

CANADA 150



c 6
Communication
COUNCIL: Jan 24/17
Referred Item 1

DATE: JANUARY 23, 2017

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LLOYD NORONHA, DIRECTOR OF FINANCIAL PLANNING AND DEVELOPMENT
FINANCE AND DEPUTY CITY TREASURER
CLAUDIA STORTO, DEPUTY CITY MANAGER, LEGAL AND HUMAN RESOURCES
JASON SCHMIDT-SHOUKRI, DIRECTOR OF BUILDING STANDARDS

RE: COUNCIL MEETING – January 24, 2017
DEVELOPMENT CHARGE COMPLAINT

ITEM 1, REPORT NO. 15 – FINANCE, ADMINISTRATION AND AUDIT COMMITTEE -
DECEMBER 5, 2016
DEVELOPMENT CHARGE COMPLAINT HEARING
(referred from Council Meeting of December 13, 2016)

Recommendation

The Director of Financial Planning and Development Finance and the Deputy City Treasurer, the Deputy City Manager, Legal and Human Resources, and the Director of Building Standards, recommend:

1. The complaint on behalf of Playacor Holding Ltd. having been withdrawn, that the report of The Chief Financial Officer and City Treasurer and Director, Financial Planning & Development Finance and Deputy City Treasurer, dated December 5, 2016, be received.

Purpose

The purpose of this Communication is to inform Council that the development charge complaint in question has been withdrawn by the complainant, Playacor, pursuant to the letter from Playacor's legal counsel attached to this report.

Background

Playacor delivered a letter of complaint to the City dated September 15, 2016, taking the position that the amount of the City development charge assessed and paid in connection with its building permit (No. 16-000752) was incorrectly determined, and that there was an error in the application of Development Charge By-law No. 045-2013 (the "By-Law"). Playacor indicated that the underground parking spaces included in the GFA calculation were not designed or intended to be used as a "commercial parking garage". After the December 5, 2016 meeting of the Finance, Administration and Audit Committee, at which Playacor requested that it be given the opportunity to discuss the issue further with City staff, Playacor advised that the underground parking in question was required to comply with City zoning requirements for parking, and therefore should not be treated as a commercial space and subject to development charges.

City staff reviewed the file in light of Playacor's initial and subsequent arguments and maintain the opinion that the By-Law was correctly applied, and that all of the underground parking spaces in question are subject to development charges. For clarity, City staff is of the opinion that the underground parking spaces as currently proposed do not comply with City zoning requirements for visitor/employee parking.

However, City staff understand that Playacor intends to develop two dealerships in two phases at the site in question. City staff have indicated to Playacor that if it develops the north half of the site, staff are amenable to considering a redevelopment credit in the future should the underground parking in question be required to comply with zoning requirements for the combined site and meet the relevant City standards.

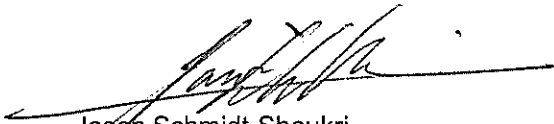
Conclusion

Playacor has agreed to withdraw its complaint based on City Staff's willingness to reassess the development charges paid respecting the underground parking in question should it develop a second dealership on the site. This matter will no longer require any further hearings or consideration by Council or the Finance, Administration and Audit Committee.

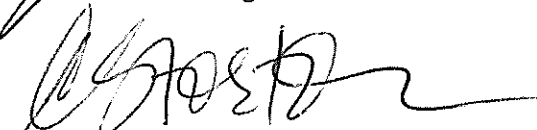
Respectfully Submitted,



Lloyd Noronha, CPA, CMA
Director of Financial Planning and Development Finance & Deputy City Treasurer



Jason Schmidt-Shoukri
Director of Building Standards



Claudia Storto
Deputy City Manager, Legal & Human Resources

Attachment

1. Letter from Leo F. Longo – Aird & Berlis, LLP

Copy to: Jeffrey A. Abrams, City Clerk
Laura Mirabella-Siddall, Chief Financial Officer and City Treasurer
John Mackenzie, Deputy City Manager, Planning & Growth Management

AIRD & BERLIS LLP

Barristers and Solicitors

Leo F. Longo
Direct: 416.865.7778
E-mail: llongo@airdberlis.com

January 20, 2017

File No. 133649

VIA EMAIL: sean.yang@vaughan.ca

City of Vaughan
Office of the City Solicitor
Vaughan City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Attention: Sean S. Yang, Legal Counsel

Dear Sean:

Re: Section 20 Complaint
Development Charges Act, 1997

Playacor Holdings Ltd. (Pfaff Porsche)
105-131 Four Valley Drive, Vaughan
Building Permit No. 16-000752

Receipt of your January 19, 2017, letter is acknowledged with thanks.

Based on the content of this letter and our recent discussions, we hereby authorize the City to close its file on the above-captioned complaint.

By copy of this letter, I am advising the Clerk's office of this resolution in order that this matter be removed from the January 24 City Council meeting agenda.

We look forward to resuming our discussions with you once our client pursues the development of the second dealership contemplated for the above-captioned site.

Yours truly,

AIRD & BERLIS LLP

L. Longo per: [Signature]

Leo F. Longo
LFL/ek

Dictated but not read.

January 20, 2017
Page 2

c: Clerk's Department, City of Vaughan, Attn. Jeffrey Abrams, City Clerk
Client

28270943.1

