUND

2. The purpose of this Staff Report is to explain and support the applicability of the Development Charge for the proposed development at 343 Tiffin Street, as defined by the City's current Development Charges By-law 2014-108, in response to the correspondence received by Mr. Hall, attached as Appendix "A" of this staff report.
3. Section 20(1) of the *Development Charges Act, 1997* states that:

"A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,

i) the amount of the development charge was incorrectly determined;
ii) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or,
iii) there was an error in the application of the development charge by-law."

After Council hears the complaint and issues a decision, the complainant may appeal that decision to the Ontario Municipal Board (OMB).
4. Procedural By-law #2013-072 delegates Council's authority with regards to complaints under Section 20 of the *Development Charges Act, 1997* to General Committee. Appendix "B" of this staff report sets out the City's procedure for complaints.

ANALYSIS

5. On November 2, 2017 All Ontario Recycling Inc. (the applicants) submitted an application for a permit at 343 Tiffin Street. The proposed development was determined to be a coverall structure supported by sea containers and covering a concrete pad approximately 2,540 square feet in size. The application is attached as Appendix "C".
6. On April 17, 2018 the applicants submitted a letter to Council, requesting a reduced Development Charge (DC) Fee for their proposed development. They have requested that the accessory building rate of \$2.21 per square foot be used to calculate the DCs on their proposed development, as opposed to the full industrial rate of \$20.67 per square foot.
7. The applicants have made this request on the basis of recently mandated regulations by the Ministry of the Environment and Climate Change (MOECC), and based on the premise that the development does not modify the actual operations of the business, and no additional municipal services are required.
8. Staff in the Building and Planning Department met with the applicants in November 2017, and confirmed that their proposed development would be an acceptable structure, and could be used in the operation of their industrial business if they obtained a building permit. At this time, the applicants requested an estimate of the development charges that would be payable. It was communicated that the charge would be in the range of \$20 per square foot. A summary of the correspondence between City staff and the applicants can be found in Appendix "D".
9. The City's current DC By-law 2014-108 defines an accessory building as "a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure provided that it
 - does not contain any water or sewage services;
 - is used only for accessory storage,;
 - contains an accessory use to an existing industrial use in the principal building on the same lot; and,
 - does not exceed 25% of the existing principal building or 500m² whichever is less".
10. Due to its size, the proposed development does not meet the definition of an accessory building under the DC By-law, and would be considered an industrial building. The current development charge rate for an industrial building is \$20.67 per square foot, resulting in a total fee of \$52,503.25.
11. As per the DC By-law, this structure meets the definition of "Development". Section 4(a) (vii) of the By-law requires the imposition of DCs on all land, buildings, or structures that are developed for non-residential uses, if the development requires the issuing of a building permit under the *Building Code Act* in relation to a building or structure. The proposed development requires the issuing of a building permit.
12. Development Charges are imposed on all new development to support growth throughout the City, and to ensure growth pays for growth to the greatest extent possible. They are not based on whether an individual development requires new municipal services.
13. The applicants have made reference to the proposed development as a "temporary" type structure. There is no defined category within the DC By-law for temporary structures; however the nature of a temporary structure would mean it is in place for a limited period of time. Based on the legislated requirements, that is not the intent for this development.

14. It should be noted that under the current DC By-law, other developments similar in nature to the one being proposed have been required to pay DCs calculated in the same manner, (i.e. at the full industrial building rate). Applying the accessory building rate in this situation would set a precedent, and would have implications on other similar developments, those who have already paid DCs and built structures, and those anticipating to build in the near future.
15. An example of another development with a similar structure that was required to pay DCs at the full industrial building rate is TransCanada Pole at 7735 County Road 27. The development involved two coverall structures supported on concrete foundations. The difference between the full industrial building rate charged and the accessory building rate would have equated to approximately \$40,000 based on the size of the structure.
16. Staff are aware of two proposals for developments that are being considered involving similar structures that could be impacted by a decision to apply accessory building rate instead of the full industrial building rate.

ENVIRONMENTAL MATTERS

17. There are no environmental matters related to the recommendation.

ALTERNATIVES

18. The following alternative is available for consideration by General Committee:

Alternative #1 General Committee could grant the request of the applicants and allow the accessory building rate to be used in the DC calculation.

By using the reduced DC rate for an accessory building, Council would be overriding the DC By-law and potentially opening it up for new requirements such as public consultation, other changes to the By-law, and a new appeal period. In addition, this change could be setting a precedent for other similar developments, who have paid their fees or plan to build in the future and would come forward with a similar request.

