Wednesday, March 9, 2016
3:00 p.m. – Special Meeting
Council Chambers – 4th Floor

Members:
Mayor L. Jeffrey
Regional Councillor G. Gibson – Wards 1 and 5
Regional Councillor E. Moore – Wards 1 and 5 (Acting Mayor – May)
Regional Councillor M. Palleschi – Wards 2 and 6
Regional Councillor M. Medeiros – Wards 3 and 4 (Acting Mayor – March)
Regional Councillor G. Miles – Wards 7 and 8 (Acting Mayor – April)
Regional Councillor J. Sprovieri – Wards 9 and 10
City Councillor D. Whillans – Wards 2 and 6
City Councillor J. Bowman – Wards 3 and 4
City Councillor P. Fortini – Wards 7 and 8
City Councillor G. Dhillon – Wards 9 and 10

For inquiries about this agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact:
Terri Brenton, Legislative Coordinator, Telephone 905.874.2106, TTY 905.874.2130
cityclerksoffice@brampton.ca

Note: Some meeting information may also be available in alternate formats upon request.
Agenda
City Council

Note: Please ensure all cell phones, mobile and other electronic devices are turned off or placed on non-audible mode during the meeting. Council Members are prohibited from sending text messages, e-mails and other electronic messaging during the meeting.

1. Approval of Agenda

2. Declarations of Interest under the Municipal Conflict of Interest Act

3. Delegations

3.1. Delegation re: Hearing under the Development Charges Act – Development Charge Complaint – 9446 McLaughlin Road (Unit # 6, 7 and 8) – Ward 5 (File EH.x).

See Item 4.1

3.2. Delegation re: Hearing under the Development Charges Act – Development Charge Complaint – 240 Clarence Street (Unit # 4 and 5) – Ward 3 (File EH.x).

See Item 4.2

4. Reports of Corporate Officials

4.1. Report from R. Kumar, Manager, Capital and Development Finance, Corporate Services, dated February 1, 2016, re: Development Charge Complaint – 9446 McLaughlin Road (Unit # 6, 7 and 8) – Ward 5 (EH.x).

See Item 3.1

Recommendation

4.2. Report from R. Kumar, Manager, Capital and Development Finance, Corporate Services, dated February 1, 2016, re: Development Charge Complaint – 240 Clarence Street (Unit # 4 and 5) – Ward 3 (EH.x).

See Item 3.2

Recommendation
5. **Public Question Period**

   15 Minute Limit (regarding any decision made at this meeting)

6. **Confirming By-law**

   To confirm the proceedings of the Special Council Meeting held on March 9, 2016

7. **Adjournment**

   **Next Meetings:**
   - Wednesday, March 30, 2016 – 9:30 a.m.
   - Wednesday, April 13, 2016 – 9:30 a.m.
Date: 2016-02-01

Subject: Development Charge Complaint – 9446 McLaughlin Road (Unit #6, 7 and 8) - Ward 5 (EH.X)

Contact: Raghu Kumar, Manager, Capital and Development Finance (905) 874-2802

Recommendations:

1. That the report from Raghu Kumar, Manager, Capital and Development Finance and David Sutton, Director, Financial Planning and Budgets, dated February 01, 2016, to the Special Council Meeting of March 9, 2016, re: Development Charge Complaint – 9446 McLaughlin Road (Unit #6, 7 and 8) - Ward 5 (EH.X), be received; and

2. That a refund of $6,445.25 in development charges plus interest at the rate 1.25% be issued for that portion of Unit 7 at 9446 McLaughlin Road where evidence of a prior non-industrial use was confirmed by the City; and;

3. That the complaint for Unit 8 at 9446 McLaughlin Road be dismissed as the development charges have been properly calculated and collected in accordance with Development Charges by-laws and legislation.

Overview:

- The purpose of this report is to provide staff recommendations in response to a complaint filed pursuant to Section 20 of the Development Charges Act, 1997 for the redevelopment of Units 6, 7 and 8 located at 9446 McLaughlin Road – Ward 5 (EH.X)

Background:

Glow Zone 360 has leased units 6, 7 and 8 at 9446 McLaughlin Road, an existing industrial building and carried out interior alterations to make the space suitable for the purposes of operating a laser tag and golfing facility. The complaint (Appendix A) lodged by Marin Huston Land Corporation (the owner) relates to the assessment of development charges for the re-development of units 6, 7 and 8, that has a combined floor area of 14,536 square feet. A copy of the complaint letter was forwarded to the Region of Peel, who is working on a Council report to address the issues raised
regarding the regional development charges. This report only deals with the City portion of the development charges imposed.

The complainant disputes the development charges imposed on the following grounds:

a) the interior alterations does not add to the floor area and therefore does not fulfill the criteria to meet the definition of a ‘development’ or ‘re-development’ under the development charge by-law

b) the change of use and interior alterations does not bring about the need for added infrastructure

c) change of use for a couple of units does not change the primary characteristics of the property that was determined to be industrial

d) two of the units have been used for commercial purposes in the past

Therefore, application of the by-law and imposition of development charges were incorrectly made.

Provisions under the Act

Under Section 20 provisions of the Development Charges Act, 1997 (the “Act”), a person required to pay a development charge may complain to Council if:

a) the amount of the development charge was incorrectly determined

b) 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

c) there was an error in the application of the Development Charge By-law

Section 20 further requires that Council hold a hearing into the complaint and give the complainant an opportunity to make representations at that hearing. After hearing the evidence and submission of the complainant, Council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint. Under Section 22 of the Act, the complainant may appeal the decision of Council to the Ontario Municipal Board (the “Board”).

The complainant has been notified that the hearing will be held on March 9, 2016.

Current Situation:
9446 McLaughlin Road is a multiple industrial unit building developed in the late 1980’s. The owner of the property (Marin Huston Land Corporation) has leased out Units 6, 7 and 8 to Glow Zone 360 for operating a laser tag and golf facility. A minor variance approval was granted since the proposed activity is deemed to be ‘commercial recreation’ in nature and hence not a permissible use under the zoning by-law for the said property.

