

| | |
|-----------------|---|
| 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 84 DENNIS AVENUE MEETING HELD ON JULY 17, 2018 |

RECOMMENDATION

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the Development Charges complaint submitted by Janice and Patrick Greenside, owners of the property situated at 84 Dennis Avenue, **BE DISMISSED**.

BACKGROUND

A complaint letter from Janice and Patrick Greenside (Greensides), with respect to Development Charges paid for the erection of a new single detached dwelling (hereinafter referred to as 'complaint'), was received on June 7, 2018 and is included in Appendix 'A' of this report. Supporting documentation to the complaint letter was also submitted and is included in Appendix 'B'.

The aforementioned letter makes mention of various reasons as to why the imposed Development Charges should be waived. The following reasons have been listed:

1. Reference to a November 10, 1998 letter from their solicitor indicating that *"It would be nice to have Council agree that the amount of the charge for the connection to Southland should be nil in view of the fact that you are within the original service area for Southland"*.
2. During 1997, City staff provided a Development Charge amount for residential properties of \$5,821.00 *"more or less"*.
3. Reference to an August 1997 letter sent by the City of London's Water & Sewer Engineering Department with respect to *"servicing/development charges in the amount of \$23,000 per home"*.
4. The owners have paid surveying costs for the road frontage as well as curbing and the costs to *"...bring storm, sanitary and water services to our property line"*.
5. For the past 24 years property taxes were paid on the lot and no services were received from the City *"for the above levies"*.

Subsequent to the submission of the complaint letter, the Greensides contacted the City's clerk's office via email and indicated that the basis of their complaint was on the following grounds:

*"...(a) the amount of the development charge was incorrectly determined; and
(b) there has been an error in the application of the development charge by-law. 1997, c.27, s. 20 (1)...."*

Both are valid grounds of complaint as per s. 28 of the By-law. A copy of the email correspondence is provided in Appendix 'C'.

A building permit application was received on May 22, 2018 for the construction of a new single detached dwelling. The building permit was issued on June 7, 2018, at which time the assessed Development Charges of \$30,435.00 were paid.

Development Charges By-law C.P.-1496-244 and Grounds for Complaints

The DC By-law in PART IV, s.28 provides the following (depicted in italicized bold font below). Accordingly, staff's position is also provided under each sub-clause.

28. Grounds of Complaint

(a) the amount of the development charge was incorrectly determined;

Staff determined the DC amount due based on the provisions of the DC By-law for the construction of a new single detached dwelling. The DC amount for the construction of a new single detached dwelling, in accordance with the DC By-law is \$30,435.00 and was correctly 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;

During the processing of the building permit application, there was no information made available with respect to whether any credit was available to be used towards the DC payment due and as such, staff determined that there is no credit available.

(c) there was an error in the application of this by-law.

While the complaint letter (Appendix 'A') does not indicate that an error was made in the application of the DC By-law, this is indicated in a subsequent email communication to the City's clerk's office (Appendix 'C'). It is staff's position that no error was made in the application of the current DC By-law.

Analysis of reasons provided to waive the DC amount as submitted in the complaint letter

Each of the reasons given to waive the DC charges is analyzed below:

- ***Reference to a November 10, 1998 letter from their solicitor, indicating that "...It would be nice to have Council agree that the amount of the charge for the connection to Southland should be nil in view of the fact that you are within the original service area for Southland"***.

This is a letter addressed to the Greensides from their solicitor summarizing an "*in-camera audience*" with the Planning Committee on November 9, 1998. The letter provides some direction in terms of strategy as to what is required to gain council's support. The last paragraph states:

"It would be nice to have Council agree that the amount of the charge for the connection to Southland should be nil in view of the fact that you are within the original service area for Southland".

This presumably refers to the fact that the property in question should not have been included in the discussions to expand the capacity of the Southland Sewage Treatment Plant and that the property should've been considered in the original service area for the plant.

The letter makes no reference to Development Charges and refers to "*charge for the connection....*". Presumably, the "connection" refers to the installation and connection charges for a sanitary sewer on Dennis Avenue.

There is no provision in PART V (Exemptions and Exceptions) of the DC By-law to waive DC charges based on the above reason.

- **During 1997, City staff provided a Development Charge amount for residential properties of \$5,821.00 “...more or less”.**

This item pertains to the DCs due back in 1997. There is no provision in the current DC By-law to waive DC charges based on this reason. Presumably, it was listed for DC amount comparison purposes only.

