

AIRD & BERLIS LLP

Barristers and Solicitors

Leo F. Longo
Direct: 416.865.7778
E-mail: llongo@airdberlis.com

May 16, 2017

File No. 135864

VIA EMAIL: christopher.raynor@york.ca
AND REGULAR MAIL

The Chair and Council Members
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Christopher Raynor, Regional Clerk

Dear Mr. Raynor:

Re: Section 20 Complaint
Development Charges Act, 1997

Section 257.85 Complaint
Education Act

6053971 Canada Inc.
70 Whitmore Road, Vaughan
Building Permit No. 16-0984

We are counsel to the landowner/applicant in this matter.

Please accept this letter as a formal complaint under section 20 of the *Development Charges Act, 1997* and 257.85 of the *Education Act*.

We submit that the amount of the Regional development charge and educational development charges assessed and paid in connection with the above building permit were incorrectly determined and that there was an error in the application of York Region Development Charge By-law No. 2012-36 and the relevant District School Board by-laws imposing the educational development charges.

For your records, I enclose a copy of our client's payment under protest to the City and the City's receipt indicating the levies that were imposed and paid in this matter.

The proposed development is that of a highly specialized automobile mechanic service shop located within an employment use zone. This addition should be exempt from paying any development charges by operation of s. 4 of the *Development Charges Act, 1997* and 3.14 of By-law No. 2012-36.

May 16, 2017

Page 2

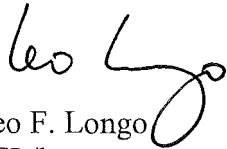
In the alternative, it was incorrectly assessed the “retail” Regional DC rate rather than the lower “industrial” DC rate. Furthermore, the parking spaces on the second floor should not be assessed as GFA upon which DCs are calculated. The subject spaces were not designed or intended to be used as a “parking structure” as that term is defined in the By-Law.

We reserve the right to augment this complaint with other information and reasons.

We look forward to discussing this with you and hope that this matter will be resolved to our mutual satisfaction.

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo

LFL/ly

Encl.

c: Client
Bill Hughes, Commissioner of Finance and Regional Treasurer
Wes Surdyka Architect Inc.
York Region District School Board
York Catholic District School Board

29302985.3

6053971 Canada Inc.

200 Autopark Circle, Vaughan, Ontario, L4L 8R1

February 24, 2017

Building Standards Department
City Hall Level 100
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

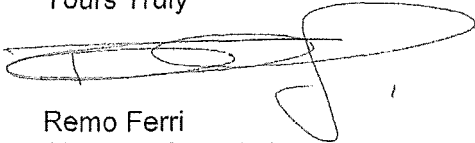
HAND DELIVERED

**RE: Development Charges Payment Under Protest
Building Permit Application #: 16-0984
70 Whitmore Road
Vaughan, ON L4L 7Z4**

Dear Sir/Madam,

Further to our full payment of the requested development charges for the above noted building permit applications, that have been calculated and demanded by the City and Region, we hereby note that this payment is being made under protest and we hereby reserve all of our legal rights to challenge both the city's and region's jurisdiction to impose these charges and their amounts. The City and Region have erred in applying the DC By-laws in question and incorrectly determined the amount of the development charges. We are under a practical compulsion to secure the requested building permits and undertake the construction within our industrial building.

Yours Truly



Remo Ferri
6053971 Canada Inc.

cc. Wes Surdyka Architect Inc.
Leo Longo, Aird & Berlis LLP

VAUGHAN

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1
T 905-392-8885
www.vaughan.ca

Building Standards Department

RECEIPT

RECEIPT NO. **BD-003934**

Date: **FEB 27/07**

Received From: **603991 Candela Inc**

Building Permit Number(s): **6-3215**

Cash
 Cheque

**RECEIVED PAYMENT
WITH THANKS
CASHIERS
FEB 27 2007
STAMP
City of Vaughan**

ITEM	PERMIT NUMBER	AMOUNT
Cash in Lieu of Parkland Payment:	61020.2622	\$
City Levies - Residential	62000.2618	\$
City Levies - Non-Residential	62070.2618	\$ 66640.62
Regional Levies	1000.2227.12	\$ 665046.47
Education Levies	1000.2227.13	\$ 12542.60
Special Area Charges		\$
Other (Specify)		\$
Total:		\$ 764229.17

Castler's Signature: _____
White & Yellow - Finance Dept. Green - Applicant Pink - Building Standards Dept.