A combined total of $141,921 (City – $64,346, Region – $77,575,) in development charges were levied for the conversion, being the difference between the industrial rate and the non-industrial rate (Appendix B). Subsequent to the issuance of the building permit, and the filing of the complaint by the owner, staff undertook a review of all available evidence of prior commercial uses for all three units. The owner provided evidence that all of Unit 6 and a portion of Unit 7 were previously used for non-industrial purposes. Consequently, a refund of $20,185 was processed for Unit 6 consisting of $20,079 for City Development Charges and $106 in interest. As a result, the owner has withdrawn his complaint in respect of Unit 6. An additional refund of $6,445 plus interest at the rate of 1.25% is due to the complainant for a portion of Unit 7 used for commercial purposes in the past and no evidence of a prior non-industrial use was found or provided in respect of Unit 8.

Staff has reviewed the issues raised in the complaint and the applicable provisions in the development charge by-law and offer the following comments in support of their recommendations:

a) the issuance of a minor variance approval is one of the triggers for the application of development charges as per section 7 (b) of the Development Charges by-law. It is a clear indication that there is a deviation from the permitted uses of the structure

b) the definition of ‘re-development’ in the by-law includes a change of use of a building or structure from industrial to non-industrial and the application of the charge is not predicated upon the creation of additional floor space

c) determination of the use of a property is made prior to its development. However, any subsequent change to a proposed use will generate a development charge for the difference between the initial charge applied and the rate for the proposed new use, regardless of the overall composition in the nature of the units

Corporate Implications:

Financial Implications:

The net City development charge of $44,161 collected to date is the incremental charges after having given the applicant a credit/refund for prior industrial use of
$76,948. A further refund of $6,445 plus interest is recommended for a portion of Unit 7. The remaining charges have been correctly calculated in accordance with the legislation and by-laws.

There is no impact on the tax base since these refunds are drawn from the development charge reserves.

Calculation of Brampton Development Charges

<table>
<thead>
<tr>
<th>Development Charges Due at the Non-Industrial/Non-Office rate</th>
<th>Initial Credit provided at Industrial Rate</th>
<th>Refund for prior Non-Industrial Use for Unit 6</th>
<th>Net City Development Charges Collected to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>$121,109</td>
<td>($56,763)</td>
<td>($20,185)</td>
<td>$44,161</td>
</tr>
</tbody>
</table>

Other Implications:

Legal

A complaint under section 20 of the Act is not an appeal of the development charges by-law. Additionally, a complaint does not confer on Council the ability to waive or reduce the charges otherwise correctly determined in accordance with the Act and by-law. Council’s authority under section 20 of the Act is limited to correcting errors in:

1. the calculation of the charge,
2. the applicability of credits, and
3. the application of the by-law.

Strategic Plan:

The recommendation’s in this report supports the strategic priority of Good Government by adhering to sound governance practices and policies.

Conclusion:

After careful consideration, staff recommends that a partial refund for Unit 7 in the amount of $6,445 plus interest be issued. The charges for Unit 8 located at 9446 McLaughlin Road have been properly calculated and collected in accordance with the City’s development charge bylaw.
David Sutton  
Director, Financial Planning and Budgets

Peter Honeyborne  
Executive Director, Finance and Treasurer

Attachments:

Appendix A - DC Complaint Letter - 9446 McLaughlin Units 6, 7 & 8

Appendix B - DC Calculation-9446 McLaughlin Rd, Unit 6, 7 & 8 Change of Use

Report authored by: Raghu Kumar and Kevin Jackson
July 15, 2015

The Corporation of the City of Brampton
Finance Division, Corporate Services Department
2 Wellington Street West
Brampton, Ontario
L6Y 4R2

Attention: Ms. Colleen Lambert

Dear Colleen,

RE: Marin Huston Land Corporation
Con 2, Whs. Pt. Lot 8
9446 McLaughlin Road North
Units 6, 7 & 8, Brampton
Interior Alteration Permit and Tenant change of use

Enclosed please find a bank draft in the amount of $141,920.76 payable to the City of Brampton in accordance with your Development Charges letter dated July 14, 2015 attached hereto.

This letter shall also constitute a Development Charges Complaint pursuant to section 20 of the Ontario Development Charges Act to the Municipal Council of the City of Brampton and to The Regional Municipality of Peel about the imposition of development charges as specified in the aforesaid Development Charges Letter from the City of Brampton to Marin Huston Land Corporation dated July 14, 2015.

The reasons for this Complaint are that there were errors made in the application of both the City of Brampton Development Charges By-law 167-2014 and The Regional Municipality of Peel Development Charges By-law 79-2012.

In particular:
July 15, 2015
Page 2

The permit applied for is a minor interior alteration permit that does not add to or alter the size, usability or floor area of the building and is not a “development” or “redevelopment” as defined in the City of Brampton By-law 167-2014.

The building located at 9446 Mclaughlin Road North, Brampton was built in 1988 and consists of approximately 30 units totaling approximately 153,000 square feet. Its use as an industrial building was determined long ago in 1988.

Where a building is under one ownership, the determination of the use of the building is based on all of the uses within the building and not on just one tenant.

This interior alteration permit for 14,836 square feet for units 6, 7 & 8 does not change the industrial determination of the building which continues to be tenanted by approximately 70% industrial tenants and remains a determined industrial building.

3. Unit 6 was once occupied by a billiard hall. Unit 7A was occupied by a Karate school. Attached hereto are copies of Building Permits, Receipts and Applications for these non-industrial uses signed by the City of Brampton.

4. Development Charges are intended to be a one-time event to support new developments or redevelopments and partially pay for increased infrastructure costs associated with a new development or redevelopment. This minor interior alteration permit has no effect whatsoever on the existing infrastructure.

5. Region of Peel By-law 79-2012 makes no mention or reference to change of use and does not define “redevelopment” and cannot therefore impose continuous and partial development charges whenever a new non-industrial tenant comes along and leases a small part of a previously determined industrial building.

