

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: July 17, 2017

CASE NO(S): DC160009

PROCEEDING COMMENCED UNDER section 14 of the *Development Charges Act*, 1997, S.O. 1997, c. 27

Appellant:	Ainslie Hill I Inc.
Appellant:	Greystone (Homestead) Limited
Subject:	Development Charges By-law No. 2016-0054
Municipality:	Town of Georgina
OMB Case No.:	DC160009
OMB File No.:	DC160009
OMB Case Name:	Ainslie Hill I Inc. v. Georgina (Town)

Heard: March 3, 2017 by telephone conference call

APPEARANCES:

Parties

Counsel

Ainslie Hill I Inc. and Greystone
(Homestead) Limited

I. Banuch

Town of Georgina

W. Koughan

DECISION DELIVERED BY C. CONTI AND ORDER OF THE BOARD

[1] This is the decision resulting from a hearing held by Telephone Conference Call ("TCC") regarding an appeal by Ainslie Hill I Inc. and Greystone (Homestead) Limited ("Appellants") against the approval by the Town of Georgina ("Town") of By-law No. 2016-0054 which imposed Town-wide and area specific development charges in the Town. By-law No. 2016-0054 was adopted in order to update By-law No. 2011-0078,

the Town's previous development charges by-law which was due to expire on July 19, 2016.

[2] Prior to the commencement of the TCC the Board was informed that the appeal had been settled. The parties filed Minutes of Settlement ("MOS") and the Affidavit of Craig Binning, a Land Economist and Municipal Finance Analyst, which included an amended Development Charges Background Study.

[3] The Board heard that the appeal was settled on the basis of revisions to certain development charges as set out in Schedule C attached to the MOS. Mr. Binning who provided the affidavit also participated in the TCC. He explained that he revised the Development Charges Background Study to incorporate the changes that resulted from the settlement. He indicated that through the settlement development charges will be modified for residential units as set out in his affidavit. It was Mr. Binning's opinion that the modifications are appropriate and they are consistent with the requirements of the *Development Charges Act* ("Act"). He recommended that they be approved.

[4] Subsequent to the TCC, the Board has entered the Affidavit of Craig Binning as Exhibit 1 and the MOS as Exhibit 2. By-law No. 2016-0054 which was included in the appeal record has been entered as Exhibit 3.

[5] The evidence in support of the settlement and the changes to By-law No. 2016-0054 are uncontested. The Board accepts Mr. Binning's evidence as expert opinion in the area of land economics and municipal finance. Based upon the evidence the Board finds that the proposed revisions to By-law No. 2016-0054 are appropriate and comply with the Act. The Board understands from the submissions that the only required change to the By-law is to substitute Schedule C in the By-law with a revised schedule C attached to the MOS (Exhibit 2, p. 4).

[6] Based upon the above, the Board will allow the appeal in part and amend the By-law as set out in the amended Schedule C. The appropriate order is provided below.

ORDER

[7] The appeal is allowed in part and Town of Georgina By-law No. 2016-0054 is amended by deleting Schedule C in the By-law and replacing it with Schedule C as set out in Attachment 1.

"C. Conti"

C. CONTI
MEMBER

If there is an attachment referred to in this document
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

**SCHEDULE "C" – REVISED
TOWN OF GEORGINA
SUMMARY OF TOWN-WIDE DEVELOPMENT CHARGES
EFFECTIVE AUGUST 1, 2016 – JUNE 21, 2021**

Service	Charge By Unit Type			
	Single & Semi-Detached	Rows & Other Multiples	Apartments	
			≥650 sq.ft.	<650 sq.ft.
Library Services	\$925	\$745	\$650	\$448
Fire And Emergency Services	\$910	\$733	\$639	\$441
Parks And Recreation	\$7,834	\$6,311	\$5,501	\$3,798
Operations	\$627	\$505	\$440	\$304
General Government	\$108	\$87	\$76	\$52
Total General Services	\$10,404	\$8,381	\$7,306	\$5,043
Town-Wide Roads And Related	\$46	\$37	\$33	\$22
Town-Wide Stormwater Management	\$19	\$16	\$14	\$9
TOTAL TOWN-WIDE CHARGE BY UNIT TYPE	\$10,469	\$8,434	\$7,353	\$5,074