



RECORD OF PROCEEDING

CORPORATE SERVICES COMMITTEE

convening as a Tribunal under section 26 of Part IV of By-law C.P.-1473-212 and pursuant to By-law A.-6361-177 that would delegate the hearing to the Corporate Services Committee from the Board of Control, to hear a complaint from Southside Construction Management Limited in respect of the development charge imposed by The Corporation of the City of London in connection with development on the land known as 75 Blackfriars Street.

August 20, 2013 – 2:00 PM
and
September 10, 2013 – 2:00 PM
Committee Room #5
London City Hall

PRESENT

Acting Mayor/Councillor P. Van Meerbergen, Chair
Councillor N. Branscombe, Tribunal Member
Councillor J.P. Bryant, Tribunal Member
Councillor B. Polhill, Tribunal Member
L. Rowe, Registrar
C. Saunders, City Clerk
M. Hayward, Managing Director, Corporate Services and Chief Financial Officer, City Treasurer
G. Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official
P. Kokkoros, Deputy Chief Building Official
P. Christiaans, Director, Development Finance
J. Page, Solicitor II
V. Frijia, Complainant
A. Patton, Patton Cormier & Associates, Complainant's Agent
A. Ferreira, Patton Cormier & Associates, Complainant's Agent

CALL TO ORDER

The Chair called the Tribunal to order at 2:15 PM on August 20, 2013 and at 2:14 PM on September 10, 2013.

DECLARATIONS OF PECUNIARY INTEREST

None.

HEARING

Hearing before the Corporate Services Committee (CSC), convening as a Tribunal, with respect to the development charge imposed by The Corporation of the City of London in connection with development on the land known as 75 Blackfriars Street.

1. Preliminary and Interlocutory Matters:

The Chair provided a brief overview and explanation of the Hearing process both on August 20, 2013 and on September 10, 2013.

G. Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official; P. Kokkoros, Deputy Chief Building Official; P. Christiaans, Director, Development Finance; and J. Page, Solicitor II appeared on behalf of the City of London. A. Patton, Patton Cormier & Associates and V. Frijia, Southside Construction Management Limited, appeared on behalf of Southside Construction Management Limited on August 20, 2013.

G. Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official; P. Kokkoros, Deputy Chief Building Official; P. Christiaans, Director, Development Finance; and J. Page, Solicitor II appeared on behalf of the City of London. A. Ferreira, Patton Cormier & Associates and V. Frijia, Southside

Construction Management Limited, appeared on behalf of Southside Construction Management Limited on September 10, 2013.

On September 10, 2013, the Chair noted the request of D. and S. Cornell, 79 Blackfriars Street, to appear before the Tribunal. The Chair invited submissions from Southside about the request for delegation. Mr. Frijia noted that Mr. Cornell had previously taken Mr. Frijia to the Ontario Municipal Board, and had made other accusations and complaints against him. The Chair then invited submissions from the City about the request for delegation. Ms. Page pointed out the lack of reference, in the relevant legislation, for the involvement of third parties in hearings for development charge complaints. The Chair called for a decision on the request for delegation and upon calling the vote, the Chair advised that it was the Tribunal's decision to refuse the delegation.

2. Summary of the Evidence Received by the Tribunal:

The following attached documents were submitted as Exhibits at the Hearing:

August 20, 2013

Exhibit #1: Notice of Hearing dated July 29, 2013;

Exhibit #2: Written complaint from Southside Construction Management Limited date stamped in the Mayor's Office on June 27, 2013;

Exhibit #3: Staff report dated August 20, 2013, from the Managing Director, Development and Compliance Services and Chief Building Official;

Exhibit #4: Undated submission under the letterhead of Patton Cormier & Associates, made at the Tribunal hearing on August 20, 2013;

Exhibit #5: A PowerPoint presentation made at the Tribunal on August 20, 2013, from the Deputy Chief Building Official in support of the City's imposition of development charges for the development;

September 10, 2013

Exhibit #6: Staff report dated September 10, 2013, from the Managing Director, Development and Compliance Services & Chief Building Official;

Exhibit #7: Information from the City of London's website providing Building and Planning information for 310 Springbank Drive (The Springs Restaurant), submitted by A. Ferreira, Patton Cormier & Associates;

Exhibit #8: Information from the City of London's website providing Building and Planning information for 602 Queens Avenue (Info-Tech Research Group), submitted by A. Ferreira, Patton Cormier & Associates; and

Exhibit #9: Information from the City of London's website providing Building and Planning information for 1560 Hyde Park Road (Sheer Health), submitted by A. Ferreira, Patton Cormier & Associates.

August 20, 2013

A. Patton referred the Members to the definition of "development" as contained in the Development Charges Act, 1997, and included under Tab "A" of his submission (Exhibit #4). He further referenced section 2 of Part II of the same Act, which indicates "...a municipality may by by-law impose development charges" and also sub-section (2) of that same section which details what a development charge can be charged for. Mr. Patton then drew the Members' attention to Tab "B" of his submission, which included an excerpt from the City of London's Development Charges By-law No. C.P.-1473-212, and pointed out the definition of "development" within that By-law. He emphasized that there is no addition or alteration to a building or structure at 75 Blackfriars Street which has the effect of changing the size or usability thereof. He pointed out that the question is the change of usability and what the nature of any change is. He then referred to Tab "C" of his submission which included an excerpt from the Canadian Oxford Dictionary providing the definition of

"usability". Mr. Patton stated that the matter is simple...how is the building being used by Southside in relation to how it was used before. He compared the church's use of the building (which included church services, office space, social and neighbourhood programs, etc. versus use by Southside (office space, practice space for the London Lightning) and stated that there would be no increased demand on City services and urban works as a result of the intended uses by Southside.

Mr. Patton maintained that the first storey of the building did not meet the definition of "first storey" because the ceiling height was less than that stated in the City's Development Charges By-law, and therefore the remainder of the building, once the gym and the first storey are removed, results in much less "usability" than the church that previously occupied the building. He also pointed out that the City will have a net benefit from the intended change in use as the building will no longer be exempt from property taxes.

Mr. Patton further stated that City staff and the Chief Building Official have requested payment of development charges before a building permit will be issued, though a site plan has not been requested by the City. He drew the Members' attention to Tab "D", which includes an excerpt from the City's Site Plan Control Area By-law, specifically the definition of "development". He indicated that this appeal should be allowed and no development charges should be imposed on the property because it doesn't meet the test. He asked that Members' redirect their attention back to Tab "B" and suggested that there was a mischief here that needed to be corrected. He provided an example whereby if the definition of "development" was to be consistently applied, if a triplex was renovated into a duplex, a semi-detached dwelling to a single family home, etc. then the usability would have to be regarded as being changed. So if there is a change in usability, either up or down, you are going to have to pay development charges whether there is less or more impact on City services and urban works. It was also pointed out by Mr. Patton that if the existing services to the building need repair, it would be because of the aging infrastructure, not because the proposed use would create a need for larger capacity. The City's tax-supported budget is there to address aging infrastructure. He cited a case pertaining to a triplex on Hill Street where the Courts determined that if a triplex was being taken down and another triplex was being put up in its place, no development charges would be payable. Mr. Patton went on to say that, for instance, if Masonville Mall was to add an extension, you have to tie your analysis back to what you collect development charges for and consider if the use requires more services. He alleged that the way this situation is framed is nothing more than a subsidy for growth and development in greenfield areas.

Mr. Frijia indicated that from a development point of view, based on peak demand, the use loads on public services by the proposed use will be lower than that of the church.

P. Kokkoros, Deputy Chief Building Official, made the attached presentation (Exhibit #5), noting that there has been a further reduction in the development charges being imposed based upon revised drawings provided by Southside to \$185,809.54.

P. Christiaans indicated that the suggestion to the Tribunal that there needs to be an exact correlation between development and cost of growth is refuted by section 5(6)2 of the Development Charges Act, 1997, and further it is not the responsibility of the municipality to demonstrate an increase in capital costs.

Councillor Polhill enquired if the height of the gym made the development charges applicable. He was advised by P. Kokkoros that the relevant definition for first storey comes directly from the Ontario Building Code. Councillor Polhill then enquired if a false ceiling could mitigate development charges being imposed and was advised by Mr. Kokkoros that the definition speaks to a "finished ceiling".

Mr. Patton noted that staff originally excluded the gym, to be used as a practice facility for the London Lightning, from the calculation and enquired why it was now back in the equation. He reiterated there is no increase in usability, and that the usability has gone down by virtue of lower occupancy, and therefore the gym should not be included in the calculation of development charges.

The Chair enquired about the installation of additional washrooms. Mr. Patton responded that there would only be use in keeping with what would normally be the case for staff in a private office. It is expected that water use will actually go down

from that of the church. Mr. Frijia noted that there has been no request to increase the current watermain and sewer capacity in order to service the proposed use. Mr. Patton pointed out that even if water use went up, the City would see increased revenues through water and sewer charges and insisted that there are no objective criteria the City could use to demonstrate an increased requirement for servicing.

The Chair asked if there was a need to go in camera for the purpose of receiving legal advice and it was determined there was no need to do so.

Councillor Polhill asked if there was issue with sewer capacity in the area. Mr. Christiaans advised that by way of comparison, just as we don't stop charging development charges for the last houses being built in a subdivision for which the services have already been laid to accommodate the initial houses that were built, nor would we stop charging development charges for an established area where services pre-exist.

Councillor Branscombe asked if the decision would create a precedent for other complaints and was advised by P. Kokkoros that, yes, their decision would set a precedent. Mr. Christiaans noted that the City has to provide development charges rules and does so on a City-wide basis, adding that it might seem unfair at times, but staff have the impossible task of creating rules that will apply to each individual situation. Mr. Patton responded by reiterating his position that the result is the pooling of all costs, so the costs in this particular situation would be going into a pool of funds to benefit other greenfield development. He contested that staff just effectively admitted to this and it couldn't be any clearer. Mr. Patton stated that just because no one has come forward to complain about a situation such as the one the Tribunal is dealing with today doesn't mean the application of development charges has been done properly. It is simply wrong to pool the costs.

Ms. Page indicated that the case related to the triplex on Hill Street was argued under another Development Charges By-law and was dealing with the availability of credits. With respect to the complaint being heard, you have to apply the current Development Charges By-law and currently applicable provincial legislation. Ms. Page also noted there was another case involving the question of whether or not the Urban Works Reserve Fund applied to additions and the City was successful in arguing that it was.

Mr. Patton noted that the Board upheld an appeal based upon equitable application of the By-law. Ms. Page indicated that recent changes to provincial legislation require the City to apply the Development Charges By-law of the day.

Councillor Polhill suggested that a decision with respect to a recommendation to Council be postponed to September 10, 2013 to allow time for the Members to digest the information they have heard and for Mr. Patton and Ms. Page to bring forward any other relevant cases that may be of assistance to the Tribunal in formulating its recommendation to the Municipal Council. He further requested that a full copy of the Development Charges By-law be provided to the Members with the appropriate sections highlighted for their reference.

The Chair asked Mr. Frijia if he was amenable to this timing and Mr. Frijia advised that he has waited a year, so waiting another month would not be an issue.

Mr. Patton noted that Councillor Swan was not in attendance and that this hearing was held under statute. He wanted to know if it were clear that Councillor Swan could not participate in the next meeting of the Tribunal. Ms. Page indicated that the Development Charges By-law provides that the Corporate Services Committee conduct a hearing and her agreement that since the individuals present today constituted the Tribunal, it would be the same group that should hear the matter on September 10, 2013, including Councillor Van Meerbergen.

The Tribunal adjourned at 3:17 PM on the understanding it would reconvene on September 10, 2013.

September 10, 2013

A. Ferreira indicated that Mr. Patton had provided a written submission on August 20, 2013 and while she wouldn't repeat the details of that submission, she would reiterate, and did reiterate, that the intent of the Development Charges Act is to impose charges because of increased need for services, which is not the case for the development at 75 Blackfriars Street. She noted that Exhibits #7, #8 and #9 were for similar church conversions and that when her client asked if development charges were imposed in these instances he was advised by City staff that they were not imposed. Ms. Ferreira further stated that there was no change in use for the gym; the change in ownership to a corporation from a non-profit was not a factor; property taxes were an unrelated matter; and although the floor area was being increased, the number of occupants was being reduced due to the conversion.

Mr. Kokkoros drew the Tribunal's attention to two typographical errors in the staff report dated September 10, 2013 (Exhibit #6), the first being on page 1, paragraph 3, line 2, where the reference to Section "34" of the By-law should read Section "35" of the By-law. The second typographical error that Mr. Kokkoros noted was in the Table on page 3, where the upper portion rate should read "\$173.75" rather than "\$173.73". Mr. Kokkoros further stated that there was an increase in new non-residential floor space, the Development Charges By-law does not address the number of occupants, and there are 18 new plumbing fixtures and therefore increased usability. Mr. Kokkoros went on to explain that Exhibits #7, #8 and #9 submitted by the complainant are each unique situations and noted the reasons for a complaint under the Development Charges Act. He also noted that the development at 75 Blackfriars is subject to the current Development Charges By-law, not previous versions of the By-law.

Mr. Kokkoros pointed out that with respect to 602 Queens Avenue, section 36 of the Development Charges By-law in force at the time did not require development charges to be paid because of a negative conversion amount. He further pointed out that with respect to 310 Springbank Drive, site plan approval was given in March 2010, a demolition and commercial building permit was issued in order to rebuild for a restaurant, it was a commercial to commercial use, having been previously used as a retail establishment, and there was no increased floor space so no development charges were payable. Lastly, with respect to 1560 Hyde Park Road, Mr. Kokkoros indicated that with demolition and conversion credits, \$2,800 in development charges was paid in August 2012.

Ms. Page drew the Tribunal's attention to the first page of Exhibit #6, regarding the definition of "development", particularly the underscored sections referencing size and usability and the addition of non-residential space. She further drew the Tribunal's attention to Appendix "B" of Exhibit #6 regarding "Barrie (City) Development Charges By-law No. 99-172, [2004] O.M.B.D. No. 804, at paragraph 4. Ms. Page indicated that in this case there was a complaint regarding a house that was built on a site where a house had been demolished. The appeals against the by-law were dismissed with the Ontario Municipal Board indicating that it had limited jurisdiction on the complaint, but no jurisdiction on the by-law itself. The Board did give some assistance with respect to a demolition credit.

Ms. Ferreira indicated that the 18 new plumbing fixtures were simply new replacements for existing fixtures and would be low flow and therefore more efficient. She agreed that there is no authority to change the Development Charges By-law but argued that there was an error in the interpretation of the By-law regarding increased need for services. Interpretation should be consistent with the Development Charges Act, therefore requiring consideration of occupancy and use. Ms. Ferreira maintained that there was an error in the calculation of development charges; the gym has no change in use; and with respect to Exhibits #7, #8 and #9, information was provided that no development charges were paid in these instances and noted the City's current uncertainty regarding 310 Springbank Drive (The Springs Restaurant).

Mr. Frijia indicated that Exhibits #7, #8 and #9 were obtained from the City's own web pages; a friend owns Info-Tech, which is a call centre, which is a change in use from a church. He also indicated that they are relying on the City's documents for this information. Mr. Frijia stated that 310 Springbank Drive used to be a church and was rebuilt to the same size for a restaurant and that the church at 1560 Hyde Park Road was changed to a medical building, noting that he attended public meetings in

that church that were hosted by the City. He asked that the City please consider the information provided in Exhibits #7, #8 and #9 and indicated there are many instances of conversion from residential to commercial use where no development charges were imposed.

Councillor Polhill stated that he is trying to understand the situation and the more information he receives, the less sense there is. He referred to ceiling height dictating what a first storey is and questioned how 1.8 metres adds load to services.

Mr. Kokkoros indicated that the definition in the current Development Charges By-law dictates what constitutes a first storey; which was enhanced from previous Development Charges By-laws to be consistent with the Ontario Building Code. The matter at hand is not to question the definition contained in the By-law but rather if the By-law was properly applied.

Councillor Polhill reiterated that it does not make a first storey in his view and does not make sense to him either.

Mr. Kokkoros indicated that the need for this definition arose from an Ontario Municipal Board Hearing where a proponent was trying to raise the grade around a building to make the first storey a basement. The definition now provides clarity in that regard.

Councillor Branscombe asked if the decision on this complaint would be precedent setting. She noted that the By-law is to be applied in a general way and enquired how much money would it cost and who would pay.

Ms. Page reiterated that the Tribunal is here to consider this complaint under the existing By-law and that Mr. Kotsifas could advise regarding implications. She emphasized that the Tribunal was here to interpret the application, based on this property, based on the current By-law.

Councillor Branscombe indicated that she would reserve her question regarding the implications for other developments for discussions during the review of the current By-law. Councillor Branscombe further indicated that it is clear to her that there is a change in size for the development at 75 Blackfriars Street and that usability is, in her opinion, subjective.

Councillor Bryant pointed out that the By-law gives three criteria upon which to base a complaint, and mirrors the requirements of the Development Charges Act, and enquired if there were any differences between the two in this regard.

Ms. Page indicated the By-law is almost verbatim to section 20 of the Development Charges Act and recited that section.

Councillor Van Meerbergen enquired if the building footprint had changed at 75 Blackfriars Street.

Mr. Kokkoros indicated that it is not necessary for the building footprint to change, noting that creation of non-residential floor space is also considered development.

Councillor Polhill indicated that the alterations did not have the effect of changing size or usability and it is not clear that there has been an increase.

Mr. Kokkoros noted the definition of development and that if there was a reduction, and then a credit would be applied.

Ms. Ferreira stated that there was a need to interpret change in usability in accordance with the Development Charges Act, and drew the Tribunal's attention to section 2, particularly as it relates to increased usability. She agreed that the wording was not abundantly clear.

Mr. Frijia indicated that the gym was 6.5 feet below grade and that there was no second storey over the gym. He further stated that there was a change in size in the upper level of the sanctuary as they were infilling the balcony for future use, resulting in 3,000 sq. ft. He questioned if that 3,000 sq. ft. were removed, would that eliminate the development charges. Mr. Frijia also pointed out the change in usability from 1,100, when the church was built in approximately 1950, to about 150 people for his

development. The Building Code matrix would have to be applied and the services would have to be built according to occupancy, which would now be less with a load of only 150. He also noted that the commercial sinks were being removed and it was a waste of time to debate this matter when there are lots of converted buildings that are not having development charges imposed.

Mr. Kokkoros stated that each application is assessed on its own merits against the Development Charges By-law applicable at that time. He also indicated that the City has never said that there was a second storey above the gym.

Councillor Van Meerbergen enquired if this was expanded out, would development charges apply and was referred to the By-law by Mr. Kokkoros.

Mr. Frijia asked if the property was put back to institutional would there be development charges.

Ms. Page acknowledged Mr. Frijia's concerns about the situation and reiterated that this is about this situation and this complaint. That is the matter that is before the Tribunal.

Mr. Christiaans spoke to how development charges take into consideration growth costs for the entire City and reminded those present that as stated in Exhibit #3, it is not necessary for development charges to be related to the capital costs, if any, of a particular development. He also noted that the City of London's process is the same as that used by all other municipalities in the Province of Ontario.

Councillor Polhill indicated that if the capacity was 1,100 people there is more load from the church use than there will be now since the occupancy will be 150 people. He indicated that the net impact is an important consideration and the complaint should be upheld.

Councillor Branscombe indicated that she believed the calculation was correct, including the credit and that there is no compelling case in any area to uphold the complaint. She stated her support for the staff recommendation to deny the complaint; that you need to apply the same rules for everyone.

Councillor Bryant stated that the matter was confusing, but noted there was a change from institutional to commercial. She also stated that it does matter how many people are in a building; it's a building and the Building Code therefore applies. She reiterated that the gym is not a basement, it is a first storey in keeping with the Building Code and that problems arise if you take things too literally. Councillor Bryant indicated her support for the staff recommendation to deny the complaint.

Councillor Polhill asked if the 1.8 metre rule as it relates to establishing a basement versus first storey would apply to all development, including building a house. Mr. Kokkoros pointed out that this relates to the definition of a first storey, it is not with respect to a residence, noting that development charges are imposed per dwelling unit.

Mr. Kotsifas stated that he appreciated the concern about the 1.8 metre height consideration, but this is a red herring. You need to consider the entire floor plate and recognize there was a redevelopment from institutional to commercial.

Councillor Van Meerbergen stated the usability is less, not more; there are no additional plumbing fixtures, rather they are replacements by more efficient fixtures. He further noted that the development at 310 Springbank Drive did not pay development charges and that building was formerly a church. He also questioned if the Development Charges By-law's definition of development was consistent with the Development Charges Act and suggested there was a gap. Councillor Van Meerbergen advised he did not see how we could deny the complaint.

Councillor Bryant reiterated there was a change in use from institutional to commercial and the development charges were set based upon this zoning change, not how many people would be in the building at a given time.

The Chair then called for a decision with respect to the complaint.

RECOMMENDATION

That the Municipal Council BE ADVISED that after convening as a Tribunal under section 26 of Part IV of By-law C.P.-1473-212 and pursuant to By-law A.-6361-177 that would delegate the hearing to the Corporate Services Committee from the Board of Control, to hear a complaint from Southside Construction Management Limited regarding the development charge imposed by The Corporation of the City of London in connection with development on the land known as 75 Blackfriars Street, as detailed in the Record of Proceedings, the Tribunal was unable to make a majority recommendation to Municipal Council on the merits of the complaint and that Municipal Council may dismiss the complaint, or rectify any incorrect determination or error that was the subject of the complaint.

ADJOURNMENT

The Tribunal adjourned at 3:17 PM on August 20, 2013 and at 3:17 PM on September 10, 2013.



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

July 29, 2013

Mr. Vito Frijia
President
Southside Construction Management Limited
358 Horton Street
LONDON ON N6B 1L7

Dear Mr. Frijia:

Re: Development Charges Complaint – 75 Blackfriars Street

Notice is hereby given that your development charges complaint with respect to the calculation of development charges for the property located at 75 Blackfriars Street will be heard by the Corporate Services Committee on Tuesday, August 20, 2013 at 2:00 PM.

This meeting will be held in Committee Room #5, 2nd Floor, City Hall, 300 Dufferin Avenue, London.

You will be given the opportunity to make representations to the Corporate Services Committee at this meeting about your complaint. A copy of the staff report associated with this matter is attached hereto for your reference.

If you have any questions regarding this hearing, please contact Linda Rowe at 519 661-2500, Ext. 5396.

Linda Rowe
Deputy City Clerk

Attachment

- c. J. P. Barber
J. Page
G. Kotsifas
P. Kokkoros
Chair and Members, Corporate Services Committee

⑧



358 HORTON STREET
LONDON, ONTARIO N6B 1L7
www.southsidegroup.ca

OFFICE OF THE
MAYOR

RECEIVED JUN 27 2013

Referred to: C.C.C. - C.D. Rowe
Subsequent Referrals: TEL: 613-433-0884
☐ For Action ☐ For Report
☒ For Information ☐ For File

Strategic Priorities & Policy Committee and/or Corporate Services Committee
City of London
City Hall
300 Dufferin Avenue, Suite 308,
London, Ontario N6A 4L9

Attention: Mayor Joe Fontana, Chair

DELIVERED BY COURIER

Chair & Members:

Re: 75 Blackfriars Street – Renovation – Development Charges Exemption

As you know, *Southside Construction Management Limited* has applied for a Permit to renovate the southerly portion of the subject Building for use as its offices, and the Building Division has calculated Development Charges to be payable in the net amount of \$227,663.32, after subtraction of the 'Institutional' rate from the 'Commercial' rate stipulated in Development Charges By-law S.14 (for conversion of one non-residential use to another non-residential use) which stipulates "where...a lawfully existing building...is wholly or partially converted, the area for which a development charge is payable shall be calculated using the following formula...in respect of the use to which the space converted."

Development Charges for both Commercial and Institutional uses are to be calculated based "gross floor area" defined in By-law S. 1 as the "total floor space...of the first storey and all storeys or part of storeys... above the first storey" and "first storey" is defined as having "its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade." By this definition, the lower level of the subject Building (with its ceiling only 1.2m above grade) is its basement --- not its "first storey".

Contrary to the foregoing underscored provisions, the Development Charges were calculated on the total area of the Building --- including the gymnasium.

According to the preamble to the By-law, Development Charges may be collected by the City of London to recover increased capital costs suffered by the City to provide increased municipal services needed by a "development" defined in By-law S.1 as including "an addition or alteration to a building...changing the size or usability thereof..."

To determine whether the proposed use of the partially renovated building will reasonably need any increased municipal services, the historic uses of the building must be reviewed.

Randy Mills of *Stambler & Mills*, who acts for *Middlesex Presbytery of United Church of Canada*, has verified that the building has historically accommodated various office and other non-Church uses.

1. business offices, meeting rooms and ancillary spaces used by *Empress* personnel
2. business offices, meeting rooms and ancillary spaces used by *Middlesex Presbytery*.
3. 5000 s.f. on main level regularly used for non-Church meetings of up to 800 persons.
4. 5000 s.f. in gymnasium regularly used non-Church recreational and social purposes.
5. 500 s.f. kitchen regularly served large gatherings for non-Church dinners and banquets.

Considering *Southside Group* office staff totals less than 20, and including construction jobsite personnel, totals less than 60, the proposed use of the partially renovated Building will need less municipal services than its historic uses previously required.

We respectfully request exemption from Development Charges and the immediate issuance of the approved Permit for the proposed renovation.

Yours truly,

SOUTHSIDE CONSTRUCTION MANAGEMENT LIMITED

Per:  Vito Frijia, President

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	DEVELOPMENT CHARGE COMPLAINT 75 BLACKFRIARS STREET MEETING HELD ON TUESDAY, AUGUST 20, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the complaint by Southside Construction Management Limited, the owner of the building situated at 75 Blackfriars Street, alleging an error in the application of Development Charges By-law C.P. 1473-212 **BE DISMISSED**.

BACKGROUND

A request for a development charge exemption was received on June 27, 2013 from Southside Construction Management Limited (hereafter referred to as "Southside") and forwarded to our office for consideration, (See Appendix 'A').

Southside has confirmed that the letter submitted was to be construed as a complaint filed under section 27 of the Development Charges By-law C.P. 1473-212 (hereafter referred to as "the By-law"), on the grounds that there was an error in the application of the By-law.

A building permit application was received on May 7, 2013 for the construction to convert an existing church use to office use (floor plans attached in Appendix 'B'). The gross floor area of the building is 2,278 sq.m. (24,523 sq.ft.). Southside's letter identifies two concerns related to items that affect the amount of the development charge to be recovered under the City's DC By-law 1473-212:

- i. The way in which the floor area has been determined for the purpose of calculating the development charges payable; and
- ii. contends that the new use of the building will require less municipal facilities and therefore not subject to a payment of development charges.

Is the conversion subject to payment of Development Charges?

In accordance with the By-law, *development*:

"means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of changing the size or usability thereof, and includes all enlargement of existing development which creates new dwelling units or additional non-residential space and includes work that requires a change of use building permit as per Section 10 of the Ontario Building Code ; and "redevelopment" has a corresponding meaning;"

Part II s.4 of the By-law, requires the owner of a building that develops or redevelops said building to pay development charges.

The By-law defines an institutional building as:

"Institutional Building" is a building used for or designed or intended for use by:

- (a) a government entity, not in the nature of trade,
- (b) an organized body, society or religious group promoting a public or non-profit purpose and shall include but not be limited to: public hospitals, schools, churches and other places of worship, cemetery or burial grounds, universities and colleges established pursuant to the Ministry of Colleges and Universities Act, other buildings used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the Assessment Act.

A commercial building is defined as provided in the excerpt below:

*'...**"Commercial Building"** is a building used for:
(a) Office or administrative uses, including the practice of a profession, or the carrying on of a business or occupation or where most of the activities in the building provide support functions to an enterprise in the nature of trade, and for greater certainty shall include, but not be limited to, the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, contractor, builder, land developer, employment agency, security broker, mortgage company, medical clinic; or ...'*

According to the definitions, a church is defined as an institutional building and a building for office use is a commercial building.

It is the opinion of the Chief Building Official (Director of Building Controls) that the conversion (redevelopment) from church to an office building is a change in the usability of the building and meets the definition of "development" under the City's DC By-law. The conversion is not exempt from payment of development charges.

Section 34 of the By-law provides for "Exemptions and Exceptions". The proposed conversion does not fall under the provisions of this section.

Under section 5.(6)2 of the Development Charges Act 1997, as amended:

"...If the rules expressly identify a type of development they must not provide for the type of development to pay development charges that exceed the capital costs, determined under paragraphs 2 to 8 of subsection (1), that arise from the increase in the need for services attributable to the type of development. However, it is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development."

As noted above, the charges imposed need not be limited to the increase in capital costs for services to the site of the particular development in question. In other words, the development charge rates recover costs from each category of development, based on the increase in capital costs for that category as a whole. The development charge is not, nor could reasonably be, based on the individual capital costs of a development, on a development-by-development basis. Rather, the DC rates reflect the costs of growth applicable to each category of development – Residential, Commercial, Institutional and Industrial.

How are the Development Charges calculated?

a) DC credit for conversion of existing space

Section 14 of the By-law addresses the development charge amount to be paid when there is a conversion from one form of non-residential use to another form of non-residential use. Essentially, the amount due is calculated based on the rate for the proposed use after a "credit" is applied for the existing use. The "credit" is the development charge that would be payable at the current rate in respect of the lawfully existing former space being converted, as per s.14 of the By-law.

In this case, the amount calculated took into account a "conversion credit" for the existing church use. Churches benefit and are subject to a reduced Institutional rate (50% reduction on the City Services portion).

The current rate for a church is \$73.81 per sq.m. compared to \$111.97 per sq.m. for other institutional buildings. The commercial rate is \$173.75 per sq.m.

DCs for proposed office use (commercial rate @ \$173.75 per sq.m.):	\$395,802.50
DC "credit" for existing church @ \$73.81 per sq.m.:	(\$168,139.18)

Total net DCs due as a result of the conversion:	\$227,663.32

The above sets out how the current DC By-law rules apply to the conversion in question. The way the City determines the conversion credit applicable in the case of both institutional and industrial conversions is under review as part of the 2014 DC study.

b) Exemption for floor space below grade

It should be noted that Development charges are not imposed on floor areas below the first storey. The first storey is defined in the By-law as '*...the storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.*' The definition of first storey is consistent with that of the Ontario Building Code.

Southside's letter makes reference to the lower level of the building as "its basement" in that its ceiling is 1.2m above grade and implies it should not have been used in the calculation of development charges.