- **Reference to an August 1997 letter sent by the City of London’s Water & Sewer Engineering Department with respect to “...servicing/development charges in the amount of \$23,000 per home”.**

The third reason refers to a letter sent out (Aug. 1, 1997) by the City’s Water & Sewer Engineering Department with respect to a City initiated Class Environmental Assessment to explore the possibility of expanding the Southland Sewage Treatment Plant to serve approximately 220 homes from 180. The letter notes that the City is trying to determine the interest of existing residents in terms of purchasing “sanitary servicing”. It further states that the average household costs were estimated to be \$23,500 per home.

Despite the complaint letter making reference to “servicing/development charges”, the letter sent by the City makes no reference to Development Charges. During the processing of the building permit application and the issuance of the building permit, Building Division staff was not provided with any evidence that the sanitary sewer and treatment plant fees were indeed paid. Even if that were the case, there is no provision in the current DC By-law to waive the entire amount of DC charges for the construction of a new home.

- **The owners have paid surveying costs for the road frontage as well as curbing and the costs to “...bring storm, sanitary and water services to our property line”.**

This fourth reason to waive the DCs refers to the fact that surveying costs for the road frontage as well as curbing and the costs to “...bring storm, sanitary and water services to our property line” were paid. The current DC By-law has no provision to waive DC charges solely based on the fact that the owners have paid for the infrastructure stated. Building Division staff was not provided with any evidence of payment, nor documentation clarifying the type of sanitary, water and stormwater servicing work performed and paid for by the complainant.

A review of City data sources has provided the following regarding servicing on Dennis Avenue:

- the stormwater sewer (local) was installed in 1958;
- the watermain (local) was installed in 1961;
- the sanitary sewer (local) was installed in 1999.

Although the sanitary sewer is a relatively recent construction, the work was not completed through a Local Improvement assessed to all benefitting property owners. Several property owners of existing houses on Dennis Avenue subsequently paid frontage fees under the Sewer By-law to connect into the Municipal System.

It should be further noted that DCs do not fund local infrastructure; rather, DCs are applied to new development to pay for infrastructure with regional benefits (e.g., trunk sewers) and applicable treatment capacity (e.g., stormwater management facilities and wastewater treatment facilities). Based on all available information, prior to the payment of DCs for 84 Dennis Avenue, no funding had been provided to the City as a financial contribution to these growth costs.

- **For the past 24 years property taxes were paid on the lot and no services were received from the City for the above levies.**

The fifth reason listed refers to the fact that property taxes have been paid for the past 24 years with receipt of “no services at all from the city for these levies”. The DC By-law makes

no mention of property tax payment and has no provisions to waive DC charges based on the fact that property taxes have been paid. Additionally, water and sewer costs are not funded through taxes, but rather separately through water and sewer rates. As the property has not been connected to the water and sewer system, the complainant has not been financially contributing to the water or sewer system.

 Staff maintains that the DC amount was properly determined under the By-law in force and effect at the time of the building permit application submission, and therefore recommends dismissal of the complaint.

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|-------------------|
| CONCLUSION |
|-------------------|

The letter submitted by Janice and Patrick Greenside provides five reasons why the entire DC amount charged on the construction of a new home at 84 Dennis Avenue should be waived. Staff has reviewed the reasons stated in the complaint letter and is of the opinion that the DC By-law was correctly administered and has correctly imposed the DC amount of \$30,435.00.

There is no provision in the current DC By-law that permits the waiving of the DC charges for the construction of a new single detached dwelling unit at 84 Dennis Avenue.

It is the Chief Building Official's opinion that the Development Charges were correctly determined and that the complaint filed by Janice and Patrick Greenside should be dismissed.

Staff wants to acknowledge the assistance provided by Aynsley Anderson, Solicitor II.

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

PK:pk
 c.c. Angelo DiCicco-Manager of Plans Examination
 Aynsley Anderson, Solicitor II
 Paul Yeoman-Director, Development Finance
 Building File.

APPENDIX 'A'

The Corporation of the City of London
300 Dufferin Avenue
P.O. Box 5035
London, Ontario
N6A 4L9

June 6, 2018

Attention – Development and Compliance Services &
Finance and Corporate Services Departments



Re: **Greenside Property 84 Dennis Avenue**
Building Permit / Development Charge Fee's

We are writing this letter in response to the concerns that we have relative to the Development Charge Fee of \$30,435 which we were required to pay, in order to obtain a building permit for the new home that we are now going to build on our lot at 84 Dennis Avenue, in Lambeth.