Further, Section 7(5) of The Region of Peel by-law in its “undetermined uses” provisions states in part that “a building can be deemed on an interim basis to be an industrial use” if “more than 50 percent of the total floor area of the building must be used for industrial purposes”. The Region of Peel by-law does not authorize the imposition of development charges on small parts of a building. By its use of the words “determine” and “undetermined” the Region of Peel appears to intend to impose development charges on an entire building once more than 50% of its uses are determined.
July 15, 2015

Page 3

For example, The City of Mississauga Development Charges By-law 342-69 states in section 12(4) "in order for a building or structure deemed to be an industrial use for the purpose of this by-law, at least 51 percent of the total floor area of the building or structure must be used for industrial purposes, as determined by the City". Once 51% of a building is used for industrial purposes, the entire building, including any non-industrial uses are subject to the industrial development charge rate.

Development Charges are imposed upon an entire building only once after the use of the entire building is determined and not continuously on small parts of an existing predetermined building where no new development or redevelopment takes place.

Yours very truly,

MARIN HUSTON LAND CORPORATION

Per: JONAH TURK
JT:sw

Attachments
July 14, 2015

MARIN HUSTON LAND CORPORATION
c/o Pro Cor Construction Inc.
1005 Wayne Dr.
Newmarket, ON L3Y 2W9

Dear Sirs:

RE: MARIN HUSTON LAND CORPORATION
CON 2 WHS PT LOT 8
9446 McLaughlin Rd., Unit 6, Brampton
Change of Use from Industrial to Non-Industrial/Non-Office

Please note that in accordance with our by-laws, the payment of Development Charges shall be
by cash or by certified cheque [bank drafts are also an acceptable form of payment], made
payable to the City of Brampton.

PLEASE NOTE THAT WHEN YOU PLAN TO PAY YOUR DEVELOPMENT CHARGES, PLEASE EMAIL
admin.development@brampton.ca WITH THE PARTICULARS (i.e. this letter, together with the
name and address on the cheque) A MINIMUM OF 2 HOURS BEFORE YOU ATTEND AT OUR OFFICES.

The following are the DCs and Parkland amounts for the above-noted site. These rates are
subject to change:

<table>
<thead>
<tr>
<th></th>
<th>City of Brampton</th>
<th>Region of Peel</th>
<th>Peel District S.B.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[1241.0 sq.m. x $97.59]</td>
<td>[1241.0 sq.m. x $199.57]</td>
<td>[1241.0 sq.m. x $4.84]</td>
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<tr>
<td>City Subtotal</td>
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<td>$6,006.44</td>
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<td>Less: Credit at Industrial rate</td>
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<td>-170,091.46</td>
<td>-6,006.44</td>
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<td>City Subtotal</td>
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<td>$0.00</td>
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<tr>
<td>Region Subtotal</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Region Subtotal</td>
<td>$77,574.91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peel Subtotal</td>
<td>$6,006.44</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$141,920.76</td>
<td></td>
<td></td>
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</table>
Subtotal brought forward $141,920.76

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dufferin-Peel Catholic District School Board</td>
<td>$7,483.23</td>
</tr>
<tr>
<td>[1241.0 s.q.m. x $6.03]</td>
<td></td>
</tr>
<tr>
<td>Less: Credit at Industrial rate [1241.0 s.q.m. x $6.03]</td>
<td>$7,483.23</td>
</tr>
<tr>
<td>Dufferin Subtotal</td>
<td>$0.00</td>
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<td></td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$141,920.76</td>
</tr>
<tr>
<td>Cash-in-lieu of Parkland</td>
<td>N/A</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$141,920.76</td>
</tr>
</tbody>
</table>

It should also be noted that the Development Charges are subject to adjustment to the Statistics Canada Quarterly, Non-Residential Building Construction Price Index on the 1st day of February and August each year to date of payment.

Should a change of use occur, redevelopment DCs may apply.

Please call if you require any further assistance in this matter.

Yours truly,

Ms. Colleen Lambert
Development Finance Administration Analyst
Finance Division, Corporate Services Department
T: 905.874.2255
F: 905.874.3766
E: admin.development@brampton.ca

To be a Trusted and Strategic Business Partner, Simplifying Service Delivery and Enriching the Customer Experience

The information provided in this correspondence is current as of the date indicated above, and after such date is subject to change. Reasonable effort has been made to ensure the information contained herein is correct, however, The Corporation of the City of Brampton cannot certify or warrant the accuracy of the information and it accepts no responsibility for any errors, omissions or inaccuracies.
Date: 2016-02-01

Subject: Development Charge Complaint – 240 Clarence Street (Unit # 4 and 5) - Ward 3 (EH.X)

Contact: Raghu Kumar, Manager, Capital and Development Finance (905) 874-2802

Recommendations:

1. That the report from Raghu Kumar, Manager, Capital and Development Finance and David Sutton, Director, Financial Planning and Budgets, dated February 1, 2016, to the Special Council Meeting of March 9, 2016, re: Development Charge Complaint – 240 Clarence Street (Unit # 4 and 5) - Ward 3 (EH.X), be received; and

2. That the complaint be dismissed as the development charges have been properly calculated and collected in accordance with Development Charges by-laws and legislation.

Overview:

- The purpose of this report is to provide staff recommendations in response to a complaint filed pursuant to Section 20 of the Development Charges Act, 1997 on development charges imposed for redevelopment of Units 4 & 5 on 240 Clarence street - Ward 3 (EH.X)

Background:

Stryke Target Range Inc leased units 4 and 5 at 240 Clarence Street, an existing multi-unit industrial building and carried out interior alterations to make the space suitable for the purposes of operating a diverse target shooting range and hosting corporate and other social events. The complaint (Appendix A) lodged by Stryke Target Range Inc (the tenant) relates to the assessment of development charges for the redevelopment of Units 4 and 5. A copy of the complaint letter was forwarded to the Region of Peel, who is working on a Council report to address the issues raised regarding the regional charges. This report only deals with the City component of the Development charges.
The complainant disputes the charges on the following grounds:

a) no new building is being erected

b) reuse of a part of an existing building should not result in additional development charges

Therefore, the application of the development charge by-law and imposition of development charges are incorrect

Provisions under the Act

Under Section 20 of the Development Charges Act, 1997 (the “Act”), a person required to pay a development charge may complain to Council that:

a) the amount of the development charge was incorrectly determined;

b) 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

c) there was an error in the application of the Development Charge By-law.