FINANCIAL

19. There are no financial implications if General Committee dismisses the complaint.
20. The City relies on Development Charges to fund growth related infrastructure on a City wide basis. In instances where DCs would otherwise be collected and exemptions and/or discounts are granted, the cost of the exemption/discount falls to the tax and user rates.

LINKAGE TO 2014-2018 STRATEGIC PLAN

21. The recommendation included in this Staff Report supports the following goal identified in the 2014-2018 Strategic Plan:
 - Responsible Spending
22. The City is entering into a period of significant growth, and Development Charges represent a critical funding source for the City's Capital Plan.

APPENDIX "A"

Correspondence Received from Peter Hall, All Ontario Recycling Inc.

April 16th, 2018

Dear Mr. Mayor and Members of Council,
City of Barrie
City Hall, 70 Collier Street
P.O. Box 400, Barrie, ON, L4M 4T5

Re: Request for Relief from City of Barrie Development Charge for MOECC Required Covering at 343 Tiffin Street, Barrie, ON

As you know, we have been in ongoing discussions with City staff with respect to this matter and wish to commend all personnel for their co-operation and assistance throughout the process.

All Ontario Recycling Inc. Request for Relief:

All Ontario Recycling Inc. (AOR) requests the City of Barrie to grant relief from the levying of a Development Charge under City of Barrie By-Laws, Number 2014-108 and 2017-073. Specifically AOR is requesting that the DC charge be calculated using the accessory building rate of \$2.21 per square foot as opposed to the full industrial rate of \$20.67 per square foot.

Reasons for Requested Relief:

(i) The proposed structure is mandated by the MOECC as a covering under the 'new' EPA regulations, and does not in any way change, increase, expand or otherwise modify the actual operations and business activities presently being conducted by AOR, which operations will simply be continued as is, except for the covering.

(ii) The application of a Development charge under the terms of City of Barrie By-Law, result in unintended and perverse consequences and an onerous and unfair financial burden on the Company.

Attachments:

Exhibit "A" - email from Blair Rohaly (MOECC) to Andrea Bourrie, City of Barrie on March 29th, 2018

Exhibit "B" - email from Peter Hall of AOR to the Steve Trotter of the City, on March 15, 2018

Overview:

AOR has been required by the MOECC under recently mandated regulations under the EPA, to erect a 'temporary' type quonset structure to continue specific operations which have long been an integral part of its business. Accordingly, the Company applied to the City for a building permit to erect the structure and was advised by City staff that a development fee would be charged pursuant to the provisions of City By-Laws 2017-073 and 2014-108. There have been ongoing discussions with City staff, a member of Council, MOECC officials and others, concerning the 'Fee' and this letter is a result of those discussions.

APPENDIX "A" (Continued)

History and Facts:

1. All Ontario Recycling Inc. (AOR) purchased the property at 343 Tiffin Street in February 2018. At the time of the purchase, the property was being operated as an automobile reclamation and recycling site, under the provisions set out by the Ministry of the Environment and Climate Change (MOECC) in The Environmental Protection Act R.S.O. 1990, CHAPTER E.19, (the Act), the various applicable Regulations thereunder, and various Policy Statements issued by the Ministry, such as NPC-300.
2. AOR has operated the Tiffin Street site (the "Site") continuously from the date of purchase to the present date, performing what is regarded from a public policy and public interest perspective, a valuable business and social service, both to the community and the Province.
3. During the past three years the Province, through amendments to the Act, new Regulations and Policy initiatives, has been tightening the rules and implementing them on a phased programme, to ensure all sites such as this one are operated in a safe and responsible manner.
4. These new regulations and policies are mandatory.
5. Recently the MOECC implemented the following:

Section 7 (1) 1 & 2 of O. Reg. 85/16 state:

1. All fluids shall be removed and collected from all material that is permitted to be managed at an end-of-life vehicle waste disposal site prior to shearing, crushing or shredding the material.
2. The fluids referred to in paragraph 1 shall be removed as follows:
 1. i. On an impermeable surface that has a spill containment system.
 - ii. **Under a covered structure and in such a manner so as to prevent precipitation from coming into contact with the fluids or the components from which the fluids are being removed.**
Emphasis added.
6. The above requirement of a covered structure and the mandatory nature thereof was referenced in an email from Blair Rohaly (MOECC) to Andrea Bourrie, City of Barrie on March 29th, 2018, at the request of AOR. A copy of the email is attached hereto as Exhibit "A".
7. It should be noted that AOR is not changing any use of the property as a result of the required structure nor will the required structure in any practical sense, enhance the value of the AOR property as a whole, through enabling an increase in income and cash flow. The required structure is being constructed solely to enable AOR to continue in business as it has been conducting it, by compliance with the newly mandated Ministry rules.

