



# INFORMATION REPORT

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| <b>TO:</b>                                    | Chair and Members<br>Audit Finance and Administration Committee   |
| <b>COMMITTEE DATE:</b>                        | November 21, 2019   |
| <b>SUBJECT/REPORT NO:</b>                     | Orientation for Hearing of Complaints Made Pursuant to Subsection 20(1) of the <i>Development Charges Act, 1997</i> (LS19043) (City Wide) |
| <b>WARD(S) AFFECTED:</b>                      | City Wide   |
| <b>PREPARED BY:</b>                           | Michael G. Kovacevic (905) 546-2424 Ext. 4641   |
| <b>SUBMITTED BY:</b><br><br><b>SIGNATURE:</b> | Nicole Auty<br>City Solicitor<br>Legal and Risk Management Services   |

## COUNCIL DIRECTION

**Not Applicable**

## INFORMATION

On October 11, 2019 a complaint pursuant to subsection 20(1) of the *Development Charges Act, 1997* ("DC Act") submitted by Sullivan, Mahony LLP on behalf of Harvey Armstrong Ltd. was received by the City Clerk's Office.

Subsection 20(1) of the DC Act allows a complaint to be filed where the amount of the Development Charges ("DC") was incorrectly determined, where a credit was incorrectly determined or where there has been an error in application of the DC By-law.

Subsection 20(4) of the DC Act, requires Council to hold a hearing into the complaint ("Complaint Hearing"). Upon conclusion of the Complaint Hearing Council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint, the key being that there was an actual incorrect determination or error in the application of the DC By-law.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Orientation For Hearing of Complaints Made Pursuant to Subsection 20(1) of the Development Charges Act, 1997 (LSxxxxx) (City Wide) - Page 2 of 2**

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On October 23, 2019 Council delegated its authority to hold Complaint Hearings pursuant to subsection 20(4) of the DC Act to the Audit, Finance and Administration Committee ("AF&A"). How AF&A conducts the Complaint Hearing is governed by the procedures set out in the Council Procedure By-law and the *Statutory Powers Procedure Act* ("SPPA").

AF&A has had the authority to conduct a Complaint Hearing delegated in the past. However, for this session of Council and at least the previous two sessions, neither Council nor AF&A has conducted a Complaint Hearing because any complaints had either been settled or withdrawn or not dealt with by Council or AF&A. Accordingly, Legal staff have provided AF&A with an Orientation Package informing Committee how a Complaint Hearing should be conducted.

Attached hereto as Appendix "A" is an Orientation Package outlining the Complaint Hearing process to be followed by AF&A.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - Orientation Package