

Clause 1 in Report No. 3 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 16, 2017.

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Development Charge Complaint Hearing
Playacor Holdings (Pfaff Porsche) regarding
105-131 Four Valley Drive, City of Vaughan

Pursuant to Section 20 of the Development Charges Act, 1997, Committee of the Whole held a hearing to consider a complaint regarding development charges payable by Playacor Holdings (Pfaff Porsche) regarding 105-131 Four Valley Drive, City of Vaughan and recommends:

1. Receipt of the deputation by Leo Longo, Aird & Berlis LLP on behalf of Playacor Holdings Ltd. (Pfaff Porsche).
2. Receipt of the communication from Leo Longo, Aird & Berlis LLP on behalf of Playacor Holdings Ltd. (Pfaff Porsche) dated September 15, 2016.
3. Adoption of the following recommendations contained in the confidential report of the Commissioner of Finance dated January 24, 2017:
 1. Council dismiss the Development Charge Complaint lodged by Playacor Holdings Ltd. (Pfaff Porsche).
 2. Council authorize staff to defend the dismissal of the Development Charge Complaint at the Ontario Municipal Board should Playacor Holdings Ltd. (Pfaff Porsche) appeal Council's decision.
 3. Council authorize the Commissioner of Finance to settle the Development Charge Complaint and execute Minutes of Settlement if appropriate.

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AIRD & BERLIS LLP

Barristers and Solicitors

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September 15, 2016

File No. 133649

VIA EMAIL: 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

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.m² 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

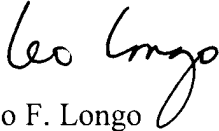
Areas within the dealership are designed for and intended to be used as offices to carry on the business of the dealership. As such the GFA devoted to this use meets the By-Law's definition of "office". All GFA associated with such office space ought to have been assessed at the lower "office" DC rate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