In June of 1994 we acquired the subject site, together with other lands, from the Sullivan family. Since this date we have attempted (on numerous occasions) to acquire permission from the city to build on our lot, but we were continually turned down. Although, we received Council's approval in to build on the lot (subject to conditions) we were never able to obtain a building permit for our property.

Now, after 24 years of owning and maintaining this property, including property taxes, the city has finally granted us permission to build on our lot. This is mainly due to the fact that the former Southland STP is now a Pumping Station.

We definitely appreciate the fact that the city has granted us approval to finally build on our property, but do not feel that Development Charges/Fees of \$30,435 are warranted for a number of reasons; therefore, we would like to appeal the levying of these fees.

First and foremost, as noted in the attached letter to us from our then solicitor, Mr. Barry Card from McCarthy Tetrault, dated November 10, 1998 (page 2 – last paragraph), and I quote –

"It would be nice to have Council agree that the amount of the charge for the connection to the Southland should be nil in view of the fact that you (our lot) is within the original service area for the Southland."

Secondly, it should be noted that the Development Charges imposed on April 29, 1997 to Southside Construction for the construction of the new Tim Horton's located along Colonel Talbot Road (Highway #4) in Lambeth was only \$6,228.72 (see attached letter from the City), despite being a commercial property.

During this same year Development Charges provided to us by Rob Watson and Leo Kent, from the city's engineering department, for residential properties totalled \$5,821.00 more or less.

Thirdly, in August of 1997 a letter was sent out by the City of London's Water & Sewer Engineering Department to all of the property owners within the potential service area of the Southland Plant offering them sewer and servicing capacity for their residential or commercial property. The amount of these servicing/development charges were \$23,000 per home, and this cost was usually recovered as a lump sum or in 10 annual installments including interest. Commercial properties were designated for higher sewage flows than homes and should expect a higher charge?

Fourthly, we have paid for all surveying costs in order to provide the required road frontage for our lot, as well as curbing along both side of the road, and the cost to bring storm, sanitary and water services to our property line.

Lastly, we have paid over 24 years of property taxes on this lot and have received no services at all from the city for these levies.

In light of the foregoing, we hope that the city will seriously reconsider their decisions to impose any type of Development Charges and/or Fees for our lot, seeing as we were within the original service area for the former Southland STP.

Janice and Patrick Greenside
84 Dennis Avenue
London, Ontario
(519) 601-6158

APPENDIX 'B'

Kirby Oudekerk, P.Eng.
Environmental Services Engineer
Wastewater Treatment Operations
City of London

109 Greenside Avenue
London, ON N6J 2X5
P: 519.471.1537 | Cell: 226.448.4359 | Fax: 519.661.0199
koudeker@london.ca | www.london.ca

This email is significant in that it removes the need for an environmental warning clause to be registered on title.

Matters that need to be attended to in order to be issued a building permit

With respect to the Council resolution of Dec 16, 1997, items a), b) and e) are no longer applicable, leaving the 2 items as follows:

- a) Item (c) – a survey plan be registered on title at owners expense;
- b) Item (d) – the construction of curb, gutter and asphalt to local standards be constructed along the frontage of the subject lands at owners expense;
- c) Item (e) – the payment of all applicable Development Charge by owner is offset by the letter of November 10, 1998 from the Greenside's solicitor (page 2, last paragraph) indicating that in his opinion that the amount of charge for the connection to the Southland should be nil in view of the fact that the lot is within the original service area for the Southland WWT facility. See ATTACHMENT 6.

The above matters could form part of a Development Agreement that could also address the requirements of a Servicing Agreement as per ATTACHMENT 2 which would attend to the following matters:

- d) Item 1 – 5% cash in lieu payment for park land dedication be paid by owner; See ATTACHMENT 7 – A Letter dated December 7, 1998 from our solicitor (Barry Card) to us, indicating that he met with Vic Cote (former Director of Planning) and that Mr. Cote agreed that in the absence of anyone who could make a determination whether or not the park dedication had been imposed, that staff should be taking the position that we should be given the "benefit of the doubt" and that consequently, the cash-in-lieu requirement will be dropped;
- e) Item 2 – that Dennis avenue be extended to the east limit of the building lot be completed by owner;
- f) Item 3 – the extended portion be properly named by bylaw (by the City);
- g) Item 4 – 0.3 m reserve be lifted by City;