Section 20 further requires that Council hold a hearing into the complaint and give the complainant an opportunity to make representations at that hearing. After hearing the evidence and submission of the complainant, Council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint. Under Section 22 of the Act, the complainant may appeal the decision of Council to the Ontario Municipal Board (the “Board”).

The complainant has been notified that the date of the hearing has been set for March 9, 2016.

Current Situation:

240 Clarence Street is a multi-unit industrial building developed in the 1970’s. The owner of the property (Degalo Developments Limited) has leased out Units 4 and 5 to Stryke Target Range Inc for operating a diverse target shooting range and hosting corporate and social events.

A combined total of $101,278 was levied as development charges for the conversion, being the difference between the industrial rate and the non-industrial rate (Appendix B).

Staff has reviewed the issues raised in the complaint and the applicable provisions in the development charge by-law and offer the following comments in support of their recommendations:
a) the issuance of a building permit is one of the triggers for the application of development charges as per section 7 (g) of the Development Charges by-law.

b) the definition of ‘re-development’ in the by-law includes the change of use of a building or structure from industrial to non-industrial and the application of the charge is not predicated upon the creation of a new structure.

c) determination of the use of a property is made prior to its development. However, any subsequent change to a proposed use will generate a development charge for the difference between the initial charge applied and the rate for the proposed new use, regardless of the overall composition in the nature of the units.

d) there has been no indication that either of the subject units were used for a non-industrial purpose in the past.

Corporate Implications:

Financial Implications:

A combined total of $101,278 (City – 45,210, Region - 56,068) in development charges was levied for the conversion, being the difference between the industrial and non-industrial rate (Appendix B).

The net City development charge of $45,210 collected is the incremental charges after having given the applicant a credit of $39,858 for prior industrial use. The charges have been correctly calculated in accordance with the legislation and by-laws.

There is no impact on the tax base since these refunds are drawn from development charge reserves.

Other Implications:

Legal

A complaint under section 20 of the Act is not an appeal of the development charges by-law. Additionally, a complaint does not confer on Council the ability to waive or reduce the charges otherwise correctly determined in accordance with the Act and by-law. Council’s authority under section 20 of the Act is limited to correcting errors in:

1. the calculation of the charge,
2. the applicability of credits, and
3. the application of the by-law.
Strategic Plan:

The recommendation in this report supports the strategic priority of ‘Good Government’ by adhering to sound governance practices and policies.

Conclusion:

After careful consideration, staff is of the opinion that that development charges for the re-development of Units 4 and 5 located at 240 Clarence Street were properly calculated and collected in accordance with the City’s development charge bylaw.

David Sutton
Director, Financial Planning and Budgets

Peter Honeyborne
Executive Director, Finance and Treasurer

Attachments:

Appendix A - DC Complaint Letter-240 Clarence Unit 4&5

Appendix B - DC Calculation-240 Clarence St, Unit 4 & 5 Change of Use

Report authored by: Raghu Kumar and Kevin Jackson
December 1, 2015

City of Brampton
Attention: Ms. Colleen Lambert, Development Finance Administration Analyst Finance Division, Corporate Services Department

Re: 240 Clarence Street, Units 4 & 5, Brampton Complaint of Development Charge

We have been required by the City to make a payment for Development Charges, which includes payments to the Region of Peel, in order to obtain issuance of a building permit for the above referenced site. We are enclosing payment herein.

Please take this letter as our formal Complaint to Council including that the amount of the charge was incorrectly determined and that was an error in the application of the development charge by-law. There is no new building being proposed. The building was constructed in the 1970's for a range of uses that included Non-industrial/Non-Office. The suggestion that the reuse of part of the existing building for a legally permitted use is unwarranted and results in a wind fall to the municipality not intended by the Development Charges Act.

Please keep us informed of any reporting in relation to this Complaint and the setting of a hearing.

Regards,

[Signature]

Mark Richardson
Director - Stryke Target Range
416-871-8330

cc: Degalo Developments Limited
214 Merton Street, Toronto,
ON M4S 1A6, Canada
Attn: Paul Hayter
October 21, 2015

DEGALO DEVELOPMENTS LTD.
c/o Stryke Target Range
240 Clarence St., Units 4 & 5
Brampton, ON L6W 1T4
Attention: Mark Richardson

Dear Sirs:

RE: DEGALO DEVELOPMENTS LTD.
CONC 2 EHS LOT 4
240 Clarence St., Units 4 & 5, Brampton
Change of Use from Industrial to Non-Industrial/Non-Office

Please note that in accordance with our by-laws, the payment of Development Charges shall be by cash or by certified cheque [bank drafts are also an acceptable form of payment], made payable to the City of Brampton.

PLEASE NOTE THAT WHEN YOU PLAN TO PAY YOUR DEVELOPMENT CHARGES, PLEASE EMAIL admin.development@brampton.ca WITH THE PARTICULARS (i.e. this letter, together with the name and address on the cheque) A MINIMUM OF 2 HOURS BEFORE YOU ATTEND AT OUR OFFICES.

The following are the DCs and Parkland amounts for the above-noted site. These rates are subject to change:

<table>
<thead>
<tr>
<th>Area</th>
<th>Calculation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Brampton</td>
<td>[861.79 sq.m. x $98.71]</td>
<td>$85,067.29</td>
</tr>
<tr>
<td></td>
<td>Less: Credit at Industrial rate [861.79 sq.m. x $46.25]</td>
<td>-39,857.79</td>
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<tr>
<td>City Subtotal</td>
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<td>$45,209.50</td>
</tr>
<tr>
<td>Region of Peel</td>
<td>[861.79 sq.m. x $199.12]</td>
<td>$171,599.62</td>
</tr>
<tr>
<td></td>
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<tr>
<td>Region Subtotal</td>
<td></td>
<td>$56,068.05</td>
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<tr>
<td>Peel District S.B.</td>
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<td>$4,171.06</td>
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<tr>
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<td>Less: Credit at Industrial rate [861.79 sq.m. x $4.84]</td>
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</tr>
<tr>
<td>Peel Subtotal</td>
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</tr>
<tr>
<td>SUBTOTAL</td>
<td></td>
<td>$101,277.55</td>
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</tbody>
</table>

