

Committee of the Whole (1) Report

DATE: Tuesday, March 5, 2024

WARD: 5

TITLE: DEVELOPMENT CHARGE COMPLAINT – 434 STEELES AVE
WEST UPDATE

FROM:

Michael Coroneos, Deputy City Manager, Corporate Services, City Treasurer and Chief Financial Officer

ACTION: FOR INFORMATION

Purpose

To provide an update about a complaint filed on August 2, 2023, by Auto World Import Network and 480 Steeles West Limited (collectively, the “**Complainant**”) pursuant to section 20 of the *Development Charges Act* (the “**DC Act**”) for 434 Steeles Avenue West.

Report Highlights

- The Complainant submitted a Site Plan Application (DA.20.003) to permit the development of a new 2-storey car dealership with an underground level at 434 Steeles Avenue West.
- Staff assessed development charges pursuant to Development Charge By-law 083-2018 (the “**DCBL**”).
- On August 2, 2023, the Complainant filed a complaint with the City Clerk objecting to the development charges assessed.
- Council held a hearing regarding the complaint in accordance with the DC Act on October 11, 2023, which was adjourned by Council on October 17, 2023, until December 2023.
- On December 12, 2023, Council further adjourned the hearing until Q1 2024.
- On February 16, 2024, the Complainant withdrew the complaint.

Recommendation

1. THAT this report be received for information only.

Background

The Complainant submitted a Site Plan Application (DA.20.003) to permit the development of a new 2-storey car dealership with an underground level at 434 Steeles Avenue West. Site Plan Application File DA.20.003 was approved by the Ontario Land Tribunal on May 5, 2022.

Prior to building permit issuance, staff assessed development charges pursuant to the DCBL on the gross floor area of the proposed building, including its underground level and the portion of that level which is for parking.

Building Permit #22-110942 was issued on May 25, 2023.

On August 2, 2023, the Complainant filed a complaint with the City Clerk pursuant to section 20 of the DC Act objecting to the development charges assessed on the area of the underground parking (the “**Complaint**”).

Council held a hearing regarding the Complaint in accordance with the DC Act on October 11, 2023, which was adjourned by Council on October 17, 2023, until December 2023. On December 12, 2023, Council further adjourned the hearing until Q1 2024.

The details of the staff position on the Complaint are discussed in the October 11, 2023, Committee of the Whole (2) Report (Item 1, Report No. 41).

On February 16, 2024, the Complainant withdrew the Complaint, the details of which are included in **Attachment 1** (Confidential Memorandum).

Previous Reports/Authority

[Item 1, Report No. 41 of the Committee of the Whole](#), as adopted by Council on October 17, 2023.

[Item 1, Report No. 52 of the Committee of the Whole](#), as adopted by Council on December 12, 2023.

Analysis and Options

On February 16, 2024, the Complainant withdrew the Complaint, the details of which are included in **Attachment 1** (Confidential Memorandum).

Financial Impact

There is no financial impact arising from this Report. Details are further set out in **Attachment 1** (Confidential Memorandum).

Operational Impact

Development Finance, Building Standards, Development Planning, and Legal Services were involved in the review of the Complaint which was ultimately withdrawn.

Broader Regional Impacts/Considerations

The Region has received a complaint from the Complainant under the DC Act regarding the development charges payable to the Region. The Region will be proceeding with their own hearing pursuant to the DC Act and assessing against their own development charge by-law.

Conclusion

The Complaint was withdrawn on February 16, 2024.

For more information, please contact: Nelson Pereira, Manager, Development Finance, extension 8393.

Attachment

1. Confidential Memorandum from the Deputy City Manager, Legal and Administrative Services & City Solicitor and the Deputy City Manager, Corporate Services, City Treasurer and Chief Financial Officer, dated February 23, 2024 (Mayor and Members of Council only).

Prepared by

Nelson Pereira, Manager, Development Finance, 8393
Candace Tashos, Legal Counsel, 3618

Approved by



Michael Coroneos, DCM Corporate Services, City Treasurer and CFO

Reviewed by



Haiqing Xu, on behalf of Nick Spensieri, City Manager