Analysis and Submissions:

APPENDIX "A" (Continued)

8. As noted above, AOR is not changing the use of the property. It is not expanding operations. It is merely continuing to perform the existing and ongoing functions in exactly the same location as it has been doing, with the addition of a covering structure as mandated by the MOECC. **No new or additional municipal services are required for or will result from the erection of the structure.**

9. Accordingly, the building being proposed is not a 'development' in any dictionary sense of the term, nor is it one, we believe is contemplated by the terms of the referenced By-Law.

(i) Dictionary Definitions:

Merriam Webster defines 'development' as:

2. the state of being developed
a project in development
3. a tract of land that has been made available or usable: a developed tract of land; especially, one with houses built on it

Oxford defines development as:

3. The process of converting land to a new purpose by constructing buildings or making use of its resources.

(ii) The By-Law states in section 1 (definitions, emphasis added):

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;

10. Clearly the proposed structure, while definitely being the erection of a 'building', does not have 'the effect of substantially increasing the size or usability' of what is currently being done on the parcel of land being covered. Operations in every respect are being maintained as presently conducted.

11. While the whole operation of AOR at the Tiffin site might be regarded as an industrial operation or an industrial operation with commercial aspects, the structure proposed, does not contemplate any 'new' activities, any 'increase' in activities or any change in those activities.

"commercial purposes" means the use of the land, building or structure for the purpose of buying and selling commodities or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction;

"industrial purposes" means lands, buildings or structures or units within such buildings or structures to be developed within an industrial zone and described in the list of uses under the

APPENDIX "A" (Continued)

"Industrial" category set out in Section 7-2-1 of the City of Barrie's Zoning By-law 2009-141, or any successor thereto;

12. The practical effect of applying the provisions of the By-Law to the proposed structure would result in a Development Fee being levied on AOR, in excess of \$52,000, far in excess of the approximately \$40,000 cost of the structure itself. This was explained in the email from the company by Peter Hall to City Councillor Steve Trotter on March 15, 2018, a copy of which is attached as Exhibit "B".

13. In the above referenced email Mr. Hall stated in part:

Our company, All Ontario Recycling operating at 343 Tiffin Street in Barrie, is being forced to pay development fees under the DC act for a temporary, fabric quonset building that requires no additional infrastructure or services at all. The intent of the DC act is to offset the cost of new infrastructure for new developments. We have received legal advice that, since this structure requires none, no development charges are applicable. However, the City of Barrie insists on collecting a DC charge from our company of over \$52,000 which is more than the \$40,000 cost of the building itself!

Further, the purpose of this structure is not to develop, change or expand the use of our facility. It is a government mandated structure that we must erect in order to continue existing activities and be in conformance with new MoECC regulations for processing of end-of-life vehicles. Conforming to the MoECC regulations is one thing but to be hit with an exorbitant and inappropriate DC charge as we attempt, in good faith, to do so is quite another.

14. It is submitted that the proposed structure should not be considered a 'development' under the provisions of By-Law Numbers 2017-073 and 2014-108, for the reasons articulated and enumerated herein.

15. The application of the provisions of these By-Laws, particularly the levying of a Development Charge at the full industrial rate would have a perverse result and be manifestly unfair to the Company.

AOR has therefore requested this relief.

All of which is respectfully submitted.

Yours very truly,

Peter Hall
Vice-President
All Ontario Recycling
359 Tiffin Street
Barrie ON L4N 9W6

APPENDIX "A" (Continued)

From: Rohaly, Blair (MOECC) <Blair.Rohaly@ontario.ca>
Sent: March 29, 2018 3:07 PM
To: Andrea.Bourrie@barrie.ca
Cc: phall@allontariorecycling.com; jdiehl@allontariorecycling.com;
williamgullett@gmx.com; Sterling, Scott (MOECC)
Subject: All Ontario Recycling/City of Barrie - End of Life Vehicle Regulations

Good afternoon,

I am e-mailing you with regards to All Ontario Recycling, who is operating as an end-of-life vehicle (ELV) waste disposal site at 343 Tiffin St, Barrie. It is my understanding that All Ontario Recycling will be incurring development costs associated with the installation of a concrete pad and building of a covered structure.

