

Subject: 327 Bayview Dr. – Development Charge Complaint Initiation

To: Caitlin Salter MacDonald

Cc: Tim Marc

Gary Baker

To whom it may concern,

This letter is intended to initiate the complaint process to appeal development charges attributed to the building permit application for 327 Bayview Dr. Woodlawn, ON. (A24-001813).

For background purposes, my wife and I purchased 327 Bayview Dr. in 2018. Prior to closing on the sale of the property, we performed a detailed septic inspection which confirmed the septic system which served a building that was demolished in 2017 was in good condition and functioned as designed and originally approved.

As plans advanced to build a family cottage on the property, we opted to install a prefabricated tiny home on the property in a temporary fashion to permit us to utilize the land we own, while we develop plans to build a permanent 4 season cottage. The installation of the building occurred in May of 2019.

Later that summer an order to comply was issued by the City of Ottawa, stipulating that a building permit was required for this temporary Tiny home. Following the order to comply, I initiated discussions with City staff. Preliminary discussions were unproductive as the building in place was “too small” to meet minimum requirements for a primary dwelling.

Regardless, as requested by the city, I hired a structural engineer to verify the prefabricated building met all current code requirements. Once the investigations and report were completed, I visited the building permit office with a complete package for building permit application. It was at this time, that the city staff outlined an expectation that fees in the amount of \$19,602 in development charges was due. At this time, my request to have a further discussion or meeting with a city manager to discuss re-development credits be applied due to the presence of a building on the property in 2017. See screenshot from geoOttawa mapping (2017 on timescale) below:



In 2019, redevelopment credits were available for a period of 5 years. My multiple requests for consideration or a discussion with the zoning department were ignored.

Early in 2020, correspondence with the city staff dissolved, and no further information from the city was received.

The building remained in place from 2020-2022, no orders, updates, fines, or instruction from the city were received. In 2022, as the City updated its policy on short term rental units, I opted to apply for a short-term rental permit, as our plans for the property and tiny home had changed. Moving quickly through the process, a by-law inspection of the unit was performed, and a short-term rental permit was issued: # **STR 826-738**.

Given the issuance of this permit, and the lack of correspondence with the City, I had assumed that the City had changed their position on the need for a building permit, or had changed a policy or by-law which would permit the temporary installation of a prefabricated tiny home without triggering the building permit process.

Between 2022 and 2024, the tiny home was rented out occasionally as an affordable housing option to short term summer vacationer's, couples who needed a place to stay between rental apartments and for the long term (over >6 months) on one occasion. Further, as advertised on Airbnb, the unit has held a near 5-star rating and successfully maintains the super-host status.

In March of 2024, a second order to comply was issued by the City, citing the need for a building permit.

Since March of 2024, I have continued discussions with the city and satisfied all requirements as promptly as possible.

In terms of activities that occurred between March and today, 2 activities created additional concern.

First, as part of the building code review, a copy of an OSSO septic permit was requested, however the OSSO operates at an arms length from the city. To my knowledge, the city has no jurisdiction over the septic permit process, yet staff suggested they would like a copy of the permit to add to the file.

While working with the OSSO, I consulted the available list of septic engineers from their website. 5 of the 7 engineers listed on their website confirmed they do not do this type of work and were not interested in providing a service for my septic system. Finally, after weeks and weeks of chasing engineers, I successfully engaged a qualified septic engineer to perform a septic inspection. The results of this inspection were surprising as the existing system was found to be in good shape and the system was twice the minimum size required for the building. One note from the engineer is that the spacing between the septic runs does not meet the new code. In discussions with the septic engineer, they suggested a quick fix which would be to delete every second run and add 1 new run. With this information, I reached out to the OSSO to ask if I can speak with an inspector to discuss this minimally and inexpensive repair. The response from the OSSO, was that I need to hire an engineer to engage in this type of discussion, and that I had plenty of room on my property to replace the system in its entirety. A complete system replacement would cost +/- \$30,000

compared to the proposed repair which can be completed for +/- \$1000. I was very disappointed by the disrespectful communication received from the OSSO, however engaged an engineer to complete a \$4000 design for the \$1000 repair which the OSSO accepted from the engineer without hesitation. This disappointing process with the OSSO took over 3 months to complete.

Finally, once the septic permit was received, I shared it immediately with City staff, and they resumed work on my building permit application, without providing any justification why building code or zoning reviews were paused. Building code services was quick to perform a final review and noted that a zoning review was still outstanding, and they were not sure why. After escalation and follow-ups on my end, I finally received a zoning review letter from the zoning group. To my surprise, the zoning review letter which I received on September 23rd was dated April 15th, 2024. When I inquired about the delay in sending me the letter, Stephanie Levesque apologized and cited that it was her mistake as she forgot.

On September 25th, I responded to the zoning deficiency letter with all clarifications and modifications. After not hearing back for a few days, I followed up with Stephanie on Oct 1, to request an update. A few more changes were requested, including the modification to the “parking spot” that cannot be located in the front yard and needs to be beyond the front face of the building.

See scribbled screenshot provided by Stephanie Levesque:



This request while achievable and not a major concern in terms of feasibility, does raise some questions as no other home on Bayview in the vicinity of our property is subject to this requirement. Furthermore, most existing lots (that were created before the City of Ottawa amalgamation) are narrow and would never be able to accommodate this new zoning requirement.

In terms of development charges, when I initially aimed to resolve the building permit application development charges were \$19,602. After over 4 years of no correspondence or instruction from the city, development charges increased to \$36,000, as of August 17th this year they increased once

again to \$40,597, and less than two months later another increase on October 1st to \$43,383. This represents a 121% increase from the fees at the time when I initially aimed to resolve this issue.

Given the City's one size fits all approach to buildings and land, according to building services, I am told that I will no longer be able to rent this unit or use it in the Winter as it is too small to meet minimum sizes for a rental unit or bachelor unit and can only be considered a seasonal cottage for recreational use. (Ironic, as I still hold a valid short term rental permit for the building...)

In summary, since my initial efforts to resolve this in 2019, should the city staff have been proactive at that time, I would have had to pay a maximum of \$19,602. Given the lack of organization and blatant errors made by City staff, I have now paid \$45,614.54 in DC's and am being told I can no longer rent a building which has successfully rented for a few years. \$45,614.54 equates to more than 50% of the original purchase price of the land and is almost four times more expensive than the cost to build the building itself.

I am requesting to appeal the application of DCs on this file, and that the City reconsiders the presence of a building on the property in 2017 and that re-development credits would have applied to the \$19,602 in 2019. I am also requesting that the application of cash-in-lieu of parkland fees applied to my file are reconsidered as 327 Bayview has been home to many buildings over the years and is not the creation of a new lot or did it involve any tree removal or new development.

Please confirm receipt of this complaint and advise on next steps to appeal the erroneous application of development charges on this file.

Sincerely,

Zachary Jenner

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