Appendix B
Subtotal brought forward $101,277.55

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dufferin-Peel Catholic District School Board</td>
<td>$7,483.23</td>
</tr>
<tr>
<td>[861.79 sq.m. x $6.03]</td>
<td></td>
</tr>
<tr>
<td>Less: Credit at Industrial rate [861.79 sq.m. x $6.03]</td>
<td>-7,483.23</td>
</tr>
<tr>
<td>Dufferin Subtotal</td>
<td>$0.00</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$101,277.55</td>
</tr>
<tr>
<td>Cash-in-lieu of Parkland</td>
<td>N/A</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$101,277.55</td>
</tr>
</tbody>
</table>

It should also be noted that the Development Charges are subject to adjustment to the Statistics Canada Quarterly, Non-Residential Building Construction Price Index on the 1st day of February and August each year to date of payment.

Should a change of use occur, redevelopment DCs may apply.

Please call if you require any further assistance in this matter.

Yours truly,

Ms. Colleen Lambert
Development Finance Administration Analyst
Finance Division, Corporate Services Department
T: 905.874.2255
F: 905.874.3766
E: admin.development@brampton.ca

To be a Trusted and Strategic Business Partner, Simplifying Service Delivery and Enriching the Customer Experience

The information provided in this correspondence is current as of the date indicated above, and after such date is subject to change. Reasonable effort has been made to ensure the information contained herein is correct, however, The Corporation of the City of Brampton cannot certify or warrant the accuracy of the information and it accepts no responsibility for any errors, omissions or inaccuracies.
March 4, 2016

Via Email to peter.fay@brampton.ca

City Clerk’s Office
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Attention: Peter Fay, City Clerk

Dear Mr. Fay:

RE: Development Charges Complaint, S. 20 of the Development Charges Act, 1997
Marin Huston Land Corporation
Con 2, WHS. Pt. Lot 8.
9446 McLaughlin Road North
Units 6, 7, & 8, Brampton

Please see enclosed the Submissions of the Complainant, Marin Huston Land Corporation, for the scheduled hearing of Wednesday, March 9, 2016.

Yours very truly,

PROUSE, DASH & CROUCH, LLP

Per: Evan Moore
EM\mi
Encl.: PDF Attachment
RE: Development Charges Complaint, S. 20 of the Development Charges Act, 1997
Marin Huston Land Corporation
Con 2, WHS. Pt. Lot 8.
9446 McLaughlin Road North
Units 6, 7, & 8, Brampton

SUBMISSIONS OF THE COMPLAINANT,
MARIN HUSTON LAND CORPORATION

Date: March 4, 2016

PROUSE, DASH & CROUCH, LLP
Barristers & Solicitors
50 Queen Street West
Brampton, ON L6X 4H3

Evan Moore – 55617T

Tel: 905-451-6610
Fax: 905-451-1549
emoore@pdclawyers.ca

Lawyers for the Complainant,
Marin Huston Land Corporation
RE: Development Charges Complaint, S. 20 of the Development Charges Act, 1997
Marin Huston Land Corporation
Con 2, WHS. Pt. Lot 8.
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SUBMISSIONS OF THE COMPLAINANT,
MARIN HUSTON LAND CORPORATION

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Marin Huston Land Corporation
Con 2, WHS. Pt. Lot 8.
9446 McLaughlin Road North
Units 6, 7, & 8, Brampton

SUBMISSIONS OF THE COMPLAINANT,
MARIN HUSTON LAND CORPORATION

Background:
1. Marin Huston Land Corporation ("Marin") is the owner of the property municipally known as 9446 McLaughlin Road North, Brampton (the "Property"). The Property was built in 1988 and was given an industrial zoning at that time. The Property is comprised of twenty-nine (29) separate units, which are leased to individual tenants. The Property is approximately 153,000 square feet in size. The Site Plan for the Property is attached as Schedule “A”.

2. In the summer of 2015, Marin applied for a minor interior alteration permit for Units 6, 7, & 8 at the Property (the "Units"). The purpose of the interior alteration was to combine the Units into a single space to be leased to a commercial tenant. The Units are marked on Schedule “A” and consist of approximately 14,836 square feet, or nine percent (9%) of the total Property. The Floor Plan for the Units showing the square footage of each unit is attached as Schedule “B”.

3. The minor interior alteration permit was granted and on July 14, 2015, Marin was advised that it was required to pay non-residential development charges in the total amount of $141,920.76, comprised of development charges for both the City of Brampton (the "City") and the Region of Peel (the "Region"). Marin was advised that because the use of the Units was changing from industrial to non-industrial development charges would be applied pursuant to by-law 167-2014 (the "By-law").

4. Marin paid the development charges and issued this complaint and a complaint on the Region. Following a review, the City staff agreed to recommend a partial refund of its portion of the development charges in the amount of $20,079.44 for Unit 6 and $6,445.25 for a portion of Unit 7. The Region also agreed to issue a refund of its portion of the development charges in the amount of $24,303.46, plus interest for Unit 6, which was paid in December 2015.

5. This complaint now deals with the development charges paid for the balance of Unit 7 and all of Unit 8.

6. The Units are currently occupied by Glow Zone 360, a commercial tenant offering recreational functions, including mini-golf, laser tag, and arcade, to its customers.
Prior Use:
7. On August 17, 1990, Marin’s predecessor, Turk Land Corporation, obtained a change of use building permit for Unit 6. The space was being converted to a commercial unit from which a billiards hall operated. Building permit no. 64995 for Unit 6, dated August 17, 1990 is attached as Schedule “C”. No development charges were paid by Marin at this time.

8. On January 19, 1995, Marin obtained a change of use building permit for a part of Unit 7. The space was being converted to a commercial unit from which a martial arts studio operated. A partition wall was erected in Unit 7, dividing the space into two units, Unit 7A and 7B. Building permit no. 78937 for Unit 7A, dated January 19, 1995 is attached as Schedule “D”. No development charges were paid by Marin at this time.

