



Location: Committee Room C-11,  
Tom Davies Square

Commencement: 4:05 PM

Adjournment: 5:27 PM

## Minutes

**For the 7<sup>th</sup> Hearing Committee Meeting held  
Monday, July 19, 2010**

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### Chair

**COUNCILLOR JACQUES BARBEAU, IN THE CHAIR**

### Present

Councillors Berthiaume; Dutrisac; Rivest; Thompson

Councillors Callaghan, Craig

### City Officials

Bill Lautenbach, General Manager of Growth & Development; Lorella Hayes, Chief Financial Officer/ Treasurer; Guido Mazza, Director of Building Services/Chief Building Official; Tony Derro, Manager of Taxation; Lorraine Larose, Manager of Financial Support and Budgeting; Angie Haché, City Clerk; Franca Bortolussi, Council Secretary

### News Media

Northern Life; Sudbury Star

### Declarations of Pecuniary Interest

None declared.

## Managers' Reports

1. **The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.**

Report dated July 15, 2010 was received from the Chief Financial Officer/Treasurer regarding Tax Adjustment for 1995 Regional Road 55 (Roll #120.004.119.00.0000).

Bruce Purvis, the appellant, was present.

The Manager of Taxation stated that the property has a long history of outstanding tax arrears and a tax certificate was registered against the title to the property on July 29, 2008. When the taxes remained unpaid, the property became eligible to be sold in a public tax sale. Prior to the date of the tax sale, part of the building structures were removed by persons unknown and no bids were received at the public tax sale on September 24, 2009. He indicated that on September 28, 2009, City staff applied for a tax adjustment to the Municipal Property Assessment Corporation (MPAC) for the 2009 year as a result of structures being removed. MPAC placed a value of the former building at \$88,666 leaving a remaining value of the land at \$60,834 in the commercial tax class. This information was provided to the appellant who, on April 27, 2010, served notice that he objected to the adjustment thereby requesting City Council not adjust the taxes. He stated that if the Committee accepts the adjustment, as recommended, the appellant can appeal to the Assessment Review Board. He indicated the outstanding taxes are approximately \$53,000.

Bruce Purvis stated that there has been no increase in commercial property assessment in the last ten years. He indicated the building was assessed in 2000, exactly as it is now, at \$130,000 and

lowered to \$93,000. Ten years later it was assessed at \$60,000 which the City tried to sell for \$40,000 with no offers. He questioned why the property would go down that much in ten years and stated that if he sells the property now he will lose money because of the assessment. He advised the property was previously used as a gas station and the tanks are still in the ground. He wishes to give the property to the City.

**The Public Hearing concerning this matter was closed and the Hearing Committee resumed in order to discuss and vote on the application.**

The following motion was presented:

2010-03 Rivest-Berthiaume: THAT the Hearing Committee accept the value of the building demolition as provided by the Municipal Property Assessment Corporation;

AND THAT the application by Mr. Bruce Purvis for a tax adjustment at 1995 Regional Road 55 be processed;

AND FURTHER THAT the owner be advised that, in accordance with Section 357(7) of the Municipal Act, the option exists for him to appeal the value of the former building at 1995 Regional Road 55 that was determined by the Municipal Property Assessment Corporation to the Assessment Review Board of Ontario.

**CARRIED**

2 . **The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.**

Report dated July 9, 2010 was received from the General Manager of Growth & Development regarding Request to Waive Development Charge Fees – Barry Lacroix, 2790 Kingsway.

Barry Lacroix, the appellant, was present.

The Director of Building Services/Chief Building Official advised that the appellant applied for a building permit and paid development charge fees for a house relocation and is now requesting the charges be waived. He stated that the house was removed from its Kingsway location as part of the City's landfill buffer and the property will not be used residentially in the future. Therefore, the house in its new location on Garson-Coniston Road does not increase growth related aspects as there is no net growth. For this reason, staff is recommending the charges be refunded.

**The Public Hearing concerning this matter was closed and the Hearing Committee resumed in order to discuss and vote on the application.**

The following motion was presented:

2010-04 Berthiaume-Rivest: THAT the Hearing Committee agree to waive the Development Charge Fees for 2790 Kingsway and refund Mr. Barry Lacroix, Lacroix Construction, accordingly.

