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**AIRD & BERLIS LLP**

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Barristers and Solicitors

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September 15, 2016

File No. 133649

VIA EMAIL: [regional.clerk@york.ca](mailto:regional.clerk@york.ca)  
AND COURIER

The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1



Attention: Denis Kelly, Regional Clerk

Dear Mr. Kelly:

**Re: Section 20 Complaint**  
***Development Charges Act, 1997***

**Playacor Holdings Ltd. (Pfaff Porsche)**  
**105-131 Four Valley Drive, Vaughan**  
**Building Permit No. 16-000752**

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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*.

We submit that the amount of the Regional development charge assessed and paid in connection with the above building permit was incorrectly determined and that there was an error in the application of Development Charge By-law No. 2012-36 ("By-Law").

The Regional DC was calculated on the basis of 9,012.m<sup>2</sup> GFA, all of which was assessed at the "retail" DC rate (\$420.66). This was incorrect for two reasons.

Basement Parking Spaces

Underground parking spaces were included in the GFA calculation. The subject spaces were not designed or intended to be used as a "parking structure" as that term is defined in the By-Law. These parking spaces are explicitly exempted from the By-Law's definition of GFA and ought not to have been included in the GFA calculation. A refund of the entire amount of Regional DCs paid related to this GFA ought to be refunded.

As an example, the basement parking spaces of the Newmarket Volkswagen dealership at 415 Bogartown Curve were not included in the assessment of the applicable Regional DCs for that project.

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Office Space

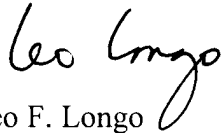
Areas within the dealership are designed for and intended to be used as offices to carry on the business of the dealership. As such the GFA devoted to this use meets the By-Law's definition of "office". All GFA associated with such office space ought to have been assessed at the lower "office" DC rate rather than the "retail" DC rate. A refund of the difference between these two DC rates ought to be refunded for such GFA.

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

c: Client  
P. King  
Bill Hughes, Commissioner of Finance and Regional Treasurer

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