

Christel Gregson

From: Peggy Tollett
Sent: October 28, 2024 3:40 PM
To: Cole, Jamie; Foderick, Michael; Barredo, Hayley
Cc: Christel Gregson; Filippazzo, Fabrizio; Simas, Paul; Whalen, Samantha; Alyea, Alexis; Gaspare Ritacca; Kristen Harrison; Stephen Naylor; Tom Halinski
Subject: 860 19th Sideroad, Township of King - Collection of Development Charges and Parkland Dedication (Cash-in-lieu) Payment [MT-MTDOCS.FID3152120]

Good afternoon,

Thank you for the meeting to review the information related to this development and for your comments/explanations on exemptions.

Para. 1 of 2(3.3) exempts the following:

A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, **if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.** [Emphasis added]

Town and Regional staff along with external legal counsel have reviewed your position in great detail. We have also contacted the Ministry to get clarification on the policy definitions, intent and to confirmed our understanding as well.

Based on this, it is our position that the unit has to be in a new house but not be the only unit in that new house. Rather, it has to be the second unit in that new house (i.e. there would be one unit which is subject to DCs and a second one, which is not). The total number of units in ancillary structures cannot exceed one.

This is in line with subs. 35.1 of the *Planning Act* which added as-of-right permissions for up to three residential units on parcels of urban residential land.

As we indicated in our previous response the exemption does not apply in this case.

Peggy Tollett, CPA, CGA

Director of Finance / Treasurer

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From: Cole, Jamie <jpcole@mccarthy.ca>

Sent: October 8, 2024 11:20 AM

To: Christel Gregson <cgregson@king.ca>; Kristen Harrison <kharrison@king.ca>; Foderick, Michael <mfoderick@mccarthy.ca>

Cc: Carolyn Rodgers <croddgers@king.ca>; dan@thorstoneconsulting.ca; sarahgairdner@gmail.com; Stephen Naylor <snaylor@king.ca>; bldsubmissions <bldsubmissions@king.ca>; Peggy Tollett <ptollett@king.ca>; Gaspare Ritacca <gritacca@king.ca>; Barredo, Hayley <hbarredo@mccarthy.ca>

Subject: RE: [EXT] 860 19th Sideroad, Township of King - Collection of Development Charges and Parkland Dedication (Cash-in-lieu) Payment [MT-MTDOCS.FID3152120]

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Hi Christel –

We would be happy to meet with you to discuss further. We would also kindly request that Samantha Whalen (associate counsel) and Fabrizio Filippazzo (Manager of Development Financing) from York Region be invited, as we have discussed this issue before with them as it relates to a matter in another municipality within the Region.

Please let us know if you like us to provide some times/dates.

Jamie



Jamie Cole

Associate | Sociétaire

Real Property and Planning | Droit immobilier et planification

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McCarthy Tétrault LLP

Suite 5300

TD Bank Tower

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From: Christel Gregson <cgregson@king.ca>
Sent: Monday, October 7, 2024 2:26 PM
To: Cole, Jamie <jpcole@mccarthy.ca>; Kristen Harrison <kharrison@king.ca>; Foderick, Michael <mfoderick@mccarthy.ca>
Cc: Carolyn Rodgers <croders@king.ca>; dan@thorstoneconsulting.ca; sarahgairdner@gmail.com; Stephen Naylor <snaylor@king.ca>; bldsubmissions <bldsubmissions@king.ca>; Peggy Tollett <ptollett@king.ca>; Gaspare Ritacca <gritacca@king.ca>; Barredo, Hayley <hbarredo@mccarthy.ca>
Subject: RE: [EXT] 860 19th Sideroad, Township of King - Collection of Development Charges and Parkland Dedication (Cash-in-lieu) Payment [MT-MTDOCS.FID3152120]

Good afternoon Jamie,

The intent of section 3 of the Act is to incentivize affordable housing through accessory apartments that are **within** or **accessory** to a primary residential dwelling. An example would be a basement apartment or an apartment above a garage.

It is not the intent to exempt separate dwellings regardless of whether it's on the same property as an existing dwelling. We have confirmed that the Region shares our interpretation.

The same applies to cash in lieu.

We would be happy to arrange a call to discuss further.

Christel

Christel Gregson, CPA, CMA
Manager of Revenue / Deputy Treasurer
Township of King – Finance
Phone: 905-833-5321 Ext 1078

From: Cole, Jamie <jpc@king.ca>

Sent: October 7, 2024 1:56 PM

To: Kristen Harrison <kharrison@king.ca>; Foderick, Michael <mfoderick@mccarthy.ca>

Cc: Carolyn Rodgers <crogers@king.ca>; dan@thorstoneconsulting.ca; sarahgairdner@gmail.com; Stephen Naylor <snaylor@king.ca>; bldsubmissions <bldsubmissions@king.ca>; Christel Gregson <cgregson@king.ca>; Peggy Tollett <ptollett@king.ca>; Gaspare Ritacca <gritacca@king.ca>; Barredo, Hayley <hbarredo@mccarthy.ca>

Subject: RE: [EXT] 860 19th Sideroad, Township of King - Collection of Development Charges and Parkland Dedication (Cash-in-lieu) Payment [MT-MTDOCS.FID3152120]

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Good afternoon Ms. Harrison –

I am colleagues with Michael Foderick, and am responding on his behalf.

