Wednesday, March 9, 2016
Special Meeting

Members Present:
Mayor L. Jeffrey
Regional Councillor E. Moore – Wards 1 and 5
Regional Councillor M. Palleschi – Wards 2 and 6 (arrived at 3:20 p.m. – personal)
Regional Councillor G. Miles – Wards 7 and 8 (left at 3:25 p.m. – personal)
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

Members Absent:
Regional Councillor G. Gibson – Wards 1 and 5 (vacation)
Regional Councillor M. Medeiros – Wards 3 and 4 (vacation)
City Councillor G. Dhillon – Wards 9 and 10 (vacation)

Staff Present:
Mr. J. Pitushka, Executive Director, Public Works, and Acting Chief Planning and Infrastructure Services Officer
Mr. P. Honeyborne, Executive Director, Finance and Treasurer, Corporate Services
Mr. D. Sutton, Director, Financial Planning and Budgets, Corporate Services
Mr. J. Zingaro, Legal Counsel, Corporate Services
Mr. R. Kumar, Manager, Capital and Development Finance, Corporate Services
Mr. P. Fay, City Clerk, Corporate Services
Mr. E. Evans, Deputy City Clerk, Corporate Services
Ms. T. Brenton, Legislative Coordinator, Corporate Services
The meeting was called to order at 3:17 p.m. and adjourned at 4:45 p.m.

1. **Approval of Agenda**

   Mayor Jeffrey outlined the purpose of the Special Meeting to consider complaints under the *Development Charges Act*, and outlined the hearing process in accordance with the *Statutory Powers and Procedure Act*.

   The following motion was considered.

C083-2016  Moved by Regional Councillor Miles
Seconded by City Councillor Bowman

That the agenda for the Special Council Meeting of March 9, 2016 be approved as printed and circulated.

Carried

The following was received by the City Clerk’s Office after the agenda was printed and relates to a published item on the Agenda (Council approval was not required for addition of this item in accordance with Procedure By-law 160-2004, as amended):

Re: Item 4.2 (Report – Development Charge Complaint – 240 Clarence Street (Unit # 4 and 5) – Ward):
- Correspondence from Sonia Kociper, TvH Legal Professional Corporation, dated March 7, 2016, requesting a deferral of this item.

2. **Declarations of Interest under the Municipal Conflict of Interest Act** – nil

3. **Delegations**

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

   Evan Moore, Prouse, Dash & Crouch, LLP, referenced his written submission dated March 4, 2016 on behalf of his client Marin Huston Land Corporation. He provided an overview of his submission, which included:
   - background and alteration permit application
   - prior use of the property and units
Development Charges By-law 167-2014, including application and definitions
clarification regarding the use status of units 6, 7 and 8 of the property
clarification that the use of the building did not change, but the use of only a part of the building changed

Mr. Moore cited provisions of the City’s Development Charges By-law 167-2014 and the Development Charges Act in support of his client’s complaint, including the purpose of the By-law and the Act, and definitions relating to development and redevelopment, and expressed his client’s view that an error was made by the City in the calculation of the charges.

Mr. Moore responded to questions of clarification from Council regarding his submission.

John Zingaro, Legal Counsel, City of Brampton, made a submission on behalf of the City, and advised Council that:

- a complaint under section 20 of the Development Charges Act is not an appeal of the development charges by-law
- a complaint does not allow Council to waive or reduce charges correctly determined in accordance with the Act and by-law
- Council’s authority under section 20 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

Mr. Zingaro cited provisions in By-law 167-2014 and the Development Charges Act in response to Mr. Moore’s submission, including clarification regarding the definition of a building or structure under By-law 167-2014 and application of development charges, including the correct calculation of the development charge and application of the by-law.

Mr. Zingaro responded to questions of clarification from Council regarding his submission.

Mr. Moore and Mr. Zingaro provided closing arguments on the subject complaint in support of their submissions.

During Council’s consideration of this matter, City staff reminded Council of the purpose of the Special Meeting and the options available to Council in making its decision on this hearing, as defined under the Development Charges Act.

The following motions were considered.
C084-2016  
Moved by Regional Councillor Moore  
Seconded by City Councillor Whillans  

That the submissions by Evan Moore, Prouse, Dash & Crouch, LLP, on behalf of Marin Huston Land Corporation, and John Zingaro, Legal Counsel, City of Brampton, to the Special Council Meeting of March 9, 2016, re: **Hearing under the Development Charges Act – Development Charge Complaint – 9446 McLaughlin Road (Unit # 6, 7 and 8) – Ward 5 (File EH.x)**, be received.  

Carried

C085-2016  
Moved by Regional Councillor Palleschi  
Seconded by Regional Councillor Moore  

1. That the report from R. Kumar, Manager, Capital and Development Finance, Corporate Services, dated February 1, 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.  

A recorded vote was requested and the motion carried as follows:

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Carried  
7 Yeas  
0 Nays  
4 Absent
3.2. Submission 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 – Resolutions C086-2016 and C087-2016

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).

**Dealt with under Item 3.1 – Resolution C085-2016**

See also Resolution C084-2016

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).

Council acknowledged correspondence on this matter from Sonia Kociper, TvH Legal Professional Corporation, dated March 7, 2016.

The following motions were considered.

C086-2016 Moved by Regional Councillor Miles
Seconded by City Councillor Bowman

That the correspondence from Sonia Kociper, TvH Legal Professional Corporation, dated March 7, 2016, to the Special Council Meeting of March 9, 2016, re: Request for Deferral – Development Charges Complaints – 240 Clarence Street (Unit # 4 and 5) – Ward 3 (File EH.x), be received.

Carried

C087-2016 Moved by City Councillor Whillans
Seconded by City Councillor Bowman

That Item 4.2, being a 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), be deferred to a future Special Meeting of Council, to be called in accordance with Council’s Procedure By-law 160-2004, as
amended, for a date and time to be mutually acceptable to the complainant and City staff to permit a hearing to be held in accordance with Section 20 of the *Development Charges Act*.

Carried

5. **Public Question Period** – nil

6. **Confirming By-law**

   The following motion was considered.

   **C088-2016** Moved by Regional Councillor Sprovieri
   Seconded by Regional Councillor Palleschi

   That the following By-law before Council at its Special Meeting of March 9, 2016 be given the required number of readings, taken by the Mayor and the City Clerk and the Corporate Seal affixed thereto:

   **43-2016** To confirm the proceedings of the Special Council Meeting held on March 9, 2016

   Carried

7. **Adjournment**

   The following motion was considered.

   **C089-2016** Moved by City Councillor Dhillon
   Seconded by City Councillor Bowman

   That Council do now adjourn to meet again for a Regular Meeting of Council on Wednesday, March 30, 2016 at 9:30 a.m., or at the call of the Mayor.

   Carried

__________________________  L. Jeffrey, Mayor
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P. Fay, City Clerk

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