As you may be aware, the ministry recently introduced new requirements with respect to the management and processing of ELVs and their associated wastes. Through these changes, the ministry can ensure ELVs and their associated wastes are managed in a manner that is protective of the environment and human health.

On September 1st, 2017, the rules which prescribe numerous operational requirements for sites that manage ELVs came into effect.

Section 7 (1) 1 & 2 of O. Reg. 85/16 state:

1. All fluids shall be removed and collected from all material that is permitted to be managed at an end-of-life vehicle waste disposal site prior to shearing, crushing or shredding the material.
2. The fluids referred to in paragraph 1 shall be removed as follows:
 - i. On an impermeable surface that has a spill containment system.
 - ii. Under a covered structure and in such a manner so as to prevent precipitation from coming into contact with the fluids or the components from which the fluids are being removed.

The purpose of this requirement is to ensure the removal of fluids from an ELV is conducted in an environmentally responsible manner. Requiring an impermeable surface prevents any leaks or spills from entering the natural environment. In addition, the covered structure will limit precipitation from coming into contact with the fluids or components for which fluids are contained, thereby further decreasing the likelihood of a spill. These measures are designed to prevent contamination of soil and other nearby natural features (e.g. water sources).

The site changes proposed by All Ontario Recycling at 343 Tiffin St, Barrie, are legally required under O. Reg. 85/16.

Thank you for taking this e-mail into consideration.

APPENDIX "A" (Continued)

From: Peter Hall <phall@allontariorecycling.com>
Sent: March 15, 2018 9:08 AM
To: 'officeofthemayor@barrie.ca'
Cc: steve.trotter@barrie.ca; jdiehl@allontariorecycling.com; William Gullett
Subject: Development Charges Issue at 343 Tiffin Street in Barrie

To whom it may concern,

I am requesting a meeting with Mayor Jeff Lehman.

My request comes with urgency in respect to an issue we have with the City planning/building department. Our company, All Ontario Recycling operating at 343 Tiffin Street in Barrie, is being forced to pay development fees under the DC act for a temporary, fabric quonset building that requires no additional infrastructure or services at all. The intent of the DC act is to offset the cost of new infrastructure for new developments. We have received legal advice that, since this structure requires none, no development charges are applicable. However, the City of Barrie insists on collecting a DC charge from our company of over \$52,000 which is more than the \$40,000 cost of the building itself!

Further, the purpose of this structure is not to develop, change or expand the use of our facility. It is a government mandated structure that we must erect in order to continue existing activities and be in conformance with new MoECC regulations for processing of end-of-life vehicles. Conforming to the MoECC regulations is one thing but to be hit with an exorbitant and inappropriate DC charge as we attempt, in good faith, to do so is quite another.

Would it be possible to meet at the earliest opportunity to discuss our concerns?

I can be reached directly at any time on my cell phone.

Sincerely,

Peter Hall.
Vice-President, Business Development



211 Muskoka Rd. 10
Port Sydney ON P0B 1L0
Bus: (705) 385-0933 Ext 24
Cell: (416) 302-9713
Fax: (705) 385-0934
www.allontariorecycling.com

APPENDIX "B"

Procedure for Complaints Under Section 20 of the *Development Charges Act, 1997*

Parties to a Complaint

1. Any owner of the land in the Corporation of the City of Barrie ("Barrie"), or any applicant for an approval for the development of land within Barrie, who is required to pay Barrie development charges, may complain to the Council of Barrie ("the Council"), (or such property delegated Committee of Council).
2. Barrie is a responding party to any complaint.

Time, Form and Contents of Complaint

3. A complaint must be in writing addressed to:

**The Corporation of the City of Barrie
P O Box 400, 70 Collier Street
Barrie, Ontario
L4M 4T5
Attention: City Clerk**
4. No complaint will be considered by Council if it is received by the Clerk more than 90 days after the latest of:
 - a) The date of building permit issuance for which area development charges are imposed; or,
 - b) The date on which development charges are payable under an agreement with Barrie.
5. The complaint must contain and allege, as a reason for the complaint, one or more of the following:
 - a) The amount of the development charge was incorrectly determined;
 - b) The availability of a credit to be used against a development charge is disputed, or the amount of such a credit or the service with respect to which the credit was given was incorrectly determined; or
 - c) There was an error in the application of the development charge by-law.
6. The complainant must set out the name and address of the person who should be given notice of the hearing of the complaint.