Although the letter doesn't refer to the average grade, staff calculated the development charges based on the gross floor area of 2,278 sq.m. as shown on the architectural drawings, which also indicate that the number of stories above grade are three (3) with no floor level labelled as a basement.

Furthermore, the drawings also refer to the floor levels as "first", "second", and "third" floors respectively. (See Building Code matrix in Appendix 'C')

Consideration of exempting the lower level from development charges was brought to staff's attention only by means of Southside's letter. As such, staff requested that the project's architect clearly define and revise the Building Code matrix accordingly, and if it turns out that the "first" floor is indeed to be considered as below grade, the amount of development charges due would be reduced accordingly.

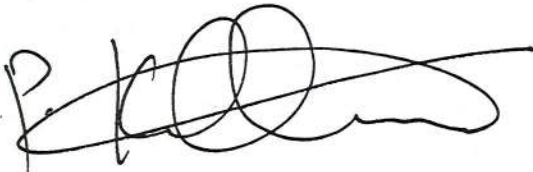

Revised drawings have not been submitted as of the date this report was prepared.

Accessory uses

"Non-church" uses have been referenced in Southside's letter as an indication of historic uses. It is well established that a church could also be supplemented by accessory office space, multi-purpose rooms, kitchens, e.t.c. At the time of building permit issuance for a church, the development charges are calculated using the reduced institutional rate for the entire complex. For example, a multi-purpose room in a church, at or above grade used for luncheons or meetings, would not be considered as 'commercial' space and would still be assessed the reduced institutional rate. As such, it is this same reduced rate that is applicable to the DC conversion "credit" as well.

CONCLUSION

The complaint from Southside regarding an error in the application of the By-law was reviewed and it has been determined that this redevelopment is not subject to development charge exemptions from the provisions of the By-law. It is the Chief Building Official's (Director of Building Controls) opinion that the By-law has been correctly applied based on the information submitted and that the complaint filed by Southside should be dismissed.

PREPARED BY:	RECOMMENDED BY:
	
P. KOKKOROS, P. ENG. DEPUTY CHIEF BUILDING OFFICIAL	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

Y:\Shared\building\Rep&Recs\2013\CSC-75 Blackfriars DC exemption request.doc

PK:pk

Attach.c.c. Owen Clarke-Manager of Plans Examination, Jim Barber-City Solicitor, Janice Page-Solicitor II, Peter Christiaans-Director, Development Finance, Building File.

APPENDIX 'A'



358 HORTON STREET
LONDON, ONTARIO N6B 1L7
www.southsidegroup.ca

OFFICE OF THE
MAYOR

RECEIVED JUN 27 2013
Referred to CPC - C. L. Rowe
Subsequent Referrals
☐ For Action ☐ For Report
☐ For Information ☐ For File
TEL: 613-433-6684
1-800-433-9849

Strategic Priorities & Policy Committee and/or Corporate Services Committee
City of London
City Hall
300 Dufferin Avenue, Suite 308,
London, Ontario N6A 4L9

Attention: Mayor Joe Fontana, Chair

DELIVERED BY COURIER

Chair & Members:

Re: 75 Blackfriars Street – Renovation – Development Charges Exemption

As you know, *Southside Construction Management Limited* has applied for a Permit to renovate the southerly portion of the subject Building for use as its offices, and the Building Division has calculated Development Charges to be payable in the net amount of \$227,663.32, after subtraction of the 'Institutional' rate from the 'Commercial' rate stipulated in Development Charges By-law S.14 (for conversion of one non-residential use to another non-residential use) which stipulates "where...a lawfully existing building...is wholly or partially converted, the area for which a development charge is payable shall be calculated using the following formula...in respect of the use to which the space converted."

Development Charges for both Commercial and Institutional uses are to be calculated based "gross floor area" defined in By-law S. 1 as the "total floor space...of the first storey and all storeys or part of storeys... above the first storey" and "first storey" is defined as having "its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade." By this definition, the lower level of the subject Building (with its ceiling only 1.2m above grade) is its basement — not its "first storey".

Contrary to the foregoing underscored provisions, the Development Charges were calculated on the total area of the Building — including the gymnasium.

According to the preamble to the By-law, Development Charges may be collected by the City of London to recover increased capital costs suffered by the City to provide increased municipal services needed by a "development" defined in By-law S.1 as including "an addition or alteration to a building...changing the size or usability thereof..."

To determine whether the proposed use of the partially renovated building will reasonably need any increased municipal services, the historic uses of the building must be reviewed.

Randy Mills of *Stambler & Mills*, who acts for *Middlesex Presbytery of United Church of Canada*, has verified that the building has historically accommodated various office and other non-Church uses.

1. business offices, meeting rooms and ancillary spaces used by *Empress* personnel
2. business offices, meeting rooms and ancillary spaces used by *Middlesex Presbytery*.
3. 5000 s.f. on main level regularly used for non-Church meetings of up to 800 persons.
4. 5000 s.f. in gymnasium regularly used non-Church recreational and social purposes.
5. 500 s.f. kitchen regularly served large gatherings for non-Church dinners and banquets.

Considering *Southside Group* office staff totals less than 20, and including construction jobsite personnel, totals less than 60, the proposed use of the partially renovated Building will need less municipal services than its historic uses previously required.

We respectfully request exemption from Development Charges and the immediate issuance of the approved Permit for the proposed renovation.

Yours truly,

SOUTHSIDE CONSTRUCTION MANAGEMENT LIMITED

Per: Vito Frijia, President



**CITY OF LONDON
BUILDING DIVISION**

APPROVED
WITH RESPECT TO
ZONING BY-LAW ONLY

DATE 2-200
SIGNATURE MARK SMITH

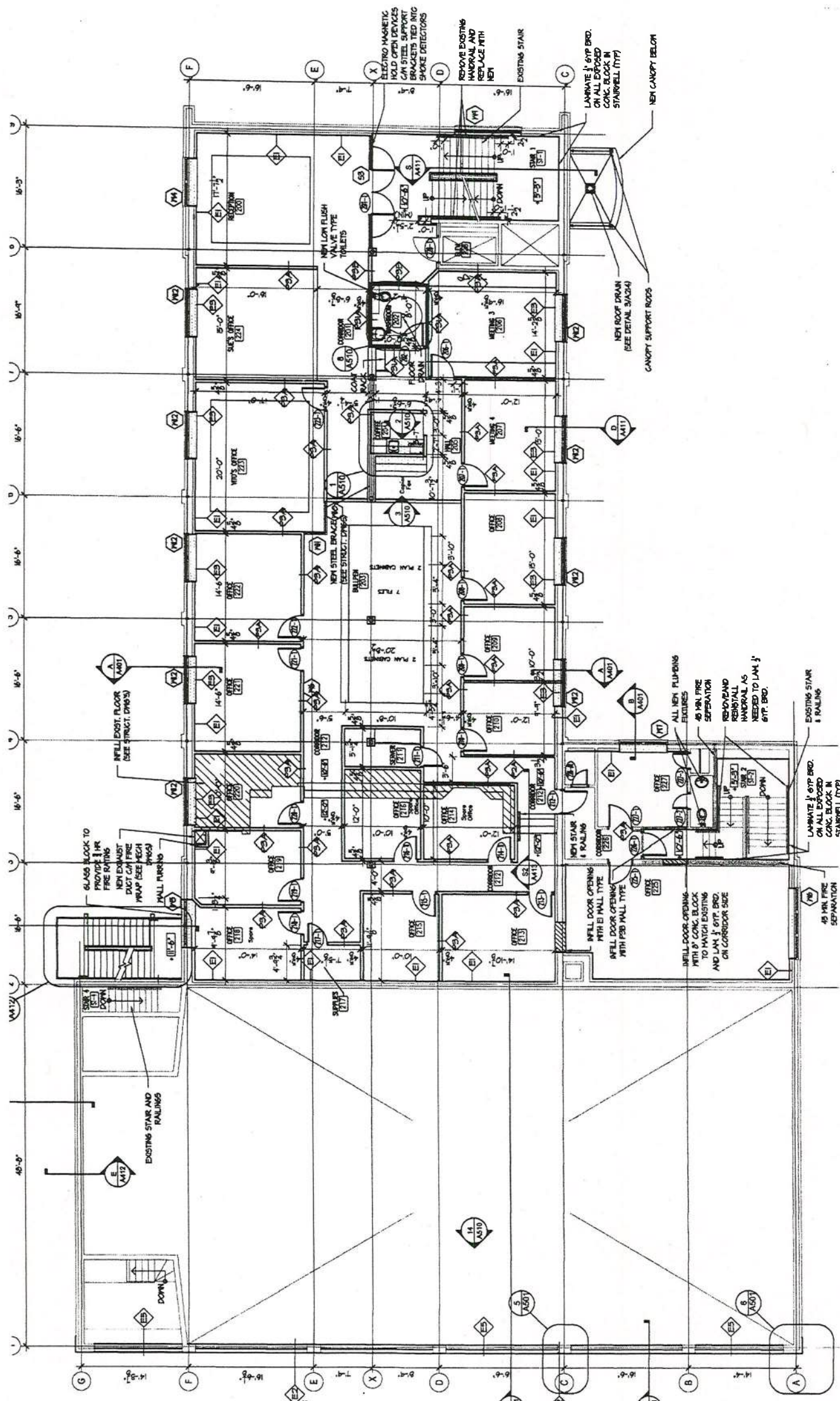


Figure 2 Proposed Second Floor Plan

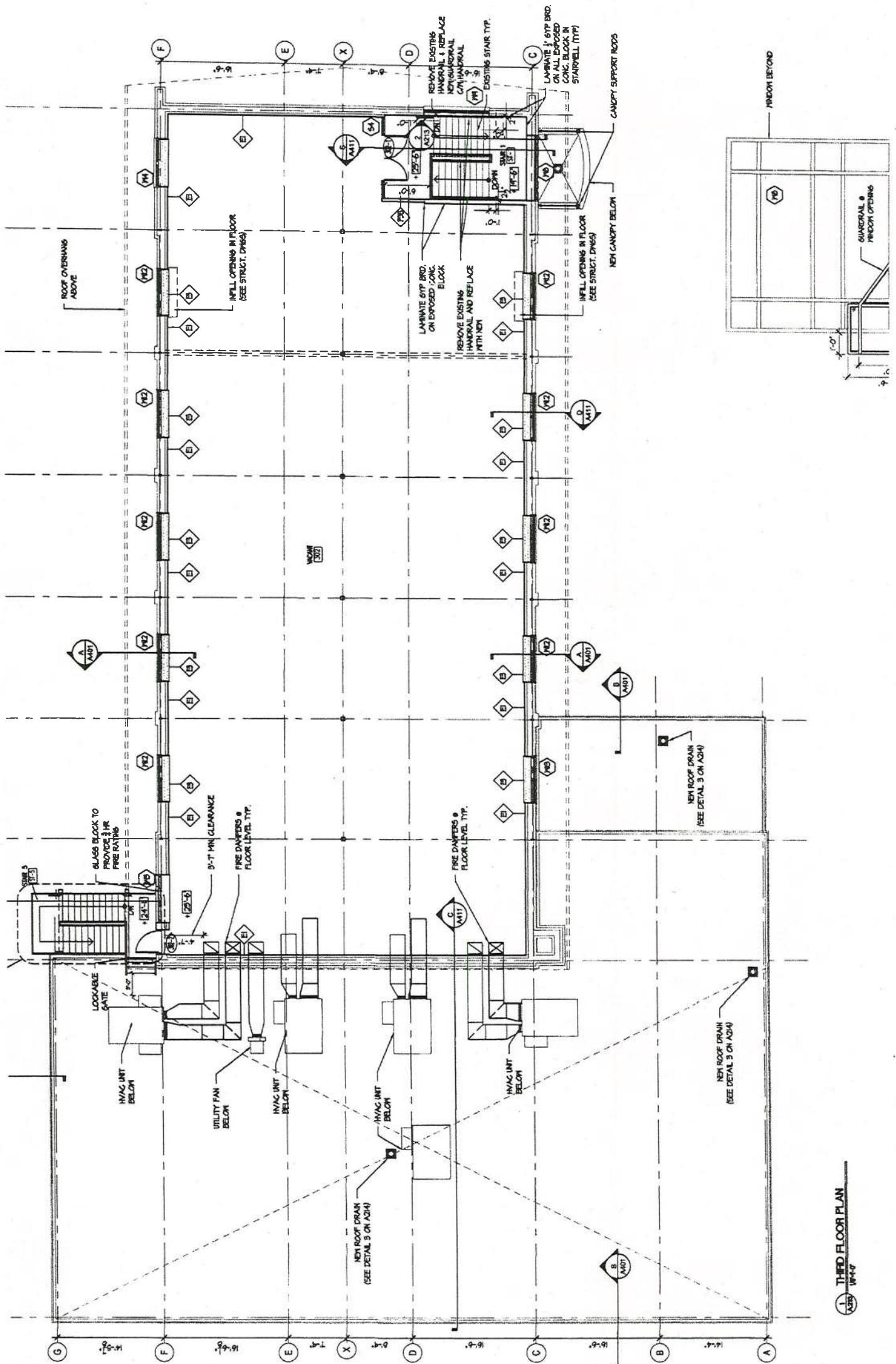
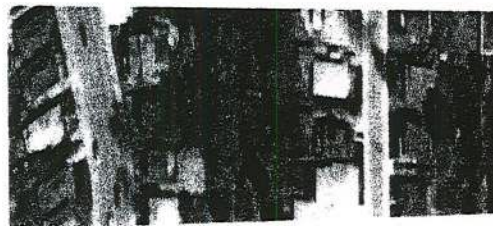


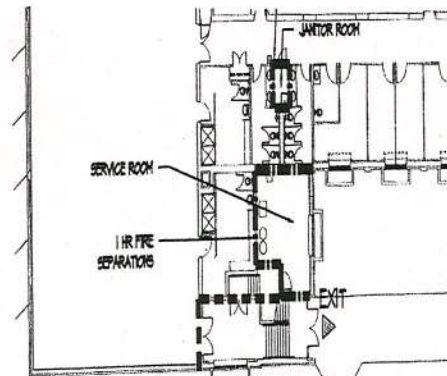
Figure 3. Proposed Third Floor Plan

APPENDIX 'C'

E202	SECOND FLOOR MECHANICAL - DUCTWORK
E203	THIRD FLOOR MECHANICAL - DUCTWORK
E101	LIGHTING GROUND FLOOR
E102	ELECTRICAL GROUND FLOOR
E201	LIGHTING SECOND FLOOR
E202	ELECTRICAL SECOND FLOOR
E202	ELECTRICAL SECOND FLOOR
E301	LIGHTING THIRD FLOOR
E302	ELECTRICAL THIRD FLOOR
E401	ELECTRICAL DETAILS



KEY PLAN
N/A



GROUND FLOOR FIRE RESISTANCE RATING
N/A

OBC DATA MATRIX		OBC REFERENCE OR COMMENTS	OBC DATA MATRIX	
1. PROJECT DESCRIPTION:	CHANGE OF USE, NEW THIRD FLOOR AND RENOVATIONS <input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ALTER <input type="checkbox"/> USE CHANGE <input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11			
2. MAJOR USE AND OCCUPANCIES:	GROUP D OFFICE	922.09		
3. BUILDING AREA:	1085 m ² / 11,642 sf			
4. GROSS AREA:	<div>THIRD FLOOR: 8,520 sf (786 m²) SECOND FLOOR: 6,280 sf (581 m²) FIRST FLOOR: 1,671 sf (1,558 m²) TOTAL GROSS BLDG. FLOOR AREA = 24,324 sf (2,278 m²)</div>			
5. NUMBER OF STOREYS:	ABOVE GRADE: 9 BELOW GRADE: 0			
6. BUILDING HEIGHT:	35m 174'			
7. NUMBER OF STREETS/ACCESS ROUTES:	1 STREET			
8. BUILDING CLASSIFICATION:	GROUP D, UP TO 3 STOREYS, UNFIREPROTECTED, FACING 1 STREET, MAX AREA 1600 m ²	922.09		
9. SPRINKLER SYSTEM:	<input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> IN LIEU OF ROOF RATING <input type="checkbox"/> BASEMENT ONLY <input checked="" type="checkbox"/> NOT REQUIRED	922.09		
10. STANDPIPE REQUIRED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
11. FIRE ALARM REQUIRED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
12. WATER SERVICE/SUPPLY IS ADEQUATE:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
13. HIGH BUILDING:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
14. CONSTRUCTION:	<input type="checkbox"/> COMBUSTIBLE <input checked="" type="checkbox"/> NON-COMBUSTIBLE <input type="checkbox"/> BOTH			
15. MEZZANINE AREA:	N/A			
16. OCCUPANCY LOAD:	BASED ON <input checked="" type="checkbox"/> AREA/PERSON <input type="checkbox"/> DESIGN OF BUILDING 82 PEOPLE			
17. BARRIER FREE DESIGN:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
18. HAZARDOUS SUBSTANCES:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
			19. REQUIRED FIRE RESISTANCE RATING: OBC	
			HORIZONTAL ASSEMBLIES	
			FLOORS	
			ROOF	
			MEZZANINE	
			SUP. FLOOR ASSEMBLIES	
			LOAD BEARING WALLS	
			STEEL COLUMN PROTECTION	
			BEAM PROTECTION	
			SUP. ROOF ASSEMBLIES	
			LOAD BEARING WALLS	
			STEEL COLUMN PROTECTION	
			BEAM PROTECTION	
			SUP. MEZZ. ASSEMBLIES	
			LOAD BEARING WALLS	
			STEEL COLUMN PROTECTION	
			BEAM PROTECTION	
			VERTICAL ASSEMBLIES	
			PUBLIC CORRIDORS	
			JANITOR ROOM	
			SERVICE ROOM	
			ELEVATOR MACHINE ROOM	
			ELEVATOR SHAFT	
			EXITS	
			20. SPATIAL SEPARATION - GROUP E, GROUND	
			AREA OF EBF (sqm)	
			L.D. (m)	
			L/H H	
			NORTH	
			SOUTH	
			EAST	
			WEST	
			21. OTHER:	
			• 9.425(1/6) MAX TRAVEL DISTANCE	
			• ALL BUILDING SERVICE PENETRATING	
			• MAX PLANE SPREAD RATING OF 15	

philip agar architect inc.

283 placemill street, london, ontario m5h 1c1 tel: 819 438-7388

SOUTH GROUP

Figure 4. Partial Building Code Matrix

Exhibit 4.

PATTON CORMIER & ASSOCIATES
LAWYERS

**Southside Construction Management Limited
75 Blackfriars Street
London, ON**

**Development Charges By-law C.P. 1473-212
City of London Corporate Services Committee**

The *Development Charges Act* has a simple definition of "development". See Attachment "A" hereto. The definition of development simply says "development" includes "redevelopment". This is not helpful nor relevant to the matter before this Committee.

The *Development Charges Act*, s. 2(2) provides that a development charge may be imposed for development that requires c) *passing of a zoning by-law*. See Attachment "A" hereto.

However, passage of a Zoning By-law alone does not lead to the imposition of a development charge. To impose a development charge in accordance with the City's Development Charge By-law there must be:

- i) Construction, erection, or placing of a building on land; or,
- ii) An "alteration" to a building that has the effect of a) changing the size of the building, or b) changing the "usability" of the building. See Attachment "B".

At 75 Blackfriars Street a building is not being constructed. The building is to be altered. Clearly, an alteration which does **not** change the size and does **not** change the usability of the building cannot result in the imposition of a development charge.

"Usability" is a noun meaning "how it is to be used", see Oxford Dictionary, Second Addition. See Attachment "C".

This is simple and straight forward, the City must apply this principle. In other words, how is the building to be used?

The Church had a seating capacity for its congregation of 800 people. Southside has 60 employees, 20 of whom work in the office portion of the business five days a week. The balance of the employees work off site, in such matters as construction, property maintenance, landscaping.

Occupant load calculation are to be provided to the Chief Building Official. This is a requirement of the Building Code. Southside's Architect advises that occupancy load numbers for the Church was 1,146 people. For offices in the new building the occupancy load is 152 people based on total square footage, and which number does not reflect the number of employees working off-site. These calculations show that there is less impact with the office use than the Church and thus less "usability".

The prior Church use had a gymnasium of approximately 5,000 square feet which was rented regularly to groups for recreational and social purposes. The Church also had a large kitchen, 500 square feet, within which it prepared meals for large dinners and banquets held in the Church.

In addition, there were Church offices for its administrative functions, as well as the office of the Middlesex Presbytery which was also in the building for the Presbytery's administrative functions and for its meetings.

The Church regularly conducted many other activities in the building, weddings, wedding receptions, community meetings, Church meetings, and various social/neighbourhood programs such as Feed the Hungry, etc.

The "usability" of both the property and of the building as Southside's office will have no impact on storm water as there is no increase in either the building size or the paved area on the property. Further, there is no impact on other City Services or Urban Works as there is no greater impact on sanitary sewage flows, no greater impact on water usage and no impact on the provision of fire, police, library growth studies, parks and recreation, transit, or storm water management facilities.

How the building is used is the relevant test as to the applicability of the Development Charges By-law.

What we do know is as follows:

- a) The gymnasium stays as a gymnasium so there is no change in the usability of that part of the building;
- b) The first storey of the new office building does not meet the definition of a first storey and therefore cannot be included in the definition of gross floor area in the Development Charges By-law;

Patton Cormier & Associates
Page 4

- c) For the remainder of the building the issue is this; after the gymnasium and the first floor are removed from any calculation of applicable development charges, what remains of the "building", in terms of usability, is much less than the previous uses.

Further, beyond the fact that the office use is less, the City incurs no new demand or impact on City Services or Urban Works arising from the alteration to the building and the decrease in its usability. It is relevant to acknowledge that the City will benefit from the collection of property taxes on what was previously tax exempt land and building. The City clearly has an overall net economic benefit to itself from the development in terms of revenue to the City.

Finally, the City staff and Chief Building Officer have requested of Southside the payment of Development Charges before the Building Permit is issued based on the drawings which meet the Ontario Building Code. It is important to understand that the City has not sought Site Plan Approval even though the definition of "*development*" in section 41 of the *Planning Act* is the same ie. "*The making of an addition or alteration that has the effect of substantially increasing the size or usability thereof*".

PATTON CORMIER & ASSOCIATES
per:



Alan R. Patton
ARP

A

8



Français

Development Charges Act, 1997

S.O. 1997, CHAPTER 27

Consolidation Period: From December 15, 2009 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 2, s. 24.

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PART I DEFINITIONS

Definitions

1. In this Act,

“area municipality” means a lower-tier municipality; (“municipalité de secteur”)

“development” includes redevelopment; (“aménagement”)

“development charge by-law” means a by-law made under section 2; (“règlement de redevances d’aménagement”)

“front-ending agreement” means an agreement under section 44; (“accord initial”)

“local board” means a local board as defined in section 1 of the *Municipal Affairs Act* other than a board as defined in subsection 1 (1) of the *Education Act*. (“conseil local”) 1997, c. 27, s. 1; 2002, c. 17, Sched. F, Table.

PART II DEVELOPMENT CHARGES

DEVELOPMENT CHARGES

Development charges

2. (1) The council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies. 1997, c. 27, s. 2 (1).

What development can be charged for

(2) A development charge may be imposed only for development that requires,

- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;
- (f) the approval of a description under section 50 of the *Condominium Act*; or
- (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure. 1997, c. 27, s. 2 (2).

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

- (a) permit the enlargement of an existing dwelling unit; or
- (b) permit the creation of up to two additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings. 1997, c. 27, s. 2 (3).

Eligible services

(4) A development charge by-law may not impose development charges to pay for increased capital costs required because of increased needs for any of the following:

1. The provision of cultural or entertainment facilities, including museums, theatres and art galleries but not including public libraries.
2. The provision of tourism facilities, including convention centres.
3. The acquisition of land for parks.

8

8

Development Charges By-law

C.P.-1473-212 – In force – August 4, 2009

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London
CANADA

WHEREAS the *Development Charges Act, 1997 S.O. 1997, c.27*, as amended authorizes by-laws of the council of a municipality for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies.

THEREFORE the MUNICIPAL COUNCIL of The Corporation of the City of London hereby enacts as follows:

DEVELOPMENT CHARGES BY-LAW

PART I

INTERPRETATION

1. Definitions

In this by-law, unless a contrary intention appears,

"apartment" means a residential building containing two or more dwelling units each of which has an independent entrance either directly from the outside or through a common corridor, hallway or vestibule;

"agricultural" use means

- a) a use where animals or birds are kept for grazing, breeding, raising, boarding, or training of livestock of all kinds including, but not limited to, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules, and fur bearing animals, or
- b) the tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials; the erection and use of greenhouses, woodlots and forest tree uses; the packing, treating, storing, and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture."

"brownfield sites" means lands, vacant or improved, on which industrial, commercial, institutional or government activity took place in the past, and which activity has resulted in soil or water contamination because of chemicals or other pollutants, and are located in residential re-development locations where infrastructure, services and facilities already exist.

"City Engineer" means the General Manager of Environmental and Engineering Services and City Engineer;

"City Services" are services that serve, in whole or in part, growth needs which are normally constructed or provided by the Corporation or its Boards or Commissions, including, but not limited too Transportation, Sanitary, Storm Drainage, Water, Fire, Police, Library, Transit and Growth Studies.

"Commercial Building" is a building used for :

- (a) Office or administrative uses, including the practice of a profession, or the carrying on of a business or occupation or where most of the activities in the building provide support functions to an enterprise in the nature of trade, and for greater certainty shall include, but not be limited to, the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, contractor, builder, land developer, employment agency, security broker, mortgage company, medical clinic; or
- (b) Retail purposes including activities of offering foods, wares, merchandise, substances, articles or things for sale or rental directly to the public and includes offices within the same building, which support, are in connection with, related or ancillary to such uses, or activities providing entertainment and recreation. Retail purposes shall include but not be limited to: conventional restaurants; fast food restaurants; night clubs, concert halls, theatres, cinemas, movie houses, and other entertainment related businesses; automotive fuel stations with or without service facilities; special automotive shops / auto repairs / collision services / car or truck washes; auto dealerships; regional shopping centres; community shopping centres; neighbourhood shopping centres, including more than two stores attached and under one ownership; department / discount stores; banks and similar financial institutions, including credit unions (excluding freestanding bank kiosks), money handling and cheque cashing facilities; warehouse clubs or retail warehouses; Food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres (but not a garden centre defined as exempt under section 35 of this by-law), government owned retail facilities, private daycare, private schools, private lodging and retirement homes, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, funeral homes, motels, hotels, restaurants, theatres, facilities for motion

picture, audio and video production and distribution, sound recording services, Passenger stations and depots, Dry cleaning establishments, Laundries, establishments for commercial self-service uses.

With the intent of providing some flexibility in the administration of this section, any building use not named specifically above which is considered an adventure in the nature of trade, and is neither an Institutional nor Industrial use, may be deemed to be a Commercial use at the discretion of the Director of Building Controls.

"Commercial Truck Service Establishment" means a premises purpose designed for repair and servicing of freight carrying trucks, including truck tractors and truck trailers, and shall include the storage and sale of parts accessory to such vehicles;

"Corporation" means The Corporation of the City of London;

"developer" means a person who undertakes development or redevelopment;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of changing the size or usability thereof, and includes all enlargement of existing development which creates new dwelling units or additional non-residential space and includes work that requires a change of use building permit as per Section 10 of the Ontario Building Code ; and "redevelopment" has a corresponding meaning;

"development charge" means any development charge that may be imposed pursuant to this by-law under the *Development Charges Act, 1997*;

"dwelling unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities;

"First storey" is defined as the storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.

"force majeure" means any act of God, any act of the Queen's enemies, wars, blockades, insurrections, riots, civil disturbances, landslides, lightening, earthquakes, storms, floods, washouts, fires, or explosions;

"gross floor area" means the total floor space, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of the first storey and all storeys or part of storeys (including mezzanines) above the first storey.

"Industrial Building" is a building used for:

- a) manufacturing, producing, fabricating, assembling, compounding or processing of raw materials, goods, component parts or ingredients where the physical condition of such materials, goods, parts or components are altered to produce a finished or semi-finished tangible product, or the packaging, crating, bottling, of semi-processed goods or materials, but not including any of these activities where they primarily serve retail purposes to the general public ;
- b) storing or distributing something derived from the activities mentioned in a) above and for greater certainty, shall include the operation of a truck terminal, warehouse or depot;
- c) research or development in connection with activities mentioned in (a) above;
- d) retail sales of goods produced by activities mentioned in section a) at the site where the manufacturing, producing or processing from raw materials or semi-processed goods takes place and for greater certainty, includes the sale of goods or commodities to the general public where such sales are accessory or secondary to the industrial use, and does not include the sale of goods or commodities to the general public through a warehouse club;
- e) office or administrative purposes, if they are carried out:
 - i. with respect to the activity mentioned in section a), and
 - ii. in or attached to the building or structure used for activities mentioned in section a) and
 - iii. for greater certainty, shall include an office building located on the same property as, and used solely to support, the activities mentioned in section a);
- f) a business that stores and processes data for retrieval, license or sale to end users and are on lands zoned for industrial uses; or
- g) businesses that develop computer software or hardware for license or sale to end users that are on lands zoned for industrial uses.

"Institutional Building" is a building used for or designed or intended for use by:

- (a) a government entity, not in the nature of trade,
- (b) an organized body, society or religious group promoting a public or non-profit purpose and shall include but not be limited to: public hospitals, schools, churches and other places of worship, cemetery or burial grounds, universities and colleges established pursuant to the *Ministry of Colleges and Universities Act*, other buildings used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the *Assessment Act*.

6

8

Canadian Oxford Dictionary

SECOND EDITION

OFFICIAL DICTIONARY OF
THE CANADIAN PRESS
AND THE GLOBE AND MAIL

DEFINING CANADIAN ENGLISH

urticaria | usual

1714

urti·caria /ˌɜrtɪˈkeriə/ *noun* **Med.** = HIVES. [modern Latin from Latin *urtica* nettle, from *urere* burn]

Uruguay /ˈjʊərəˌɡweɪ, ˈjʊr-, ˈʊr-/ a country on the Atlantic coast of S America south of Brazil; pop. (est. 2002) 3,386,575; capital, Montevideo. □ **Uruguayan** /-ˈɡweɪən/ *adjective & noun*

Uruk /ˈuːrʊk/ an ancient city in S Mesopotamia, to the northwest of Ur (known also by its Biblical name **Erech**). One of the greatest cities of Sumer, it was built in the 5th millennium BC and was the seat of the legendary hero Gilgamesh. Excavations have revealed ziggurats and temples dedicated to the sky god Anu.

