

**Subject: Development Charges Complaint in Respect of 327 Bayview Drive**

**File Number: ACS2025-PDB-BCS-0002**

**Report to Agriculture and Rural Affairs Committee on 6 February 2025**

**and Council 12 February 2025**

**Submitted on January 27, 2025 by John Buck, Chief Building Official, Planning,  
Development and Building Services Department**

**Contact Person: Matthew Brozincevic, Manager, Permit Approvals, Planning,  
Development and Building Services Department**

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**Ward: West Carleton-March (5)**

**Objet : Plainte sur les redevances d'aménagement relative au 327,  
promenade Bayview**

**Dossier : ACS2025-PDB-BCS-0002**

**Rapport au Comité de l'agriculture et des affaires rurales**

**le 6 février 2025**

**et au Conseil le 12 février 2025**

**Soumis le 27 janvier 2025 par John Buck, Directeur, Services de la planification,  
Direction générale des services de la planification, de l'aménagement et du  
bâtiment**

**Personne ressource : Matthew Brozincevic, Gestionnaire, Approbation des  
permis, Services de la planification, Direction générale des services de la  
planification, de l'aménagement et du bâtiment**

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**Quartier : West Carleton-March (5)**

## **REPORT RECOMMENDATION**

**That Agriculture and Rural Affairs Committee recommend that Council dismiss  
the development charges complaint in respect of 327 Bayview Drive.**

## **RECOMMANDATION DU RAPPORT**

**Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de rejeter la plainte relative aux redevances d'aménagement concernant le 327, promenade Bayview.**

## **BACKGROUND**

The *Development Charges Act*, Section 20 provides that a complaint may be filed by an owner in respect of the development charges imposed by a municipality in respect of a project on the basis that:

- a) The amount of the development charge was incorrectly determined;
- b) Whether a credit is available to be used against the development charges, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined;
- c) There was an error in the application of the Development Charge By-law

### **Basis of Complaint**

The development charge complaint is attached as Document 1 to this report.

Staff understand there to be two bases for the complaint:

1. That there was a dwelling on the property in 2017 and that had the building permit application been issued when discussions with City staff first took place (circa 2020 on the basis of the letter of complaint), before the expiration of a five year entitlement to a demolition credit expired, no development charges would have been applicable.
2. That the building permit should have been issued at an earlier date when the development charges were at a lesser rate than today.

The municipal development charges applicable to this property were \$29,170.

### **Site location**

327 Bayview Drive

## **DISCUSSION**

### **Demolition Credit**

As noted above the City's Development Charge By-law provides for a credit for a demolished building (that was not derelict) for a period of five years after demolition of the building. City records indicate that a demolition permit was issued for this address on November 8, 2001. As such the entitlement to a development charge credit ended in 2006.

### **Issuance of Building Permit**

The application for a building permit was received by the City on April 5, 2024. The building permit was issued on October 11, 2024. The applicable municipal development charge rate for this building was \$29,170. The development charges complaint raises a concern with respect to a delay in the zoning compliance letter having been sent. However, because of that delay staff applied the pre-October 1 rate as opposed to the rate in effect thereafter (\$31,286) when the permit was actually issued (October 11, 2024). The review for building code compliance (the technical review under the Building Code) was finally complete on September 20, 2024.

The other amounts that comprise the \$45,614.54 referred to in the letter of complaint are education development charges, cash-in-lieu of parkland and an appraisal fee.

## **RURAL IMPLICATIONS**

This property is located within the rural area.

## **CONSULTATION**

The applicable legislation requires that two weeks notice of a hearing into a development charges complaint be given to the complainant. This notice was formally given on Thursday, January 23, 2025.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Kelly is aware of this report.

## **LEGAL IMPLICATIONS**

Following Council's consideration of this complaint, notice of the decision will be sent to the complainant. The complainant has the ability to appeal Council's decision to the Ontario Land Tribunal.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications with the report recommendations. If the complainant appeals Council's decision to the Ontario Land Tribunal and there is an unfavorable outcome to the City there may be financial impacts resulting in a refund of development charges.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

## **TERM OF COUNCIL PRIORITIES**

There are no Term of Council priorities impacted by this report.

## **SUPPORTING DOCUMENTATION**

Document 1 Development Charges Complaint

## **DISPOSITION**

The Office of the City Clerk will advise the representative for the complainant of Council's decision.