

February 15, 2019

City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

Attention: Jason Thorne  
General Manager of Planning and Economic Development

Dear Mr. Thorne:

Re: Development Charges

We recently became aware that the Development Charges Stakeholders Sub-Committee will be meeting on February 19, 2019. In that regard, we would like to make the Sub-Committee and staff aware of our views on the proposed Development Charge By-law. In particular, we understand that staff has recommended to remove an exemption for colleges in the proposed Development Charge By-law, instead requiring Mohawk to produce documentation that supports our status as a Crown Agent.

Colleges that are crown agents, including Mohawk, are established as Crown Agents through legislation. Subsection 2(4) of the Ontario Colleges of Applied Arts and Technology Act, 2002 states that “a college established under subsection (1) is an agency of the Crown”. In the applicable regulation, O.Reg 34/03, subsection 2(1) paragraph 17, sets out that Mohawk is “established”, meaning that it is a Crown Agent.

We are happy to discuss the recommendation to remove the exemption for colleges. We believe that the removal will only result in increased legal fees and transaction costs for Mohawk, but does not provide the City with any real benefit since Mohawk College is clearly entitled to an exemption. In the spirit of a cooperative and collaborative relationship between Mohawk and the City, we would request that we have a meeting to discuss the issue so we can understand the goal that the City is trying to accomplish through removing this exemption.

Yours truly,

THE MOHAWK COLLEGE OF APPLIED ARTS AND TECHNOLOGY



Thomas H. Ferns  
General Counsel and Corporate Secretary