We thank you for your email. . However, we respond as follows:

- At no time did we mention the applicability of section 2(3.2) of the Development Charges Act; our letter analyzed section 2(3.3), which you briefly noted in your response “addresses accessory apartments within new builds”, and is thus not eligible for an exemption
- We kindly note that nowhere in section 2(3.3) of the Development Charges Act is there a reference to “accessory apartments within new builds”. Rather, section 2(3.3) states:

“A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.”
- Without going over the contents of our letter again, it is our position that section 2(3.3) clearly covers the project proposed on the property, and therefore the exemption should apply.
- You also set out the same response for the parkland contribution (cash-in-lieu) payment, even though “accessory apartments” is not mentioned at all within the by-law; we also should add that section 42 of the *Planning Act* contains identical wording to section 2(3.3) of the *Development Charges Act* that exempts a second residential unit from needing to contribute parkland/pay cash-in-lieu.

Lastly, we note that the owners have the right to appeal the Township’s demand to pay these charges to the Ontario Land Tribunal, and they continue to reserve that right.

Thank you,
Jamie



Jamie Cole

Associate | Sociétaire

Real Property and Planning | Droit immobilier et planification

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From: Kristen Harrison <kharrison@king.ca>

Sent: Wednesday, October 2, 2024 4:06 PM

To: Foderick, Michael <mfoderick@mccarthy.ca>

Cc: Carolyn Rodgers <crogers@king.ca>; dan@thorstoneconsulting.ca; sarahgairdner@gmail.com; Cole, Jamie <jpc@mcCarthy.ca>; Stephen Naylor <snaylor@king.ca>; bldsubmissions <bldsubmissions@king.ca>; Christel Gregson <cgregson@king.ca>; Peggy Tollett <ptollett@king.ca>; Gaspare Ritacca <gritacca@king.ca>; Barredo, Hayley <hbarredo@mccarthy.ca>

Subject: [EXT] RE: 860 19th Sideroad, Township of King - Collection of Development Charges and Parkland Dedication (Cash-in-lieu) Payment [MT-MTDOCS.FID3152120]

Mr. Foderick,

Please find the response below from the Township's Finance Department:

Section 3.2 of the Development Charges Act (Act) provides exemptions for additional residential units **within** existing houses. This section of the Act is intended to provide DC exemption for accessory apartments within, or ancillary to an existing dwelling.

This application relates to a new, stand-alone residential dwelling, that will be on separate water, septic and utility amenities, and not ancillary or accessory to the existing dwelling, and is therefore **not** eligible for this exemption.

Your letter referenced Section 3.3 of the Act, however that section addresses accessory apartments within **new** builds (as opposed to existing residential dwellings) and is therefore not applicable to this application.

The Cash in Lieu of Parkland (CIL) Bylaw provides an exemption for accessory apartments within an existing dwelling. New, single detached homes are required to pay CIL.

Should you have any questions, please reach out to Peggy Tollett, Director of Finance & Treasurer or Christel Gregson, Manager of Revenue/Deputy Treasurer, both copied here.

Thank you,



Kristen Harrison, MCIP, RPP

Manager of Policy Planning | Growth Management Services, Planning Division

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From: Barredo, Hayley <hbarredo@mccarthy.ca>

Sent: September 30, 2024 2:47 PM

To: Kristen Harrison <kharrison@king.ca>

Cc: Carolyn Rodgers <croders@king.ca>; dan@thorstoneconsulting.ca; sarahgairdner@gmail.com; Cole, Jamie <jpcole@mccarthy.ca>; Foderick, Michael <mfoderick@mccarthy.ca>; Stephen Naylor <snaylor@king.ca>; bldsubmissions <bldsubmissions@king.ca>

Subject: FW: 860 19th Sideroad, Township of King - Collection of Development Charges and Parkland Dedication (Cash-in-lieu) Payment [MT-MTDOCS.FID3152120]

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Good afternoon Ms. Harrison,

In Mr. Naylor's absence, please see the attached letter from Mr. Michael Foderick of today's date.

Thank you,
Hayley



Hayley Barredo

Legal Assistant | Adjointe juridique

Municipal | Municipal

Michael Foderick, Phillip Sanford, Jonathan Nehmetallah, Robert Jefferson, Julie Tyndorf

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From: Barredo, Hayley

Sent: Monday, September 30, 2024 2:38 PM

To: snaylor@king.ca; bldsubmissions@king.ca

Cc: crodgers@king.ca; dan@thorstoneconsulting.ca; sarahgairdner@gmail.com; Cole, Jamie <jpcole@mccarthy.ca>; Foderick, Michael <mfoderick@mccarthy.ca>

Subject: 860 19th Sideroad, Township of King - Collection of Development Charges and Parkland Dedication (Cash-in-lieu) Payment [MT-MTDOCS.FID3152120]

Good afternoon,

Please see the attached letter from Mr. Michael Foderick of today's date.

Thank you,

Hayley



Hayley Barredo

Legal Assistant | Adjointe juridique

Municipal | Municipal

Michael Foderick, Phillip Sanford, Jonathan Nehmetallah, Robert Jefferson, Julie Tyndorf

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