



Fogler, Rubinoff LLP
Lawyers

77 King Street West
Suite 3000, PO Box 95
TD Centre North Tower
Toronto, ON M5K 1G8
t: 416.864.9700 | f: 416.941.8852
foglers.com

September 14, 2016

Reply To: Joel D. Farber
Direct Dial: 416.365.3707
E-mail: jfarber@foglers.com
Our File No. 164133

VIA EMAIL

Regional Clerk
York Region
17250 Yonge Street, 1st Floor, Room 12000
Newmarket, Ontario
L3Y 6Z1

Dear Sir:

**Re: Development Charge Complaint - Committee of the Whole Agenda Item B.1
GTA Maple – 230 Sweetriver Boulevard, Vaughan – Vaughan Site Plan Application
D.A. 15-035 (the “Development”)**

Further to the above-noted development charge complaint, we advise that our client has reached an amicable resolution of the matter with the City of Vaughan. In particular, the City of Vaughan has agreed to re-assess development charges for the below grade floor area of the Development as per the chart below, such that 781.98 sq.m. of the total 1,598.53 sq.m. of below grade area is subject to City development charges. The below grade floor area subject to City development charges is comprised of the automobile inventory area of 631.98 sq.m. and the car wash bays of 150 sq.m., which figures include associated drive aisles.

	#	%	GFA /m2
Total underground parking spaces	43	100%	1,598.53
Required for zoning compliance	26	60%	966.55
Commercial parking spaces (Automobile Inventory Area)	17	40%	631.98
Commercial parking spaces (Automobile Inventory Area)			631.98
Wash Bays including drive isle to bays (estimated)			150.00
GFA of the below grade floor area of the Development for DC Charge			781.98

As noted in our complaint letter, parking areas within a building are exempt from Regional development charges except for automobile inventory areas. The automobile inventory area is now established as per our agreement with Vaughan. All other parking areas within the building are to be used for customer, employee and visitor parking as required pursuant to Vaughan zoning by-law requirements. We will rely on the City's re-assessment in respect of the Regional development charge complaint as may be required in pursuit of the refund due to our client.

Accordingly, the Regional development charges should be re-assessed on the same basis and a refund issued to our client in the amount of \$406,589.

We understand that the Education Development Charges have already been refunded in full as such charges were also incorrectly applied.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

Joel D. Farber*

*Services provided through a professional corporation.

JDF/sz

cc: Client

I:\1\1938388 Ontario Limited_O5707\164133_Development Charge Dispute - 230 Sweetri\Correspondence\Letters\Letter York Clerk 20160914.docx