APPENDIX "B" (Continued)

Notice of Hearing of the Complaint

7. The Clerk of Barrie ("the Clerk") shall give the complainant written notice of the hearing of the complaint.
8. The Clerk shall mail the notice of hearing to the name and address indicated on the complaint at least 14 days before the date on which the complaint is to be heard by Council.
9. The notice of hearing shall contain the following information:
 - a) The date, time and place of the hearing;
 - b) A statement that the hearing is being held under the authority of section 20 of the Development Charges Act, 1997, S.O. 1997, c.27;
 - c) A statement that the hearing is being held in response to a complaint from the complainant, indicating the name of the complainant and the date of the complaint.
 - d) A statement that the hearing is being held to allow the complainant to offer evidence and argument concerning the calculation of Barrie's development charges payable or the liability of the complainant to pay any Barrie development charge, or both;
 - e) That a copy of the report submitted to Council under section 11 shall be available to the complainant at the offices of the Barrie Clerk's Department by 4:30 p.m. on the Monday of the week preceding the hearing of the complaint or such earlier time as the Clerk may advise.
 - f) A statement that if the party notified does not attend at the hearing, Council may proceed in the absence of the party and the party will not be entitled to any further notice in the proceeding.

Procedure at the Hearing

10. It is the policy of Barrie that the hearing of complaints by Council shall be informal, and that the Council shall deal with the substance and merits of the complaint. Council must nevertheless determine whether complaints are timely under section 4 of this procedure and whether they raise a matter which Council is authorized to consider under section 5 of this procedure.
11. Barrie's staff, solicitor and/or consultant will submit a report to Council containing the following:
 - a) A copy of the development application(s) for which a building permit is required and/or, if applicable, a copy of the agreement with Barrie under which Barrie development charges are payable;
 - b) A copy of relevant correspondence which has passed between the parties;
 - c) An explanation of the manner in which Barrie has calculated the development charges which are payable;
 - d) Submissions on the issues to be decided by Council and the findings of fact which Council must determine;

APPENDIX "B" (Continued)

- e) A recommendation as to the disposition of the complaint and the reasons therefore; and,
 - f) Any other information and/or documents that the staff, solicitor and/or consultant may consider may be relevant to the hearing and disposition of the complaint.
12. Council may accept the report from the staff, solicitor and/or consultant as the evidence and argument of Barrie without need for formal proof or verbal submissions at the hearing by staff, solicitor and/or consultant.
13. Council shall give the complainant the opportunity to present evidence and make submissions at the hearing.
14. The evidence and submissions of the complainant may be supplemented with written submissions or other relevant material.

Powers of Council

15. Council has the power to:
- a) Administer oaths or affirmations;
 - b) Require that evidence be given under oath or affirmation;
 - c) Admit evidence without requiring that it be given under oath or affirmation;
 - d) Admit relevant evidence whether or not admissible in court;
 - e) Admit as evidence documents or things whether or not given or proven under oath or affirmation;
 - f) Admit copies of documents or things instead of originals where satisfied of the authenticity of the copies;
 - g) Exclude any evidence which is unduly repetitious;
 - h) Limit the further cross examination of a witness where the cross examination has been sufficient for full and fair disclosure of the matters relevant to the issues in the hearing in relation to which a witness has given evidence;
 - i) Make orders and give directions to prevent an abuse of the process of Council;
 - j) Alter the hearing procedure if satisfied that the proposed procedure is consistent with the disposition of the hearing on its substance and merits and will be informal, efficient and expeditious; and
 - k) Adjourn any hearing of its own motion or upon the motion of either party.

APPENDIX "B" (Continued)

Representation by Counsel or Agent

16. The complainant, and any witness, may be represented by counsel or an agent.
17. It is the policy of Barrie that the hearing of complaints by Council shall be informal, inexpensive and expeditious and that Council shall not require or prefer that the complainant be represented by counsel or an agent.

Disposition of Complaints

18. At the conclusion of the hearing of a complaint, Council may
 - a) Confirm the development charge; or
 - b) Amend the development charge to the extent that, in the opinion of Council, a review of any or all of the matters in section 5 of this procedure justified such an amendment.
19. The Clerk of Barrie shall, not later than 20 days after the day that Council's decision is made, give written notice of the decision by mail to the complainant and the notice shall specify the last day for filing an appeal which date shall be no earlier than 40 days after the day the decision is made.