Urumqi /uˈrʊmtʃi/ (also **Urumchi**) the capital of the Xinjiang autonomous region in NW China; pop. (est. 2002) 1,363,100. It was a major trading centre on the ancient caravan routes of central Asia, and developed during the 20th c. into the main industrial centre of the region. [Mongolian, lit. 'fine pasture']

urus /ˈjʊrəs/ *noun* = AUROCHS. [Latin from Germanic]

US *abbreviation* **1** United States. **2** Undersecretary. **3** unserviceable.

us *pronoun* **1** objective case of *we* (they saw *us*). **2** *informal* = *we* (it's *us* again). **3** *N Amer.* *informal* ourselves, to or for ourselves (we've got to get *us* one of those). **4** *informal* = *ME* (give *us* a kiss). [Old English *ūs* from Germanic]

USA *abbreviation* **1** United States of America. **2** United States Army.

usable *adjective* (also **use·able**) that can be used. □ **usability** *noun*

USAF *abbreviation* United States Air Force.

usage *noun* **1** the action or an instance of using something or of being used; employment, use. **2** a habitual or customary practice, esp. as creating a right, obligation, or standard. **b** established or customary use of words, expressions, constructions, etc. in a language, esp. as opposed to what is prescribed. **3** a manner of using or treating; treatment (damaged by rough *usage*).

usage /ˈjʊzəns/ *noun* the time allowed by commercial usage or law for the payment of foreign bills of exchange.

USB *abbreviation* universal serial bus.

USD *abbreviation* US dollars.

USDA *abbreviation* United States Department of Agriculture.

use ● *transitive verb* **1** a employ (something) for a particular purpose; (can I *use* the phone?; *use* your discretion). **b** employ or avail oneself of (something) regularly (she *uses* the subway to get to work). **2** a (in past; foll. by *to* + *infin.*) did, was, or had in the past as a customary practice or continuous state (I *used* to be a dancer; it *didn't use* to rain so often). **b** (*usu.* in passive; foll. by *to*) familiar by habit; accustomed (not *used* to hard work). **3** exploit (a person or thing) for one's own ends (he's just *using* you to make his girlfriend jealous; he *used* the bad weather as an excuse for not coming). **4** treat (a person) in a specified manner (they *used* him shamefully). **5** esp. *N Amer.* take (drugs, alcohol, etc.) regularly. ● *noun*

1 the act of using or the state of being used; application to a purpose (the *use* of force). **2** the manner or mode of using; employing, or utilizing something (she put it to good *use*). **3** the right or power of using (lost the *use* of my right arm). **4** advantage, value, usefulness (a flashlight would be of some *use* right now). **5** need or occasion for employing something; necessity, demand, call (would you have any *use* for this radio?). **6** habitual, usual, or common practice (long *use* has accustomed me to it). **7** the characteristic ritual and liturgy of a church or diocese etc. **8** *Law* *hist* the holding of land or property by one person for the sole benefit or profit of another. □ **could use** *informal* **1** would like to have; want. **2** would be in a position to benefit from; need. **have no use for** **1** do not need. **2** dislike or be impatient with. **it's** (or **there's**) **no use** it would be pointless to; it will not help to (there's *no use* trying to talk to her when she's like this). **make use of** **1** employ, apply. **2** benefit from. **use it or lose it** **1** an opportunity etc., if not taken advantage of, may not be made available again. **2** something, e.g. a skill, may become lost or unusable through neglect. **use a person's name** quote a person as an authority or reference etc. **use up** **1** consume completely, use all of. **2** find a use for (something remaining). **3** exhaust or wear out e.g. with overwork. [Old French *us*, *user*, ultimately from Latin *uti* *us* = use]

used *adjective* having been previously owned; second-hand.

use·ful *adjective* **1** that can be used for a practical purpose; beneficial. **2** of use or value to someone; helpful (he's quite *useful* around the house). **3** *informal* reasonably effective or successful (Sara is their most *useful* player). □ **make oneself useful** be helpful. □ **use·ful·ly** *adverb*

use·ful·ness *noun*

use·less *adjective* **1** failing to fulfill the intended purpose or produce the desired results (this knife is *useless*). **2** serving no purpose (useless information). **3** *informal* incompetent, ineffectual (I'm *useless* at swimming). □ **use·less·ly** *adverb* **use·less·ness** *noun*

Use·net *noun* any of a number of services designed to help users access information on a network, *usu.* consisting of an index of newsgroups arranged according to subject matter.

user *noun* **1** a person using something. **2** a person or organization making use of a computer system. **3** *informal* a drug addict. **4** one who manipulates others for personal advantage. **5** *Law* the continued use, exercise, or enjoyment of a right; presumptive right arising from use (right of *user*).

user-defined *adjective* Computing that has been specified or varied by a user. □ **user-definable** *adjective*

user fee *noun* a small fee charged for a service, esp. an additional amount of money or tax charged for a service that is paid for or subsidized by the government.

user-friendly *adjective* **1** Computing (of a system, program, software, etc.) designed to make the user's task as easy as possible, esp. by offering onscreen instructions, prompts, and feedback. **2** *informal* or *popular* easy to read, use, or understand. □ **user-friendli·ness** *noun*

user group *noun* Computing a newsgroup exchanging technical information, advice, and services.

user interface *noun* Computing the means of communication between a user and a system, referring esp. to the use of input/output devices with supporting software (compare GRAPHICAL USER INTERFACE).

user name *noun* (also **user ID**) Computing an identification used in conjunction with a password by a person with access to a computer network.

user-pay *noun* esp. *Cdn* designating a program the costs of which are paid for by user fees.

USGS *abbreviation* United States Geological Survey.

usher ● *noun* **1** a person who shows people to their seats in a theatre, stadium, church, etc. **2** an attendant of the groom at a wedding, responsible for greeting guests at the church and showing them to their seats. **3** a doorkeeper at a court etc. **4** *Brit.* an officer walking before a person of rank. ● *transitive verb* **1** (*usu.* foll. by *into*) show or guide (a person) into a room, to a seat, etc. (ushered *us* into the room). **2** (foll. by *in*) be the forerunner of (an era, age, movement, etc.). **3** act as usher to. [Anglo-French *usser*, Old French *uissier*, var. of *huissier* from medieval Latin *ustarius* for Latin *ostarius* from *ostium* door]

usherette *noun* a woman who shows people to their seats, esp. in a theatre or stadium etc.

Usher of the Black Rod *noun* *Cdn* = BLACK ROD **1**.

Üsküdar /ˌʊskʊˈdɑːr/ a suburb of Istanbul, on the eastern side of the Bosphorus where it joins the Sea of Marmara; pop. (2000) 495,118. During the Crimean War, when it was known as Scutari, Florence Nightingale set up a hospital in the British army barracks there.

USN *abbreviation* United States Navy.

Us·pa·llata Pass /ˌʊspəˈlʃtə/ a pass over the Andes near Santiago, Chile. The principal route across the Andes, it links Argentina with Chile. At its highest point stands a statue, 'Christ of the Andes', erected in 1904.

us·que·baugh /ˈʌskwiˌbɔː/ *noun* esp. *Irish & Scot.* whisky. [Irish & Scots Gaelic *uisge beatha* water of life; compare WHISKY]

USS *abbreviation* United States Ship.

USSR *abbreviation* *hist.* Union of Soviet Socialist Republics.

Us·ta·ba·kan·skoe /ˌʊstəbəkənskoːjə/ the former name (until 1931) for **ABAKAN**.

Us·tashē /uːˈstɒʃi/ *plural noun* (also treated as *shg.*) (also **Us·tasha**, **Us·tashas**, **Us·tashi**) the members of a Croatian extreme nationalist movement that ruled Croatia with Nazi support after the German invasion and partition of Yugoslavia in 1941, massacring hundreds of thousands of Serbs, Jews, and members of the resistance movement before being forced to flee at the end of the war. [Serbo-Croat *Ustaše* rebels]

Us·ti·nov /ˈjuːstɪˌnɒf/ **Sir Peter (Alex·an·der)** (1921–2004), English actor, director, and dramatist, of Russian descent. He wrote and acted in a number of plays including *Romanoff and Juliet* (1956), and his films include *Spartacus* (1960) and *Death on the Nile* (1978); he was also well known as a mimic, raconteur, broadcaster, and novelist.

usu. *abbreviation* usually.

usual ● *adjective* such as commonly occurs, or is observed or done; customary, habitual, regular (I woke up at my *usual* hour; they offer the *usual* services; more than the *usual* number of rainy days in March). ● *noun* *informal* **1** (prec. by *the*) what is commonly said or done etc.; what is customary or habitual ('What did you talk about?' 'Oh, the *usual*.'). **2** (prec. by *the*, *my*, etc.) the drink or meal a person habitually orders in a bar or restaurant. □ **as usual** as is or was commonly the case (they were late

Consonants: b but d dog f few g get h her j yes k cat l leg m man n no p pen r red s sit

D

8

**OFFICE CONSOLIDATION
INCLUDING AMENDMENT C.P.-1455(i)-153 (May 1, 2012)**

Bill No. 299
2006

By-law No. C.P.-1455-541

A by-law to designate a site plan control area and to delegate Council's power under Section 41 of the *Planning Act, R.S.O. 1990, c.P.13*.

WHEREAS Section 41 of the *Planning Act, R.S.O. 1990, c.P.13* provides in part that, where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area and may delegate to either a committee of the council or to an appointed officer of the municipality any of the council's power or authority under that section;

AND WHEREAS Clause 5(2)(b) of the *Building Code Act* authorizes the council of a municipality to pass by-laws requiring applications for building construction permits to be accompanied by such plans, specifications, documents and other information as is prescribed;

AND WHEREAS in the Official Plan for the City of London Planning Area the whole of the City of London is shown or described as a proposed site plan control area and the Council of The Corporation of the City of London considers it appropriate to designate the whole of the City of London as a site plan control area, to delegate its powers or authority under Section 41 of the *Planning Act, R.S.O. 1990, c.P.13*, to certain appointed officials of the Corporation, and to require applications for building construction permits to be accompanied by plans and drawings referred to in Subsection 41(4) and by one or more agreements with the Corporation that deal with or ensure the provision and maintenance of any of the facilities, works or matters to be provided in conjunction with all buildings and structures to be erected and any of the facilities, works or matters mentioned in Subsection 41(7) of that Act.

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

SITE PLAN CONTROL AREA BY-LAW

INTERPRETATION

Definitions

1. In this by-law, unless a contrary intention appears,
 - (a) "Act" means the *Planning Act, R.S.O. 1990, c.P. 13*;
 - (b) "Corporation" means The Corporation of the City of London;
 - (c) "Council" means the municipal council of the Corporation;
 - (d) "delegated official" means any of the appointed officers of the Corporation identified in Schedule 3 to this by-law either by name or position occupied;
 - (e) "development" means
 - (i) the construction, erection or placing of one or more buildings or structures on land; or
 - (ii) the making of an addition or alternation to a building or structure that has the effect of substantially increasing the size or usability thereof; or
 - (iii) the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the location of three or more mobile homes; or

- iv) sites for the construction, erection or location of three or more land lease community homes;

and includes redevelopment;

- (f) "Development Agreement" means an agreement entered into between the Corporation and the Owner outlining the terms and conditions of the development and the approved plans and drawings as provided under Section 41(7)(c) of the Planning Act RSO 1990;
- (g) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (h) "Official Plan" means the Official Plan for the City of London Planning Area as amended from time to time;
- (i) "Owner" means the person appearing as the registered Owner according to the records of the proper land registry office or a person in the actual occupation of land sold to the Director in accordance with the Veterans' Land Act (Canada) shall also be deemed to be the Owner;
- (j) "security policy" means the policy regarding subdivision security and development agreement security adopted by resolution of Council on November 2, 1981, as amended from time to time, or any successor of that policy;
- (k) "Site Plan Design Manual" means Schedule 1 to this by-law; and
- (l) "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

Site Plan Design Manual

2. (1) The Site Plan Design Manual is attached as Schedule 1 and forms part of this by-law.

Metric

3. Wherever Metric measure is used in the Design Manual, the inclusion in parenthesis of Imperial measure is for convenience only and, in the event of any discrepancy between the Metric measure and the corresponding Imperial measure, the Metric measure applies.

DEVELOPMENT SUBJECT TO SITE PLAN APPROVAL

Site Plan Control Area

4. The whole of the City of London as constituted from time to time is hereby designated as a site plan control area.

Exempt Classes of Development

5. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Subsection 41(4) or (5) of the Act, and this by-law does not apply to such classes:
- (a) A building or structure which is constructed, erected or placed on a freehold lot for the purpose of a single detached dwelling unit or a semi-detached dwelling unit or a duplex dwelling, except a single sideyard dwelling unit and except where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan.
- (b) An addition or alteration to a building or structure mentioned in Clause (a) except a single side yard dwelling unit and except where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan.

DEVELOPMENT CHARGES COMPLAINT

75 BLACKFRIARS STREET REDEVELOPMENT

BACKGROUND

Building permit application received to convert/redevelop existing church complex to office use.

Development charges assessed on redevelopment.

Complaint received from Southside based on:

1. "Partial" conversion.
2. Below grade floor area used in calculation of DCs due.
3. Converted building will reduce use of municipal utilities - DCs not applicable.

Southside has requested exemption from imposition of DCs for this redevelopment.

DC Bylaw provides for the following "Grounds of Complaint":

- (a) the amount of the development charge was incorrectly determined;*
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined, or;*
- (c) there was an error in the application of this by-law.*

"4. Owner to Pay Development Charge

*The owner of any land in the City of London who **develops or redevelops** the land or any building or structure thereon shall, at the time mentioned in section 5, pay development charges to the Corporation calculated in accordance with the applicable rate or rates in section 6, 7, 8 and 9 hereof. "*

In accordance with the DC By-law, **development**:

*"means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of changing the size or usability thereof, and includes all enlargement of existing development which creates new dwelling units or additional non-residential space and includes work that requires a change of use building permit as per Section 10 of the Ontario Building Code ; and **"redevelopment" has a corresponding meaning;**"*

- **"Institutional Building"** is a building used for or designed or intended for use by:
 - (a) a government entity, not in the nature of trade,
 - (b) an organized body, society or religious group promoting a public or non-profit purpose and shall include but not be limited to: public hospitals, schools, **churches** and other places of worship, cemetery or burial grounds, universities and colleges established pursuant to the Ministry of Colleges and Universities Act, other buildings used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the Assessment Act.
- **"Commercial Building"** is a building used for:
 - Office** or administrative uses, including the practice of a profession, or the carrying on of a business or occupation or where most of the activities in the building provide support functions to an enterprise in the nature of trade, and for greater certainty shall include, but not be limited to, the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, contractor, builder, land developer, employment agency, security broker, mortgage company, medical clinic; or ...

-Redevelopment from Institutional building to Commercial building.

“alteration.....has the effect of changing the size...”

Proposed new second floor area (1,060 sq.ft.) – change in size

“changing the size or usability thereof...”

Building Code matrix indicates “Change of Use”

OBC DATA MATRIX	
1.	PROJECT DESCRIPTION: <u>CHANGE OF USE, 3RD THIRD FLOOR AND RENOVATIONS</u> <input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ALTER <input type="checkbox"/> USE CHANGE <input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11
2.	MAJOR USE AND OCCUPANCIES: <u>GROUP D OFFICE</u>
3.	BUILDING AREA: <u>1,065 m² / 11,482 sf</u>
4.	GROSS AREA: <div style="text-align: right;"><u>THIRD FLOOR: 5,528 sf (510 m²)</u> <u>SECOND FLOOR: 6,380 sf (590 m²)</u> <u>FIRST FLOOR: 11,611 sf (1,075 m²)</u> <u>TOTAL GROSS BLDG. FLOOR AREA = 24,524 sf (2,275 m²)</u></div>

- Section 14 of the By-law addresses conversion from one form of non-residential use to another form of non-residential use.
- DC amount due based on the rate for the proposed use after a “credit” is applied for the existing use.
- Office DC rate: \$173.75/ sq.m.
- Church DC rate: \$73.81 / sq.m. (incl. 50% reduction on the City Services portion).

Complaint made also based on:

- Below grade floor area used in calculation of development charges due.
- Converted building will reduce municipal utility usage.

1. Floor areas used in development charge calculation

- Development charges are assessed on gross floor area of first storey and storeys above the first storey.

*-“**First storey**” is defined as the storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.*

- Based on information submitted originally with building permit application :

Number of stories above grade: 3

No floor levels labelled or identified as “basement” or “lower level”

- Revised drawings received; resulted in further reduction of DC amount due.
(gymnasium considered as first storey – ceiling more than 1.8m above avg. grade)

2. Redevelopment and impact on municipal services

Section 5.(6)2 of the Development Charges Act 1997, as amended:

“... However, it is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.”

Development charge not based on individual capital costs of a development, on a development-by-development basis. DC rates reflect the costs of growth applicable to each category of development (Residential, Commercial, Institutional and Industrial).

2. Redevelopment and impact on municipal services (cont'd)

- proposed office use : increase use during the week compared to church.
- additional water closets, sinks, and showers.
- additional second floor office space to be utilized.

CONCLUSIONS

- Redevelopment/conversion from church use to office results in change of both size and usability.
- DCs due as a result of redevelopment.
- DC credit applied for existing church use.
- Reduced DCs due as a result of revised drawing submission.
- No error in application of DC By-law by staff.
- Full exemption from DCs not applicable.
- Respectfully request complaint be DISMISSED.

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	DEVELOPMENT CHARGE COMPLAINT 75 BLACKFRIARS STREET MEETING HELD ON TUESDAY, SEPTEMBER 10, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the complaint by Southside Construction Management Limited, the owner of the building situated at 75 Blackfriars Street, alleging an error in the application of Development Charges By-law C.P. 1473-212 **BE DISMISSED.**

PREVIOUS REPORTS

August 20, 2013 report to Corporate Services Committee.

BACKGROUND

At its August 20, 2013 meeting, the Corporate Services Committee convened as a tribunal to hear the complaint outlined above. The Tribunal adjourned the meeting to September 10, 2013 in order that requested additional information be received.

The Tribunal requested a copy of By-law C.P.-1473-212, the Development Charges By-law (the "By-law"), with relevant sections highlighted. This is provided in Appendix 'A'.

The Complainant is seeking an exemption from the application of the By-law and has requested that it be exempt from the payment of development charges. Section 34 of the By-law provides for "**Exemptions and Exceptions**" (highlighted in Appendix 'A'). The proposed conversion does not fall under the provisions of this "exemption" section.

In accordance with section 1 of the By-law, **development** is defined:

"means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of changing the size or usability thereof, and includes all enlargement of existing development which creates new dwelling units or additional non-residential space and includes work that requires a change of use building permit as per Section 10 of the Ontario Building Code ; and "redevelopment" has a corresponding meaning;"
(emphasis added)

According to section 1 of the By-law, a church is defined as an institutional building and a building for office use is a commercial building. The Complainant intends to use the building for office use.

It is the opinion of the Chief Building Official (Director of Building Controls) that the conversion (redevelopment) from church to an office building is a change in the usability of the building and meets the definition of "development" under the City's DC By-law.

In addition, as set out in the definition of development and redevelopment, it is not solely the change in usability that triggers the payment of development charges. An "alteration" which "creates new... additional non-residential space" also results in the imposition of development charges. The change in size by way of adding new additional non-residential space is further addressed in this report.

Part II, s.4 of the By-law, requires the **owner** of a building that develops or redevelops said building to **pay development charges**.

4. Owner to Pay Development Charge

The owner of any land in the City of London who develops or redevelops the land or any building or structure thereon shall, at the time mentioned in section 5, pay development charges to the Corporation calculated in accordance with the applicable rate or rates in section 6, 7, 8 and 9 hereof.

In response to the issue raised by the Complainant at the hearing, with respect to whether the redevelopment results in any increase in the usage or demand on municipal infrastructure, subsection 5(6)(2) of the *Development Charges Act 1997*, as amended states:

"...If the rules expressly identify a type of development they must not provide for the type of development to pay development charges that exceed the capital costs, determined under paragraphs 2 to 8 of subsection (1), that arise from the increase in the need for services attributable to the type of development. However, it is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development." (emphasis added)

As set out above, section 4 of the By-law requires an owner of land to pay development charges if the owner "develops or redevelops the land or any building or structure thereon". If the proposed work falls within the definition of "development" or "redevelopment", a development charge is payable. The By-law is consistent with subsection 5(6)(2) of the Act.

This proposed redevelopment falls within section 4 of the By-law on two grounds: there is a change of usability and a creation of additional non-residential floor space. If this redevelopment were to be exempt from development charges, it is open to another complaint to argue that the City should not be collecting development charges on any **infill** development where there is no requirement to upgrade the existing infrastructure

Section 14 of the By-law addresses the development charge amount to be paid when there is a conversion from one form of non-residential use to another form of non-residential use.

The By-law reads:

14. Conversion From One Form Of Non-residential Use To Another Form Of Non Residential Use
Where, in conjunction with a change from one form of lawfully existing non-residential use to another form of non-residential use, a lawfully existing building or structure is wholly or partially converted, the area for which a development charge is payable shall be calculated using the following formula, so long as a development charge was paid in respect of the lawfully existing use prior to conversion under this or any predecessor by-law or the building or structure existed prior to April 6, 1973:

$$A - B = C$$

Where:

A = the development charge that, were it not for this section, would otherwise be payable at the current rate in respect of the use to which the space converted;

B = the development charge that would be payable at the current rate in respect of the lawfully existing former space being converted, except where the non-residential floor area being converted to residential use is, prior to the conversion, an industrial building that was built between April 6, 1973 and 1979 inclusive, and a development charge was paid on construction of the building, then the rate to be used for calculating this item (item B) shall be the current Commercial rate. The applicant for the building permit for the conversion shall provide proof satisfactory to the Director of Building Controls that the industrial building was built under a building permit issued between April 6, 1973 and 1979, in order to qualify for relief afforded by this paragraph; and

C = the development charge payable in respect of the converted space, a negative being converted to zero."

Essentially, the amount due is calculated based on the rate for the proposed use after a "credit" is applied for the existing use. The "credit" is the development charge that would be payable at the current rate in respect of the lawfully existing former space being converted.

In this case, the amount calculated took into account a "conversion credit" for the existing church use. Churches benefit from and are subject to a **reduced Institutional rate** (50% reduction on the City Services portion).

The current rate for a church is \$73.81 per sq.m. The commercial rate is \$173.75 per sq.m.

As a result of the new additional non-residential floor space created on the second floor, the building's size has increased by an additional 322.00 sq.m. The creation of non-residential floor space is defined as "development" in the By-law and subject to DC payment. Therefore, to request exemption from DC payment is not in accordance the provisions of the By-law.

DEVELOPMENT CHARGE BREAKOWN

Existing church floor area (excludes offices below grade- includes gymnasium) 1,299.40 sq.m.
New floor area (second floor infill) added to existing floor area of church 322.00 sq.m.

DCs due for new <u>office use</u> :		
1,299.40 sq.m @ \$173.73 /sq.m.	\$225,770.75	
322.00 sq.m. @ \$173.75 /sq.m.	\$ 55,947.50	
	\$281,718.25	A**
DC credit for existing <u>church use</u> :		
1,299.40 sq.m. @ \$73.81/sq.m.	\$95,908.71	B
Net DCs due :	\$185,809.54	C

* the gymnasium has a finished ceiling height more than 1.8m above the average grade and is considered as a first storey.

** A,B,C reflect corresponding amounts as prescribed in section 14 of the DC By-law.

The total gross floor area of the church is 2,278 sq.m. As a result of a revised drawing set submission, the existing office area adjacent the gymnasium was considered as below grade and deducted from the total. This resulted in a floor area of 1,299.40 sq.m. that is subject to DC payment for the proposed use, and respectively eligible for a DC credit as well.

It should be noted that **Development charges are not being imposed on floor areas below the first storey**. The first storey is defined in the By-law as '*...the storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.*' The definition of first storey is consistent with that of the Ontario Building Code. This is the reason the gymnasium floor area was included in the DC calculation. Committee was told that Southside was informed initially that the gymnasium would be exempt from DCs. There was no such direction or advice given from staff as there was no reason as to why it should be considered as exempt.

Notwithstanding the fact that the City did not collect any Development Charges for the existing church, a credit is due and accordingly given in accordance with section 14. In providing the credit, the City recognizes that the services for the existing space and use, have been paid at some point in the past (through taxes, local improvements or some means of financing the servicing costs), and no new costs would be incurred for continuing the same use in the same space.

In response to the Complainant's comments that the gymnasium will remain unchanged as a gymnasium and therefore its floor area should be exempt from DC payment, while its "*structural characteristics*" remain unaltered, it will indeed be changed from being used by a not-for-profit group (that otherwise benefits from a significantly reduced DC rate) to an entity in the business of commerce and for profit. The gymnasium, along with the rest of the building, is being converted from an Institutional use to a Commercial use.

The argument would otherwise be applicable to the rest of the building as well in terms of DC exemption. The "bricks and mortar" remain unchanged, but it is the purpose for which the building is being used that is the crux of the matter.

Again, the building is no longer to be used by a non-for-profit group (that also benefits from no property tax payment). If use was not important, the conversion would also have theoretically resulted in the continuation of property tax exemption. But clearly, this is not the case. As the building will be used for "commerce", despite the fact that the "bricks and mortar" remain the same, it is the "use" that dictates the imposition of property taxes after the conversion.

Complaints made under section 27 of the By-law and section 20 of the Development Charges Act, 1997:

Section 20 of the *Development Charges Act, 1997* permits an owner to complain to Municipal Council about the imposition of a development charge:

- A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,
- (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law.

Section 27 of the City's Development Charges By-law reflects section 20 of the Act:

- An owner may complain in writing to the [Corporate Services Committee] in respect of the development charge imposed by the Corporation that,
- (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined, or;
 - (c) there was an error in the application of this by-law.

Section 30 of the By-law requires that a hearing shall be held regarding the complaint and that the complainant shall be given "an opportunity to make representations at the hearing." Following the hearing of the complaint, Section 32 of the By-law sets out the possible recommendation of the Tribunal to Municipal Council:

- After hearing the evidence and submissions of the complainant, the [Corporate Services Committee] shall as soon as practicable make a recommendation to Council on the merits of the complaint and Council may,
- (a) dismiss the complaint; or
 - (b) rectify any incorrect determination or error that was the subject of the complaint.

The Ontario Municipal Board has found that under a complaint made under section 20 of the *Development Charges Act, 1997* (section 27 of the City's By-law), the Board cannot amend the By-law as it might under an appeal of the By-law itself: see for example, page 2 of *Re Barrie (City) Development Charges By-law No. 99-172*, [2004] O.M.B.D. No. 804, at paragraph 4.

The *Kirshin* case referred to at the hearing of this complaint held on August 20, 2013, was an appeal from the development charges by-law as well as a complaint from the imposition of development charges made under previous provincial legislation (the *Development Charges Act*, R.S.O. 1990).

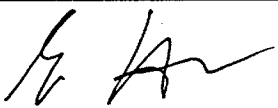
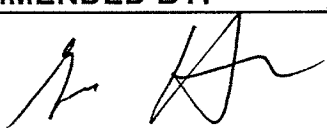
Copies of the Ontario Municipal Board decisions in *Barrie* and *Kirshin* are attached at Appendix "B".

CONCLUSION

The complaint from Southside regarding an error in the application of the By-law was reviewed and it has been determined that this redevelopment is not subject to development charge exemptions from the provisions of the By-law. New non-residential floor space is proposed. The entire complex is to be converted from Institutional use to Commercial use. This is "development" according to the DC By-law. Development (or redevelopment) is not exempt from DC charges.

It is the Chief Building Official's (Director of Building Controls) opinion that the By-law has been correctly applied based on the information submitted and that the complaint filed by Southside should be dismissed.

FOR

PREPARED BY:	RECOMMENDED BY:
	
P. KOKKOROS, P. ENG. DEPUTY CHIEF BUILDING OFFICIAL	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

Y:\Shared\building\Rep&Recs\2013\75 Blackfriars Street\CSC-75 Blackfriars DC exemption - Additional information report for Sept 10 meeting.doc

PK:pk

Attach.c.c. Owen Clarke-Manager of Plans Examination, Jim Barber-City Solicitor, Janice Page-Solicitor II, Peter Christiaans-Director,Development Finance, Building File.

APPENDIX 'A'

Bill No. 293

2009

By-law C.P.-1473-212

A by-law respecting development charges.

WHEREAS the *Development Charges Act, 1997* S.O. 1997, c.27, as amended authorizes by-laws of the council of a municipality for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies.

THEREFORE the MUNICIPAL COUNCIL of The Corporation of the City of London hereby enacts as follows:

DEVELOPMENT CHARGES BY-LAW**PART I****INTERPRETATION****1. Definitions**

In this by-law, unless a contrary intention appears,

"apartment" means a residential building containing two or more dwelling units each of which has an independent entrance either directly from the outside or through a common corridor, hallway or vestibule;

"agricultural" use means

- a) a use where animals or birds are kept for grazing, breeding, raising, boarding, or training of livestock of all kinds including, but not limited to, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules, and fur bearing animals, or
- b) the tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials; the erection and use of greenhouses, woodlots and forest tree uses; the packing, treating, storing, and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture."

"brownfield sites" means lands, vacant or improved, on which industrial, commercial, institutional or government activity took place in the past, and which activity has resulted in soil or water contamination because of chemicals or other pollutants, and are located in residential re-development locations where infrastructure, services and facilities already exist.

"City Engineer" means the General Manager of Environmental and Engineering Services and City Engineer;

"City Services" are services that serve, in whole or in part, growth needs which are normally constructed or provided by the Corporation or its Boards or Commissions, including, but not limited too Transportation, Sanitary, Storm Drainage, Water, Fire, Police, Library, Transit and Growth Studies.

"Commercial Building" is a building used for :

- (a) Office or administrative uses, including the practice of a profession, or the carrying on of a business or occupation or where most of the activities in the building provide support functions to an enterprise in the nature of trade, and for greater certainty shall include, but not be limited to, the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, contractor, builder, land developer, employment agency, security broker, mortgage company, medical clinic; or
- (b) Retail purposes including activities of offering foods, wares, merchandise, substances, articles or things for sale or rental directly to the public and includes offices within the same building, which support, are in connection with, related or ancillary to such uses, or activities providing entertainment and recreation. Retail purposes shall include but not be limited to: conventional restaurants; fast food restaurants; night clubs, concert halls, theatres, cinemas, movie houses, and other entertainment related businesses; automotive fuel stations with or without service facilities; special automotive shops / auto repairs / collision services / car or truck washes; auto dealerships; regional shopping centres; community shopping centres; neighbourhood shopping centres, including more than two stores attached and under one ownership; department / discount stores; banks and similar financial institutions, including credit unions (excluding freestanding bank kiosks), money handling and cheque cashing facilities; warehouse clubs or retail warehouses; Food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres (but not a garden centre defined as exempt under section 35 of this by-law), government owned retail facilities, private

daycare, private schools, private lodging and retirement homes, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, funeral homes, motels, hotels, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, Passenger stations and depots, Dry cleaning establishments, Laundries, establishments for commercial self-service uses.

