
Development Charge Complaint – 500 Preston Street

ACS2021-PIE-BCS-0003

Somerset (14)

Report recommendation

That Planning Committee recommend that Council dismiss the development charge complaint in respect of 500 Preston Street.

The following staff responded to questions on this matter:

- Richard Ashe, Manager, Permit Approvals, Planning, Infrastructure and Economic Development Department
- Tim Marc, Senior Legal Counsel-Planning, Development & Real Estate, Innovative Client Services Department

The committee heard from the complainant, 500 Preston Ltd., as represented by the following persons: Philip Osterhout, Lawyer, Soloway, Wright LLP; Jon Smit; Martin Chénier. They reiterated the position laid out in the complaint and written submission that had they not received misrepresentative assurances from staff, they would have obtained their building permit before March 31, 2020 and would have avoided the additional fees incurred though the Development Charge rate increase that took effect on April 1, 2020.

The following correspondence was provided to the committee coordinator between February 1 (the date the report was originally published to the City's website with the agenda for this meeting) and the time the matter was considered on February 11, 2021, a copy of which is held on file:

- Email dated February 10 from Philip Osterhout, Lawyer, Soloway, Wright LLP for 500 Preston Ltd

Motion N° PLC 2021-37/5

Moved by Vice-Chair G. Gower

THEREFORE BE IT RESOLVED that report ACS2021-PIE-BCS-0003 be deferred to the February 25, 2021 Planning Committee meeting.

Deferral CARRIED on a division of 6 yeas and 4 nays, as follows:

YEAS (6): Councillors L. Dudas, J. Sudds, T. Tierney, R. Brockington, C. Kitts,
Vice-Chair G. Gower

NAYS (4): Councillors J. Leiper, Cloutier, Hubley, Chair J. Harder

Extract of draft Minutes 38
Planning Committee
February 25, 2021

Extrait de l'ébauche du procès-verbal 38
Comité de l'urbanisme
Le 25 février 2021

Development Charge Complaint – 500 Preston Street

ACS2021-PIE-BCS-0003

Somerset (14)

Deferred from the Planning Committee meeting of February 11, 2021

Report recommendation

That Planning Committee recommend that Council dismiss the development charge complaint in respect of 500 Preston Street.

The following staff responded to questions on this matter:

- Richard Ashe, Manager, Permit Approvals, Planning, Infrastructure and Economic Development Department
- Tim Marc, Senior Legal Counsel-Planning, Development & Real Estate, Innovative Client Services Department

The committee heard from the complainant, 500 Preston Ltd., as represented by Jon

Smit (Philip Osterhout, Lawyer, Soloway, Wright LLP, and Martin Chénier were also available to respond to questions). He provided additional context about the DC complaint that was not discussed at the February 11 meeting, including that this is an affordable housing project being advanced under a Canadian Mortgage and Housing Corporation program, so controlling the costs was always an important consideration. He referenced their written submission to the committee on February 19, which provided additional chronology and contextual framing of their ongoing discussions with staff during the building permit review process, and reiterated their position that the DC Complaint be accepted and for the additional overpayment of the DC be reimbursed.

The following correspondence was provided to the committee coordinator between February 1 (the date the report was originally published to the City's website with the agenda for the February 11 meeting) and the time the matter was considered on February 25, 2021, a copy of which is held on file:

- Emails dated February 10 and 19 from Philip Osterhout, Lawyer, Soloway, Wright LLP for 500 Preston Ltd.

Motion N° PLC 2021-38/1

Moved by: Vice-Chair G. Gower

That Planning Committee recommend Council approve that the development charge complaint in respect of 500 Preston Street be sustained and that the applicable municipal development charge be at the rate in effect on March 31, 2020.

CARRIED