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TO:	CHAIR AND MEMBERS Built and Natural Environment Committee MEETING September 12, 2011
FROM:	PETER CHRISTIAANS, DIRECTOR, DEVELOPMENT FINANCE
SUBJECT:	Deposits on EA studies – timing of reimbursement to landowners who financed the studies – Old Victoria pond

RECOMMENDATION

1. That Administration **BE DIRECTED**, :
 - a. With respect to EA study costs for the Old Victoria planning area, where the Environmental Assessment was financed by resident land owners by way of deposit with the City in 2006, and the lands have not been sold since the time of the deposit, that the same amounts **BE RETURNED** to those who provided the deposits, to the effect that the City Services Reserve Fund will bear the costs of financing the study from this point forward
 - b. That, prior to paying any amount referred to in paragraph (a) above, Civic Administration **BE DIRECTED** to take all necessary steps to obtain from all claimants on the funds releases in a form satisfactory to the City Solicitor's Office;
 - c. That the Source of Financing attached to this report as Appendix 'A' **BE APPROVED**;
 - d. That Administration **BE DIRECTED** to review similar circumstances and report back on the findings and budget implications.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Planning Committee – Meeting November 28, 2005 – Terms of Reference for Old Victoria Planning Area.

Environment and Transportation Committee – Meeting April 24, 2006 – Appointment of Consulting Engineer for Municipal Class Environmental Assessment Study for Storm/Drainage Works for land development within Old Victoria Area Plan

2009 DC Background Study – section M-1 dealing with Major SWM Facilities (CSRF Funded)

BACKGROUND

In the late 1990's, City's Engineering division began collecting deposits towards the costs of EA studies. The studies were needed to advance the completion of storm water works that would eventually facilitate development in the area in question. The collections were termed "deposits" with the expectation that the costs of the studies would be claimed from the UWRF when the pond works were constructed.

At least one of the landowners who contributed funds towards the cost of an EA study in the Old Victoria area (Larry Breau) has repeatedly requested that his initial deposit for study completion should be returned without delay. The request for refund is based on the fact that funding responsibility for the pond in question (as with several others) has been transferred from UWRF to CSRF.