With the intent of providing some flexibility in the administration of this section, any building use not named specifically above which is considered an adventure in the nature of trade, and is neither an Institutional nor Industrial use, may be deemed to be a Commercial use at the discretion of the Director of Building Controls.

"Commercial Truck Service Establishment" means a premises purpose designed for repair and servicing of freight carrying trucks, including truck tractors and truck trailers, and shall include the storage and sale of parts accessory to such vehicles;

"Corporation" means The Corporation of the City of London;

"developer" means a person who undertakes development or redevelopment;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of changing the size or usability thereof, and includes all enlargement of existing development which creates new dwelling units or additional non-residential space and includes work that requires a change of use building permit as per Section 10 of the Ontario Building Code; and **"redevelopment"** has a corresponding meaning;

"development charge" means any development charge that may be imposed pursuant to this by-law under the *Development Charges Act, 1997*;

"dwelling unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities;

"First storey" is defined as the storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.

"force majeure" means any act of God, any act of the Queen's enemies, wars, blockades, insurrections, riots, civil disturbances, landslides, lightening, earthquakes, storms, floods, washouts, fires, or explosions;

"gross floor area" means the total floor space, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of the first storey and all storeys or part of storeys (including mezzanines) above the first storey.

"Industrial Building" is a building used for:

- a) manufacturing, producing, fabricating, assembling, compounding or processing of raw materials, goods, component parts or ingredients where the physical condition of such materials, goods, parts or components are altered to produce a finished or semi-finished tangible product, or the packaging, crating, bottling, of semi-processed goods or materials, but not including any of these activities where they primarily serve retail purposes to the general public;
- b) storing or distributing something derived from the activities mentioned in a) above and for greater certainty, shall include the operation of a truck terminal, warehouse or depot;
- c) research or development in connection with activities mentioned in (a) above;
- d) retail sales of goods produced by activities mentioned in section a) at the site where the manufacturing, producing or processing from raw materials or semi-processed goods takes place and for greater certainty, includes the sale of goods or commodities to the general public where such sales are accessory or secondary to the industrial use, and does not include the sale of goods or commodities to the general public through a warehouse club;
- e) office or administrative purposes, if they are carried out:
 - i. with respect to the activity mentioned in section a), and
 - ii. in or attached to the building or structure used for activities mentioned in section a) and
 - iii. for greater certainty, shall include an office building located on the same property as, and used solely to support, the activities mentioned in section a);
- f) a business that stores and processes data for retrieval, license or sale to end users and are on lands zoned for industrial uses; or
- g) businesses that develop computer software or hardware for license or sale to end users that are on lands zoned for industrial uses.

"Institutional Building" is a building used for or designed or intended for use by:

- (a) a government entity, not in the nature of trade;
- (b) an organized body, society or religious group promoting a public or non-profit purpose and shall include but not be limited to: public hospitals, schools, churches and other places of worship, cemetery or burial grounds, universities and colleges established pursuant to the *Ministry of Colleges and Universities Act*, other buildings used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the *Assessment Act*.

"lawfully existing" with reference to a dwelling unit means a dwelling unit:

- (a) that is not prohibited by a by-law passed under section 34 of the *Planning Act* or a predecessor of that section; or
- (b) that is a legal non-conforming use; or
- (c) that is allowed by a minor variance authorized under section 45 of the *Planning Act* or a predecessor of that section.

"non-residential" means commercial, institutional or industrial use but excludes agricultural use."

"nursing home" means a building which has been built using the long term care facility design and service standards established by the Ministry of Health and Long Term Care, in which rooms or lodging are provided for hire or pay in conjunction with the provision of meals in a designated dining area, personal care 24 hours per day, 7 days per week, nursing services and medical care and treatment, and for purposes of this by-law is deemed to be a residential use where three beds are equivalent to a two bedroom apartment unit;

"owner" means the registered owner of the property and includes the authorized agent in lawful control of the property.

"parking structure" means an attached or detached building or structure or part thereof,

- (a) that is used principally for the purpose, whether or not for profit, of providing parking space to the general public for a fee; or
- (b) that provides parking space in connection with the use for residential, commercial, industrial or institutional purposes or any combination thereof of any attached or detached building or structure or part thereof;

"reserve funds" means the reserve funds, new and continued, under section 22 of this by-law;

"rowhousing" means a building divided vertically into three or more attached dwelling units by common walls;

"semi-detached dwelling" means a building which contains two single dwelling units which are attached vertically by a common wall;

"sewerage" includes any works or any part thereof for the collection, transmission, treatment, and disposal of sewage or storm water;

"single detached dwelling" means a residential building consisting of one dwelling unit and not attached to another building or structure;

"Statistics Canada Index" means the Statistics Canada Quarterly Construction Price Statistics, catalogue number 62-007, Non-residential (Toronto);

"temporary garden suite" means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential dwelling structure;

"Urban Works" are growth related services, normally required as a consequence of, or prerequisite to development, which are cited in agreements under the Planning Act. The City permits the construction of these services by developers, and their cost is claimable or partially claimable from the Urban Works reserve funds identified in the rate schedules to this by-law. The eligibility for a claim from the funds is discussed in Schedules 6 and 7 of this by-law, and expanded in the Development Charges Background Study.

"zoning by-law" includes a minor variance to the provisions of a zoning by-law.

2. Purpose of By-law

The purpose of this by-law is to impose development charges within the City of London as it exists from time to time based on the recommendations, policies and standards contained in the City of London Development Charge Background Study dated April, 2009 and supplements to that study in accordance with the Development Charges Act, 1997.

3. Administration of By-law

- (1) The administration of this by-law, except as otherwise provided in this section, is assigned to the Director of Building Controls.
- (2) The administration of Parts III and VI is assigned to the City Treasurer.

PART II

RATES AND CALCULATIONS

4. Owner to Pay Development Charge

The owner of any land in the City of London who develops or redevelops the land or any building or structure thereon shall, at the time mentioned in section 5, pay development charges to the Corporation calculated in accordance with the applicable rate or rates in section 6, 7, 8 and 9 hereof.

5. Time of Payment of Development Charge

A development charge under section 4 shall be calculated,

- where a permit is required under the Building Code Act in relation to a building or structure, at the time of application for the permit; and
- where no permit is required under that Act for the development or redevelopment of the land or any building or structure thereon, at the time of commencing the development or redevelopment;

and the owner shall pay the development charge prior to the issuance of the permit or the commencement of development or redevelopment.

6. Development Charges for City Services Commencing August 4, 2009

- On and between August 4, 2009 and December 31, 2009 development charges for City Services shall be levied for the uses of land, buildings or structures designated in line 1 of columns 2, 3, 4, 5, 6 and 7, whichever is applicable, of Table 1 below at the rates shown in line 13 of the applicable column.

Table 1

Line	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		Single & Semi Detached (per dwelling unit)	Rowhousing (per dwelling unit)	Apartments with < 2 bedrooms (per dwelling unit)	Apartments with > = 2 bedrooms (per dwelling unit)	Commercial per sq. m. of gross floor area	Institutional per sq. m. of gross floor area
1	Service Component:						
2	Fire Services *	25.15	20.05	12.50	17.52	1.65	1.24
3	Police Services *	92.22	72.50	46.68	65.91	0.12	0.09
4	Growth Studies *	176.75	139.60	90.02	125.98	2.65	1.00
5	Library Services *	23.75	19.28	12.50	17.52	-	-
6	Parks & Recreation *	980.17	775.88	499.26	699.98	-	-
7	Transit Services *	164.18	129.57	83.35	117.64	4.05	1.71
8	Roads Services *	6,556.59	5,192.84	3,328.14	4,668.75	77.04	51.08
9	Sanitary Sewerage	2,628.23	2,081.61	1,334.42	1,871.34	15.74	12.68
10	Water Supply	-	-	-	-	-	-
11	Water Distribution	662.30	524.45	335.90	471.38	4.06	2.71
12	Major SWM	2,404.67	1,904.22	1,220.23	1,711.99	33.07	20.39
	Total CSRF rate (applied within Urban Gr Area)	13,714.00	10,860.00	6,963.00	9,768.00	138.38	90.90
	Rural rates (applied outside Urban Growth Area) -	8,018.81	6,349.72	4,072.45	5,713.30	85.51	55.12

- On and after January 1, 2010 development charges for City Services shall be levied for the uses of land, buildings or structures designated in line 1 of columns 2, 3, 4, 5, 6 and 7, whichever is applicable, of Table 1.1 below at the rates shown in line 13 of the applicable column.

Table 1.1

Line	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		Single & Semi Detached (per dwelling unit)	Rowhousing (per dwelling unit)	Apartments with < 2 bedrooms (per dwelling unit)	Apartments with > = 2 bedrooms (per dwelling unit)	Commercial per sq. m. of gross floor area	Institutional per sq. m. of gross floor area
1	Service Component:						
2	Fire Services *	36.00	26.00	15.00	21.00	1.65	1.24
3	Police Services *	132.00	94.00	56.00	79.00	0.12	0.09
4	Growth Studies *	253.00	181.00	108.00	151.00	2.65	1.00
5	Library Services *	34.00	25.00	15.00	21.00	-	-
6	Parks & Recreation *	1,403.00	1,006.00	599.00	839.00	-	-
7	Transit Services *	235.00	168.00	100.00	141.00	4.05	1.71
8	Roads Services *	9,385.00	6,733.00	3,993.00	5,596.00	77.04	51.08
9	Sanitary Sewerage	3,762.00	2,699.00	1,601.00	2,243.00	15.74	12.68
10	Water Supply	-	-	-	-	-	-
11	Water Distribution	948.00	680.00	403.00	565.00	4.06	2.71
12	Major SWM	3,442.00	2,469.00	1,464.00	2,052.00	33.07	20.39
	Total CSRF rate (applied within Urban Gr Area)	19,630.00	14,081.00	8,354.00	11,708.00	138.38	90.90
	Rural rates (applied outside Urban Growth Area) - denoted by * above - see by-law section 42	11,478.00	8,233.00	4,886.00	6,848.00	85.51	55.12

7. City Services Rates – January 1, 2011 and beyond

- (1) On January 1, 2011 and the first day of January in each year thereafter, development charges for City Services for a subject year shall be levied for the uses of land, buildings or structures designated in line 1 of columns 2, 3, 4, 5, and 7, whichever is applicable, of Table 1.1 at the total of the rates shown in lines 2 to 12 as adjusted using the following formula:

$$A \times \frac{C}{B} = D$$

Where:

- A = the rate shown in lines 2 to 12 inclusive of columns 2, 3, 4, 5, and 7 of Table 1.1;
- B = the Statistics Canada Index (see Definitions) for the quarter ending, December, 2008;
- C = the Statistics Canada Index for the latest month for which the Index is available (likely the index for the quarter ending in September) in the year preceding the subject year;
- D = the rate for the subject year.
- (2) Every rate derived by adjustment under subsection (1) shall, except in the case of residential rates, be correct to the nearest dollar, fifty cents being raised to the next higher dollar, and, in the case of non-residential rates, be correct to the nearest cent.

8. Development Charges for Urban Works commencing August 4, 2009

- a) In addition to those charges levied under section 6 and 7, on and between August 4, 2009, and December 31, 2009 development charges for Urban Works shall be levied for the uses of land, buildings or structures designated in line 1 of columns 2, 3, 4, 5, 6 and 7 whichever is applicable, of Table 2 below at the rates shown in line 7 of the applicable column.

Table 2

Line	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		Single & Semi Detached (per dwelling unit)	Rowhousing (per dwelling unit)	Apartments with < 2 bedrooms (per dwelling unit)	Apartments with > = 2 bedrooms (per dwelling unit)	Commercial per sq. m. of gross floor area	Institutional per sq. m. of gross floor area
1	Service Component:						
2	Minor Roadworks	1,304.00	935.00	555.00	777.00	12.72	7.10
3	Minor San. Sewers	550.00	395.00	234.00	328.00	2.69	1.49
4	Minor Storm Sewers	425.00	305.00	181.00	253.00	4.08	2.51
5	subtotal - UWRF General	2,279.00	1,635.00	970.00	1,358.00	19.49	11.10
6	Minor SWM	1,012.00	726.00	431.00	603.00	10.72	6.64
	Total UWRF rate (applied within Urban Gr Area)	3,291.00	2,361.00	1,401.00	1,961.00	30.21	17.74
	TOTAL RATE - within Urban Growth Boundary	17,005.00	\$13,221.00	\$8,364.00	\$11,729.00	\$168.59	\$108.64

- b) In addition to those charges levied under section 6 and 7, on and after January 1, 2010, development charges for Urban Works shall be levied for the uses of land, buildings or structures designated in line 1 of columns 2, 3, 4, 5, 6 and 7 whichever is applicable, of Table 2.1 below at the rates shown in line 7 of the applicable column.

Table 2.1

Line	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		Single & Semi Detached (per dwelling unit)	Rowhousing (per dwelling unit)	Apartments with < 2 bedrooms (per dwelling unit)	Apartments with > = 2 bedrooms (per dwelling unit)	Commercial per sq. m. of gross floor area	Institutional per sq. m. of gross floor area
1	Service Component:						
2	Minor Roadworks	1,304.00	935.00	555.00	777.00	12.72	7.10
3	Minor San. Sewers	550.00	395.00	234.00	328.00	2.69	1.49
4	Minor Storm Sewers	425.00	305.00	181.00	253.00	4.08	2.51
5	General Fund	2,279.00	1,635.00	970.00	1,358.00	19.49	11.10
6	Minor SWM	1,012.00	726.00	431.00	603.00	10.72	6.64
	Total UWRF rate (applied within Urban Gr Area)	3,291.00	2,361.00	1,401.00	1,961.00	30.21	17.74
	TOTAL RATE - within Urban Growth Boundary (Table 1 + Table 2)	\$22,921.00	\$16,442.00	\$9,755.00	\$13,669.00	\$168.59	\$108.64

- (2) Every rate derived by adjustment under subsection (1) shall, except in the case of non-residential rates, be correct to the nearest dollar, fifty cents being raised to the next higher dollar, and, in the case of non-residential rates, be correct to the nearest cent.

9. Urban Works Rates - January 1, 2011 and beyond

(1) On January 1, 2011 and the first day of January in each year thereafter, development charges for Urban Works for a subject year shall be levied for the uses of land, buildings or structures designated in line 1 of columns 2, 3, 4, 5, and 7, whichever is applicable, of Table 2.1 at the total of the rates shown in line 7 as adjusted using the following formula:

$$A \times \frac{C}{B} = D$$

Where:

- A = the rate shown in lines 2 to 6 inclusive of columns 2, 3, 4, 5, 6 and 7 of Table 2.1;
 - B = the Statistics Canada Index (see Definitions) for the quarter ending, December, 2008;
 - C = the Statistics Canada Index for the latest month for which the Index is available (likely the index for the quarter ending in September) in the year preceding the subject year;
 - D = the rate for the subject year.
- (2) Every rate derived by adjustment under subsection (1) shall, except in the case of residential rates, be correct to the nearest dollar, fifty cents being raised to the next higher dollar, and, in the case of non-residential rates, be correct to the nearest cent.

10. Allocation of Charge To Reserve Funds

- (1) Each development charge for City Services received by the Corporation shall be paid into a reserve fund for each component identified in the applicable Table and shall be apportioned according to the proportion that each service component of the rate is of the total rate. Each development charge for Urban Works shall similarly be paid into the Urban Works Reserve Fund continued in accordance with section 22 hereof and shall be apportioned according to its respective proportion of the total rate.
- (2) The City Treasurer is hereby authorized to transfer the balances and commitments of the City Services Reserve Fund and the Urban Works Reserve Funds existing on termination of the predecessor development charge by-law, as amended, to the respective funds continued under this By-law.

11. Additional Units In Existing Residential Building

Where an existing residential building is enlarged or converted for the purpose of residential use, the number of dwelling units for which a development charge is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the total number of dwelling units actually existing after the enlargement or conversion;
- B = the number of dwelling units lawfully existing immediately before the enlargement or conversion; and
- C = the number of dwelling units for which a development charge is payable, a negative difference being converted to zero.

12. Residential Building Converted To Non-Residential Use

Where, in conjunction with a change from residential use to non-residential use, an existing building or structure is enlarged or wholly or partially converted, the development charge which is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the development charge that would be payable for the non-residential use at the current rate in respect of the area involved in the enlargement or conversion;
- B = the development charge that would be payable at the current rate in respect of the lawfully existing dwelling units eliminated by the enlargement, conversion or replacement;
- C = the development charge payable in respect of the area involved in the enlargement or conversion, a negative difference being converted to zero."

13. Non-Residential Building Converted To Residential Use

Where, in conjunction with a change to residential use from a non-residential use, an existing building or structure is enlarged or wholly or partially converted, the development charge which is payable shall be calculated using the following formula, and so long as a development charge was paid in respect of the non-residential use under this or any predecessor by-law or the building or structure existed prior to April 6, 1973:

$$A - B = C$$

Where:

- A = the development charge that would be payable at the current rate in respect of the dwelling units comprising the gross floor area existing after the enlargement or conversion;
- B = the development charge that would be payable at the current rate in respect of the lawfully existing non-residential gross floor area involved in the enlargement, conversion or replacement, except where the non-residential gross floor area being converted to residential use is, prior to the conversion, an industrial building that was built between April 6, 1973 and 1979 inclusive, and a development charge was paid on construction of the building, then the rate to be used for calculating this item (item B) shall be the current Commercial rate. The applicant for the building permit for the conversion shall provide proof satisfactory to the Director of Building Controls that the industrial building was built under a building permit issued between April 6, 1973 and 1979, in order to qualify for relief afforded by this paragraph.
- C = the development charge payable in respect of the successor residential units, a negative number being converted to zero."

14. Conversion From One Form Of Non-residential Use To Another Form Of Non Residential Use

Where, in conjunction with a change from one form of lawfully existing non-residential use to another form of non-residential use, a lawfully existing building or structure is wholly or partially converted, the area for which a development charge is payable shall be calculated using the following formula, so long as a development charge was paid in respect of the lawfully existing use prior to conversion under this or any predecessor by-law or the building or structure existed prior to April 6, 1973:

$$A - B = C$$

Where:

- A = the development charge that, were it not for this section, would otherwise be payable at the current rate in respect of the use to which the space converted;
- B = the development charge that would be payable at the current rate in respect of the lawfully existing former space being converted, except where the non-residential floor area being converted to residential use is, prior to the conversion, an industrial building that was built between April 6, 1973 and 1979 inclusive, and a development charge was paid on construction of the building, then the rate to be used for calculating this item (item B) shall be the current Commercial rate. The applicant for the building permit for the conversion shall provide proof satisfactory to the Director of Building Controls that the industrial building was built under a building permit issued between April 6, 1973 and 1979, in order to qualify for relief afforded by this paragraph; and
- C = the development charge payable in respect of the converted space, a negative being converted to zero."

15. Exemptions With Respect To Agricultural Use

This bylaw shall not apply to impose upon construction, or create a credit related to demolition or removal of any building, the purpose of which is to support an agricultural use."

16. Replacement Of Demolished Or Destroyed Non-Residential Premises or Dwelling Unit(s) with Dwelling units

(1) In this section and section 17, "specified period" means the period of time that is up to ten (10) years prior to the application for a building permit for a replacement building, except in the Downtown and Old East Areas identified in Schedules 1 and 2, in which case, the "specified period" means the period of time that is up to twenty (20) years prior to the application for a building permit for replacement dwelling units and except in the case of the Brownfield site located at 750 Elizabeth Street in the City of London in which case, the "specified period" means the period of time that is up to fourteen (14) years prior to the application for a building permit for a replacement dwelling units.

(2) Where a lawfully existing non-residential premises or dwelling unit, is destroyed by a force majeure or accidental fire, or is lawfully demolished or removed, the development charge payable in respect of a replacement dwelling unit that is to be constructed, erected or placed on the site of the former non-residential premises or dwelling unit shall be calculated using the following formula, so long as the former non-residential premises or dwelling unit was destroyed, demolished or removed during the specified period:

$$A - B = C$$

Where:

- A = the development charge that, were it not for this section, would otherwise be payable at the current rate in respect of the replacement dwelling unit(s);
- B = the development charge that would be payable at the current rate in respect of the non-residential premises or former dwelling unit(s) (by using the applicable rate for the particular type of unit destroyed, demolished or removed) if that non-residential premises or dwelling unit(s) were currently being constructed, erected or placed for the first time, Where the non-residential floor area being converted to residential use is, prior to the conversion, an industrial building that was built between April 6, 1973 and 1979 inclusive, and a development charge was paid on construction of the building, then the rate to be used for calculating this item (item B) shall be the current Commercial rate. The applicant for the building permit for the conversion shall provide proof satisfactory to the Director of Building Controls that the industrial building was built under a building permit issued between April 6, 1973 and 1979, in order to qualify for relief afforded by this paragraph; and
- C = the development charge payable in respect of the successor building or dwelling unit, a negative number being converted to zero.

17. Replacement Of Demolished or Destroyed Non-Residential Premises or Dwelling Unit(s) with Non-Residential Premises

Where non-residential premises ("former premises") or dwelling units are destroyed by a force majeure or accidental fire, or are lawfully demolished or removed, the development charge payable in respect of replacement non-residential premises that are constructed, erected or placed on the site of the former premises shall be calculated using the following formula so long as the former premises were destroyed, demolished or removed during the specified period:

$$A - B = C$$

Where:

- A = the development charge that, were it not for this section, would otherwise be payable at the current rate in respect of the gross floor area of the replacement non-residential premises;
- B = the development charge that would be payable at the current rate in respect of the former non-residential premises (by using the applicable rate for the particular type of non-residential premises or dwelling units destroyed, demolished or removed), as the case may be, as if those premises or dwelling units were currently being constructed, erected or placed for the first time, except where the non-residential floor area being replaced is, prior to the replacement, an industrial building that was built under a building permit issued between April 6, 1973 and 1979 inclusive, and a development charge was paid on construction of the building, then the rate to be used for calculating this item (item B) shall be the current Commercial rate. The applicant for the building permit for the conversion shall provide proof satisfactory to the Director of Building Controls that the industrial building was built under a building permit issued between April 6, 1973 and 1979, in order to qualify for relief afforded by this paragraph; and
- C = the development charge payable in respect of the successor premises, a negative number being converted to zero.

18. This section purposely omitted (consolidated under s. 16 & 17).

19. Building Replacement Prior to Demolition

Where a building or structure ("former premises") is replaced by another building or structure on the same site prior to demolition of the former premises, the owner of the building or structure who has paid a development charge on the construction of the replacement building may submit a request to the Director of Building Controls for a refund from the reserve funds for all or part of the development charge paid under this by-law, or its predecessor by-law. The refund shall be granted so long as:

- (a) the former premises is lawfully demolished or removed from the land within twenty-four (24) months of the date the interior final inspection process has been closed by the Director of Building Controls for the replacement building or structure; and
- (b) the replacement building uses the existing municipal services which serviced the former premises.

The refund shall be calculated by determining the development charge that would be payable at the current rate in respect of the former premises (by using the applicable current rate for the particular type of non-residential premises or dwelling units demolished) as if those former premises were currently being constructed, erected or placed for the first time, except where the non-residential floor area being demolished, was prior to the demolition, an industrial building that was built under a building permit issued between April 6, 1973 and 1979 inclusive, and a development charge was paid on construction of the building, then the rate to be used for calculating the refund shall be the current Commercial rate. The applicant for the building permit for the conversion shall provide proof satisfactory to the Director of Building Controls that the industrial building was under a building permit issued built between April 6, 1973 and 1979, in order to qualify for relief afforded by this paragraph.

20. Demolition or Removal of Temporary Buildings

Where a building or structure is demolished or removed in its entirety from the land on which it is located within twenty-four months (24) from the date of issuance of the building permit for the construction, erection or placing of the building or structure at such location, the owner of the building or structure may submit a request to the Director of Building Controls for refund from the reserve funds, of the amount paid at the issuance of the building permit toward all or part of the development charge payable under section 4 of this by-law or a predecessor of that section.

21. Revocation or Cancellation of Building Permit

Where, upon the application for a building permit or the issuance of a building permit, an amount is paid toward all or part of the development charge payable under section 4 of this by-law or a predecessor of that section, that amount is to be refunded in the event that the application for the building permit is abandoned or the building permit is revoked or surrendered.

PART III

RESERVE FUNDS

22. Reserve Funds – New and Continued

- (1) Nine reserve funds established by By-law C.P. 1413-214, one for each of the service categories shown in column 1 of Table 1 are hereby continued.
- (1.1) A new reserve fund entitled 'Major Storm Water Management DC Reserve Fund' is hereby established, for the purpose of administering revenues collected and expended on major storm water management facilities as described in the 2009 Development Charges Background Study – Appendix M.
- (2) The reserve fund known as the Urban Works Reserve Fund heretofore established by By-law C.P. 1414-215 for the service components in column 1 of Table 2 and Table 2.1 is hereby continued;
- (3) The City Treasurer is hereby authorized to maintain a separate reserve fund for collection of service components shown in lines 2 through 4, of column 1 of Table 2 and Table 2.1, and a separate reserve fund for the service component shown in line 6 of Table 2 and Table 2.1

23. Composition of Reserve Funds

- (1) Money deposited into the ten reserve funds referred to in sections 22(1) and 22(1.1) may include,
 - (a) the portion relating to each service component of a development charge for City Services paid to the Corporation mentioned in sections 6 or 7 of this by-law; and
 - (b) interest earnings derived through the investment of the money deposited in the Fund as part of the Corporation's cash management program.
- (2) Money deposited into the reserve funds referred to in section 22(3) the Urban Works Reserve Fund may include,
 - (a) the portion relating to each service component of each development charge for Urban Works paid to the Corporation mentioned in sections 8 or 9 of this by-law; and
 - (b) interest earnings derived through the investment of moneys deposited in the Urban Works Fund as part of the Corporation's cash management program;
 - (c) grants or refundable deposits of the Corporation.
- (3) The Corporation may make grants or deposits to the Urban Works Reserve Fund on such terms and conditions as to repayment and otherwise as the Corporation may consider expedient for any purpose that, in the opinion of the Corporation, is in the interest of the Fund or the corporation.
- (4) The use of the clauses set out in Schedule 5 to this by-law in agreements entered into by or for the benefit of the Corporation, including agreements under sections 41 and 51 of the *Planning Act*, is hereby approved, and deviations from the form of the clause not affecting its substance or calculated to mislead do not invalidate it or the approval for its use.

24. Purpose of the Reserve Funds

The money in the reserve funds shall be used by the Corporation toward the growth-related portion of capital costs incurred in providing the services listed in lines 2 to 12 inclusive in Table 1 and Table 1.1, and in lines 2 through 6 in Table 2 and Table 2.1.

25. Claims from Urban Works Reserve Fund

Where an Owner constructs works identified in lines 2 through 6 of column 1 of Table 2 or Table 2.1, reimbursement, if any, from the Urban Works Reserve Fund shall be in accordance with the provisions of Schedule 6 or Schedule 7 to this

by-law, whichever applies. No payment shall be made from the Urban Works Reserve Fund and no credit under section 38 of the *Development Charges Act, 1997* shall be given except as provided for in an agreement entered into pursuant to the *Planning Act* or the *Development Charges Act, 1997*.

PART IV

COMPLAINTS

26. Board of Control to Hear Complaints

The Board of Control is hereby appointed pursuant to section 23.1 of the *Municipal Act, 2001* to act in the place and stead of Council to deal with complaints under section 20 of the *Development Charges Act*.

27. Grounds of Complaint

An owner may complain in writing to the Board of Control in respect of the development charge imposed by the Corporation that,

- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined, or;
- (c) there was an error in the application of this by-law.

28. When Complaint to be Made

A complaint may not be made under section 26 later than ninety (90) days after the day the development charge, or any part of it, is payable.

29. Particulars of Complaint

The complaint must be in writing, must state the complainant's name, the address where notices can be given to the complainant and the reasons for the complaint, which reasons shall be consistent with section 27.

30. Hearing

The Board of Control shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.

31. Notice of Hearing

The Clerk of the municipality shall mail a notice of the hearing to the complainant at least fourteen (14) days before the hearing.

32. Determination by Council

After hearing the evidence and submissions of the complainant, the Board of Control shall as soon as practicable make a recommendation to Council on the merits of the complaint and Council may,

- (a) dismiss the complaint; or
- (b) rectify any incorrect determination or error that was the subject of the complaint.

33. Notice of Decision

The Clerk of the municipality shall mail to the complainant a notice of the Council's decision, and of the last day for appealing the decision, which shall be the day that is forty (40) days after the day the decision is made. The notice required under this section must be mailed not later than twenty (20) days after the day the Council's decision is made.

PART V

EXEMPTIONS AND EXCEPTIONS

34. City And School Boards Exempt

(1) This by-law does not apply to land owned by and used for the purposes of,

- (a) The Corporation of the City of London, and
- (b) A board as defined in section 1 (1) of the *Education Act*.

(2) For the purpose of subsection (1) (a), land owned by and used for the purposes of The Corporation of the City of London' shall include lands owned by the Corporation and used for the purposes of:

- (a) The London Public Library Board
- (b) The Covent Garden Market Corporation
- (c) The London Convention Center Corporation
- (d) The London Transit Commission

- (3) The exemption provided in subsection 1(a) above shall not extend to the payment by the City (and its Boards and Commissions) of charges listed in the Tables in s. 8 or 9 of this by-law, as applicable (ie. development charges for Urban Works). Similarly, the City and its Boards and Commissions will not be disqualified from making claims to the Urban Works Reserve Fund for qualifying works.

35. **Certain Developments Exempt**

No development charge under section 4 is payable where the development or redevelopment;

- (a) is an enlargement of an existing dwelling unit;
- (b) creates one or two additional dwelling units in an existing single detached dwelling if the total gross floor area of the additional dwelling unit or units does not exceed the gross floor area of the dwelling unit already in the building;
- (c) creates one additional dwelling unit in a semi-detached or row dwelling if the gross floor area of the additional dwelling unit does not exceed the gross floor area of the dwelling unit already in the building;
- (d) creates one additional dwelling unit in any existing residential building other than a single detached dwelling, a semi-detached dwelling or a row dwelling if the gross floor area of the additional dwelling unit does not exceed the gross floor area of the smallest dwelling unit already in the building;
- (e) is a parking building or structure;
- (f) is a bona fide non-residential farm building;
- (g) is a structure that does not have water and sanitary facilities and that are intended for seasonal use only;
- (h) is a commercial truck service establishment;
- (i) is a 'temporary garden suite' installed in accordance with the provisions of the *Planning Act*, as amended.
- (j) is an air supported structure or arch framed structure clad with fabric-type material, temporary in nature, the purpose of which is to provide indoor facilities for recreational and sports activities owned and operated by a non-profit organization and available for public use.