McCarthy Tétrault

BARRISTERS & SOLICITORS • PATENT & TRADE-MARK AGENTS

SUITE 2000, ONE LONDON PLACE
255 QUEENS AVENUE, LONDON, ONTARIO, CANADA N6A 5R8
FACSIMILE (519) 660-3599 • TELEPHONE (519) 660-3587

Direct Line: (519) 660-7235
Internet Address: bcard@mccarthy.ca
Our File 153576-201347

November 10, 1998

Patrick and Janice Greenside
82 Dennis Avenue
London, Ontario
N6P 1B5

*Imp
file for
destruction*

Dear Mr. and Mrs. Greenside:

Re: 82 Dennis Avenue, London

I confirm that we had our in-camera audience with Planning Committee on Monday, November 9, 1998. The result of this session was simply a recommendation from Planning Committee to Council that no action be taken with respect to our request for assistance in settling the terms of the subdivision agreement.

The discussion lasted for approximately half an hour after a late start. Mr. Jardine said that he was in a bit of a rush because he had to go to his regular Committee meeting, however, before he departed, he managed to tell the Committee that we were trying to back out of the original Council approval (making a reconsideration necessary). He also said that the conditions being proposed by staff are perfectly consistent with what Council had been approved. Despite clear proof that in fact staff were asking for work that went much beyond the scope of what Council had approved, there was no inkling of support or encouragement from the Committee. This particular Planning Committee is now into its 12th and final month. It has been a particularly useless Committee. Initially, I thought the problem was that there were three new Councillors on the Committee and that things would improve as the year wore on. I suspect that you observed from the absence of probing questions that things have not improved very much. The Committee still believes everything it is told by staff. It takes no initiative to correct problems that emerge from the actions of staff. Yours was a prime example. I gather that unless something different happens at Council, you will not be proceeding with a plan to build on the new lot.

McCarthy Tétrault DMS-LONDON #5049055 / v. 1

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McCarthy Tétrault

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Patrick and Janice Greenside

November 10, 1998

During our discussion of these various issues, Mr. Coté came forward with a map. Mr. Coté said that the map showed that in fact the lot next to 82 Dennis Avenue was not in the service area for the Southland Plant. I asked Mr. Coté about the date of his map. It was clearly printed on the map that it was drawn in 1998. I suggested that it might be more instructive to see what the original service drawing in the 1960's said for the Plant. The Chairman of the Planning Committee, Councillor Polhill, asked me if I was accusing staff of altering their records to disadvantage the Greensides. I told Councillor Polhill that I was suggesting that the person who had drawn the map had been given bad information about the service boundary. After all, the primary purpose of the map was to show features connected with Mr. Lansink's request for permission to expand the Southland Plant.

I suggest that you call Councillor Walker immediately to try to arrange for her to speak to this matter at Council. We know there is some support. Both Susan Eagle and Ben Veel have expressed support for our position. I suspect that part of the problem at Planning Committee was the fact that Councillor Walker had made arrangements for the matter to appear on the Planning Committee Agenda. The Committee seemed to resent this. You may recall that several minutes were taken up by questions and answers regarding the appropriateness of Planning Committee dealing with this matter. Walker has had a bit of a falling out with some members of Council recently as the result of her criticism of the Mayor and it may be that we were caught in the crossfire. It will be difficult to convey this information to Councillor Walker who has been very supportive and helpful throughout the process. Perhaps there is no need to get into political issues as Councillor Walker herself is probably very much aware of what is going on.

In any event, we are looking for 10 votes in favour of directing staff to prepare an agreement that simply carries out the instructions that Council has given without changing requirements or applying conditions which are irrelevant.

The second objective is to move the City Solicitor out of the approval process if this can be accomplished without a reconsideration.

It would be nice to have Council agree that the amount of the charge for the connection to Southland should be nil in view of the fact that you are within the original service area for Southland. This one will have to be manoeuvred skilfully to avoid the reconsideration problem, however, I think it has more promise because Council would simply be making a determination that no charge was applicable.

McCarthy Tétrault

- 3 -

Patrick and Janice Greenside


November 10, 1998

Is it any wonder the City is such a ~~mess~~?