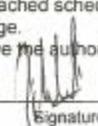
APPENDIX "C"

Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the Building Code Act.

For use by Principal Authority			
Application number:		Permit number (if different): PMT 17-02611	
Date received: Nov. 2, 2017.		Roll number:	
Application submitted to: CITY OF BARRIE <small>(Name of municipality, upper-tier municipality, board of health or conservation authority)</small>			
A. Project information			
Building number, street name 343 TIFFIN ST.		Unit number	Lot/con.
Municipality	Postal code L4N 5P4	Plan number/other description 959	
Project value est. \$ 50,000		Area of work (m ²) 756.08 247.15m	
B. Purpose of application			
<input type="checkbox"/> New construction <input type="checkbox"/> Addition to an existing building <input type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit			
Proposed use of building		Current use of building	
Description of proposed work INSTALL A 42' x 40' CACHOYN FABRIC BUILDING ON A STEEL STRUCTURE			
C. Applicant Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner			
Last name FRANEY		First name ANGELA	Corporation or partnership NATIONAL BUILDING GROUP INC
Street address 4915 CANBOROUGH RD		Unit number	Lot/con.
Municipality WELLANDPORT	Postal code L4W 9W6	Province ONTARIO	E-mail angela@NBGI.ca
Telephone number (519) 320-8118	Fax ()	Cell number (519) 320-8118	
D. Owner (if different from applicant)			
Last name PRIMMER		First name KEVIN	Corporation or partnership PORT SYDNEY AUTO SALES.
Street address 343 TIFFIN ST		Unit number	Lot/con.
Municipality	Postal code L4W 5P4	Province ONTARIO	E-mail
Telephone number (705) 385-0933	Fax ()	Cell number (705) 641-9482	

APPENDIX "C" (Continued)

E. Builder (optional)			
Last name		First name	Corporation or partnership (if applicable)
Street address			Unit number
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)			
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____			
G. Required Schedules			
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.			
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.			
H. Completeness and compliance with applicable law			
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .		<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
I. Declaration of applicant			
I, <u>Jim Diehl</u> (print name)		declare that	
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.			
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.			
<u>01 14 2017</u> Date		 Signature of applicant	

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 585-6686.

APPENDIX “D”

Correspondence between Applicants and City Staff

Nov 2, 2017	<p>Discussions between the applicants and City staff regarding whether the proposed development would be an acceptable use.</p> <p>The applicants requested an estimate for development charges and were informed that the fee would be in the range of \$20 per square foot.</p>
Nov 2017 – Feb 2018	<p>Several emails between Mr. Diehl, a representative of All Ontario Recycling Inc. (AOR), and Finance staff regarding the cash in lieu of parkland calculation.</p> <p>On February 27, an email was sent detailing the cash in lieu charge of \$4292.56.</p>
Feb 28, 2018	<p>Mr. Diehl requested the complete list of charges from Building staff. A schedule of building permit, zoning and development fees was provided, including the DC amount of \$52,494.36</p>
Feb 28, 2018	<p>Mr Hall, another representative of AOR indicated that he had spoken with staff and was under the impression the structure was temporary. He assumed that because no additional services were required, no DC payment would be required.</p>
March 1, 2018	<p>Following a voicemail from Finance staff to Mr. Hall explaining how the DC charges were calculated, Mr. Hall sent an email to Building staff asking for further explanation, citing no-growth with the new building.</p>
March 2, 2018	<p>Discussion between City staff to clarify the temporary and accessory language. Staff confirmed that the building was not considered temporary.</p>
March 12, 2018	<p>Phone conversation and email between Mr. Hall and Finance staff discussing the applicability of DCs and confirming that the development was not an accessory building per the DC By-law due to its size. It was explained to Mr. Hall that DCs are not based on whether the development requires additional municipal resources.</p> <p>The process for submitting complaints to Council was discussed, and a link to the procedures was sent to Mr. Hall. Staff informed Mr. Hall to send correspondence to Council through the Clerk’s office.</p>
March 15, 2018	<p>Mr. Hall sent an email to the Office of the Mayor and copied Councillor Trotter requesting a meeting with the Mayor.</p>
April 17, 2018	<p>Letter received from the applicants, expressing concerns with DC charges and requesting a reduced rate.</p>