36. **Industrial Use Exemptions**

- (a) Except as exempted under part (c) below, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this section.
 - i. Enlargement 50 per cent or less
If the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero.
 - ii. Enlargement more than 50 per cent
If the gross floor area is enlarged by more than 50 per cent the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - 1. Determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
 - 2. Divide the amount determined under paragraph 1 by the amount of the enlargement. "

For the purposes of determining the portion of the expansion of an industrial building which is exempt under this section, the following definition applies:

- 1. manufacturing, producing, processing, storing or distributing something;
- 2. research or development in connection with manufacturing, producing or processing something;
- 3. retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, producing or processing takes place;
- 4. office or administrative purposes, if they are:

- a. carried out with respect to manufacturing, producing, processing, storage or distribution of something, and
- b. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

(b) Exemption of new Industrial buildings by City policy :

No development charge is payable under section 4 for, new Industrial buildings, as defined in section (1) of this by-law.

(c) Exemption of all remaining enlargements of industrial buildings by City policy

As long as subsection (b) above is in effect, an enlargement of an existing industrial building not exempted under paragraph (a) above shall be deemed to be exempted under this part.

37. Water Service Charges, Sewer Rates – provision

If a development charge under section 4 is payable in respect of a development or redevelopment, no charge for water or sewerage service, calculated on frontage, area or number of dwelling units, and no sewer rent under section 5 of the *City of London Act, 1982*, either or both of which would otherwise be imposed were it not for this section, is payable in respect of the development or redevelopment, if such charge is in respect of the same works for which the development charge was imposed.

38. Downtown/Old East Village Areas

No development charge under section 4 is payable in respect of any dwelling unit located within,

- (a) The Downtown Area of the City outlined on Schedule 1 to this by-law; and
- (b) The Old East Village Area of the City outlined on Schedule 2 to this by-law.

39. Subdivisions Prior To April 6, 1973

- (1) This section applies to that area of the City of London which comprised the City on the 31st day of December, 1992.
- (2) Subject to subsection (3), this by-law does not apply to any development but does apply to any redevelopment within a plan of subdivision,
 - (a) which was registered on or between the 1st day of January, 1961 and the 5th day of April, 1973; or
 - (b) in respect of which an agreement was entered into with the Corporation or another municipality prior to the 6th day of April, 1973 under subsection 33(6) of the *Planning Act*, Revised Statutes of Ontario, 1970, chapter 349, or a predecessor of that subsection or validated and confirmed by subsection 4(3) of the *Planning Amendment Act, 1959*, Statutes of Ontario, 1959, chapter 71.
- (3) Where an amendment is made or a minor variance is allowed to the applicable zoning by-law increasing the number of dwelling units or gross floor area originally permitted in connection with the plan of subdivision, this by-law shall apply in respect of such increase in dwelling units or gross floor area.

40. This section purposely omitted (former section referred to Canterbury Estates Subdivision)

41. This section purposely omitted (former section referred to Gainsborough Meadows Subdivision)

42. Development Outside Urban Growth Area

Where a development occurs outside the urban growth area as shown in Schedule 4 to this by-law, the development charge payable under section 4 with respect to rates in section 6 (City Services Reserve fund rates) shall be applied without inclusion of lines 9, 10, 11 and 12 in Columns 2, 3, 4, 5, 6 and 7 of Table 1 and Table 1.1 of that section. The rates reflected in section 8 (Urban Works Reserve fund rates) do not apply to development which occurs outside the urban growth area as shown in Schedule 4 to this by-law.

PART VI

TRANSITIONAL

43. City Services Reserve Fund – Institutional discount

Notwithstanding the provisions of this by-law, development charges under sections 6 and 7 shall be reduced by 50% with respect to the following:

- (1) a hospital as defined under the *Public Hospitals Act*,
- (2) universities and colleges established pursuant to the *Ministry of Colleges and Universities Act*,

- (3) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground, and
- (4) other land, buildings or structures used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the *Assessment Act*.

44. Downtown/Old East Village Reserve Fund

- (1) The City Treasurer is authorized to continue the existing reserve fund for the purpose of financing the exemption of dwelling units from development charges in the Areas mentioned in section 38.
- (2) The Director of Building Controls shall, in respect of every building permit issued for one or more dwelling units in either Area mentioned in section 38, provide such information from time to time as may be required by the City Treasurer regarding the development charges that would have been paid were it not for section 38.
- (3) The City Treasurer is authorized to transfer from time to time from the reserve funds mentioned in subsection (1) to the reserve funds established and continued under section 22 an amount in respect of the development charges mentioned in subsection (2) and, in so doing, the City Treasurer shall have regard to the amounts and proportions referred to in section 10 of this by-law.
- (4) The City Treasurer shall provide in the annual estimates of the Corporation such sums as may be considered necessary to make the transfers mentioned in subsection (3), noting that the contributions for any single development shall be financed over a period of not more than ten years.
- (5) Money deposited in the reserve fund or funds mentioned in subsection (1) may include,
 - (a) the amount provided in the annual estimates mentioned in subsection (4); and
 - (b) interest earnings derived through the investment of the money deposited in the fund or funds as part of the Corporation's cash management program.
- (6) The money withdrawn from the reserve funds mentioned in subsection (1) shall be used only for the purpose of transfers to the reserve funds, under subsection (3).

PART VII

MISCELLANEOUS

45. Former By-laws Repealed

By-law C.P. - 1440-167 of the Corporation of the City of London, respecting development charges and respecting contributions towards the cost of providing such services as boundary roads and outlet sewers, as it existed on the date this by-law is passed, is hereby repealed effective August 4, 2009.

46. Commencement

This by-law comes into force on August 4, 2009 or, in the event of an appeal pursuant to the *Development Charges Act, 1997*, in accordance with that Act.

PASSED in Open Council on June 29, 2009.

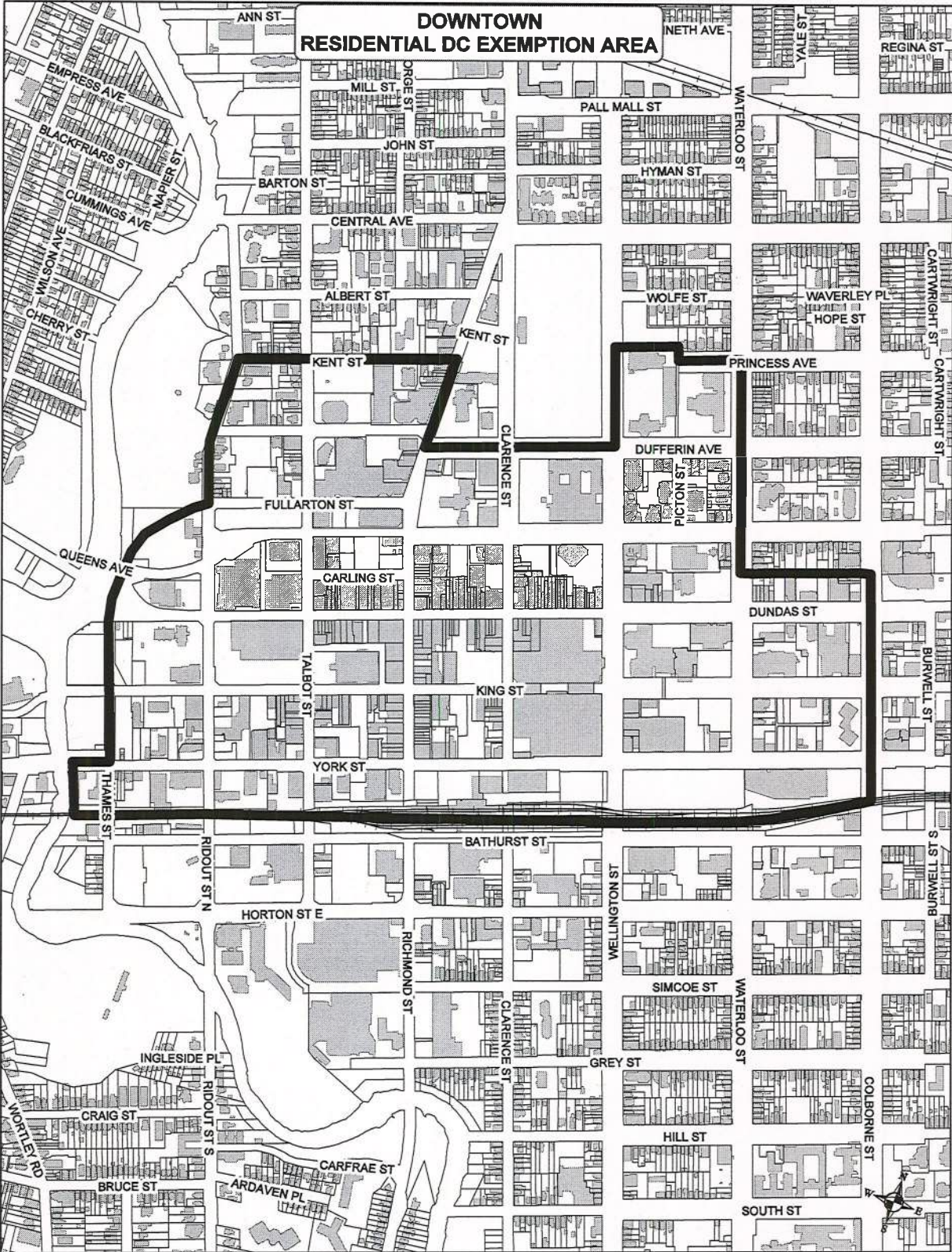
Anne Marie DeCicco-Best
Mayor

Linda Rowe
Acting City Clerk

First Reading – June 29, 2009
 Second Reading – June 29, 2009
 Third Reading – June 29, 2009

SCHEDULE 1
to By-law C.P.-1473-212
Section 38

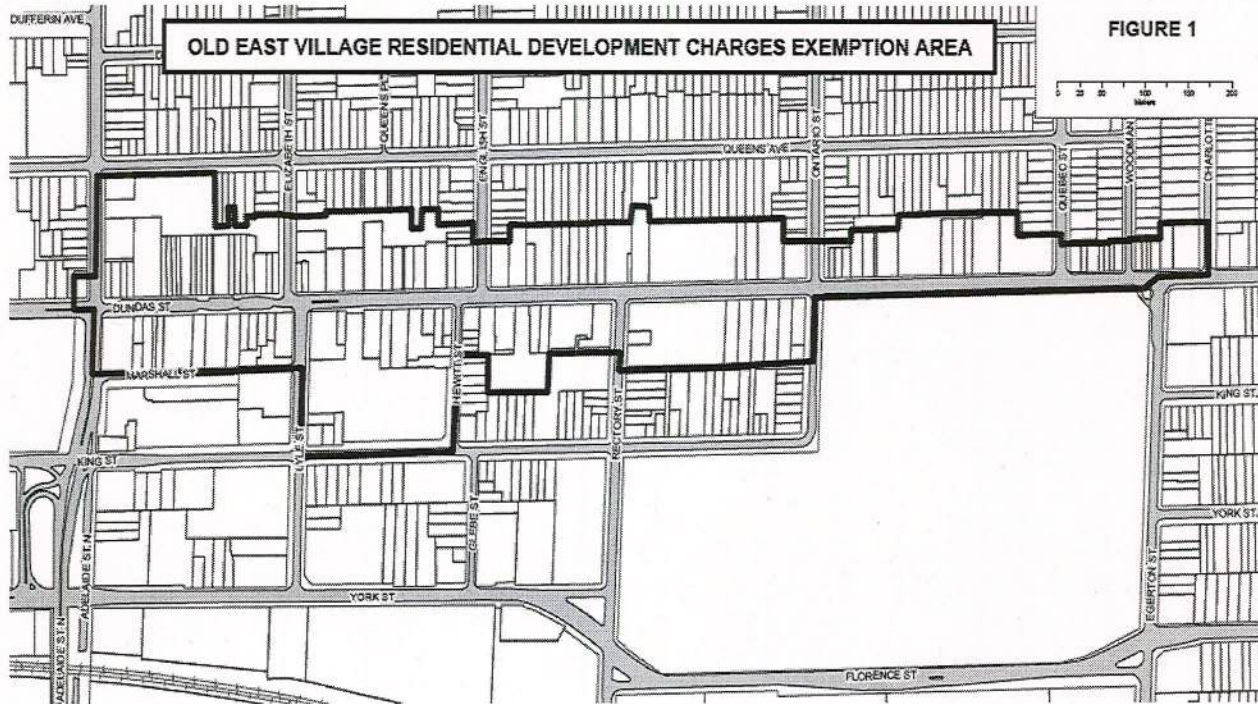
DOWNTOWN AREA BOUNDARY



SCHEDULE 2

to By-law C.P.-1473-212
Section 38

OLD EAST VILLAGE RESIDENTIAL DEVELOPMENT CHARGE EXEMPTION AREA



8

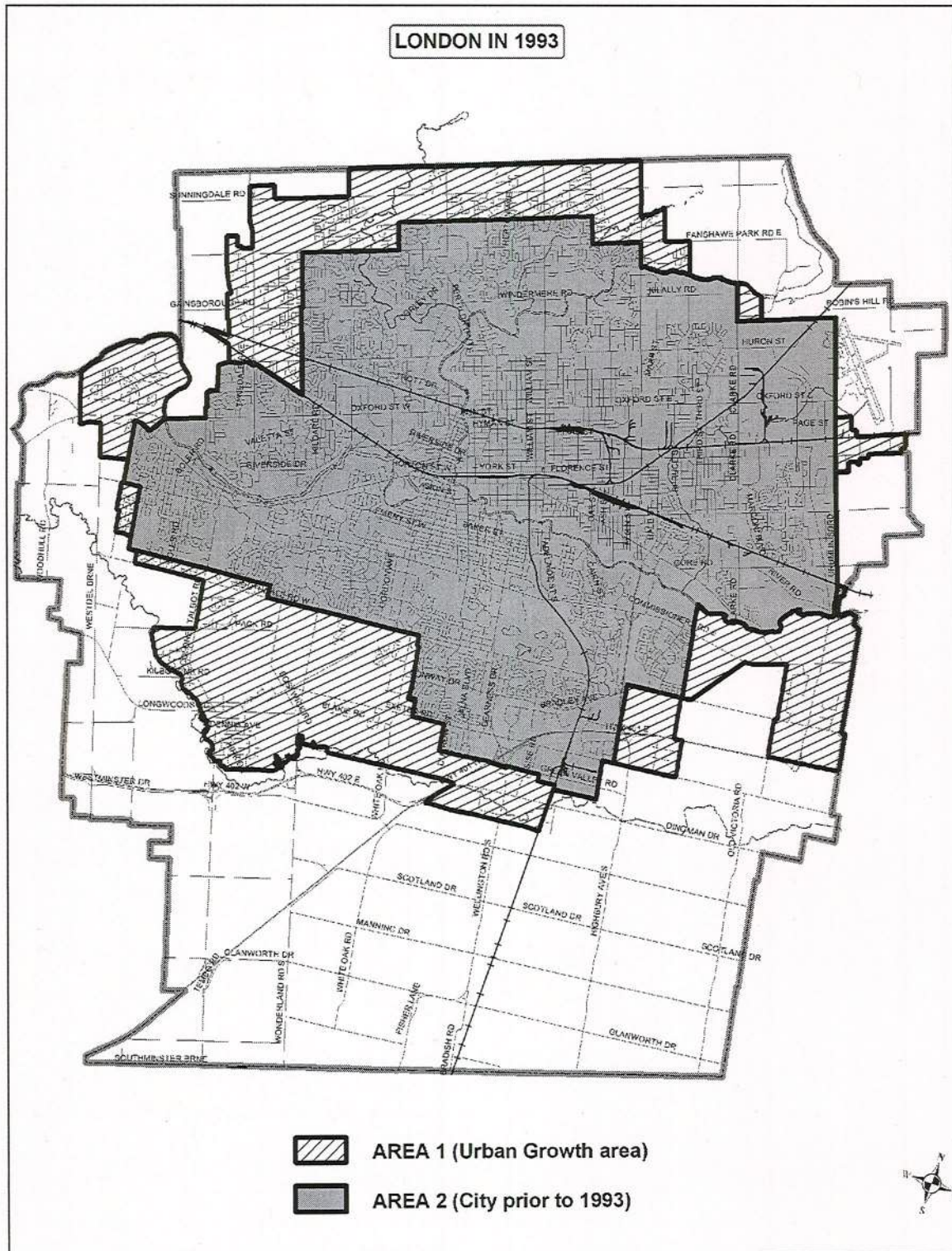
**SCHEDULE 3
to By-law C.P.-1473-212
Section 40**

(this schedule purposely left blank – formerly related to CANTEBURY ESTATES SUBDIVISION – s. 40)

SCHEDULE 4

to By-law C.P.-1473-212
Section 42

URBAN GROWTH BOUNDARY



SCHEDULE 5
to By-law No. 1473-212
Section 23(4)

Clause for Inclusion in Development and Subdivision Agreements

If the Owner alleges an entitlement to any reimbursement or payment from the Urban Works Reserve Fund (the "Fund") either as a result of the terms hereof or pursuant to the requirements of City of London By-law C.P.-1473-212 as amended (the "Development Charges By-law"), the Owner may, upon receipt of a Certificate of Conditional Approval pursuant to Clause 9 of the general provisions hereof, make application to the said Fund for payment of the sum alleged to be owing, and as confirmed by the City Engineer and the payment will be made pursuant to the by-law and any policy established by Council to govern the administration of the said Fund.

It is further understood by the Owner that no words or phrases used in this Agreement relating to the calculation of any credits due the Owner or entitlements from the Fund or elsewhere shall be interpreted as an obligation or promise on the part of the City to pay from the said Fund except in conformity with the By-law and policies governing the administration thereof as provided in this clause above and no payment shall be made except from the said Fund and only after appropriate application is made as herein set out.

The City may plead this Agreement as an estoppel against any application or action whatsoever to challenge the validity of this Agreement, the Development Charges By-law or the Fund. In addition, the Owner agrees that in the event that the Fund does not have sufficient funds to pay the Owner's claim by reason of an order or judgment of a Court of Law that or that the Development Charges By-law is void or invalid for any reason, the Owner will not seek further or other reimbursement from the City.

If the Owner undertakes work subject to a claim under this section it shall not seek a credit under Section 38 of the Development Charges Act and this clause may be pleaded in any complaint, action, application or appeal to any court or tribunal in which the Owner who is entitled to make a claim against the Fund seeks a credit under Section 38.

**SCHEDULE 6
To By-law No. C.P.-1473-212
Section 25**

URBAN WORKS RESERVE FUND - CLAIMS POLICY ("old rules")

1 SCOPE

For development projects identified in Appendix 6-B to this Schedule and developments where the owner and the City have executed a development agreement on or before the commencement date of this by-law, the following policy and rules (for convenience, called the "old rules") will apply.

2 INTRODUCTORY MATTERS

INTERPRETATION

2.1 In this Policy,

"Area 1" means essentially the Urban Growth Area except for the pre-1993 City Area, as highlighted on the map shown in Appendix 6-A to this Schedule;

"Area 2" principally the area of the Pre-1993 City Area as highlighted on the map shown in Appendix 6-A to this Schedule;

"development agreement" means an agreement between the City and an Owner required as a condition of an approval under Sections 41, 51 or 53 of the Planning Act and Section 9 of the Condominium Act.

"Fund" means the Urban Works Reserve Fund;

"Pre-1993 City Area" means that area of the City of London which comprised the City of London on the 31st day of December, 1992;

"Urban Growth Area (UGB)" means the Urban Growth Area existing from time to time as identified in the City's Official Plan as approved;

2.2 The effective date of this Policy is August 4, 2009

OBJECTIVES

Within Urban Growth Area Including Pre-1993 City Area

2.3 To determine the need for and adequacy of such services as major road and sewerage works required for development, the following policy objectives will be considered:

- (a) The provision or extension of a required service where no such service exists to serve the proposed development;
- (b) The provision of additional capacity to an existing service which has insufficient or no spare capacity to serve the proposed development;
- (c) The raising of an existing service of adequate capacity, but of low standard, to an adopted higher level of improvement compatible with the abutting lands being developed;
- (d) The provision of sufficient additional capacity, in an existing service to be improved or a new service to be provided as determined above, to serve future development in the surrounding contributory area as anticipated for some time ahead; and
- (e) That at all times, the works be designed to ensure efficient & economical servicing of the City's growth areas, and ensure that the services be designed and constructed in a least cost to the Fund(s) manner. If the General Manager of Planning and Development deems that costs are above the least cost alternative then the claims shall be capped to the lower amount

3 URBAN WORKS FUND CLAIMS

3.1 All claimable works which are subject to this policy are to be undertaken at the risk of the owner, and claims are paid, in whole or in part, only when there is sufficient money in the fund to honour claims. In all cases, the owner bears the cost of financing the works. The City will have access to the fund where it completes claimable works, but only when the first development that would have triggered the works is approved.

3.2 Where works that are subject to this policy include a non-growth component, funding of that portion of the works must wait until the City has approved sufficient funds in its budgets, to pay for that portion of the works.

3.3 An owner is ineligible to claim :

- a) for any portion of the costs of any type of required works constructed or financed in connection with a development that is exempt in respect of paying urban works charges; and
- b) for any engineering costs above 15% of the cost of the works.

3.4 With respect to a development agreement entered into on or before the effective date of this Policy, the maximum amount payable to an owner over a twelve-month period from the Fund for works to service development within Area 2 is \$1,250,000 in respect of the total of all costs eligible for payment from the Fund for required minor road works, sanitary sewer pipe works, storm sewer pipe works and storm water management works, provided a sufficient balance exists in this segment of the Fund.

3.5 With respect to a development agreement entered into on or before the effective date of this Policy, the maximum amounts payable over a twelve-month period from the Fund for works to service development within Area 1 to an owner are,

- (a) \$1,000,000 in respect of the total of all costs eligible for payment from the Fund for required minor road works, sanitary sewer pipe works, and storm sewer pipe works, provided a sufficient balance exists in this segment of the Fund: and,
- (b) \$250,000 in respect of the total costs eligible for payment from the Fund for required storm water management works provided a sufficient balance exists in the storm water management works segment of the Fund.

4 MINOR ROAD WORKS

Within Urban Growth Area Including Pre-1993 City Area

4.1 Minor road works consist of the construction or expansion of road works that are primarily intended to satisfy the needs of particular developments to ensure safe, efficient traffic flows and pedestrian movement. These 'minor road works' are triggered by development applications and would include street lighting, channelization (such as left and right turn lanes), median work, intersection improvements (including traffic signals), curb and gutter, bike paths, bike lanes and sidewalks that are on arterial or primary collector roads.

4.2 The owner finances and constructs the required works, as follows:

- (a) The owner must receive approval from the City prior to tendering the work through an executed agreement
- (b) The owner bears the cost of financing.
- (c) The owner may claim the full cost of the works from the Fund, subject to eligibility rules. The owner of industrial lands may claim 50 per cent from the UWRF and the balance from the Industrial Oversizing Reserve Fund

5 SANITARY SEWER PIPE WORKS

5.1 The City constructs and finances the cost of sewage treatment plants, major pumping stations and major trunk sewers in accordance with its five-year Capital Works Budget, and works identified for at least partial funding from development charges collected under the Development Charges Act, 1997 or any successor thereto according to the background studies, from time to time.

Within Area 1

5.2 Sanitary sewer pipe works that may be eligible for claim from the Urban Works Reserve Fund consist of sewers, other than major trunk sewers, and pumping stations other than major pumping stations, identified in the DC Background Study, as updated from time to time.

5.3 The owner finances and constructs the required works as follows:

- (a) The owner must receive approval from the City prior to tendering the work and the work must be identified in an executed agreement;
- (b) For the portion of the works which services less than 30 hectares, the owner bears the full cost of the works; and

- (c) For the portion of the works which services 30 hectares or more, the owner may claim the full cost of the works from the Fund, for the portion attributable to servicing non-industrial lands and from the Industrial Oversizing Reserve Fund for any portion attributable to servicing industrial lands.

Within Area 2

- 5.4 Sanitary sewer pipe works that may be eligible for claim from the Urban Works Reserve Fund consist of sewers, other than major trunk sewers and pumping stations other than major pumping stations, identified in the DC Background study as updated from time to time.
- 5.5 If the required works are not included in years 1 to 3 of the City's five-year Capital Works Budget, the owner finances and constructs the works and bears the portion of the full cost that is in the same ratio to the full cost as the development's design flow bears to the required works' total design flow. The balance is claimable by the owner from the Fund, for the portion attributable to servicing non-industrial lands and from the Industrial Oversizing Reserve Fund, for any portion attributable to servicing industrial lands. Development approval may be withheld until the priority of works is adopted in the Capital Works Budget.

6 STORM WATER SEWERAGE WORKS

Within Area 1

- 6.1 Storm water pipe works consist of those works, generally permanent trunks and sub-trunk works, identified through community planning studies.
- 6.2 The owner finances and constructs the required pipe works as follows:
- a) For the portion of the works which services less than 20 hectares, the owner bears the full cost of the works; and
 - b) For the portion of the works which services 20 hectares or more, the owner may claim the full cost of the pipe works from the Fund, for the portion attributable to servicing non-industrial lands and from the Industrial Oversizing Reserve Fund, for any portion attributable to servicing industrial lands.

Within Area 2

- 6.3 Storm water sewerage works consist of any works not necessarily identified through community planning studies, but, will generally be permanent pipe works and storm water management works, as approved by the City Engineer. Only a single project shall be eligible to claim under Grand fathered Area 2 covered by schedule 6 of this by-law. The others will be paid under schedule 7 which does not differentiate between area 1 and area 2.
- 6.4 If the required works are not included in years 1 to 3 of the City's five-year Capital Works Budget, the owner finances and constructs the works and bears the portion of the full cost that is in the same ratio to the full cost as the development's design flow bears to the required works' total design flow. The balance is claimable by the owner from the Fund, for the portion attributable to servicing non-industrial lands and from the Industrial Oversizing Reserve Fund, for any portion attributable to servicing industrial lands. Development approval may be withheld until the priority of works is adopted in the Capital Works Budget.

7 STORM WATER MANAGEMENT WORKS

Within Area 1

- 7.1 Claimable Storm water management works serving Area 1 consist of permanent storm water management facilities, including but not restricted to major detention facilities, and local drainage works identified in the Development Charges Background Study (through the master plan process).
- 7.2 With respect to a development agreement entered into on or before the effective date of this Policy, The owner finances and constructs the required works, regardless of their inclusion or not in the City's five-year Capital Works Budget, as follows:
- 1. In all cases, the owner bears the cost of financing.
 - 2. (a) With respect to land acquisition for stormwater management facilities in Area 1 the value of the land shall be subject to review every five years and is established as follows:

Floodplain - private lands that are within the 1:250 Regulatory Storm Event Line and that are subject to regulation (ESA & buffer limit and/or stable slope line).

\$ 5,500/Acre (\$13,590/ha)

Park Land - lands set aside as a dedication for parks and not designated for development:

Table Land - Lands designated in the Official Plan for development:

\$100,000/Acre (\$247,100/ha)

Flood Fringe is defined for payment purposes only as the land that is not an Environmentally Sensitive Area, not park land, not Flood Plain, and not Table Land. Flood Fringe lands are claimable at

\$50,000/Acre (\$123,550/ha)

For Multipurpose lands that may be defined by more than one of the above definitions. Claims shall be paid using the lowest lower cost allocation:

Where there is a shared use of a stormwater or sanitary work such as a maintenance road/ pathway, the use and maintenance of the road/pathway shall be viewed as functioning solely for the sanitary or stormwater service use not the park use. Claims and use shall be determined and allocated to the servicing need with no allocation of costs to the Parks.

- (b) If the subdivider chooses to relocate an existing internal watercourse outside of the subdivision, then no claim for easement acquisition may be made for the open channel.
- (c) Land costs relating to existing watercourse improvements are not claimable.
- (d) In Area 1, where a portion of the storm water management facilities are on line with the watercourse, the land beyond the pre-development 100 year floodline and within the post-development 100 year floodline is claimable at the Floodplain Land rate.

7.3 The owner may claim the full cost of the storm water management works servicing Area 1 from the storm water management segment of the Fund for the portion attributable to servicing non-industrial lands and from the Industrial Oversizing Reserve Fund for any portion attributable to servicing industrial lands.

7.4 Landscaping of SWM pond facilities, Conveyance Channels and other Claimable works

The following shall apply to the landscaping and other amenity costs that may be claimable from the UWRF for SWM ponds:

- (a) For ponds of 5 ha in foot print and less, amounts paid will be dependant on the ponds classification and foot print area. (footprint is the physical size of the block for the pond not drainage area).