9. Based on the historical use of Units 6 and 7A, the City agreed to recommend a partial refund of the development charges paid on these units.

10. In 2006, Marin entered into a seven (7) year lease with Metroland Printing, Publishing and Distribution Ltd. for all of Units 6, 7, 8, 9, and 10 at the Property. Pursuant to the lease, Metroland was to use these units for the warehouse, sorting and distribution of newspapers and flyers with ancillary office use. The units were to be used only in accordance with the by-laws governing industrial, commercial, and warehouse space in accordance with the plan approved by the City.

By-law 167-2014:
11. The By-law enables the City to impose development charges against land. The purpose of development charges is to pay for increased capital costs required because of increased needs for services arising from the development within the City.

12. Section 7 of the By-law deals with development and provides:

   Development charges shall be imposed against all lands, buildings, or structures....if the development....requires...

   (g) the issuing of a permit under the Building Code Act in relation to a building or structure

13. The term development is defined in the By-law and 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 increasing the total floor area, and includes redevelopment.
14. The term *redevelopment* is defined by the By-law and means:

> the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure for any of the following:

   i) from residential to non-residential,
   ii) from non-residential to residential,
   iii) from industrial to non-industrial and,
   iv) from office to non-office;

15. The relevant portions of the By-law are enclosed at Schedule “E”.

**Section 20 of the Development Charges Act, 1997:**

16. Section 20(1) of the Development Charges Act, 1997 (the “Act”) permits a person required to pay development charges to complaint to Council if:

   a. the amount of the development charge was incorrectly determined,
   b. 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
   c. there was an error in the application of the development charge by law.

17. Marin states that there was an error in the application of the By-law and that development charges were improperly imposed as a result of the error.

**The change in use is not a development pursuant to the By-law:**

18. Section 7 of the By-law provides that development charges shall be imposed if a development requires the issuing of a permit.

19. Accordingly, not only must a building permit be issued, but there must be a development within the definition of the term in the By-law.

20. The term development is defined in the By-law to include the construction or alteration to a building that increases the total floor area, and includes redevelopment.

21. The minor interior alteration for which the permit was issued did not consist of the construction or alteration that increased the floor area of the Units. Accordingly, that definition of development was not satisfied.

22. The minor interior alteration also does not meet the definition of redevelopment in the By-law. The definition of redevelopment deals with changing the use of a building or structure, not part of a building or structure. If the intent of the By-law was to impose development
charges where there was a change in use on part of a building or structure this should have been specifically stated in the By-law.

23. Impose development charges on part of a building—in this case 9% of the total square footage of the Property—is contrary to public policy and the intent of the By-law.

24. The stated purpose of the By-law is stated as follows:

WHEREAS subsection 2(1) of the Act provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of the increased needs for services arising from the development of the area to which the by-law applies.

25. There is no increase in the square footage of the Property or the Units. There is no increased need for services arising from the minor interior application. Simply, a part of the Property was changed from a distribution centre for Metroland to a recreational commercial business for the City’s residents. This is precisely why development charges were not imposed for the change in use on Unit 6 in 1990 or for Unit 7A in 1995.

26. Additionally, there has been no change in the zoning of the Property, which remains industrial. It is assessed and pays taxes at the industrial rate. The Property continues to be tenanted by approximately 70% industrial tenants. If it were in fact the case that there was an increased need for services then it makes no sense that City staff would recommend the refund of the portion of the development charges imposed on Unit 6 and Unit 7A.

27. Finally, section 19 of the By-law deals with development charges imposed where there is expansion of an existing industrial building. This section provides that if the gross floor area of the building is expanded by 50% or less, no development charges will be imposed.

28. Accordingly, if Marin expands the gross floor area of the Property by less than 50% it would not have to pay any development charges under the By-law. On this basis, it is simply illogical that development charges are imposed where the use of a unit changes from industrial to commercial.

29. For these reasons, Marin requests a complete refund of all development charges paid for the units, together with interest in accordance with Development Charges Act, 1997.
ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 4TH DAY OF MARCH, 2016

EVAN MOORE

PROUSE, DASH & CROUCH, LLP
Barristers and Solicitors
50 Queen Street West
Brampton, Ontario L6X 4H3

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Fax: (905) 451-1549
emoore@pdclawyers.ca

Lawyers for the Complainant,
Marin Huston Land Corporation
LAND CORPORATION
NEW COMMERCIAL AND INDUSTRIAL SPACE FOR LEASE

9446 McLAUGHLIN ROAD BRAMPTON

TRUCK LEVEL AND DRIVE IN SHIPPING 18' CLEAR
FULLY SPRINKLERED
GENEROUS PARKING
AVAILABLE IMMEDIATELY
(Next to Carlton Cards)
SUITABLE FOR RESTAURANTS, BANQUET HALL, WAREHOUSES, INDUSTRIAL AND ANCILLARY RETAIL USES.

For Further Information Call
" or JONAH TURK
625-5883
TAB 2
TAB 3
CITY OF BRAMPTON
BUILDING PERMIT

Owner's Name  Turfland Corp
Builder's Name  Brown
Kind of Building  U/F No. 878566-1
         9446, McLaughlin Rd
To be erected on Lot No. Pt. Plan No. 20018
Street Permit  Yes or No
Date  Aug 17 19

This Card must be kept posted in a conspicuous place about seven feet above grade.
If lost or defaced, another must be obtained.

Chief Building Official.

3.1 - 15
CITY OF BRAMPTON
BUILDING PERMIT

Owner

Marin Huston Land Corp.

Tenant

Chameleon Mantle Arts

Constructor

N/A

Type Of Construction

Change of Use

To Be Erected On Lot No.

