

Hearing Committee ADDENDUM TO AGENDA

*FOR THE HEARING COMMITTEE MEETING
TO BE HELD ON MONDAY, JULY 19, 2010 AT 4:00 P.M.
IN THE COUNCIL CHAMBER, TOM DAVIES SQUARE*

ADDENDUM (RESOLUTION PREPARED)

(Two-thirds Majority Required to Deal with the Addendum)

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

MANAGER'S REPORT

ADD-1 Report dated July 16, 2010 from the Chief Financial Officer/Treasurer regarding
Development Charges – 45 Axeli Road.
(RECOMMENDATION PREPARED)

1 – 3

**ANGIE HACHÉ
CITY CLERK**

**FRANCA BORTOLUSSI
COUNCIL SECRETARY**

Request for Recommendation Hearing Committee

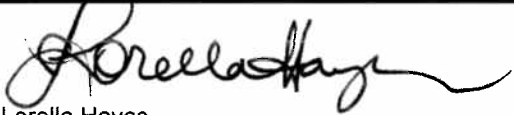



Type of Decision									
Meeting Date	July 19, 2010				Report Date	July 16, 2010			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Development Charges - 45 Axeli Road

Policy Implications + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<input checked="" type="checkbox"/>	Background attached

Recommendation
<p>THAT Council deny the request by Mr. and Mrs. Wilson to waive Development Charge fees for the property at 45 Axeli Road, Sudbury.</p>
Recommendation attached

Recommended by the Department Head
 Lorella Hayes Chief Financial Officer / Treasurer

Recommended by the C.A.O.
 Doug Nadorozny Chief Administrative Officer



Date: July 16, 2010

Report Authored By

Lorraine Larose

Lorraine Larose

Manager of Financial Support and Budgeting

Division Review

BACKGROUND

The City received a letter dated July 6th, 2010 from Mr. and Mrs. Wilson requesting a review of the development charges applied on their construction project based on the services provided in Cleland Township. The Wilsons applied for a building permit to construct a new single family dwelling on March 9, 2010 and paid Development Charge fees for construction on a property located at 45 Axeli Road, Sudbury. The permit was issued on April 12, 2010 by Building Services.

The purpose of the Development Charges Act is to allow municipalities in Ontario to recover for growth-related capital costs from new development. The City needs to continue with development charges to fund capital projects related to growth throughout the Greater Sudbury so that development continues to be serviced in a fiscally responsible manner.

Development Charges By-Law 2009-200F, passed July 8th, 2009, states in section 4.(1) Applicable Lands "Subject to subsection (3), this By-Law applies to all lands in the City, whether or not the land or use is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, C.A.31". Subsection (2) relieves from the landowner the burden of the water and/or wastewater portion of the development charges if they do not receive the service. In accordance with the section noted above the fee charged was \$7,629 for Development Charges excluding water and wastewater services as these are not being provided.

Also noted in By-Law 2009-200F, in section 5 Designation of Services "It is hereby declared by Council that all development of land within the area to which this By-Law applies will increase the need for services. The Development Charge applicable to a development as determined under this By-Law shall apply without regard to the services required or used by an individual development, subject to subsection 4(4) of this By-Law".

The Municipal Services included in development charges are grouped into two categories: General Services which include general government, libraries, fire services, police services, parks and recreation, public works, emergency medical services, public transit and emergency preparedness and Engineered Services which include roads, water, wastewater and drains.

In accordance with the sections of the By-Law noted above the fee charged was \$7,629 for Development Charges excluding water and wastewater services as these are not being provided. The By-Law does not provide for the services to be provided directly in the Township of the resident, but for the fact that any service can be utilized by a resident within the City of Greater Sudbury. An example would be, when a citizen in an unserved area avails themselves of a public library building or arena which requires water and sewer services be provided.

Therefore it is staff's recommendation that Council deny the Wilsons request to waive Development Charge fees for the property at 45 Axeli Road, Sudbury.

Andrew and Sherrill Wilson
45 Axeli Road
Box 69, Site 18, R.R.#3
Sudbury, ON P3E 4N1
705-521-2007 (cell)

JUL 6 8 2010

July 6, 2010

Attention: Lorella Hayes, Finance Department
Doug Craig, Ward 9
John Rodriguez, Mayor

Regarding: Parcel 4369, Lot 12, Concession 3, Cleland Township
Building Permit #B10-0243
Issued April 12, 2010

We, Andrew and Sherrill Wilson, have started construction of a house for our young family on our 84 acre rural property. To get permission for this project we were required to pay development charges of \$7,629.00, a building permit of \$2,696.40 and N.D.C.A. Fees of \$24.00 for a total of \$10,349.40.

We thank the City of Greater Sudbury for trying to provide for the needs of the wider community. However, we respectfully request that you review the development charges of \$7,629 applied to our building project. We feel that these charges are unjustified and unreasonably excessive based on the very few city services, which are available to us in Cleland Township.

We paid for and personally installed our own entrance and culvert onto Axeli Road. This gravel road travels through our property to serve other property owners as well as ourselves. The City of Greater Sudbury now maintains Axeli Road, with the costs covered by the annual taxes.

It is our contention that the \$4,975 portion of the development charges for roads is not reasonable since our new house development will not cause any expense to the City. Furthermore, are there any parks and recreation in Cleland Township that justifies a development charge of \$1,402?

We hereby appeal to the City of Greater Sudbury for a reduction in the development charges that have been applied to our rural house construction and request a refund of the excess amount that was paid.

When our house construction is complete we expect that the City will charge yearly taxes on the house to provide for the ongoing costs associated with any service that is provided to us in our community.

Thank you for your prompt attention to this matter.

Sincerely,

Andrew T. Wilson
Sherrill A. Wilson