Type A – are ponds that do not border a park or ESA

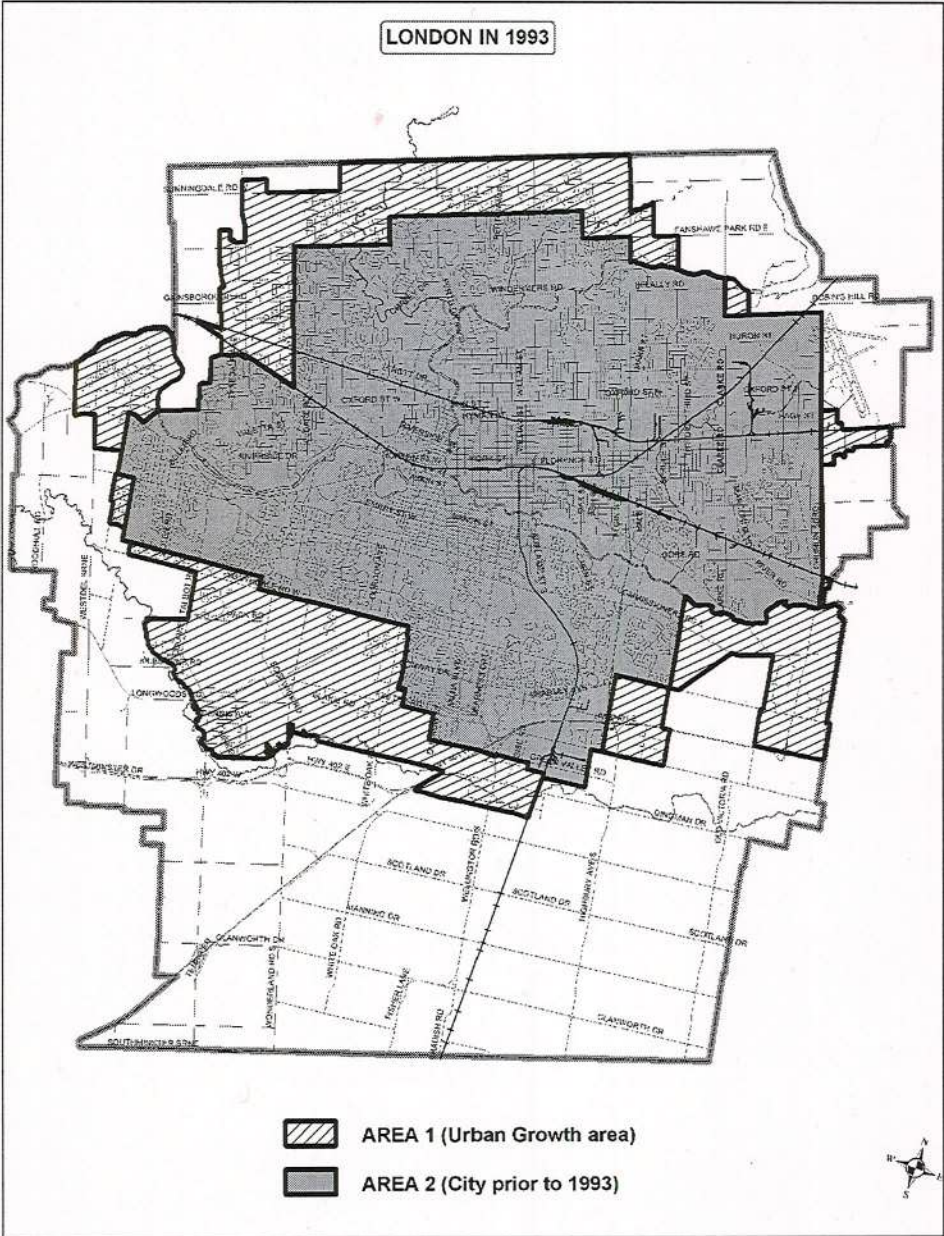
These ponds require basic landscape/vegetation treatment to function and be ecologically stable (water plants). It is proposed that this type of pond be limited to \$25,000/ha for landscaping and all other amenities.

Type B – are ponds which border ESA's

These ponds require landscape/vegetation treatment to function and to provide an aesthetical continuity with adjacent land features. It is proposed that this type of pond be limited to \$50,000/ha for landscaping and all other amenities.

- (b) For ponds with a foot print larger than 5 ha, claims shall be reviewed on an individual basis by the General Manager of Planning and Development in consultation with the City Engineer.
- (c) If the Owner wishes to build SWM works larger than the design criteria dictates, then the difference in cost shall be borne by the Owner.
- (d) Where a pedestrian foot bridge / gazebo/decorative retaining wall is required or desired, the Owner is responsible for the cost

Map of Area 1 – Urban Growth Area except for the pre-1993 City Area
Map of Area 2 – area of the Pre-1993 City Area as highlighted on the map



SCHEDULE 6

Appendix 6-B

List of Developments being administered under Schedule 6 ("old rules")*(Note: dollar costs are either actual unpaid claims or estimates made at varying times in the past)*

Plan ID	Owner	Development Name	Description	Estimated Claim Amount
39T-02509	DREWLO	1128 FANSHAWE PARK ROAD	Sanitary	\$75,000
M-353	SHERGAR DEVELOPMENTS	TALLTREE ESTATES	Sanitary	\$4,000
M-429	SIFTON	RIVERBEND	Sanitary	\$1,580,212
M-478	SIFTON/SYDENHAM	1740 COMMISSIONERS RD W	Sanitary	\$52,000
M-490	HAMPTON GROUP	SOUTHDALE AT BOLER NE CRNR	Sanitary	\$170,000
M-491	WALLOY EXCAVATING	HYDE PARK WOODS PH II	Sanitary	\$409,555
M-507	ZEBRO HOLDINGS INC.	NORTHRIDGE NORTH PH 3	Sanitary	\$19,000
M-528	JACKSON LAND CORP	SUMMERSIDE PH 9	Sanitary	\$376,525
M-529	JACKSON LAND CORP	SUMMERSIDE PHASE 10 A	Sanitary	\$7,650
M-551	JACKSON LAND CORP.	SUMMERSIDE PHASE 14	Sanitary	\$15,000
M-554	CRICH	STONEYCREEK SUB PH 4	Sanitary	\$117,000
M-562	SPEYSIDE EAST CORP.	TALBOT VILLAGE PH 3	Sanitary	\$302,000
M-571	FUTURE STREETS INC.	1460 HAMILTON ROAD	Sanitary	\$6,000
M-564	FOXHOLLOW DEV INC	FOXHOLLOW SUBDIVISION PH 1	Sanitary	\$2,000,000
M-603	Z GROUP	MEADOWLILLY WOODS	Sanitary	\$25,000
M-593	SUNNINGDALE G.C. LIMITED	800 SUNNINGDALE ROAD WEST	Sanitary	\$2,788,290
M-564	FOXHOLLOW DEV INC	FOXHOLLOW SUBDIVISION PH 1	Sanitary	\$1,681,905
M-595	HAMPTON GROUP	1000 SARNIA ROAD	Sanitary	\$397,000
M-602	SIFTON	BOSTWICK	Sanitary	\$590,000
				<u>\$10,616,137</u>
39T-02500	CITY OF LONDON	OXFORD ST W EXTENSION	SWM Area 1	\$136,227
M-403	LAMBETH MEADOWS PARTNERSHIP	LAMBETH MEADOWS	SWM Area 1	\$30,000
M-458	SPEYSIDE EAST CORP	TALBOT VILLAGE PH I	SWM Area 1	\$513,102
M-462	ZEBRO HOLDINGS	NORTHRIDGE NORTH PH II	SWM Area 1	\$25,000
M-491	WALLOY EXCAVATING	HYDE PARK WOODS PH II	SWM Area 1	\$1,570,842
M-540	MONARCH	FOREST HILL PHASE 3	SWM Area 1	\$1,678,578
M-546	1640209 ONTARIO LIMITED	LAMBETH ESTATES SUBDIVISION	SWM Area 1	\$186,704
M-567	HIGHBURY ESTATES INC. (Z)	1740 HIGHBURY AVE N	SWM Area 1	\$1,124,428
M-568	DOMAN	CORPORATE CAMPUS SUBDIVISION	SWM Area 1	\$625,000
M-583	DREWLO	UPLANDS CROSSING PH 2	SWM Area 1	\$350,000
M-593	SUNNINGDALE G.C. LIMITED	800 SUNNINGDALE ROAD WEST	SWM Area 1	\$1,035,800
M-596	810 WESTDEL BOURNE		SWM Area 1	\$15,000
M-604	CLEARDALE RAVINE		SWM Area 1	\$86,500

SUBDIVISION				
SP-01082	SOUTHSIDE	WONDERLAND POWER CENTRE PH II	SWM Area 1	\$1,167,192
SP-05132	AMICA	517 FANSHAWE PARK ROAD	SWM Area 1	\$80,000
M-564	FOXHOLLOW DEV INC	FOXHOLLOW SUBDIVISION PH 1	SWM Area 1	\$1,830,435
M-602	SIFTON	BOSTWICK	SWM Area 1	\$1,702,956
				<u>\$12,021,537</u>
M-528	JACKSON LAND CORP	SUMMERSIDE PH 9	SWM Area 2	\$1,375,000
39T-00514	SPEYSIDE EAST CORP	NORTH TALBOT SUBDIVISION	Storm Sewer	\$230,080
39T-02509	DREWLO	1128 FANSHAWE PARK ROAD	Storm Sewer	\$735,000
39T-03505	VISTA WOODS ESTATES INC	751 FANSHAWE PARK RD W	Storm Sewer	\$485,000
39T-03518	CEDAR HOLLOW PHASE 2		Storm Sewer	\$11,500
M-302	DREWLO	TRAFALGAR PARK PHASE II	Storm Sewer	\$15,000
M-429	SIFTON	RIVERBEND	Storm Sewer	\$335,220
M-446	RIDANIO	2154 TRAFALGAR STREET	Storm Sewer	\$7,000
M-475	NORTH GREN LAND CORP.	1259 SUNNINGDALE RD E	Storm Sewer	\$10,000
M-480	EGELTON WOODS ESTATES	EGELTON WOODS N PH II	Storm Sewer	\$645,021
M-501	LONDON HEALTH CENTRE	801 COMMISSIONERS RD E	Storm Sewer	\$75,000
M-525	SUMMERSIDE SUB PH 11		Storm Sewer	\$56,501
M-528	JACKSON LAND CORP	SUMMERSIDE PH 9	Storm Sewer	\$1,356,213
M-529	SUMMERSIDE PHASE 10A		Storm Sewer	\$53,865
M-548	FANSHAWE AT Highbury NE CRNR		Storm Sewer	\$172,227
M-549	1851 & 1871 SHORE ROAD		Storm Sewer	\$500,000
M-551	JACKSON LAND CORP.	SUMMERSIDE PHASE 14	Storm Sewer	\$30,000
M-562	SPEYSIDE EAST CORP.	TALBOT VILLAGE PH 3	Storm Sewer	\$554,383
M-564	FOXHOLLOW DEV INC	FOXHOLLOW SUBDIVISION PH 1	Storm Sewer	\$747,400
M-567	HIGHBURY ESTATES INC. (Z)	1740 HIGHBURY AVE N	Storm Sewer	\$539,303
M-571	FUTURE STREETS INC.	1460 HAMILTON ROAD	Storm Sewer	\$32,000
M-580	CEDAR HOLLOW BOSTWICK PHASE 2	CEDAR HOLLOW PH 2	Storm Sewer	\$700,527
M-602	MEADOWLILLY WOODS		Storm Sewer	\$540,000
M-603	CLEARDALE RAVINE		Storm Sewer	\$25,000
M-604	SUBDIVISION		Storm Sewer	<u>\$264,000</u>
				<u>\$8,120,240</u>
39T-01501	CITY OF LONDON	SKYWAY INDUSTRIAL PARK - PH 2	Trans	\$151,000
39T-03505	VISTA WOODS ESTATES INC	751 FANSHAWE PARK RD W - PHASE 2	Trans	\$775,000



39T-03505	VISTA WOODS ESTATES INC CEDAR HOLLOW DEVELOPMENTS	751 FANSHAWE PARK RD W - PHASE 1	Trans	\$290,000
39T-03518	INC.	CEDARHOLLOW PHASE 2	Trans	\$776,500
39T-04507	SWEENEY / HOPEDALE	1826 & 1854 OXFORD STREET WEST	Trans	\$268,000
39T-05503	CITY OF LONDON	INNOVATION PARK PHASE 2	Trans	\$270,000
39T-06001	CITY OF LONDON	FANSHAWE/WONDERLAN D INTERSECTION	Trans	\$150,000
39T-06506	CITY OF LONDON	INNOVATION PARK PHASE 4	Trans	\$225,000
39T-07001	CITY OF LONDON / UWO	WESTERN ROAD PROJECT	Trans	\$230,000
39T-07506	FUTURESTREETS INC.	1480 HAMILTON ROAD	Trans	\$38,000
M-304	RICHLIEGH INVESTMENTS	RIVERVIEW SUBDIVISION, W OF HIGHBURY, N OF KILALLY	Trans	\$75,000
M-323	SIFTON LTD	HYLANDS COMMERCIAL	Trans	\$142,000
M-364	Z-REALTY	SUMMERSIDE PH II	Trans	\$21,222
M-391	CRESTWOOD ESTATES	CRESTWOOD DRIVE SUBDIVISION	Trans	\$95,000
M-395	SIFTON	RICHMOND HILL N PH II	Trans	\$100,000
M-396	SOUTH LONDON IND	W SIDE OF WHITE OAK RD S OF BRADLEY	Trans	\$20,000
M-401	DUNCAIRN DEV CORP	DUNCAIRN SUBDIVISION	Trans	\$80,000
M-407	HANROSE DEVELOPMENTS	HANROSE PARK PH II	Trans	\$348,000
M-414	DREWLO	KILALLY ESTATES 1C SUMERCREST SUB PH III	Trans	\$5,000
M-417	AUBURN DREWLO	STAGE 1	Trans	\$64,000
M-444	HOLDINGS LTD	SW CORNER ADELAIDE & SUNNINGDALE	Trans	\$298,205
M-446	RIDANIO	2154 TRAFALGAR STREET	Trans	\$32,000
M-457	CITY OF LONDON	FOREST CITY IND PARK I	Trans	\$85,000
M-463	SIFTON	UPLAND HILLS PH 3	Trans	\$99,000
M-467	AUBURN	STONE CREEK SUB PH II	Trans	\$247,495
M-475	NORTH GREN LAND CORP.	1259 SUNNINGDALE RD E FOREST CITY IND PARK - PH 2	Trans	\$80,000
M-476	CITY OF LONDON 911690 ONT LTD / PACIFIC & WESTERN	GREN PH III	Trans	\$178,000
M-483	HAMPTON GROUP	KAINS AT SHORE ROAD	Trans	\$57,000
M-485	SIFTON	RICHMOND HEIGHTS	Trans	\$1,000
M-486		SOUTHDALE AT BOLER NE CRNR	Trans	\$157,405
M-490	HAMPTON GROUP	SOUTHDALE AT BOLER NE CRNR	Trans	\$1,000,000
M-490	HAMPTON GROUP WALLOY		Trans	\$29,223
M-491	EXCAVATING	HYDE PARK WOODS PH II	Trans	\$783,000
M-499	DREWLO	UPLANDS PH IB	Trans	\$105,098
M-500	JACKSON LAND CORP	SUMMERSIDE PH 7	Trans	\$19,000

M-501	LONDON HEALTH CENTRE	801 COMMISSIONERS RD E	Trans	\$525,000
M-503	SIFTON/336336 ONT LTD	WARBLER WOODS WEST - PH II	Trans	\$50,000
M-517	PEMIC LAND CORP / SIFTON	RIVERBEND WEST SUBDIVISION	Trans	\$20,000
M-519	EGELTON WOODS ESTATES	EGELTON WOODS NORTH PH IV	Trans	\$37,000
M-520	SIFTON	DEER RIDGE SUBDIVISION	Trans	\$109,362
M-520	SIFTON	DEER RIDGE SUBDIVISION	Trans	\$420,000
M-522	SIFTON	UPLAND HILLS PH 5	Trans	\$350,000
M-524	NORTH LAMBETH INC.	NORTH LAMBETH SUB PHASE II	Trans	\$100,000
M-526	336336 ONTARIO LIMITED	1449 HYDE PARK ROAD	Trans	\$350,000
M-528	JACKSON LAND CORP	SUMMERSIDE PH 9	Trans	\$13,797
M-528	JACKSON LAND CORP	SUMMERSIDE PH 9	Trans	\$1,312,500
M-529	JACKSON LAND CORP	SUMMERSIDE PHASE 10 A	Trans	\$1,309,643
M-529	JACKSON LAND CORP	SUMMERSIDE PHASE 10 A	Trans	\$164,450
M-529	JACKSON LAND CORP	SUMMERSIDE PHASE 10 A	Trans	\$1,312,500
M-529	JACKSON LAND CORP	SUMMERSIDE PHASE 10 A	Trans	\$696,735
M-531	HIGHLAND RIDGE LTD.	890 SOUTHDALE RD W	Trans	\$75,076
M-541	WALLOY	HYDE PARK WEST SUB PH 1	Trans	\$201,000
M-542	LONGWOOD OAKS INC.	W SIDE OF WHITE OAK RD - S OF SOUTHDALE	Trans	\$100,000
M-544	CITY OF LONDON	AIRPORT ROAD SOUTH INDUSTRIAL PARK	Trans	\$249,833
M-544	CITY OF LONDON	AIRPORT ROAD SOUTH INDUSTRIAL PARK	Trans	\$284,000
M-548	PITTAO CONSTRUCTION	FANSHAWE AT HIGHBURY NE CRNR	Trans	\$346,000
M-549	SIFTON	1851 & 1871 SHORE ROAD	Trans	\$1,000
M-554	CRICH	STONEYCREEK SUB PH 4	Trans	\$178,500
M-562	SPEYSIDE EAST CORP.	TALBOT VILLAGE PH 3	Trans	\$400,000
M-564	FOXHOLLOW DEV INC	FOXHOLLOW SUBDIVISION PH 1	Trans	\$9,000
M-566	SIFTON	796 SARNIA ROAD	Trans	\$21,000
M-567	HIGHBURY ESTATES INC. (Z)	1740 HIGHBURY AVE N	Trans	\$359,772
M-571	FUTURE STREETS INC.	1460 HAMILTON ROAD	Trans	\$22,000
M-579	SIFTON	BOSTWICK PHASE 1	Trans	\$120,000
M-580	MAGITRON LTD.	1671 FANSHAWE PARK ROAD EAST	Trans	\$25,000
M-593	SUNNINGDALE G.C. LIMITED	800 SUNNINGDALE ROAD WEST	Trans	\$165,931
M-593	SUNNINGDALE G.C. LIMITED	800 SUNNINGDALE ROAD WEST	Trans	\$460,000
M-595	HAMPTON GROUP	1000 SARNIA ROAD	Trans	\$423,000
M-596	WEST KAINS LAND CORP.	810 WESTDEL BOURNE	Trans	\$10,000
M-600	DREWLO	NW BEAVERBROOK & OAKCROSSING PH 6	Trans	\$368,000
M-602	SIFTON	BOSTWICK PHASE 2	Trans	\$250,000
M-603	Z GROUP	MEADOWLILLY WOODS	Trans	\$1,312,500
M-603	Z GROUP	MEADOWLILLY WOODS	Trans	\$2,857
M-603	Z GROUP	MEADOWLILLY WOODS	Trans	\$235,000
M-604	2154067 ONTARIO INC.	CLEARDALE RAVINE SUBDIVISION	Trans	\$106,000

SP-01082	SOUTHSIDE	WONDERLAND POWER CENTRE PH II	Trans	\$166,986
SP-02007	DEARNESS HOME REMBRANDT	710 SOUTHDALE ROAD E 655 COMMISSIONERS	Trans	\$250,000
SP-02016	HOMES	ROAD W FANSHAWE & HYDE PARK	Trans	\$5,312
SP-02113	FIRST PRO REIDS HERITAGE	PH II 6965 RALEIGH	Trans	\$240,000
SP-03117	HOMES KILO	BOULEVARD	Trans	\$24,196
SP-03133	CONSTRUCTION WESTWOOD	738 EXETER ROAD SW CRNR SOUTHDALE &	Trans	\$8,700
SP-04049	CENTRE INC. WESTWOOD	WONDERLAND SW CRNR SOUTHDALE &	Trans	\$38,977
SP-04049	CENTRE INC. COURTYARD	WONDERLAND	Trans	\$114,331
SP-04090	HOMES INC. CANADIAN	1430 Highbury Avenue N	Trans	\$149,479
SP-05022	COMMERCIAL CORNERSTONE	142 CLARKE ROAD	Trans	\$45,000
SP-05023	PROPERTIES GLAD TIDINGS	485 WINDERMERE ROAD	Trans	\$35,710
SP-05105	ASSEMBLY	890 SARNIA ROAD	Trans	\$14,000
SP-05135	HOME DEPOT WEST PARK	440 CLARKE ROAD 955 GAINSBOROUGH	Trans	\$80,000
SP-06004	BAPTIST CHURCH CROWN DEVELOPMENT	ROAD	Trans	\$3,900
SP-06028	LTD.	1777 Highbury Avenue	Trans	\$10,000
SP-06088	TRICAR	1967 RICHMOND STREET	Trans	\$135,000
SP-06098	STANTON 1569543 ONTARIO	966-974 WESTERN ROAD	Trans	\$37,655
SP-06106	LIMITED RANBAH LIMITED	655 WELLINGTON ROAD 1150 WHARNCLIFFE ROAD	Trans	\$5,000
SP-07002	(TEPPERMAN'S) RANBAH LIMITED	SOUTH 1150 WHARNCLIFFE ROAD	Trans	\$177,307
SP-07002	(TEPPERMAN'S) KIKEEKY	SOUTH 251 FANSHAWE PARK RD	Trans	\$100,000
SP-07011	CORPORATION	W 1044 ADELAIDE STREET	Trans	\$7,585
SP-07041	GOODWILL	NORTH 3000 COLONEL TALBOT	Trans	\$5,000
SP-07095	SOUTHSIDE	ROAD	Trans	\$405,000
SP-90010	U.W.O.	U.W.O. RESEARCH PARK	Trans	\$300,000
SP-98030	COPP BUILDERS LONDON HEALTH	2090 DUNDAS ST.	Trans	\$15,000
SP-98039	SCIENCES LONDON HEALTH	339 WINDERMERE ROAD 800 COMMISSIONERS	Trans	\$70,000
SP-98040	SCIENCES HOLY TRINITY	ROAD EAST	Trans	\$150,000
SP-99095	GREEK NEWPORT	133 SOUTHDALE ROAD W 112 SOUTH CARRIAGE	Trans	\$91,172
SP-99119	PROPERTIES	ROAD	Trans	\$54,023
				<u>\$22,530,937</u>
				<u>\$54,800,078</u>

SCHEDULE 7
To By-law No. C.P.-1473-212
Section 25

URBAN WORKS RESERVE FUND - CLAIMS POLICY ("new rules")

1. GENERAL

1.1. Scope

For all development projects involving claimable works for which final approval of a development agreement was obtained after the commencement date of the by-law the following policy and rules (for convenience, called the "new rules") will apply:

1.2. Introduction

1.2.1. In this Policy,

"development agreement" means an agreement between the City and an Owner required as a condition of an approval under Sections 41, 51 or 53 of the Planning Act and Section 9 of the Condominium Act.

"Fund" means the Urban Works Reserve Fund;

"Growth Management Implementation Strategy" (GMIS) is the strategy adopted by Council in June, 2008 that provides a framework for the timing and locating of future infrastructure works required to serve growth.

"Sanitary Sewer Servicing Study" (SSSS) is any study, which from time to time, reviews and reports on the optimal approach to serving growth areas of the City with sanitary sewer conveyance and treatment;

"Urban Growth Area (UGB)" means the Urban Growth Area existing from time to time as identified in the City's Official Plan as approved;

1.2.2. The effective date of this Policy is August 4, 2009

1.2.3. This policy establishes the guidelines, procedures and requirements relating to the submission and processing of a claim to the Urban Works Reserve Fund ("UWRF").

1.2.4. All claims considered to be complete shall be registered and processed in chronological order as they are received. Payments are made as fund balance allows. If the aggregate amount eligible to be paid exceeds these amounts, subsequent installments are eligible to be entered as a claim 12 months following the immediately preceding installment.

1.3. Claimable works

In order to be claimable any work must be defined as a permanent piece of municipal infrastructure undertaken to facilitate the servicing of development and be identified as a claimable work in an executed development agreement. Temporary infrastructure is ineligible for any claim. Cost of claimable works to be administered under this Schedule have been estimated through a master planning study process (on a service by service basis) and are summarized in Appendix 7-A.

1.4. Interim works

Interim works are claimable if included in the Development Charges Background Study. Works that are alternative to those identified in master plans and compatible with the ultimate servicing plans may also be incorporated into development agreements as claimable works. Where claimable works are provided for in a "contingency provision" of the DC rate calculations, the determination as to their claimability is at the discretion of the General Manager of Planning and Development in consultation with the City Engineer.

1.5. Phasing

Partial construction (phasing) of infrastructure can increase the over all total costs of works. Prior to Phasing of any works the Owner must obtain written approval from the City Engineer to construct the infrastructure in phases and to also make claim for the incremental cost of phasing the works. Permission to construct works in phases may not automatically permit partial claims.

The City Engineer may consider a request for internal construction phasing of a subdivision and could determine that it should be staged in a manner that will balance all of a geographical area's needs. The construction of entire systems may be linked, at the discretion of the General Manager of Planning & Development in consultation with the City Engineer, to a claim's eligibility for payment from the UWRF.

Additionally, if property easements are required to service adjacent developments and are not provided by an owner

then any payment of UWRF claim associated with that development may be withheld until the easement is provided.

1.6. Completeness of Claims

Prior to acceptance of a claim, the following requirements shall be satisfied:

- a) The claim must conform to an agreement that has been approved by City Council, or a delegated authority or officer, signed and registered on title to the affected property. The works for which the claim is made shall be 100% complete with certain exceptions allowed by the General Manager of Planning and Development for seasonal condition preventing completion. Where the City undertakes claimable works, the project must be approved by Council with explicit funding sources;
- b) The claims for the works are to be submitted by a Registered Professional Engineer or Architect retained by the Owner. The Planning and Development Department reserves the right to accept only claims stamped by the same consulting engineering company who designed, inspected and certified as complete the works for which the claim is being made;
- c) No consideration will be given to claims for works which have previously been claimed and authorized, Works omitted from a previous claim will be considered for payment upon submission;
- d) No claims to the Fund will be accepted for works that form part of an agreement for which the warranty period has expired. No new claims shall be authorized for payment, after all the securities have been released;
- e) The following documentation shall be included with the claim for it to be considered complete:
 - i) A covering letter from the consulting engineer or architect stating that a claim is being made to the UWRF on behalf of the Owner as shown on the Agreement(or where the City under takes the work via Council resolution). The location and nature of the works shall be described and the costs representing the amount being claimed from the UWRF should be stated. The mailing address as well as the GST Registration Number of the Owner shall be provided;
 - ii) The "Certificate of Completion of Work" pertaining to the works being claimed in the format specified in the Agreement with an added statement certifying the quantities and final costs relating to the claim;
 - iii) Any specific documentation that may be required by the development agreement such as an inspection report, condition report, or survey. Such documentation shall be satisfactory to the General Manager Planning & Development;
 - iv) Summary sheets detailing the sharing of costs, engineering and GST calculations;
 - v) The consulting engineer or architect's calculations of all quantities and final costs relating to the claim;
 - vi) (this clause intentionally left blank);
 - vii) (this clause intentionally left blank);
 - viii) Servicing drawings for the related claimable works;
 - ix) (this clause intentionally left blank);
 - x) When Stormwater Management facilities are being claimed, they shall be separated from claims for Storm Collection Conveyance in accordance with the definitions;
 - xi) Copy of summary of unit prices and/or a copy of all tenders for the entire project;
 - xii) Copy of final payment certificate and a summary of engineering costs and paid invoices for claimable engineering fees;
 - xiii) Copy of the advertisement for tender, where a public tender is required;
 - xiv) All backup information relevant to the claim including invoices, change orders, fees etc;
 - xv) Copy of the Certificate of Publication of Substantial Performance, including the date of publication. This publication is generally carried in the Daily Commercial News and should include both the name of the Owner and the City of London. Similarly both should be mentioned under "Office to which claim for lien must be given to preserve lien"; and
 - xvi) Completed "Summary of Claimable Works" with current information for the subdivision or development.
- f) All claims shall be directed to the Planning and Development Department, Development Approvals Business Unit.

1.7. Tendering

The following rules shall apply to the tendering of works under this Schedule:

- a) Projects undertaken by agreement between the City and an Owner with an estimated claimable amount in excess of \$250,000 are to be undertaken by public tender;
- b) Projects undertaken by agreement between the City and an Owner with an estimated claimable amount less than \$250,000 may be undertaken by a public tender, or by invitation with a minimum of 3 invited tenders;
- c) Works requiring an Owner to perform horizontal drilling may be undertaken by invitation with a minimum of 3 invited tenders;
- d) Sole sourcing of a construction project is permissible when all three of the following conditions are met:
 - i) work is an extension of existing work and is a result of a change in scope during the project;
 - ii) there is no increase in individual tender item prices; and
 - iii) the Owner has obtained written approval from the General Manager of Planning and Development or his/her designate before sole sourcing;
- e) Works no portion of which are eligible for claims and which are to be assumed by the City may be undertaken by the Owner at his discretion without the necessity of a public tender procedure;
- f) Cost estimates shall use the Average Unit Prices listed in the City of London Unit Price Spreadsheet unless the owner specifically notes a reason for varying from these costs. Following the tender award, all claimable external works shall be identified as separate tender schedules listing items, quantities, plan locations of quantities (chainage from station to station), and unit costs within larger construction contracts. ;
- g) Tender documents for the works which are eligible for claims must be standard City of London Contract Documents. They must be in a unit price format and follow a formal tender opening procedure to the specifications of the General Manager of Planning and Development. A representative of the City of London must be notified in advance of when and where the tenders are to be opened;
- h) Any works which have not been tendered, including change orders, will be subject to review by the General Manager of Planning and Development for approval of unit prices and eligibility either prior to construction or at the submission of the claim;
- i) Calculation of eligible items in the claim will be based on the successful lowest bidder's tendered unit prices regardless of which contractor ultimately performs the work; and
- j) Tender results and unit price summaries shall be provided to the City of London for review upon the closing of tenders and prior to awarding the contract, if requested by the General Manager of Planning and Development.

1.8. Miscellaneous

- a) Miscellaneous items in the contract that apply partially to the cost shareable works such as Bonding, Field Office Trailer , Traffic Control, and Permits can be claimed as a percentage of the total tendered contract amount using the following formula;

claimable costs excluding bonding, trailer etc. <hr style="width: 100%;"/> total tendered contract minus bonding, trailer etc.	X	cost of bonding, trailer, etc.	=	claimable amount
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1.9. Engineering Fees

The UWRF shall reimburse Owners for the services provided by their consulting engineer including the design, resident supervision, drawing preparation, certification of works and preparation of claims. The invoiced engineering fees will be processed for payment at the actual invoiced cost up to a maximum 15% of the value of construction upon completion of the works after receipt of confirmation of final costs and invoices. In special circumstances engineering fees exceeding 15% of the cost of the tendered works may be permitted at the discretion of the General Manager of Planning and Development only if prior written permission from the General Manager of Planning and Development is obtained.

If alternate designs are pursued by the owner after the City's acceptance of the preferred alternative, the costs associated with the engineering over and above the original concept shall be borne 100% by the owner.

Engineering fees may not be applied to the claimable works for land acquisition costs, works performed and invoiced by utility companies and Ministry of the Environment application fees.

The design of Stormwater Management Best Management Practices and Private systems are not eligible for claims

Monitoring of SWM Facilities is considered not eligible for claim from the U.W.R.F but must be claimed for with the total engineering required for the project and can only be claimed at the completion of the works under the same yearly cap as the works.