Yours very truly,

McCarthy, Tétrault

Per:


Barry E. Card

BRC/jmh

cc: Tim Ryall
170-129

THE CORPORATION OF THE CITY OF LONDON



VA. COTE
Commissioner of Planning & Development

R. CERMNARA, PENG
Director of Building Controls

BUILDING DIVISION
DEPARTMENT OF PLANNING & DEVELOPMENT

300 DUFFERIN AVENUE
PO. BOX 5035
LONDON, ONT M5A 4L9

IN REPLY PLEASE REFER TO

OUR FILE NO. SP-95185

ATTENTION M. Henderson

TELEPHONE 661-4861

April 29, 1997

Phone for Pick-up: 672-6191

Southside Construction
c/o R. Tome & Associates Inc
51 Wimbledon Crt.
LONDON, ON. N6C 5C9

Dear Romano:

Re: Site Plan Approval at 4530 Colonel Talbot Road

Site Plan Approval is granted conditional upon the completion of the attached development agreement in accordance with City procedures.

The Commissioner of Environmental Services and City Engineer estimates the following claims and revenues for the project.

Urban Works Reserve Fund

Estimated Claim NIL

Development Charges

| | |
|---|-------------------|
| <u>Urban Works Reserve Fund</u> | |
| Estimated Revenue (Jan 2, 1997 rates) (based on 164 sq. m @ \$17.33 per sq. m) | \$2,842.12 |
| <u>City Services and Hydro Fund</u> | |
| Estimated Revenue (Jan 2, 1997 rates) (based on 164 sq. m @ \$20.65 per sq. m) | \$3,386.60 |
| Total Estimated Development Charges | \$6,228.72 |

Please note that this estimate includes a reduction of 117 square metres of floor area in recognition of the proposed demolition of the existing building.

Please note that the claims and revenues are estimates only based upon information received and interpreted by the City Engineer's Department at the time of initial application. The purpose of these estimates is to generally monitor the balance of the Development Funds. The final determination whether development charges are applicable and the amount of development charges will be made by the Building Division prior to issuance of the building permit.

FAX: (519) 661-5196 - Inspections/Permits
FAX: (519) 661-2032 - Drawing Site Plan

L15A

*Information Relative to the New
TIM HORTON'S SITE!*

THE CORPORATION OF THE CITY OF LONDON



JOHN W. JARVIS, B.Sc., P.Eng.
Commissioner of Environmental Services
and City Engineer

ENVIRONMENTAL SERVICES DEPARTMENT
300 OLDFERRY AVENUE
P.O. BOX 955
LONDON, ONTARIO N6A 4L5

IN REPLY PLEASE REFER TO

#11
Oct 2003

197 letters sent out

August 1, 1997

J.E.B.F. [Signature]

The City of London has initiated a Class Environmental Assessment to evaluate expansion options for the Southland Sewage Treatment Plant. The plant has been designed, built and is certified for 180 homes. The Ministry of Environment and Energy has limited future expansion of the plant to its present fenced boundaries and also requires improvements to the quality of sewage treatment.

During the course of this Class Environmental Assessment, residents within the Lambeth Urban Area (LUA) petitioned the City for sanitary servicing. Options considered were pumping effluent to the Greenway plant system or using capacity at an expanded Southland plant. The Greenway system is not a viable option for a number of reasons: the plant has been expanded to its maximum capacity; its drainage area does not include the LUA; the system has piping and flow limitations between Lambeth and the plant; and, commitments have been made to other lands naturally tributary to Greenway.

The expansion of the Southland plant is a technically viable option for up to 220 existing and / or future homes in an area which can be served by gravity sewers. This area is shown on the attached plan. **This letter has been sent to you because you are a property owner within this potential service area.** You are being offered an opportunity to express your interest in purchasing capacity and servicing your residential or commercial property.

There are more existing and future homes within the service area than can be connected to the plant after it is expanded. Ultimately, the entire LUA will be serviced by the new Southside treatment plant. The location of this plant is presently the subject of a Class Environmental Assessment. ~~The Southland plant is considered a permanent structure and will be eliminated in the future when the service area transferred to a new plant.~~

*

Specific methods are within the Local Improvement Act and the Municipal Act for arranging, constructing and recovering the cost for new municipal services. This results in every property owner that has a pipe placed in front of it becoming financially responsible. From a technical perspective, piping within the service area cannot be bypassed (gaps or blocks bypassed). For these reasons, it is important for the City to determine the interest of existing residents in purchasing sanitary servicing in order to assess both the desire and technical feasibility of this option. Remaining plant capacity, after existing resident commitments are made, will become available for new home development. The purpose of the upcoming public meeting is to describe this in more detail.