**CARRIED**

3 . **The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.**

Report dated July 9, 2010 was received from the General Manager of Growth & Development regarding Request to Waive Development Charge Fees – Northern Home Builders Inc., 291 St. Agnes Street, Azilda.

Peter Nault, President of Northern Home Builders Inc., the appellant, was present.

The Director of Building Services/Chief Building Official advised that the property went before the Planning Committee for rezoning to allow 13 townhouse units in addition to the 12 units previously approved. He outlined the sequence of events from the notice of complete application on September 21, 2009 to the registering of the survey plan at the Land Registry Office on December 1, 2009, the registered survey plan being provided to Planning Services on December 15, 2009, the passing of the rezoning by-law on January 27, 2010 and the lapsing of the appeal period for the rezoning by-law on February 17, 2010. He indicated the only meeting of Council in December was on December 9, 2009 with the deadline for receipt of by-law being December 2, 2009. He stated that staff was not negligent in processing the application and the obligation for providing documentation including the registered survey plan rested with the applicant and/or agent. As the building permit was not issued prior to January 1, 2010, the appellant was charged the increased development charges. He advised staff is not recommending the increased development charges be waived.

Peter Nault advised that when the survey plan was delivered to Planning Services, prior to December

2, 2009 it did not have a registration number on it. He indicated he was not aware he had to provide Planning Services with a copy of the survey plan which had been registered at the Land Registry Office and had a Plan number. He was under the impression that everything was fine as the plan was registered at the Land Registry Office on December 1, 2009 and there were no changes from the plan delivered to Planning Services. He advised he told staff that he was trying to complete the matter prior to the increase in development charge fees and, if everything had been approved by December 9, 2009, he would have been able to apply for a building permit. He advised that the increased development charges would cost him \$42,000 because of a misunderstanding.

**The Public Hearing concerning this matter was closed and the Hearing Committee resumed in order to discuss and vote on the application.**

The following motions were presented:

2010-05 Dutrisac-Rivest: THAT the Hearing Committee deny the request by Northern Home Builders Inc. to waive the increased Development Charge Fees for the 13 townhouse units at 291 St. Agnes Street, Azilda.

**DEFEATED**

2010-06 Dutrisac-Berthiaume: THAT the Hearing Committee approve the request by Northern Home Builders Inc. to waive the increased Development Charge Fees for the 13 townhouse units at 291 St. Agnes Street, Azilda.

**CARRIED**

## **Addendum**

### Addendum to Agenda

2010-07 Berthiaume-Rivest: THAT the Hearing Committee deal with the item on the Addendum to the Agenda at this time.

**CARRIED**

### Declarations of Pecuniary Interest

None declared.

Item ADD-1  
Andrew Wilson & Sherrill Wilson  
Development Charges  
– 45 Axeli Road

**The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.**

Report dated July 16, 2010 was received from the Chief Financial Officer/Treasurer regarding Development Charges – 45 Axeli Road.

The Chief Financial Officer/Treasurer advised that Building Services received an application for the development of 45 Axeli Road which was subject to \$7,629 in development charges. This amount excluded charges for water and sewer services as the property is not serviced. She indicated the appellants have requested a review of the charges based on services provided in their area. She stated that the by-law does not provide for the services to be provided directly to the area of the resident but for the fact that any service can be utilized by a resident within the City; i.e. libraries, emergency services, transit services. She advised staff is recommending the request to waive of the charges be denied.

Andrew Wilson stated they are not appealing the payment of any development charges. They feel that, as rural property owners in a formerly unorganized township, the development charges structure is someone unjust. He indicated they do not receive the same services as the residents in town and therefore there should be a different development charges structure. They feel the charges are excessive; i.e. \$1,400 for parks when there are no parks in their area and \$4,500 for roads to subsidize developments in town. He indicated that some of the amounts charged should be reduced for people in outlying rural areas.

**The Public Hearing concerning this matter was closed and the Hearing Committee resumed in order to discuss and vote on the application.**

The following motion was presented:

2010-08 Rivest-Dutrisac: THAT the Hearing Committee deny the request by Andrew Wilson and Sherrill Wilson to waive the Development Charge Fees for the property at 45 Axeli Road, Sudbury.

**CARRIED**

Adjournment

2010-09 Dutrisac-Rivest: THAT this meeting does now adjourn. Time: 5:27 p.m.

**CARRIED**

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Councillor Jacques Barbeau, Chair

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Angie Haché, City Clerk