Where applicable the over sizing subsidy for storm pipes and sanitary pipes already includes an allowance for engineering and no additional monies outside of the subsidy per meter shall be paid

1.10. Payment

The following rules shall apply to payments under this schedule:

- a) Valid claims will be paid to the Owner as identified in the applicable Agreement. The Owner may provide the City with a properly executed "Assignment and Direction", in a format acceptable by the City, to transfer the payment(s) of claims to another party;
- b) If money is available in the fund, the payment of claims from the Urban Works Reserve Fund is made each 15th of the month for all claims authorized in the immediate preceding month. All claims considered to be complete shall be registered and processed in chronological order as they are received. Partial payments will be made as the fund balance permits.

Each partial payment shall be paid in chronological order with all other claims in the order they are approved without any prejudice or preference. Payments may be significantly delayed due to the lack of availability of money in the fund and bumping of pre-existing unpaid balance of claims by newer claims may occur resulting in longer waiting periods for all claims;

- c) Holdback under the Construction Lien Act:

- i) 10% holdback is retained on a claim until the entire contract has been substantially performed and the 45 days statutory period from the day of publication in a Daily Commercial News of the substantial performance has expired, and all clearances have been obtained; and

- ii) If there is no certificate of publication included with the claim, the holdback will not be released until the certificate is provided and 45 days has elapsed from the date of publication and all clearances have been obtained;

- d) Unless otherwise specifically mentioned in the Subdivision or Development Agreement the maximum payment from the UWRF general fund shall be \$1,000,000 (including GST) for any one installment. If the aggregate amount eligible to be paid exceeds these amounts, subsequent installments are eligible to be entered as a claim 12 months following the immediately preceding installment. At that time, the claim will be entered in order of receipt in relation to every other claim which is eligible for payment from the Fund;
- e) Works relating to Stormwater Management facilities listed for a subsidy from the UWRF will be separated and paid from a separate UWRF account. That account is comprised of money specifically for storm water management facilities and payments made for these items will be paid from this account subject to the availability of funds. The maximum payment from this account is \$250,000 (including GST) for any one installment. If the aggregate amount eligible to be paid exceeds this amount, subsequent installments are eligible to be entered as a claim 12 months following the immediately preceding installment. At that time, the claim will be entered in order of receipt in relation to every other claim which is eligible for payment from the account. This amount is separate from and does not form part of the \$1,000,000 maximum of the UWRF general fund referred to in d) above. Consequently, Stormwater Facilities claims can be made concurrently with claims in d) above; and

- f) Order of Payment

Any agreement can provide for a claim up to \$1,000,000 for eligible general works plus \$250,000 for stormwater management works per year unless these have specifically been restricted to a lower number in the agreement.

Multiple agreements can occur for large draft plans. Each agreement is subject to the cap claim mentioned above;

1.11. Claims by Non-Contributing Entities(City of London)

When the City acts as an owner it shall be eligible to make claims when undertaking growth related projects containing works that would be claimable irrespective of whether they have made a contribution to the fund. This is consistent with the Development Charges Act, which provides exemption to municipalities for payment of development charges.

The City shall be paid claims for these works in the same manner as other claims in the system through the application of all the pertinent policy including but not limited to eligibility of works, engineering costs, caps, waiting periods.

1.12. Dispute Resolution

Exceptions to the procedures mentioned herein may occur. The preferred methodology to resolve any dispute would be to seek interpretation and clarification through the General Manager of Planning and Development, in consultation with the City Engineer, or their designate. Should the Owner still feel aggrieved by a given policy interpretation then their avenue to seek remedy/ relief is the Board of Control in accordance with Part IV of the by-law.

1.13. Financing of Infrastructure not listed as UWRF claimable

Significant infrastructure projects would usually be paid and managed through the CSRF, as identified in the Development Charges Background Study. Acceleration of works provided for in the City's budget may occur, subject to execution of a separate Municipal Servicing and Financing Agreement (MSFA).

1.14. Municipal Land Requirements – Lands Owned by the Owner

As noted in section 18 of the City of London Official Plan all municipal property requirements including easements (except SWM ponds and combined SWM/Sanitary corridors specifically mentioned in section 1.19) identified in a consent or development agreement shall be provided at no cost to the City of London and/or Development Charge Fund. In the review of a plan of subdivision application or consent, the approval or consent authority may impose conditions relating to the dedication of lands for Road widenings, sewers, paths, commuter parking lots, transit stations and related infrastructure for the use of the general public.

Any land or easements that are owned by the Owner and which are transferred permanently to the City as a condition of a development approval are not eligible for claim with the exception of storm water management facilities. Temporary easements are not eligible for claim.

If the Owner chooses to relocate an existing internal watercourse or conveyance channel outside of the subdivision, when the water course or channel could have been located inside the plan, then no claim for easement acquisition may be made for the open channel.

Costs relating to existing watercourse improvements are not claimable. Unless specifically mentioned as projects in the DC Background Study

1.15. External Land Acquired from a Third Party

- a) The cost sharing amount payable for property acquisitions or easements from third parties is the value as determined by the City's Realty Services Division plus acceptable legal fees. Any amount over and above the value assessed by the Realty Services Division will be at the sole cost of the Owner. No GST is to be paid on land claims.

The cost of any work undertaken to restore or enhance a third Party's property due to the acquisition of lands or the construction of infrastructure beyond the estimate set by the City's Property Division shall be at the sole cost of the Owner

Claims for land in easements will not be allowed for lands that are reasonably expected to develop within 10 years.

If the Owner is not satisfied with the value assessed by the City, an appeal can be made to the Board of Control;

- b) Unless otherwise approved by the General Manager of Planning and Development, in consultation with the Director, Development Finance, no claim can be submitted until all the properties required for the project have been acquired;
- c) Claims related to the cost sharing for property acquisition or easements from third parties may be advanced by the Owner, and may be claimed prior to any construction work being undertaken, if a subdivision, consent, or development agreement or site plan has been executed and all other relevant conditions have been complied with; and
- d) If a non-growth share of the cost of acquisition is assessed and the cost of the easement is established acceptable to the Property Division, then the UWRF share is determined proportionally as mentioned in the DC Background Study. The prime driver for the need for the easement shall dictate the proportionate non-growth share.

1.16. Stormwater Management Facilities General Land Policies

With respect to land acquisition for storm water management facilities the value of the land shall be subject to review every five years and is established as follows:

Flood Plain – private lands that are below the 1:100 Storm Event Line and above the existing open water and/or the 2 year flood elevation (defined by the Upper Thames Conservation Authority and the Official Plan):

\$5,500/Acre (\$13,590/ha)

Lands under existing open water are not claimable as defined by the 2 year design high water elevation (2yr storm elevation)

Park Land – lands set aside as a dedication for parks and not designated for development: \$ Nil

Table Land – developable land inside the Urban Growth Boundary (UGB) designated in the Official Plan for development: **\$100,000/Acre (\$247,100/ha)**

Flood Fringe is defined for payment purposes only as the land that is not an Environmentally Sensitive Area, not park land, not Flood Plain, and not Table Land. Flood Fringe lands are claimable at **\$50,000/Acre (\$123,550/ha).**

For Multipurpose lands that may be defined by more than one of the above definitions. Claims shall be paid using the lowest cost allocation:

Where there is a shared the use of a stormwater or sanitary work such as a maintenance road/ pathway, the use and maintenance of the road/pathway shall be viewed as functioning solely for the sanitary or stormwater service use not the park use. Claims and use shall been determined and allocated to the servicing need with no allocation of costs to the Parks

1.17. Landscaping of SWM pond facilities, Conveyance Channels and other Claimable works

The following shall apply to the landscaping and other amenity costs that may be claimable from the UWRF for SWM ponds:

- (a) For ponds of 5 ha in foot print and less, amounts paid will be dependant on the ponds classification and foot print area. (foot print is the physical size of the block for the pond not drainage area).
 - Type A – are ponds that do not border a park or ESA
These ponds require basic landscape/vegetation treatment to function and be ecologically stable (water plants). It is proposed that this type of pond be limited to \$25,000/ha for landscaping and all other amenities.
 - Type B – are ponds which border ESA's
These ponds require landscape/vegetation treatment to function and to provide an aesthetical continuity with adjacent land features. It is proposed that this type of pond be limited to \$50,000/ha for landscaping and all other amenities.
- (b) For ponds with a foot print larger than 5 ha, claims shall be reviewed on an individual basis by the General Manager of Planning and Development in consultation with the City Engineer.
- (c) If the Owner wishes to build SWM works larger than the design criteria dictates, then the difference in cost shall be borne by the Owner.
- (d) Where a pedestrian foot bridge / gazebo/decorative retaining wall is required or desired, the Owner is responsible for the cost

1.18. Infrastructure Located Outside the Urban Growth Boundary(UGB)

Storm water management facilities located outside the UGB which service lands inside the UGB are claimable proportionally to the total lands they will ultimately serve inside the UGB .Unless specifically sized and phased as mentioned in the DC Background Study. These claims are set up to the maximum as the same rates as facilities located inside the UGB.

Claims shall not be made for works that provide capacity that is above and beyond growth needs within the UGB.

1.19. Land requirements in combined Storm water and Sanitary corridors

In the case of two combined storm/sanitary corridors, namely:

ST4 Stoney Creek 4 Project ES5239 shown on Table EX 4 of the supporting documentation
and
MD2A Foxhollow, Budget ES 5236 shown on Table EX 4 of the AECOM supporting documentation,
the CSRF shall pay for the land associated with the additional width of the corridor at the land rates defined in Stormwater Management Facilities General Land Policies above

2. ROADWORKS

2.1. General

Where a development abuts, faces, flanks or backs onto, or is divided by an existing arterial or primary collector road, and the City requires the Owner to construct minor works beyond their access work, such road works are claimable to the UWRF.

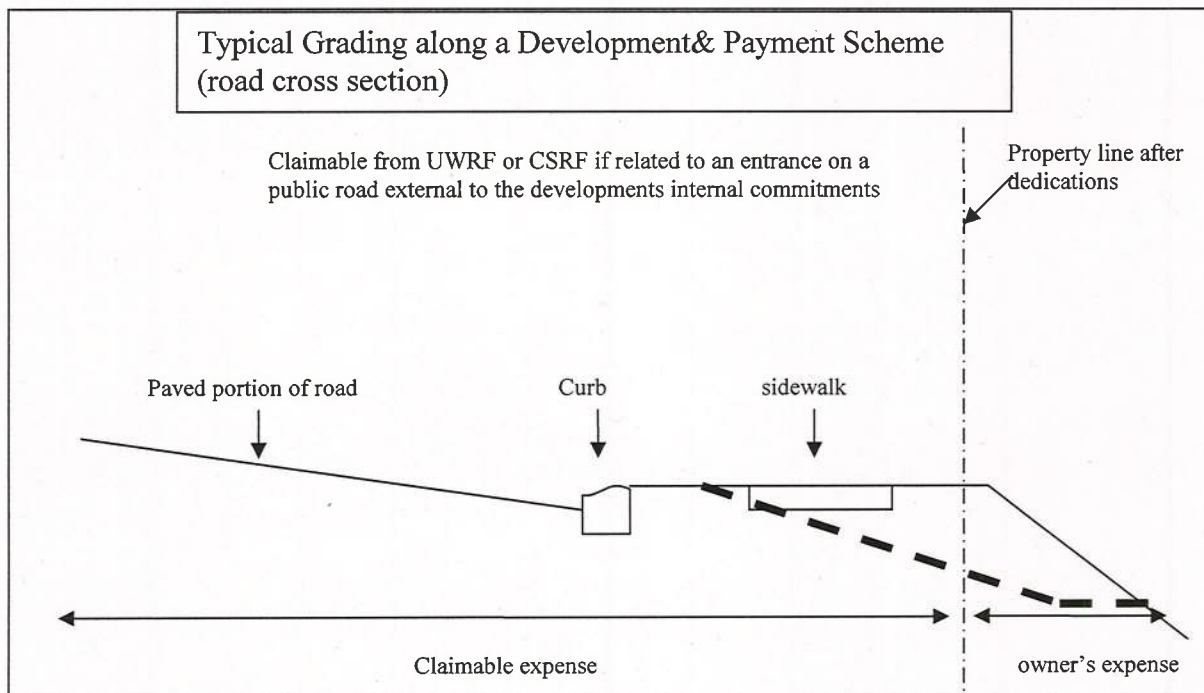
2.2. Works on Lower order streets

The City may identify roadworks along lower order streets (local and collector) that require improvements due to localized

growth in an area that is not specifically attributable to one single development. These infill or brown field developments will be specifically mentioned in the DC background Study and will be incorporated into DC rate calculations under road works listed as fundable from CSRF.

2.2.1.Limits of payment due to Property Extent and grade

Payment for claimable works is restricted to that portion of the works that is situated upon public or future public lands. As illustrated below there shall be no payment for spillage of fill or grading on privately owned lands.



2.3. Eligibility of Claims for Road Works

Cost sharing of growth related roadworks can be broken into five categories

- 1) Local costs borne by the Owner
- 2) Minor roadwork costs subsidized by UWRF
- 3) Major roadwork costs paid for by CSRF
- 4) Roadworks serving growth in industrial areas funded from Industrial Oversizing Reserve Fund
- 5) Non-growth works that benefit the existing population

The following sections describe these 5 categories.

2.3.1. Local Costs Borne by Owner

- i. Connections of all public and private new streets, roads, ramps or entrances including features and design details such as : roundabouts, culverts, signage, gateway treatments, noise wall alterations , sidewalks, bike lanes, bike pathways, paths, directional traffic islands, decorative features
- ii. Re-grading, cutting and placing fill on lands beyond the road allowance along their frontage in accordance with City of London standards. In addition, all grading and restoration of road allowance along the development frontage if no claimable roadworks are required;
- iii. Topsoil and sod to the back of any existing sidewalk fronting the development;
- iv. Planting of new trees fronting the development;
- v. Any upgrade or reinforcement from a standard 100mm thickness sidewalk across the development's new access;
- vi. Retaining walls along the development frontage, where approved;
- vii. 100% of the cost of temporary asphalt sidewalks, roads, paths, swales along the frontage abutting arterial or primary collectors where installation in ultimate location is deemed premature;
- viii. Traffic signal installations at all private entrances and at public entrances which do not meet MTO warrants;
- ix. Any other services, removals, relocations, etc., required even if the road widening had not been constructed for a private entrance or access road including but not limited to, utility relocation, side walk alterations, and curb cuts ;
- x. Restoration of any utility cuts, and or damage created by construction activities & /or construction traffic in and out of the development. including but not limited to daily removal of mud tracking, daily dust suppression, milling and paving of deteriorated asphalt caused by construction traffic, grading of gravel shoulders to remove rutting caused by construction traffic.
- xi. Privately maintained noise walls, all noise berms, window streets and fences;
- xii. Grading elements such as: swales, ditches, best management practices, (BMPs) and any other feature to address over land flow routes needs created by the development's grading;
- xiii. Pedestrian paths, walkways, bridges, tunnels, (including the related lighting and signage);

- xiv. The costs related to the upgrading of any utility plant, or the relocation of the same, unless necessitated by the roadwork;
- xv. The relocation and/or replacement costs of any encroachment on the City's road allowance or easement including but not limited to hedges, sprinklers systems and fences;
- xvi. Existing catch basins and culverts that cross roads, bridges, and leads are considered to be part of surface roadworks rather than sewers. Including and storm quality devices such as storm sceptors or oil/grit separators;
- xvii. Traffic signals and street lighting on Arterial and Primary Collector roads that control or illuminate Public(Non-private) access points, where required by the development agreement; and
- xviii. Utility relocations necessitated by the claimable roadworks can be claimed upon providing a copy of the invoices from the utility and proof of payment in full. The City shall issue a letter to the utility company stating that this work is required by the City under the Highway Act and will pay for 50% of cost of labor and trucking. This 50% share is claimable from the UWRF; the other 50% is the utility's share and is not claimable. Should the utility refuse to pay then these cost shall be the responsibility of the proponent owner. Engineering fees associated with these relocations are not claimable.

2.3.2. Minor Roadwork Costs Subsidized by UWRF

- i. Works listed as eligible in the Development Charges Background Study, or with the approval of the General Manager of Planning and Development in consultation with the City Engineer, drawn from a contingency and/or substituted a work listed in the Background Study may be claimable
- ii. Where a new arterial or primary collector road is to be constructed in whole or in part through a subdivision, the Owner is responsible for the cost of constructing a standard secondary collector road 10m (32ft.) wide curb to curb. If the required road is wider or at a higher standard, the Owner is responsible for the cost of a standard road, including sidewalks, street lights, etc., and may make a claim to the Urban Works Reserve Fund for the difference in cost between a standard road and the road actually constructed. The construction responsibilities shall be defined by the conditions of an agreement between the City and the Owner. If the Owner wishes to construct the road at an enhanced standard beyond that acceptable to the City Engineer, then the Owner shall pay for the additional costs of enhancement with no eligibility for a claim from any fund
- iii. When trees are planted as part of external roadworks to replace removed trees, other than those removed to facilitate an access, the cost of the removal and replacement is claimable.

2.3.3. Major Roadwork Costs Paid for by CSRF

- i. Works listed as eligible in the Development Charges Background Study, or with the approval of the City Engineer, in consultation with the Director, Development Finance, drawn from a contingency and/or an alternative to a work listed in the Background Study may be funded from the CSRF. The claimability of such a work would be subject to inclusion in the development agreement (for works less than \$50,000 subject to approved funding in the Capital Budget) or subject to execution of a Municipal Servicing and Financing agreement prior to commencement of the work. The works funded from the CSRF under this paragraph would be subject to rules similar to those described for UWRF eligible works contained in this section with respect to eligibility, tender and claim completeness and submission.
- ii. Transportation projects that have been listed in the DC Background Study as programs or studies are funded from the City Services Reserve Fund – Transportation component, and are subject to prior execution of a Municipal Servicing and Financing Agreement.

2.3.4. Roadworks Serving Growth in Industrial Areas Funded from Industrial Oversizing Reserve Fund

Certain Works which benefit industrial areas are similar to UWRF works. However, so long as industrial development is exempted from the charges, the City must make provision for claim of these works from a separate fund. This fund is the Industrial Oversizing Reserve Fund (IORF) and certain works are eligible for claim from this fund in accordance with the policies of the IORF

2.3.5. Non-Growth Works that Benefit the Existing Population

Where works funded from the UWRF are subject to this policy and include a non-growth component, funding of that portion of the works must wait until the City has approved sufficient funds in its budgets, to pay for that portion of the works. The non-growth portion of the funding shall be identified in the City's Capital Works Budget and approved by Council.

3. SANITARY SEWERAGE WORKS

3.1. Claimable Sanitary Sewerage Works

All new permanent sanitary sewerage works that are required to service undeveloped & developed lands that meet certain size and design criteria are partially claimable. These works are described in the sanitary sewerage section (UWRF works) of the Development Charge Background Study.

In order to be claimable, Sanitary Sewer works must be contained in, or alternative to, works contained in the Development Charges Background Study and must be incorporated into an executed development agreement.

In general the cost sharing of Sanitary works can be broken into five categories:

- 1) Local costs born by the Owner
- 2) Oversized minor Sanitary work costs subsidized by UWRF
- 3) Major trunk/ system improvements & plant work costs paid for by CSRF
- 4) Oversized works serving industrial areas funded from Industrial Oversizing Reserve Fund
- 5) Non-growth works that benefit the existing population

The following sections describe these categories:

3.1.1. Local Costs Borne by the Owner

Any pipe or portion of a larger pipe that is less than or equal to 300mm in diameter are referred to as local works, and undertaken at the Owner's expense. The 300mm threshold which defines a "local pipe" is the approximate size needed to serve a 20 ha development. Typically, this results in flows of 36-50L/sec, for average pipe slopes of 0.2%-0.3% (based on pipe capacity and minimum velocity)

Additionally, any costs associated with installing private drain connections are not claimable

Any temporary works are not claimable

3.1.2. Oversizing Minor Sanitary Work Costs Subsidized by the UWRF

This classification is applicable to the portion of a pipe defined in the GMIS, SSSS, and DC Background Study as UWRF claimable

The claimable portion of an oversized sewerage works constructed by an Owner in order to provide service to areas beyond their development is eligible for a subsidy from the UWRF and is payable based on an average oversizing cost basis in the form of a \$/m of pipe constructed as per the rates of the table in "Appendix 7-B"

The oversizing subsidy is a calculated average cost listed in Appendix 7-B and was derived by subtracting the estimated cost of a 300mm sanitary pipe from the estimated standard cost of oversized pipe of various sizes. The table in Appendix 7B lists the maximum claimable subsidy. If the actual cost of the works exceeds those used to calculate the table, then such additional costs shall be borne by the Owner. This subsidy covers all related costs of manholes, dewatering, restoration, back fill, engineering, utility relocates and labor. No payment above the noted \$/m unit price shall be paid.

If the Owner is constructing pipes through or by, lands which are currently non-developed, the claimable subsidy of such pipes shall be determined in accordance with the preceding paragraphs.

The rates in Appendix 7-B will be monitored and adjustments will be recommended to Council if deemed necessary.

3.1.3. Major Trunk/System Improvements & Plant Work Costs Paid for by CSRF

This category refers to pipes defined in the DC Background Study as CSRF claimable. The construction of these sewers shall be undertaken by the City and approved through the annual budget process.

On occasion, a portion of major works the cost of which is not expected to exceed \$10,000 may, with the consent of the General Manager of Planning and Development and subject to the availability of approved funding in the capital budget, in consultation with the Director, Development Finance, and subject to availability of approved funding in the capital budget, be undertaken so long as the works appear in a development agreement.

Except as mentioned above, CSRF funded works may be undertaken by an owner upon execution of a Municipal Servicing and Financing Agreement.

3.1.4. Oversized Works Serving Industrial Areas Funded from Industrial Oversizing Reserve Fund

Certain Works which benefit industrial areas are similar to UWRF works. However, so long as industrial development is exempted from the charges, the City must make provision for claim of these works from a separate fund. This fund is the Industrial Oversizing Reserve Fund (IORF) and certain works are eligible for claim from this fund in accordance with the DC background study and policies of the IORF.

3.1.5. Non-growth Works that Benefit the Existing Population

Any component of sanitary sewerage works which serves existing developed areas, as identified in the Development Charges Background Study as well as remediation or repair of deficient services and are to be funded by the City budget.

If works are undertaken to increase capacity of an existing sanitary system, or to redirect flows to another system in order to provide capacity for growth in another area, then those costs shall be 100% attributed to growth. Rehabilitation, repair and installation of backflow preventing devices required due to increased or redirected flows shall also be 100% attributed to growth.

Where sanitary sewerage works include a non-growth component, funding of that portion of the works must wait until the City has approved sufficient funds in its budgets, to pay for that portion of the works. The non-growth portion of the funding shall be identified in the City's Capital Works Budget and is subject to annual approval by Council.

Any owner who proceeds with a work that contains a non-growth component prior to execution of an agreement that provides the details of the work and financing for the same shall do so entirely at their risk and expense.

4. STORMWATER MANAGEMENT WORKS (SWM)

4.1. Claimable Storm Water Management Works

In order to be claimable, Stormwater management works must be a permanent facility and be contained in, or alternative to, works contained in the Development Charges Background Study and must be incorporated into an executed development agreement.

In general the cost sharing of SWM works is broken into five categories

- 1) Local costs borne by the Owner
- 2) Minor SWM ponds paid for by UWRF
- 3) Major SWM ponds & stream restoration paid for by CSRF
- 4) Storm works and ponds serving industrial areas funded from the Industrial Oversizing Reserve Fund
- 5) Non-growth portion of SWM works that benefit the existing population

The following sections describe these categories:

4.1.1. Local costs borne by the Owner

Any temporary works or works not included in the master servicing plan are at the sole expense of the Owner including operation, maintenance and decommissioning. Approval of temporary works is at the discretion of the City Engineer, in consultation with the General Manager of Planning and Development.

Any best management practices or Private drainage systems that benefit the single parcel of land for which they are constructed, and serve less than 15ha are not claimable.

The construction of ditches, swales, and overland flow routes are not eligible for claim unless specifically noted in the DC Background Study.

4.1.2. Minor SWM Ponds Paid for by UWRF

Works listed as eligible in the Development Charges Background Study as being UWRF works, or with the approval of the General Manager of Planning and Development in consultation with the City Engineer, either, drawn from a "contingency" in the DC rate calculations or is alternative to a work listed in the DC Background Study may be claimable.

In accordance with the basis of the costing of the works in the master servicing plan (which works are reflected in the Development Charges Background Study), 100% of the cost of 100m of inlet and 100m of outlet sewer are claimable.

4.1.3. Major SWM Ponds & Stream Restoration Paid for by CSRF

Works listed as eligible in the Development Charges Background Study as being CSRF works include major SWM ponds and stream restoration. These works may be eligible for acceleration of timing or construction by the Owner. The claimability of such works shall be subject to execution of a Municipal Servicing and Financing Agreement prior to commencement of any work by the Owner.

4.1.4. Storm works and ponds serving industrial areas funded from the Industrial Oversizing Reserve Fund

Certain SWM Works which benefit industrial areas are similar to UWRF works. However, so long as industrial development is exempted from payment of development charges, the City must make provision for claiming these works from a separate fund. This fund is the Industrial Oversizing Reserve Fund (IORF) and certain works are eligible for claim from this fund in accordance with the Development Charges study, and the policies of the IORF

4.1.5. Non-Growth Portion of SWM Works that Benefit The Existing Population

The component of storm water management works which services existing developed areas as defined in the Development Charge Background Study (which is based on the Master Plan) as well as remediation of deficient services or redirection of flows to improve optimal use of the system are to be funded by the City budget. Non-growth portions of eligible sewage systems are listed in the Development Charges Background Study report.

Where works that are subject to this policy include a non-growth component, funding of that portion of the works must wait until the City has approved sufficient funds in its budgets, to pay for that portion of the works. The non-growth portion of the funding shall be identified in the City's Capital Works Budget and approved by Council

Any owner who proceed with a work that contains a non-growth component prior to execution of an agreement that provides the details of the work and financing for the same shall do so entirely at their risk and expense

5. STORM SEWER WORKS

5.1. Claimable Storm Water Works

All new permanent storm sewerage works that are required to service undeveloped & developed lands that meet certain size and design criteria are partially claimable. These works are described in the storm sewerage section of the Development Charge Background Study. The construction of ditches, swales, and overland flow routes are not eligible for claim unless specifically noted in the DC Background Study. Works used for detention will be considered as retention facilities rather than conveyance devices and will be paid as SWM facilities as discussed in the previous section. & claims may be payable providing there is provision for such claims in the Development Charges Background Study (which is based on the Engineering Master Plans for each service).

In order to be claimable, Stormwater Sewer works must be contained in, or alternative to, works contained in the Development Charges Background Study and must be incorporated into an executed development agreement.

In general the cost sharing of Stormwater works is broken into six categories

- 1) Local costs borne by the Owner
- 2) Oversizing of Storm pipes paid for by UWRF
- 3) Inlet & outlets to Minor SWM ponds & stream restoration paid for by UWRF
- 4) Inlet & outlets to Major SWM ponds & stream restoration paid for by CSRF
- 5) Industrial Growth works (currently subsidized by IORF)
- 6) Non-growth works that benefit the existing population

The following sections describe these categories:

5.1.1. Local Costs (Pipes) Borne by Owner

Costs of all storm sewage systems that are temporary, not identified in the Storm Master Plan, or not defined in the DC Background Charge Study shall be borne by the Owner.

The cost of theoretical works required by the Owner as if there were no external upstream flows shall be borne by the Owner. For storm sewers these are defined by policy to be the pipes greater than 1050mm in diameter.

Additionally, any costs associated with installing private drain connections or private systems are not claimable..

5.1.2. Oversizing of Storm Pipes Paid for by UWRF

The claimable portion of an oversized storm pipe constructed by an Owner in order to provide service to areas beyond their development is eligible for a subsidy from the UWRF and is payable based on an average oversizing cost basis in the form of a \$/m of pipe constructed as per the rates in the Table in Appendix 7-C. If the Owner is building through or by, lands which are currently non-developed, the claimable subsidy of such pipes shall likewise be determined in accordance with the Table in Appendix 7-C.

This subsidy is a calculated average cost listed in Appendix 7-C that is derived by subtracting the cost of a 1050mm storm sewer pipe from the estimated standard cost of oversized pipe of various sizes. The table lists the maximum claimable subsidy. If the actual cost of the works exceeds those used to calculate the table then such additional costs shall be borne by the Owner.

The rates in Appendix 7-C will be monitored and adjustments will be recommended to Council if deemed necessary. The cost per metre identified in the Appendix covers all associated engineering, manholes, restoration etc.

5.1.3. Inlet & Outlets to Minor SWM Ponds & Stream Restoration Paid For by UWRF SWM Fund

The UWRF will fund the cost of Stormwater Management works listed as eligible in the DC Background Study. These costs include limits for claims on land costs, landscaping, engineering & utilities as specified in other parts of this document. Additionally 100% of the cost of 100m of inlet and 100m of outlet sewer are payable from this fund. The non-growth portion of the funding (if any) shall be identified in the City's Capital Works Budget (GMIS) and approved by Council. The non-growth portion of any work under this paragraph may only be paid upon Council approval of the budget for the works in question.

5.1.4. Inlet & Outlets To Major SWM Ponds & Stream Restoration Paid for by CSRF SWM Fund

The CSRF will pay 100% of the cost of Stormwater Management works listed as eligible in the DC Background Study. These costs include limits for claims on land costs, landscaping, engineering, & utilities as specified in other parts of this document. Additionally 100% of the cost of 100m of inlet and 100m of outlet sewer are payable from this fund. The non-growth portion of the funding (if any) shall be identified in the City's Capital Works Budget (GMIS) and only be paid upon Council approval of the budget for the works in question.

The acceleration of these works contained in the City's Capital budget, and funded from the CSRF may be possible through execution of a Municipal Servicing and Financing Agreement.

5.1.5. Industrial Growth Works(currently subsidized by IORF)

Certain storm sewer pipes and inlets serve ponds which benefit industrial areas. As long as the City policy exempts industrial development from development charges, the City must make provision for claiming these works from a separate fund. This fund is the Industrial Oversizing Reserve Fund and certain works are eligible for claim from this fund in accordance with the Development charges study and the policies of the Industrial Oversizing Reserve Fund (IORF),

5.1.6. Non-Growth Works that Benefit the Existing Population

The portion of works which services existing developed areas as identified in the Development Charges Background shall be paid from a non-DC source at such time as the City has provided for the same in its capital budgets. Non-growth portions of eligible storm sewage systems are listed in the DC Background Study report.

