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November 26, 2024

**Via Email (clerks@king.ca)**

Township Clerk  
 Township of King  
 2585 King Road  
 King City, ON L7B 1A1

**Via Email (regionalclerk@york.ca)**

Regional Clerk  
 The Regional Municipality of York  
 York Region Administrative Centre  
 17250 Yonge Street  
 Newmarket, ON L3Y 6Z1

To Whom it May Concern:

**Re: Complaint Under Section 20 of the *Development Charges Act, 1997*  
 860 19<sup>th</sup> Sideroad, Township of King**

We are writing on behalf of Sarah Gairdner (the “**Owner**”), the owner of 860 19<sup>th</sup> Sideroad (the “**Property**”) within the Township of King (the “**Township**”), in the Regional Municipality of York (the “**Region**”).

On September 23, 2024, the Owner received the “Development Charges – Receipt Request” (“**DC Receipt**”), attached to this letter as Schedule “A”. Pursuant to Section 20 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the “**DC Act**”), we are writing to submit a complaint regarding the imposition of development charges on the Owner. It is our position that the Owner’s development qualifies for an exemption under the *DC Act*.

In addition, pursuant to subsection 20(3) of the *DC Act*, any and all notices relating to this complaint can be addressed to the undersigned’s attention.

**Background**

In 2023, the Owner received zoning approval to build one additional single family dwelling on the Property (the “**Project**”). The existing single family dwelling on the Property is to be retained and will be repurposed into a farm help residence to facilitate enhanced agricultural uses on the 53-acre property. Once the Project is constructed, the Property will have two single family dwellings, one being a single family residence for the Owner, and one being a farm help residence.

The Project, once complete, will help facilitate enhanced agricultural use on the Property by having a full-time dedicated farm help residence, as the farm manager will conduct important work including:

- Annual farm crop harvest work and coordination;
- Managed forest coordination and thinning;
- Access and recreational trail maintenance;
- Tractor, and miscellaneous machine maintenance and repair work;
- Outbuilding maintenance;
- Harvesting of hardwood for heating purposes throughout the winter months;
- Orchard planning, maintenance, and picking; and
- Spraying for invasive plant species

As indicated by the DC Receipt, the Owner is being charged \$99,663.00 in Township and Regional development charges (DCs) as follows:

\$54,742.00 in Regional development charges; and

\$44,921.00 in Township development charges.

## Analysis

The Owner has not remitted payment for the development charges under the assertion that an exemption is applicable to the Project and that the levying of development charges in this situation is unwarranted.

The *DC Act* includes provisions which provide for the exemption of development charges for certain projects. Section 2(3.3)1. of the *DC Act* states:

The creation of any of the following is exempt from development charges:

1. 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]

This exemption, is intended to encourage the creation of additional housing options by allowing homeowners to add a another residential unit to their property without incurring the extra cost of development charges.

We note the following as it relates to the Project:

There is an existing house on the Property (that will continue to be used for residential purposes);

A second residential unit is being built in a new detached house;

Residential uses are permitted on the Property; and

The existing residential building that will be ancillary to the new detached house contains no more than one residential unit.

The Project therefore clearly meets the exemption under Section 2(3.3)1. of the *DC Act*, and therefore no development charges should be levied against the Owner.

For completeness, we also note that the Owner is not filing a complaint as it relates to educational development charges (EDCs) as the *Education Act* exemption for additional units is not applicable in this circumstance. The Owner is ready and willing to pay this amount.

## Conclusion

In conclusion, we would appreciate the Region and Township's review of the points raised in this letter, and kindly confirm that no Township or Regional development charges are owing for the project. We would be happy to discuss this matter further at Regional and/or Township staff's convenience. As noted above, we repeat that the Project will help promote an enhanced and successful agricultural operation on the Property.

We look forward to this complaint being processed in accordance with section 20 of the *DC Act*.

Please do not hesitate to contact the undersigned should you have any questions or require additional information.

Yours truly,



Michael Foderick  
Partner | Associé

Enclosures

c: Peggy Tollett, Director of Finance/Treasurer, Township of King  
Cristel Gregson, Manager of Revenue/Deputy Treasurer, Township of King  
Kristen Harrison, Manager of Policy Planning – Growth Management Services, Township of King  
Samantha Whalen, Associate Counsel, Regional Municipality of York  
Fabrizio Filippazzo, Manager of Development Financing, Regional Municipality of York



## Schedule "A"

## Building Division

## DEVELOPMENT CHARGES - Receipt Request

Description section for Cashier entry  
Six lines of 30 characters, only 4 print

Res/CONV/DEMO/MIX Subdiv File # (if applic) and Permit#(s)  
# and unit types, AREA, and HARD/SOFT/FULL  
Address of construction or lot numbers:  
other info  
other info: defaults here to DC Clase line 19 above Residential only

Code	Description	Unit Price	Quantity	Total
<b>RESIDENTIAL</b>				
" DV2	Region of York DC			54,742.00
" DVRR	Township DC - Roads & Related			24,052.00
" DVF	Township DC - Fire			1,352.00
" DVPR	Township DC - Parks & Recreation			16,564.00
" DVL	Township DC - Library			2,239.00
" DVA	Township DC - Growth Studies			714.00
" DVSW	Township DC - Stormwater			-
" DVW	Township DC - Water Services			-
" DVST	Township DC - Water and Wastewater Studies			-
" DVSK	Township DC - KC Wastewater			-
" DVSN	Township DC - Nobleton Wastewater			-
PL	Parkland Dedication			25,000.00
" DV3	Public Education DC			7,312.00
" DV4	Separate Education DC			872.00
<b>NON-RESIDENTIAL</b>				
" DV2	Region of York DC			-
" DVRR	Township DC - Roads & Related			-
" DVF	Township DC - Fire			-
" DVPR	Township DC - Parks & Recreation			-
" DVL	Township DC - Library			-
" DVA	Township DC - Growth Studies			-
" DVSW	Township DC - Stormwater			-
" DVW	Township DC - Water Services			-
" DVST	Township DC - Water and Wastewater Studies			-
" DVSK	Township DC - KC Wastewater			-
" DVSN	Township DC - Nobleton Wastewater			-
" DV3	Public Education DC			-
" DV4	Separate Education DC			-
		<b>TOTA</b>	<b>\$</b>	<b>132,847.00</b>

Questions: call

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