8

Plan No.
2 WHS

Address

9446 McLaughlin Rd.

Date

Jan 19 1995

Issued Under the Authority of
P.C. Bornblow
Chief Building Official

NO.
78937

This card must be kept posted in a conspicuous place about seven feet above grade. If lost or defaced, another must be obtained.
THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 167-2014
Development Charges
To establish development charges for the
City of Brampton pertaining to
GENERAL GOVERNMENT SERVICES
and to repeal By-law 222-2009

WHEREAS subsection 2(1) of the Act provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the by-law applies;

AND WHEREAS the City has completed and has considered a study entitled, "City of Brampton, 2014 Development Charge Background Study", dated May 28, 2014 (the "Study"), as required by section 10 of the Act;

AND WHEREAS the Study was made available to the public, and Council gave notice to the public of a public meeting, pursuant to section 12 of the Act, which was held on June 11, 2014, and at which the Study was again provided to the public, along with the proposed development charge by-laws, and Council heard representations from all persons who applied to be heard (the "Public Meeting");

AND WHEREAS by Resolution adopted by Council on June 18, 2014, Council approved the Study, as amended by the matters identified in the staff report dated June 13, 2014;

AND WHEREAS by Resolution adopted by Council on June 18, 2014, Council indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development identified in the Study, as amended, will be met;

AND WHEREAS by Resolution adopted by Council on June 18, 2014, Council indicated its intent that future excess capacity identified in the Study shall be paid for by development charges or other similar charges;

AND WHEREAS by Resolution adopted by Council on June 18, 2014, Council determined that no further public meetings were required, under section 12 of the Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRAMPTON ENACTS AS FOLLOWS:
Definitions

1. In this by-law,

"accessory" means, where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental to and exclusively devoted to a principal use, building or structure;

"Act" means the Development Charges Act, 1997, S.O. 1997, c. 27;

"agricultural use" means a bona fide farming operation, including sod farms, the breeding and boarding of horses, and greenhouses;

"air-supported structure" means an air-supported structure as defined in the Building Code Act;

"apartment dwelling" means a building containing six or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements;

"apartment" means a dwelling unit in a duplex, triplex, double duplex or in a mixed use building not exceeding three stories in height and a dwelling unit in a building where such dwelling unit is served by a principal entrance from the street level common to three or more other dwelling units, despite the forgoing, an apartment dwelling includes those stacked townhouse dwellings or back-to-back townhouse dwellings that are developed on a block approved for development at a minimum density of sixty (60) units per hectare pursuant to plans and drawings approved under section 41 of the Planning Act;

"back-to-back townhouse dwelling" means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

"board of education" has the same meaning as "board" under the Education Act, R.S.O. 1990, ch. E.2;

"building or structure" means a structure occupying an area greater than 10 square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, and includes an air-supported structure, mezzanine, and an exterior storage tank, but does not include: a farm building, or a canopy, or an exterior storage tank where such exterior storage tank constitutes an accessory use;


"canopy" means a canopy as defined in the Building Code Act and includes a free-standing roof-like structure constructed on lands used for a gas bar or service station;

"City" means The Corporation of the City of Brampton;
"college" has the same meaning as in section 171.1 of the Education Act, R.S.O. 1990, ch. E.2;

"Council" means the Council of the Corporation of the City of Brampton;

"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 increasing the total floor area, and includes redevelopment;

"development charge" means a charge imposed pursuant to this by-law;

"distribution centre" means a building or structure primarily used for the storage and distribution of goods, wares, merchandise, substances, articles or things;

"double duplex" means a separate building that consists of two duplexes attached to each other;

"duplex" means a separate building that is divided horizontally into two separate dwelling units, each of which has a separate entrance either directly or through a common vestibule;

"dwelling unit" means one or more habitable rooms designed or intended to be used together as a single and separate house-keeping unit by one person or jointly by two or more persons, containing its own kitchen and sanitary facilities;

"farm building" means a farm building as defined in the Building Code Act;

"floor" includes a paved, concrete, wooden, gravel, or dirt floor;

"grade" means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;

"industrial use" means land, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing, or processing of raw goods, warehousing or bulk storage of goods, distribution centre, truck terminal, research or development in connection with manufacturing, producing, or processing of raw goods, storage, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above, and does not include a retail warehouse;

"land" includes buildings or structures;

"large apartment" means, for the purposes of the Schedules attached: an apartment unit having a floor area of more than 750 square feet;
“live-work” means a unit defined as a single unit consisting of both a residential dwelling unit and a commercial/office component, designed or intended for occupation by the same resident;

“local board” means a public utility commission, transportation commission, public library board, board of park management, local board of health, police services board, planning board, or any other board, commission, committee, body, or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes of the City or the Region; but does not include a conservation authority established under the Conservation Authorities Act, R.S.O. 1990, c.C.27;

“mezzanine” means a mezzanine as defined in the Building Code Act;

“mixed use” means a use or intended use of the same land, building or structure for any two or more uses defined in this by-law;

“mobile temporary sales trailer” means a trailer that is designed to be made mobile, is placed without a foundation on land and is used exclusively for new residential sales, and concrete piers or sono tubes are deemed not to be foundations for the purposes of this definition;

“multiple dwelling” means all dwellings other than single-family detached dwellings, semi-detached dwellings, and apartment dwellings;

“non-industrial use” means the use of land, buildings or structures or parts thereof, used, designed or intended to be used for any use other than for residential use or for industrial use, or for office use, as those terms are defined in this section, and a non-industrial use includes a retail warehouse;

“non-residential use” means the use of land, buildings or structures or portions thereof used, designed or intended to be used for any use other than for residential use as that term is defined in this section;

“office use” means the use of land, buildings or structures used primarily for, or designed or intended for use primarily for or in connection with office or administrative purposes, provided that the building or structure has an office or administrative component equal to or greater than 50 percent of the total gross floor area of the building or structure. For the purposes of this by-law office use excludes office or administrative uses located in a shopping centre, except where the building or structure has an office or administrative component equal to or greater than 75 percent and is equal to or greater than 3 storeys in height, and excludes office or administrative uses where such uses are accessory to an industrial use;

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

“Place of Worship” means a place or building or part thereof including accessory buildings or structures that are used for the regular
assembly of persons for the practice of religious worship, services or rites. It may include accessory uses such as classrooms for religious instruction, including programs of community social benefit, assembly areas, kitchens, offices of the administration of the place of worship, a single residence for the faith group leader, and a small scale day nursery, but shall not include a cemetery or more than one dwelling unit;