Use an expanded plant can be in three ways:

- all by existing homes and commercial properties
- some by existing and some by new homes
- all by new homes

The following estimate of average household cost is provided for your information. It assumes the first option with 200 existing homes connected:

| | | |
|-----------------|---------------------------|-----------------|
| treatment plant | \$2,000,000 / 200 homes = | \$10,000 / home |
| sewers | \$2,700,000 / 200 homes = | \$13,500 / home |
| total | | \$23,500 / home |

This cost is usually recovered as a lump sum or in 10 annual installments including interest. Commercial properties are designed for higher sewage flows than homes and should expect a higher charge.

A Public Information Meeting to review the options described above will be held on August 19, 1987, at 7:00 p.m. at the Lambeth Community Centre, 7112 Beattie Street. Presentations will be given on: plant expansion options considered; allocation of plant capacity; and, a review of the next steps in the process. Questions will be answered by the project consultant and staff.

If you require further information, please contact:

Mr. J.V. Lucas, P.Eng.,
 Manager Water & Sewer Engineering
 City of London,
 P.O. Box 5035
 LONDON, Ontario, N6A 4L9
 Tel: (519)661-5537

Mr. Hisham N. Slim, P. Eng.
 Project Manager
 Dillon Consulting Limited
 P.O. Box 426, Station B.
 LONDON, Ontario N6A 4W7
 Tel: (519) 438-6192

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143

NOV-12-97 16:24 From: MCCARTHY TETRAULT

5186603500

T-513 P.02/07 Job-087

McCarthy Tétrault

BARRISTERS & SOLICITORS - PATENT & TRADE-MARK AGENTS
 SUITE 2000, ONE LONDON PLACE
 255 QUEENS AVENUE, LONDON, ONTARIO, CANADA N6A 5R8
 FACSIMILE (519) 660-1900 - TELEPHONE (519) 660-3587

Direct Line: (519) 660-7235
 Internet Address: bcand@mccarthy.ca

November 11, 1997

DELIVERED

Chairman and Members
 Environment and Transportation Committee
 The Corporation of the City of London
 City Hall, 3rd Floor
 300 Dufferin Avenue
 London, Ontario
 N6A 4L9



Dear Sir/Madam:

Re: 82 Dennis Avenue

I am writing to you on behalf of my clients, Patrick and Janice Greenside.

At its meeting of November 3, 1997, City Council resolved:

"That approval in principle be given to the removal of the restrictive covenant on the property at 82 Dennis Avenue on the understanding that the Environment and Transportation Committee at its meeting on November 17, 1997 will develop and will recommend to the Council at its meeting on November 24, 1997, the conditions to be applied to the lifting of the restrictive covenant at this site."

I was advised by the Committee Secretary on November 11, 1997 that I should submit all written material by no later than 2:00 p.m. on November 13, 1997. Given that the staff recommendation is not available until the close of business on Friday, November 14, 1997, it is necessary to anticipate what the staff position will be:

1. Mr. Jardine advised me on November 11, 1997 that his intention was not to write a new report, because his view of the matter had not changed. He said that he would be resubmitting his previous report. He did, however, alert me to the possibility that the City Solicitor would submit a report.

McCarthy Tétrault

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Chairman and Members

November 11, 1997

The May clause was more to the point; clause (a) required a "subdivision agreement" which deals with the road dedication issue. I had recommended to the Committee on October 27, 1997 that the original clause (d) (the focus of the discussion) be replaced by a clause (d) which says:

- (d) the construction of curb, gutter and asphalt to prevailing local standards along the frontage of the subject lands.

This is reasonable because:

1. The Department reported to the Committee on April 23, 1997 that "The addition of one dwelling unit would not require any additional works", beyond road improvements, and
2. The south side of the street, as demonstrated through many photographs in the past, widens into the parking lot. We are not talking about the construction of an entirely new street, simply the extension of curb and gutter for the existing "street".

As to the capacity issue, I am providing an extract from the recapitulation sheet for the Southland Plant when it was approved by Westminster in February, 1961. Capacity was calculated on the basis of 12 present and 2 future lots, so there was capacity available for Block A. The recapitulation also indicates the sewer work was to be paid for by the "owners".