Any owner who proceeds with a work that contains a non-growth component prior to execution of an agreement that provides the details of the work and financing for the same shall do so entirely at their risk and expense.

SCHEDULE 7

Appendix 7-A

Reference of UWRF Eligible Items to Payment items in Master Plan Studies that are defined by "New Rules"

1	Sanitary Sewer (Going FWD)	SSMP Table 5.1
2	Minor Roadworks (Going FWD)	MRMP Table 4.4
3	Industrial Minor-Traffic Signals	MRMP Table 4.3
4	Storm Sewers UWRF Going FWD (Table 4.5.2)	STMP 4.5.2
5	SWM Total Grandfathered in UWRF Linked Systems	ST MP 4.1
6	SWM Total Grandfathered in UWRF in GMIS Boundary	ST MP 4.1
7	SWM Total Going FWD in UWRF in GMIS Boundary	ST MP 4.1

SCHEDULE 7

Appendix 7-B

Table EX2.3 Sanitary Pipe size subsidy (as per AECOM Sanitary Master Plan Table EX2, April 2009, Amount Table (15))

Pipe Diameter	Credit Amount (\$/m)
300 mm	
375 mm	\$54.00
450 mm	\$94.50
525mm	\$168.75
600mm	\$256.50
675mm	\$378.00
750 mm	\$499.50
825mm	\$641.25
900mm	\$715.50
975mm	\$823.50
1050 mm	\$945.00

SCHEDULE 7

Appendix 7-C

Table EX3.3 Storm Pipe size subsidy (as per AECOM Sanitary Master Plan Table EX2, April 2009, Amount Table (15))

Pipe Diameter	Credit Amount (\$/m)
1050 mm	
1200 mm	\$202.00
1350 mm	\$425.25
1500 mm	\$681.75
1650 mm	\$958.50
1800 mm	\$1,302.75
950 mm	\$1,620.00
2100 mm	\$1,991.25

2

APPENDIX 'B'

Update Week 2004-35

Planning

Case Name:

**Barrie (City) Development Charges By-law No.
99-172 (Re)**

Bill Szilveszter has appealed to the Ontario Municipal Board under subsection 22(1) of the Development Charges Act, S.O. 1997 c.27 against a development charge imposed on a property municipally known as 97 Huronia Road, by the City of Barrie under the authority of By-law 99-172 O.M.B. File No. D030015

[2004] O.M.B.D. No. 804

File Nos. DC030015, D030015

Ontario Municipal Board

N.C. Jackson, Member

Oral decision: August 3, 2004.

Filed: August 18, 2004.

(5 paras.)

COUNSEL:

I.J. Rowe, for City of Barrie.

Bill Szilveszter, on his own behalf.

MEMORANDUM OF ORAL DECISION DELIVERED BY N.C. JACKSON AND ORDER OF THE BOARD:--

1 Bill Szilveszter is now completing construction on a new home on property located at 97 Huronia Road in the City of Barrie. He was required to pay a Development Charge fee of approximately \$11,276.00 in June of 2003. He wrote a letter to Council prior to the payment questioning the justness of the requirement since there had been a house on the same property demolished in 1994. Mr. Szilveszter bought the vacant property in 2001 and assumed that in replacing the residential use of the property and not increasing useage, he would be exempt from paying the development charge. He made an Official Complaint in writing on March 31, 2003 respecting the application of the Development Charge By-law, in effect at the time of his building permit number 99-172, under section 20 of the Development Charges Act. He was granting a Hearing before City Council where his Complaint was dismissed. Under section 22 of the Development Charges Act he then appealed to this Board.

2 His evidence is direct - the premise of the Act is " the imposition of Development Charges is related to whether the development of the land increases the need for services". That language is set out in a recital to By-law 91-188, The Development Charge By-law in effect at the time of the Demolition. His Appeal materials also questioned whether he was delayed by Barrie Officials and whether an illness that had incapacitated him, was sufficient to warrant a remedy.

3 The Board has carefully considered the Appellants' evidence and that of the Municipality from Cameron Watson, a land economist who assisted in the preparation of the Barrie Development Charge By-laws and Development Charge By-laws across Ontario.

4 The Board appreciates the assumption made by the Appellant that he would not face a development charge but must dismiss his Appeal for the following reasons:

1. The Board has a more limited jurisdiction in an appeal on the complaint as to the Application of the By-law than on an Appeal as to the By-law itself. Section 20 of the Development Charges Act deals with 3 issues:
 - a) incorrect calculation
 - b) whether a credit is available or was incorrectly calculated
 - c) an error in the application of the By-law

By-law 99-172 specifically provides in section 11 for exemptions and in paragraph (g) an exemption for a redevelopment if no additional dwelling units are created within a time period of 60 months previous to the permit issuance. In this case the demolition was clearly some 8 years previous to the building permit.

The Board under a complaint under section 20 cannot amend the By-law as it might under an Appeal of the By-law itself.

2. The Board questioned Municipal representatives and witnesses as to the merits of the request. The Board is satisfied that Municipalities must by the enabling legislation, the Development Charges Act section 5(1)(5), con-

sider excess capacity before new Development Charge By-laws are considered and that must be every 5 years. A survey of other municipalities shows most with Development Charge By-laws provide a time limit for this type of exemption. Moreover section 5(6)(2) of the DCA makes it clear that it is not necessary that the amount of a development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.

3. The location of the sewer lateral was a concern for 3 months and resulted in some delay, but that relates more to his building permit and involved third parties as well as the City. The Appellant's illness was serious. However, the Appellant purchased the property after his serious illness and after a successful career in construction. Had there been personal compelling reasons related directly to the Development Charge, the Board was satisfied that corrective action could be taken. There are not on the Board's finding from the evidence.

5 The Appeal is dismissed and it is so Ordered.

N.C. JACKSON, Member

qp/e/qlcct

Indexed as:
London (City) By-law C.P. 1306-339 (Re)

**IN THE MATTER OF Section 8(7) of the Development Charges
Act, (S.O. 1989, c. 58)
AND IN THE MATTER OF an appeal by Michael Allen Kirshin
against By-law C.P. 1306-339 of the Corporation of the City
of London
IN THE MATTER OF Section 4(4) of the Development Charges
Act, (S.O. 1989, c. 58)
AND IN THE MATTER OF an appeal by Michael Allen Kirshin
against By-law C.P. 1306-339 of the Corporation of the City
of London**

[1992] O.M.B.D. No. 2087

File Nos. S 920050, S 920057

Ontario Municipal Board

M.A. Rosenberg

November 6, 1992

(11 pp.)

COUNSEL:

A.R. Patton, for Michael Allen Kirshin.
J.P. Barber, for City of London.

**MEMORANDUM OF ORAL DECISION delivered by M.A. ROSENBERG and ORDER OF
THE BOARD:--**

Michael Kirshin is a builder of small residential units in the City of London. On April 5, 1989 Mr. Kirshin bought a tri-plex property located at 470 Hill Street in the City of London. The property is located about one mile from the City Hall in an older section of the City of London. Lot measures approximately 37 foot frontage by a depth of 197 feet. On April 5, 1989 the site contained a 100

year old tri-plex with somewhere between 1200 and 1400 square feet in size. The existing three dwelling units contained in total 3 kitchens, 3 washrooms and 5 bedrooms with apparently one parking space. The property is fully serviced with sanitary sewer, water and roads but has no storm sewer connection. At the time the owner purchased the property, 2 units were occupied and one unit was vacant. The property has been used as a tri-plex since at least 1949.

The owner wished to demolish the existing tri-plex and build a new tri-plex approximately 3,450 square feet in size. This has in fact been done. The three new units of the triplex will provide 3 kitchens, 3 washrooms, 6 bedrooms and 6 parking spaces located at the rear of the building. The net difference in the two structures are:

- 1) larger units,
- 2) one more bedroom,
- 3) five additional parking spaces, and
- 4) a new storm water drywell system was installed with regard to water run-off.

The owner applied in both 1989 and 1991 for a demolition permit and the City indicated that since the tri-plex was a legal non-conforming use, that a variance was necessary through the Committee of Adjustment process. The applicant obtained the Committee of Adjustment approval for the third dwelling unit on September 27, 1990. There was only one condition attached to the Committee of Adjustment's decision and that was that the applicant apply for and receive site plan approval under Section 40 of the Planning Act. Site plan approval was granted by the City of London through a Development Agreement dated September 26, 1991 which was entered into between the two parties. No other conditions were attached to the Committee of Adjustment approval i.e. such matters relating to dedication of roads, sanitary sewer, storm sewers or water-mains.

The existing tri-plex was demolished in October/November 1991 and a building permit was issued to the owner for permission to build a new tri-plex, on November 29, 1991. The City of London indicated to the owner that development charges of \$8,769.00 were owed to the City and these had to be paid before a building permit was issued. The owner paid the development charges to the City of London under protest.

The owner then appealed to the Ontario Municipal Board under the Development Charges Act pursuant to Section 8(7) and Section 4(4) of the said Act. The City of London through By-law C.P.1306-339 passed a development charge by-law on November 24, 1991.

The owner argues that:

- a) under Section 8(1) (d) of the Development Charges act that the City of London erred in the application of the development charge by-law to the subject property, and
- b) under Section 4(11) of the Development Charges act that the Ontario Municipal Board should order an amendment to By-law C.P. 1306-339 to allow the owner of a property a credit for demolition if in fact three new units are replacing three existing units and there is no increase in the need for services.

The owner argues that the test under Section 3(1) of the Development Charges Act applies. Section 3(1) of the Development Charges Act is as follows:

"The council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services and the development requires,

and then it sets out certain approvals under the Planning Act in items (a) through (g).

On the other hand the City of London argues that no previous credits for demolition were given in their old Development Charges By-law and no credits for demolition are given in the new Development Charges By-law C.P.1306-339. The status quo should be maintained. The new Development Charge By-law of the City of London also levies the same amounts for development charges as it did under the old by-law.

Michael Kirshin gave evidence before the Board on his own behalf. He said he has been a builder in the City of London since 1974 and builds mostly duplexes, tri-plexes and small residential units. Sometimes he renovates a property and sometimes he demolishes the property and rebuilds. Mr. Kirshin said that when he built the new tri-plex he put in a new private drain connection to the sanitary sewer and put in a new water-main and created six new parking spaces located at the rear of the building. He said that although he hasn't received his new assessment notice yet, that he anticipates at least a doubling of his taxes because of the larger tri-plex. He said that two of the older units were about 550 square feet in size each, and one unit was only 250 square feet in size. The new tri-plex is basically built on the same footprint as the old building but is of course much higher with larger units of 1100 to 1200 square feet each in size. Mr. Kirshin said that since he was replacing three old units with three new units that he should be allowed a credit for demolition because he has not increased the need for any additional services that the City might require. The site already has existing services and in fact, the City will be acquiring substantial additional revenue through increased assessment on the larger triplex.

Norman Edwards is the Chief Plan Examiner in the City of London's Building Department and he gave evidence before the Board on behalf of the City of London. Mr. Edwards said that under the old Development Charges By-law C.P.-1286-247 the only credit given to a developer related to a detached, single-family residence which has been razed by an act of God or accidental fire. The new Development Charges By-law C.P.1306-339 in clause 17, refers to a dwelling unit destroyed by a "force majeure" and sets out a one year time limit. This is the only credit given for replacement of a dwelling unit in the new By-law.

Mr. Edwards said the owner of the property was replacing a 1,200 square foot tri-plex with a 3,450 square foot tri-plex roughly three times the original size. The development charges were \$2,923.00 per dwelling unit and the total of \$8,769.00 was split evenly between the Urban Works Reserve Fund and the Capital Growth Reserve Fund.

Mr. Edwards said that when a house is demolished and rebuilt that this renews the life of a house and renews the demand for roads and services. He said every home has a certain life-span but he admitted he didn't know what that life-span was. Mr. Edwards could not refer to any studies which talked about life-spans of building structures. He said that City Council wanted to basically maintain the status quo and when the old Development Charges By-law was repealed, and replaced with the new Development Charges By-law that the new by-law basically reflected the old one. Levies were the same, no credit for demolition was given, except by the Act of God. He said the

new Development Charges By-law applied to the subject property because three new units were built.

Mr. Edwards admitted that he didn't have any information with regard to whether the three new units increased the need for City services. He also admitted that the Development Charges Act and the London Development Charges By-law talked about residential units, not the size of the units, the number of bedrooms, nor the number of occupants. Mr. Edwards also admitted that if an existing residential unit is increased in size from say 400 square feet to 1,000 square feet the development charge would not apply. Mr. Edwards also said that he didn't know the size of the sewer main or water mains or traffic capacity on Hill Street. He admitted on cross-examination that a new tri-plex may require less services because of such things as conservation of water through water saving devices installed in the home and/or a blue box program related to recycling of waste materials.

David Aston is a management consultant with the Coopers & Lybrand Consulting Group which prepared two reports for the City of London dealing with development charges. A preliminary report dated June 1991 and a final report dated September 1991 are all found in Exhibit 16. Mr. Aston said his company did a study for the City of London to look at growth related capital costs. He said some of the recommendations were adopted by City council and some of their recommendations were not adopted. He said that the basis of the Development Charges Act is that it is permissive and City Council had certain discretionary powers. He said his company looked at the City of London's five year capital forecast and tried to assess what portion of capital costs could be growth related. He said individual unit levies recommended went from a high of \$17,000.00 per unit to roughly \$8,000.00 per unit which is what his firm recommended. City Council didn't accept the \$8,000.00 figure for unit levies but instead passed the by-law with a maximum unit levy of \$5,257.00. This \$5,257.00 figure was exactly the same as the unit levy under the old Development Charge By-law. He said a credit for demolition is in the discretion of council. His firm recommended that there be a credit for demolition but City Council didn't agree and didn't include a credit in its by-law. He said his report took a global approach with regard to services throughout the City. Development charges apply to both the existing City and greenfield areas.

Mr. Aston said new dwelling units replacing existing dwelling units may create a demand for additional services but he admitted that he didn't do a study relating to the size of the units or bedroom counts. He said construction of a replacement unit doesn't trigger a capital works construction. He said his report concentrated on total demand for services over a period of time on a city-wide basis. Capital costs don't relate to any part of the City or to any one particular property. He said a broad brush approach was needed. Mr. Aston said that small units replaced by larger units will increase demand for services especially where more bedrooms are created. He said it is the cumulative effect that is important.

On cross-examination Mr. Aston admitted that Section 3(1) of the Development Charges Act talked about the increase in need for services and growth related. This is the threshold test in the Act. Mr. Aston still recommended today that there be a credit for demolition even though City Council passed a by-law maintaining the status quo. Mr. Aston said that the wording of the credit for demolition could be similar to a City of Kingston by-law which stated, and which is found in Exhibit 5 Section 4.3 as follows;

"This by-law shall not apply to an owner who lawfully demolishes dwelling units or non-residential floor areas and replaces them with dwelling units or non-residential floor area, respectively, but any dwelling units or non-residential floor area created in excess of that which was demolished shall be subject to payment of development charges."

On a unit-for-unit basis there would be a credit for demolition. Mr. Aston also admitted that in any new structure there will be an increase in market value, an increase in assessment and more taxes will be paid to the City. Some of this increase in taxes could go to service costs related to the property.

Bob Puhach is the Assistant City Administrator for the City of London. Mr. Puhach said City Council in all its deliberations wanted to maintain the status quo and not give a credit for demolition. He said that he could not assess the financial impact of a demolition credit if one was given. He said a thorough study would be necessary. He said a demolition credit would generate less revenue to the city and have a negative impact on the tax base.

On cross-examination Mr. Puhach admitted that in any study that was done you would have to look at the impact of new tax dollars generated by new assessment on new buildings built on the property. He said the information relating to either loss or increase in revenue generated by demolition and rebuilding, was not looked at either by staff or City Council. He also admitted that City staff supported the recommendation to give a credit for demolition.

The Board has carefully weighed all the evidence and generally prefers the testimony of Mr. Kirshin and Mr. Aston. The Board was referred to the case of Mod-Aire Homes Ltd. v. Township of Georgina, a decision of the Board given on April 6, 1984, by Board members P.G. Wilkes and R. Chartier found at 17 Ontario Municipal Board Reports at page 213. On page 218, that panel of the Board said that in considering whether or not lot levies were appropriate, they looked at four tests. These four test were:

- 1) Is the lot levy relevant?
- 2) Is it necessary?
- 3) Is it reasonable?
- 4) Is it equitably applied?

In the case before this panel of the Board, the Board finds that these four tests are a guideline for the Board to consider with regard to the application and the interpretation of the Development Charges Act. They are appropriate in this case to determine whether a credit for demolition should be included in the City of London's Development Charges By-law C.P. 1306-339.

Here, the owner of the property, Mr. Kirshin is replacing a triplex with a tri-plex; three dwelling units with three dwelling units. The unit sizes are much larger and there is one extra bedroom and some additional parking provided on site but there is absolutely no evidence before the Board to show that three new tri-plexes would increase the need for additional services.

The threshold tests set out in Section 3(1) of the Development Charges Act has not been adequately addressed by the City of London. What is required is evidence from the City showing existing City services would be impacted by three new units replacing three old units. In this case the subject site is fully serviced and in fact the owner through a development agreement with the City under Section 40 of the Planning Act has upgraded certain services relating to storm-water man-

agement and water-mains. There is no evidence before the Board to indicate that any of the existing City services would have to be replaced or improved upon. In fact, there is evidence before the Board to show that there is a net gain in tax revenue to the City of London. A new tri-plex would generate significantly increased assessment and new taxes for the City. What is lacking is a complete analysis relating to demolition of old units and replacing them with new units in terms of capital costs for hard services and tax revenue generated by the increased assessment.

The City of London's Development Charges By-law talks in terms of "dwelling units" not in terms of square footage, number of bedrooms or number of occupants. In addition, the Board finds that both the City staff and the consultants, Coopers & Lybrand Group, recommended a credit for demolition. City Council in this case preferred to maintain the status quo.

The Board finds that based on the evidence, a credit for demolition is relevant, necessary, reasonable and equitable, and meets all of the four tests. Development charges and lot levies produce extra revenue for the City to offset the capital costs of hard services such as roads and sewers. The other side of the coin is that new development brings in new assessment and new taxes that help pay for these capital expenditures as well as current expenditures.

The Board also finds that in fact there is a significant social and public benefit produced by three larger tri-plexes replacing three smaller tri-plexes. Living accommodation for families is greatly enhanced. This is a benefit to the City of London.

There is no evidence before the Board to suggest that existing services are inadequate or insufficient or that a need for any new services exists. For instance, there is no evidence to suggest that existing sanitary sewers are overtaxed or that a new pollution treatment plant is needed. In addition there is no evidence relating to any strain on services such as water, storm drainage or roads. From the evidence it would appear that existing hard services are more than adequate to accommodate three larger tri-plexes which are replacing three smaller tri-plexes.

The Board also finds that Section 8(1)(d) of the Development Charges Act has not been met. Because there already is a clause in the by-law allowing for the replacement of units without a development charge, in some circumstances, the principle should also apply here. Hence, there was an error in the application of the Development Charges By-law. A credit for demolition should have been given to the owner by the City of London. The Board finds that London's Development Charges By-law is unreasonable and incomplete. A credit for demolition should be allowed in order to create equity.

In the result, both appeals are allowed under Section 8(7) and Section 4(4) of the Development charges Act.

The Board directs that;

- 1) By-law C.P.1306-339 be amended to include the Kingston clause for a credit for demolition as found in Exhibit 5. This clause is to be inserted and will read as follows;

'The by-law shall not apply to an owner who lawfully demolishes dwelling units or non-residential floor areas and replaces them with dwelling units or non-residential floor area, respectively, but any dwelling units or

non-residential floor area created in excess of that which was demolished shall be subject to payment of development charges.'

- 2) To clause 17 of C.P. 1306-339 will be added the words, "or accidental fire" after the words "force majeure".
- 3) Pursuant to Section 5(5) (a) of the Development Charges Act, a refund of \$8,769.00 plus interest will be paid by the City of London to the owner, Michael Kirshin within 30 days of the date of the order of the Board.
- 4) In all other respects the appeals against By-law C.P. 1306-339 are dismissed.

The Board's order will issue when the by-law is amended in accordance with the Board's decision.

M.A. ROSENBERG, Member

Exhibit # 7



Building and Planning Information

The Springs Restaurant

Results for:

310 SPRINGBANK DR

App/Permit/Order #	File #	Type of App/Permit/Order	Issue Date	Status
13013748		Sign and Canopy-Restaurant -Alter - Ground Sign - Sign Copy Portains To: 2212634 Ontario Ltd C/O Tim Owon	2013-07-03	Closed
13013748		Sign and Canopy-Restaurant -Install - Facial Wall Sign - Sign Copy Portains To: 2212634 Ontario Ltd C/O Tim Owon Facial Wall Sign Location:	Not Issued/reviewed	Cancelled
11023003	SP11-023003	Site Plan Applications-Commercial -Site Plan Amendment - Amendment - Administrative (Consent to Sever)	2011-07-25	D.A. Out
11020947		Sign and Canopy-Restaurant -Install - Facial Wall Sign - Sign Copy Portains To: The Springs Restaurant Facial Wall Sign Location:	2011-07-21	Issued
11020874		Sign and Canopy-Restaurant -Install - Ground Sign - Sign Copy Portains To: The Springs Restaurant	2011-07-21	Issued
11005943	B.020/11	Consents-Commercial -Terrance Graway - Request to sever 1,996.26m ² for future commercial/retail and retain 1,350.26m ² for a future restaurant.	Not Issued/reviewed	Closed
10033036		Commercial Building-Retail Plaza-Alter - Alter to re-build for restaurant. FRR FOUNDATION ONLY. 3-comp sink, 3x(12x18x18). Pot sink, 20x20x4. DW = 0.93 usgpm. Proposed GI = 50 usgpm.	2010-12-14	Closed
10033036		Commercial Building-Retail Plaza-Alter - Alter to re-build for restaurant. FRR	2010-11-22	Closed
10033036		Commercial Building-Retail Plaza-Alter - Alter to re-build for restaurant. FRR 3-comp sink, 3x(12x18x18). Pot sink, 20x20x4. DW = 0.93 usgpm. Proposed GI = 50 usgpm.	2010-11-22	Closed
10032644		Demolition-Retail Store-Non-Residential Demolish - Partially Demolish existing commercial for future restaurant (separate permit required for construction)	2010-10-27	Closed
10020336		Commercial Building-Site Services-Install - Install site servicing	2010-07-05	Closed
10005673	SP10-005673	Site Plan Applications-Commercial -Alter - Proposed restaurant from retail/ old DA security to be returned to previous owner once now security is resolved	2010-06-29	Closed
07083448		R.R. - Box CP 690, location COM A 69102 Commercial Building-Retail Store-(retail) Alter - Alter interior for change of use to Tribal Mountain Trade Store.	2008-04-15	Cancelled
06006179		Site Plan Applications-Commercial -Alter - Retail 196.7 sq. m.	2007-05-28	Closed
06006089	OTC438146	Building/ Plumbing-Institutional -Order to Comply - A building has undergone a change of use from a Group A2 Assembly Occupancy to a Group E retail use prior to obtaining a change of use permit.	2008-03-08	Closed *



London
CANADA

Building and Planning Information

File #:

10033036

Reference #:

Address:

310 Springbank Dr

Type of File:

Commercial Building-Retail Plaza-Alter - Alter to
re-build for restaurant. FRR
3-comp sink, 3x(12x18x18). Pot sink, 20x20x4.
DW = 0.93 usgpm. Proposed GI = 50 usgpm.

Issue Date:

2010-11-22

Status:

Closed

Additional Information

Verified Construction Value

Value

200000

Nature of Work - Water

No

No. of Units Created

0

Nature of Work - Mechanical

Yes

Nature of Work - Plumbing

Yes

Number of Storeys

1

Nature of Work - Building

Yes

Nature of Work - Drainage

No

Estimated Construction Value

200000

Reported Construction Value

0

Nature of Work - Sewage System

No

8



London
CANADA

Building and Planning Information

File #:

10033036

Reference #:

Address:

310 Springbank Dr

Type of File:

Commercial Building-Retail Plaza-(statcan) Alter -
Alter to re-build for restaurant. FRR

Issue Date:

2010-11-22

Status:

Closed

Additional Information

Reported Construction Value

No. of Units Created

Value

200000

0

8



London
CANADA

Building and Planning Information

File #:

10033036

Reference #:

Address:

310 Springbank Dr

Type of File:

Commercial Building-Retail Plaza-Alter - Alter to
re-build for restaurant. FRR FOUNDATION ONLY.
3-comp sink, 3x(12x18x18). Pot sink, 20x20x4.
DW = 0.93 usgpm. Proposed GI = 50 usgpm.

Issue Date:

2010-12-14

Status:

Closed

Additional Information

Reported Construction Value

No. of Units Created

Value

0

0

8



Building and Planning Information

Filo #:

07033418

Reference #:

Address:

310 Springbank Dr

Type of Filo:

Commercial Building-Retail Store-(statcan) Alter -
Alter interior for change of use to Tribal Mountain
Trade Store.

Issue Date:

2008-04-15

Status:

Cancelled

Additional Information

No. of Units Created	0
Nature of Work - Water	No
Estimated Construction Value	5000
Number of Storeys	1
Nature of Work - Building	Yes
Nature of Work - Drainage	No
Reported Construction Value	5000
Verified Construction Value	5000
Nature of Work - Plumbing	No
Nature of Work - Sewage System	No
Nature of Work - Mechanical	Yes

(8)

Exhibit #8



Building and Planning Information

Info-Tech Research Group

Results for: 602 queens ave

App/Permit/Order #	File #	Type of App/Permit/Order	Issue Date	Status
11020820		Commercial Building-Offices-Install - Installing back flow prevention device(s) replace existing double-check valve - 1.	2011-06-28	Closed
09009050		Commercial Building-Offices-(statecan) Alter - Alter interior of third floor	2009-04-16	Closed
08031403		Commercial Building-Offices-Install - Installing back flow prevention device(s) - 1.	2008-10-14	Closed
04129949		Commercial Building-Offices-(statecan) Alter - Alteration to interior for second floor office at Info Tech, FRR/FPO	2005-01-25	Closed
03104179		Commercial Building-Offices-(statecan) Alter - Alter collings in basement area FRR	2003-02-13	Closed
03103815		Apartment/Multi Unit Building-Apartment Building-Install - Install four RP backflow preventor on make-up water to boilers	2003-02-07	Closed
02136360		Sign and Canopy-Offices-Install - Ground Sign - Sign Copy Pertains To: Info-Tech Research Group	2002-12-10	Closed
02128179	A.137/02	Minor Variance-Residential-Jack McIntosh -	Not issued/reviewed	Closed
02128179		Commercial Building-Offices-Alter - Alter for change of use to office from church FRR/FPO	2002-10-16	Closed ✖
02125757		Site Plan Applications-Commercial - New/Addition/Alter - Office- convert existing church	2002-10-22	Closed
02117255	A.074/02	Minor Variance-Commercial -Jack McIntosh -	Not issued/reviewed	Withdrawn
02114565	Of Interest	Heritage Properties-Residential-Mark Gladysz - ORIGINAL RESIDENCE WAS BUILT FOR BENJAMIN CRONYN; FORMER MAYOR OF LONDON ORIGINAL PART IN CENTRE BUILT IN SECOND EMPIRE STYLE AND THEN LATER CLASSICAL STYLE ADDITIONS WERE MADE WHEN IT WAS CONVERTED TO A CHURCH	Not issued/reviewed	Of Interest
02112980	Z-6275	Zoning Bylaw Amendmont-Institutional-Tanya Mitchner -	Not issued/reviewed	Closed
85003014	8503014	Converted Permit-CHURCH-Alter - INSTIT ALTER INT&ADD FIRE SEP	1985-10-15	Closed
83003456	8303456	Converted Permit-CHURCH-Add - INSTIT ADD PORTABLE CLASSROOM	1983-10-18	Closed

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Exhibit #9



Building and Planning Information

Sheer Health

Results for:

1560 HYDE PARK RD

App/Permit/Order #	File #	Type of App/Permit/Order	Issue Date	Status
12038826	Of Interest	Heritage Properties-Residential-Don Monard -	Not issued/reviewed	Of Interest
12027714		Commercial Building-Medical Offices-(statcan) Alter - Alter interior for medical office.	2012-10-24	Under Inspection
12013802		Commercial Building-Site Services-Install - Install 3/4" DVCA BFP for Irrigation system E-MAILED FOR P/U MAY 16/12	2012-05-15	Closed
12000633		Sign and Canopy-Offices-Install - Ground Sign - Sign Copy Portains To: Dorm Effects	2012-01-17	Closed
11029747		Commercial Building-Medical Offices-(statcan) Alter - Alter to change from church to medical offices.	2011-09-30	Closed *
11029747		Commercial Building-Medical Offices-Alter - Alter to change from church to medical offices.	2011-09-30	Closed *
11024979	A.094/11	Minor Variance-Commercial -Polar Skic -	Not issued/reviewed	Closed
11018279	SP11-018279	Site Plan Applications-Commercial -Alter - Medical Office/Retail May 07 2013 Records Retention Box CP713 COM B 59777	2011-10-28	Closed
05112955		Single/Semi Detached Building-Single Detached Dwelling-Install - Replacing an entire sanitary building sewer (PDC) - church	2005-05-27	Cancelled
05110186		Single/Semi Detached Building-Single Detached Dwelling-Install - Replacing an entire sanitary building sewer (PDC) - Church	2005-05-01	Closed
04126110		Institutional Building-Churches-Install - Replacing a water service pipe - Church	2004-10-20	Closed

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Building and Planning Information

File #:

12027714

Reference #:

Address:

1560 Hyde Park Rd

Type of File:

Commercial Building-Medical Offices-(statcan)
Alter - Alter Interior for medical office.

Issue Date:

2012-10-24

Status:

Under Inspection

Additional Information

No. of Units Created	0
Nature of Work - Mechanical	Yes
Nature of Work - Drainage	No
Nature of Work - Water	No
Nature of Work - Plumbing	Yes
Estimated Construction Value	300000
Nature of Work - Building	Yes
Nature of Work - Sewage System	No
Reported Construction Value	300000
Verified Construction Value	300000
Number of Storeys	1

8



London
CANADA

Building and Planning Information

File #:

11029747

Reference #:

Address:

1560 Hyde Park Rd

Type of File:

Commercial Building-Medical Offices-(statcan)
Alter - Alter to change from church to medical
offices.

Issue Date:

2011-09-30

Status:

Closed

Additional Information

Reported Construction Value

Value

300000

No. of Units Created

0