

Development Charge Complaint – 1325 Johnston Road

ACS2021-PIE-BCS-0001

Gloucester-Southgate (10)

Report Recommendation

That Planning Committee recommend that Council authorize a development charge refund in the amount of \$8,919.88 but otherwise dismiss the development charge complaint in respect of 1325 Johnston Road.

Vice-chair G. Gower introduced the following motion on behalf of Councillor D. Deans, who took part in discussion in support of the motion:

Motion N° PLC 2021-35/4

That Planning Committee recommend that Council sustain the development charge complaint in respect of 1325 Johnston Road and direct that the municipal development charges paid be reimbursed.

The following staff provided a presentation and/or responded to questions:

- Richard Ashe, Manager, Permit Approvals, Planning, Infrastructure and Economic Development Department
- Tim Marc, Senior Legal Counsel-Planning, Development & Real Estate Innovative Client Services Department

The committee heard from the complainant, Tridan Developments Limited, as represented by the following three persons: Joshua P. Moon, Partner, Perley-Robertson, Hill and McDougall LLP/s.r.l.; Dan McKenna, President/CEO, Donnelly Automotive Group; Tom Donnelly, Donnelly Automotive Group. They reiterated the position laid out in the complaint and written submissions that the development in question should be characterized as Industrial, that it is not retail automotive, and should not be subject to

municipal development charges.

The following correspondence was provided to the committee coordinator between January 4 (the date the report was published to the City's website with the agenda for this meeting) and the time the matter was considered on January 14, 2021, a copy of which is held on file:

- Email dated January 13 from Joshua P. Moon, Partner, Perley-Robertson, Hill and McDougall LLP/s.r.l., on behalf of Tridan Developments Limited
- Email dated January 13 from Tom Donnelly, Donnelly Automotive Group

MOTION N° PLC 2021-35/4

Moved Vice-chair G. Gower (*on behalf of Councillor D. Deans*)

That Planning Committee recommend that Council sustain the development charge complaint in respect of 1325 Johnston Road and direct that the municipal development charges paid be reimbursed.

CARRIED on a division of 7 yeas and 2 nays and, as follows:

YEAS (7): Councillors L. Dudas, T. Tierney, C. Kitts, S. Moffatt, A. Hubley,
Vice-Chair G. Gower, Chair J. Harder

NAYS (2): Councillors J. Leiper, R. Brockington

The Committee CARRIED the report recommendations as amended by Motion N° PLC 2021-35/4 with Councillors J. Leiper and R. Brockington dissenting.