Consequently, I respectfully request that the following conditions be imposed as a condition for approval to extend Dennis Avenue and to construct a dwelling:

- ✓ (a) a subdivision agreement be prepared and registered on title, at the owner's expense;
- ✓ (b) an environmental warning be registered on title at the owner's expense to provide notice to subsequent purchasers of 82 Dennis Avenue that occasional sound and odour nuisances may occur, in a form satisfactory to the Commissioner of Legal Services & City Solicitor;
- ✓ (c) a survey plan be prepared and registered on title, at the owner's expense; and

Agenda Item #
33c

Page #
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NOV-12-97 16:26 From: MCCARTHY TETRAULT

5106603660

T-513 P.05/07 Job-007

McCarthy Tétrault

- 4 -

Chairman and Members

November 11, 1997

- (d) the construction of curb, gutter and asphalt to prevailing local standards along the frontage of the subject lands.

Yours very truly,

McCarthy, Tétrault

Per: 
Barry R. Card

EX-101-1-1
E

BRC/jmh
Encls.

LOCATION INFORMATION

SEWER DESIGN, MATERIALS AND ESTIMATE OF COST

| STREET | FROM | TO | Proposed | | Depth | Flow | Velocity | Slope | Type | DESCRIPTION OF SEWER | | | Type | Depth | APPROXIMATES | | |
|-------------|------------|-------------|----------|------|-------|------|----------|--------|------|----------------------|------|----------|------|-------|--------------|----------|------|
| | | | Feet | Feet | | | | | | Material | Cost | Manholes | | | Cost | Manholes | Cost |
| Dennis Ave | Lot 1 | Block B | 12.2 | 12.2 | 8 | 2.37 | 0.32 | 10 | 2 | 1 | 12 | 10 | 2 | 1 | 12 | 10 | 2 |
| Sunny Ave | Lot 18 | Lot 19, 20 | 12.0 | 12.0 | 8 | 4.85 | 0.40 | 11 1/2 | 2 | 12 | 10 | 2 | 1 | 12 | 10 | 2 | |
| Sunny Ave | Lot 91 | " " " | 11.2 | 11.2 | 10 | 9.90 | 0.30 | 9 1/2 | 4 | 16 | 10 | 2 | 1 | 12 | 10 | 2 | |
| Lot 18, 20 | Sunny Ave | Block B | 2.1 | 2.1 | 12 | 2.07 | 0.50 | 10 | 2 | 2 | 10 | 2 | 1 | 12 | 10 | 2 | |
| Lot 18, 20 | Sunny Ave | Block B | 2.1 | 2.1 | 12 | 2.07 | 0.50 | 10 | 2 | 2 | 10 | 2 | 1 | 12 | 10 | 2 | |
| Lot 18, 20 | Sunny Ave | Block B | 2.1 | 2.1 | 12 | 2.07 | 0.50 | 10 | 2 | 2 | 10 | 2 | 1 | 12 | 10 | 2 | |
| Sunny Ave | Lot 36 | Lot 34 | 2.0 | 2.0 | 15 | 3.00 | 0.50 | 6 1/2 | 0 | 4 | 6 | 0 | 4 | 6 | 0 | 4 | |
| Sunny Ave | Lot 38 | Lot 41 | 5.0 | 5.0 | 15 | 3.00 | 0.50 | 6 1/2 | 0 | 4 | 6 | 0 | 4 | 6 | 0 | 4 | |
| " | 28 | " | 4.0 | 4.0 | 15 | 3.00 | 0.50 | 6 1/2 | 0 | 4 | 6 | 0 | 4 | 6 | 0 | 4 | |
| Whom Lot 41 | Whom Lot 1 | Sunny Ave | 0.0 | 0.0 | 12 | 3.25 | 0.25 | 5 1/2 | 0 | 0 | 5 | 0 | 4 | 6 | 0 | 4 | |
| " | 32 | Sunny Ave | 2.0 | 2.0 | 12 | 3.25 | 0.25 | 5 1/2 | 0 | 0 | 5 | 0 | 4 | 6 | 0 | 4 | |
| " | 22, 18, 20 | Lot 1, 3, 5 | 0.0 | 0.0 | 12 | 3.25 | 0.25 | 5 1/2 | 0 | 0 | 5 | 0 | 4 | 6 | 0 | 4 | |
| Dennis Ave | Lot 1 | Block B | 12.2 | 12.2 | 8 | 2.37 | 0.32 | 10 | 2 | 12 | 10 | 2 | 1 | 12 | 10 | 2 | |
| Sunny Ave | Lot 13 | Lot 27 | 11.0 | 11.0 | 10 | 9.90 | 0.30 | 9 1/2 | 4 | 16 | 10 | 2 | 1 | 12 | 10 | 2 | |