"planned seniors retirement community" means a housing project consisting of ground-related dwelling units in single family, semi-detached, or multiple dwellings and other amenities, all of which are designed, marketed, developed, and constructed to provide living accommodation for and to meet the needs of senior citizens or older or retired persons on land designated by a resolution of the City Council as a planned seniors retirement community;

"protracted" means in relation to a temporary building or structure, the continuation of its construction, erection, placement on land, alteration or of an addition to it for a continuous period exceeding eight months;

"public hospital" means a hospital as defined in the Public Hospitals Act, R.S.O. 1990, ch. P.40;

"redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure for any of the following:

i) from residential to non-residential,
ii) from non-residential to residential,
iii) from industrial to non-industrial and,
iv) from office to non-office;

"Region" means The Regional Municipality of Peel;

"Regulation" means Ontario Reg.82/98, under the Act;

"residential use" means land, buildings or structures or portions thereof used, designed, or intended to be used as living accommodation within a dwelling unit, for one or more individuals;

"row house" means a building other than an apartment building, that is vertically divided into a minimum of three dwelling units, each of which has independent entrances at grade to the front and the rear of the building, and each of which shares a common wall adjoining dwelling units above grade;

"semi-detached dwelling" means a building divided vertically, into two separate dwelling units, with at least 50 per cent of the above-grade area of a main wall on one side of each dwelling unit attached to or the same as a main wall on one side of the other dwelling unit;

"services" means services designated in this by-law or in an agreement under section 44 of the Act, or both;

"shelf and rack storage system" means a shelf and rack storage system as defined in the Building Code Act;
“triplex” means a building or structure that is divided horizontally into three separate dwelling units, each of which has a separate entrance through a common vestibule;

“truck terminal” means a building, structure or place where, for the purpose of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched.

“university” has the same meaning as is set out in section 171.1 of the Education Act;

“use” means the use of land, a building or a structure.

Rules

2. For the purpose of complying with section 6 of the Act:

(a) the area to which this by-law applies shall be the area described in section 3 of this by-law;

(b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge are set forth in sections 4 through 17 inclusive;

(c) the exemptions provided for by such rules shall be the exemptions set forth in sections 18 through 22 inclusive, of this by-law, the indexing of charges shall be in accordance with section 15 of this by-law, and there shall be no phasing in as provided in subsection 16(1) of this by-law; and

(d) the calculation of development charges payable with respect to redevelopment of land shall be in accordance with the rules set forth in section 23 of this by-law.

Lands Affected

3. This by-law applies to all lands in the geographic area of the City.

Designation of Services

4. It is hereby declared by Council that all development of land within the area to which this by-law applies will increase the need for services.

5. The development charge applicable to a development as determined under this by-law shall apply without regard to the services required or used by an individual development.

6. Development charges shall be imposed under this by-law, for the following categories of services to pay for the increased capital costs required because of increased needs for services arising from development: GENERAL GOVERNMENT SERVICES

Approvals for Development
Development charges shall be imposed against all lands, buildings or structures within the area to which this by-law applies, if the development of such lands, buildings or structures requires any of the following approvals:

(a) the passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;
(b) the approval of a minor variance under section 45 of the Planning Act;
(c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
(d) the approval of a plan of subdivision under section 51 of the Planning Act;
(e) a consent under section 53 of the Planning Act;
(f) the approval of a description under section 9 of the Condominium Act; or
(g) the issuing of a permit under the Building Code Act in relation to a building or structure.

No more than one development charge for each service designated in section 6 of this by-law shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in section 7 are required before the lands, buildings or structures can be developed.

Notwithstanding section 8, if two or more of the actions described in section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.

Where a development requires an approval described in section 7 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under section 7.

If a development does not require a building permit but does require one or more of the approvals described in section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted, and such development charge shall be paid prior to the granting of the approval required.

Calculation of Development Charges

The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
additional dwelling units in a dwelling, if the total floor area of the additional one or two dwelling units exceeds the total floor area of the existing dwelling unit in clause (1)(b) and (1)(c), and the smallest existing dwelling unit in clause (1)(d).

Rules with Respect to Industrial Expansion Exemption

19. (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable under this by-law, is the following:

(a) If the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and

(b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.

(2) For the purpose of this section, the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in the Regulation made under the Act.

(3) For the purpose of interpreting the definition of “existing industrial building” contained in the Regulation, regard shall be had for the classification of the lands in question pursuant to the Assessment Act, R.S.O. 1990, c.A.31, and in particular:

(a) whether the lands fall within a tax class such that taxes on the lands are payable at the industrial tax rate; and

(b) whether more than fifty per cent (50%) of the gross floor area of the building or structure has an industrial property code for assessment purposes;

(4) Despite subsection (3), distribution centres, warehousing, the bulk storage of goods and truck terminals shall be considered industrial uses.

(5) For the purpose of the application of section 4 of the Act to the operation of this by-law:

(a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought; and

(b) the enlargement of the gross floor area of the existing building must:

(i) be attached to the existing industrial building

(ii) not be attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or
March 7, 2016

City Clerks Office
City of Brampton
City Hall, 2 Wellington Street West
Brampton ON L6Y 4R2

Sent by E-mail: cityclerksoffice@brampton.ca

To whom it may concern:

RE: Development Charges Complaints re: 240 Clarence Street
March 9th Special Council Meeting – City of Brampton
Our File Number: 1702-1074

Please be advised that I, Sonia Kociper, of TvH Legal Professional Corporation, have been retained by Degalo Developments Ltd. in the above noted matter, which is to be heard at the Special Council Meeting, at the City of Brampton on Wednesday, March 9th, 2016.

We are formally requesting an adjournment of the above noted matter, as our clients have recently retained our services and we require the right to thoroughly review the materials and prepare our client’s case.

Please provide your response promptly and advise us of the new date for hearing before the Special Council.

Yours truly,
TvH Legal Professional Corporation

Sonia T. Kociper
Lawyer
SK:cg
Encl.

Cc: Paul Hayer/ Herbert Welby