MANHOLE AND ROOF WATERS TO BE CONNECTED TO SANITARY SEWER

MATERIALS WORK AND EXPENSES TO BE PAID (OTHER THAN THIS SYSTEM)

| RECAPITULATION | AMOUNT |
|-----------------------------|---------------|
| Excavating and Backfilling | 27,320 |
| Laying Sewer | 32,320 |
| Manholes | 1,000 |
| Appropriations and Expenses | 6,900 |
| Total Sewer Construction | 7,000 |
| Engineering and Inspection | 2,300 |
| Legal Fees and Other | 500 |
| Amortization | 1,300 |
| Station | 1,300 |
| Land Charge | |
| GRAND TOTAL | 48,800 |

GENERAL INSTRUCTIONS

1. The applicant is required to complete all required and optional plans and specifications for the proposed sewer and manholes. Two additional copies of plans and specifications are required on OTRIC project.
2. Plans should show existing sewer and manholes, preferably in BLUE and proposed sewer, manholes, by the applicant in RED or by other contrasting colors using photo reproducing ink.
3. The use of terms of interesting words or let numbers in describing the lengths of sewer is desirable.
4. Description of sewer by suitable numbers to set satisfactory values the data are also considered with its location or length from interesting points.
5. The location information should be similar to that which is used in the description of the material by law. If the description varies from that used in the by-law or the standard in the description, an explanation is required.
6. Applications should be signed and not carbon copies and must be signed by the applicant or an authorized representative.
7. Approval is granted to a sewerage plan, when the engineer is not the municipal engineer or a special agent for the area concerned, the applicant should file the plan approved by an agent or the municipality in the space allotted for that purpose on the form.
8. Design data should be provided on sewerage disposal plans and on large sewerage systems. On major systems, preliminary data should be presented first.
9. Full details should be given on sewage plant flow and effluent when applications are made.

This application is made by the undersigned on behalf of the Southland Park District of Southland, Ont. The work is reported to the Upper Approval and will be paid for by Southland Park District.

Approved by Cash by Council Signature For the Council

Date Feb 28/61 Signature For the Council

Approval of municipality (required if applicant is not the sewerage authority)

Date _____ Signature _____

FOR OTRIC USE ONLY

TO THE OTRIC (Water Resources Commission):

The work herein described in this application for the municipality of the _____ is recommended for THE VILLAGES contained herein is believed with the proviso herein, but the City does not accept any responsibility for its accuracy, or its timeliness or technicality resulting from the City's action.

Date _____

Approved by _____

APPENDIX 'C'

From: Patrick Greenside [REDACTED]
Sent: Sunday, June 10, 2018 6:24 PM
To: Rowe, Linda <LRowe@London.ca>
Subject: Complaint to Council - Development Charges for 84 Dennis Avenue, London

Good morning Linda,

**Re: Appeal of Development Fees/Charges
Greenside Lot - 84 Dennis Avenue
Permit #: 18 019227 000 00 RD**

Further to our conversation of Thursday June 7, 2018.

As you are aware, we picked up the aforementioned building permit for our residential building lot located at 84 Dennis Avenue, in London, on Thursday June 8, 2018 and when we did we were charged development costs/fees totalling \$30,435.00. We paid the required fees but we immediately informed staff that we would like to appeal the paying of these fees for the reasons that are noted on the attached letter that is addressed to both Development and Compliance and to the City of London Finance and Corporate Services Department.

After handing our appeal to staff within the building permit we had the opportunity to speak with Mr. Angelo DiCicco - Manager of Plans Examination, and advised him of same and provided him with a copy of the exact same information that we supplied to you (attached letter), which highlights our position and the rational for us not paying Development Charges/Fees.

Please be advised that we respectfully submit our appeal to complain to London City Council on the following grounds:

- (a) the amount of the development charge was incorrectly determined; and
- (b) there has been an error in the application of the development charge by-law. 1997, c.27, s. 20 (1).

Please be advised that Pat is away and out of town during the week of June 11th to 15th, but we will both be available anytime after next week to meet with staff, if they so desire.

Many thanks for your time and co-operation in this matter, it is very much appreciated.

Patrick & Janice Greenside