

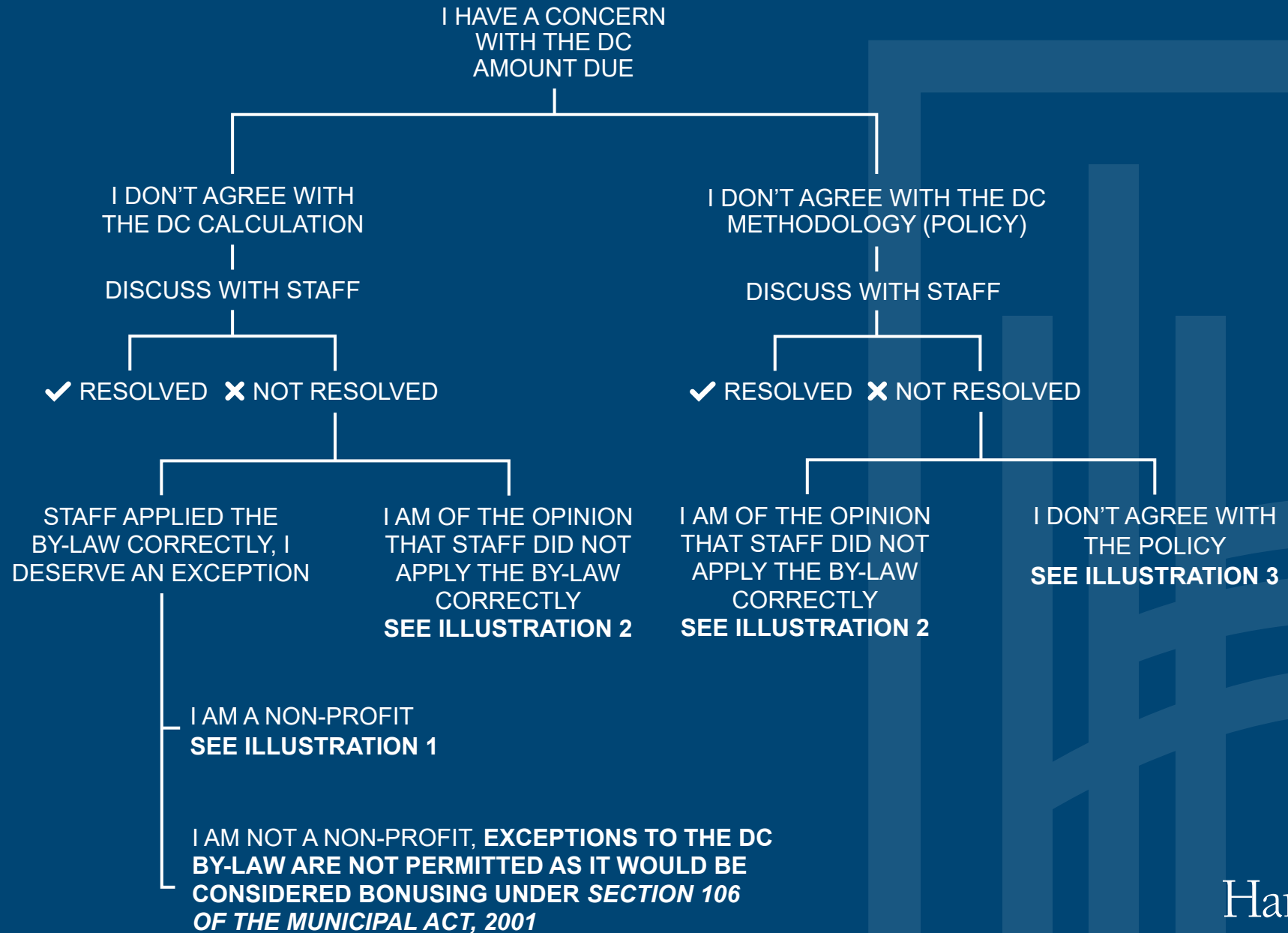


# DEVELOPER'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS

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ILLUSTRATION 1: MAKING A REQUEST FOR A DC COMPASSIONATE GRANT (NON-PROFIT ORGANIZATIONS)

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## GETTING PREPARED

- I am a registered charity/non-profit organization and a compassionate grant would not violate Section 106 of the *Municipal Act, 2001*.
- My project supports the City's mission, vision and priorities, economic action plan, or otherwise directly contributes to the strategic plan for the City.



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## REQUEST PROCESS

- I will make a delegation request to present my case to the Audit, Finance and Administration Committee (AF&A), through the City's website or submit a formal written request.
- AF&A may approve or deny my request to speak.
- AF&A may receive my prepared presentation, direct staff to report back, or approve a compassionate grant.



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## CONSIDERATION PROCESS

- Compassionate grants require a funding source and are at the sole discretion of Council. If a compassionate grant is considered, the City must be satisfied that providing the grant does not result in a violation of *Section 106 of the Municipal Act, 2001*.
- **If a report back by staff was directed:**
  1. I will provide information required by staff during the report preparation.
  2. Staff will recommend in alignment with relevant previous Council decision.
  3. I will be advised the date the report is appearing at AF&A and AF&A may either approve or deny my request.



04

## NEXT STEPS

- I understand that my request may be denied for any reason.
- If a compassionate grant is approved by Council, I will be reimbursed for the amount approved (or will not be required to pay the approved amount at time of building permit issuance).





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## ILLUSTRATION 2: MAKING A FORMAL COMPLAINT UNDER SECTION 20 OF THE DC ACT

**DC Act Section 20 (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that:**



- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge By-law. 1997, c. 27, s. 20 (1).

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### GETTING PREPARED

- I have connected with staff and have not been able to rectify the error which I believe has occurred.
- I understand that the complaint may not be made more than 90 days after the DC, or any part of it, is payable.
- I have paid the calculated DC (under protest).



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### COMPLAINT PROCESS

- I acknowledge that this is a legal process and have either consulted with, or considered consulting, a lawyer.
- I have made my complaint in accordance with Section 20 of the DC Act which includes submitting my complaint in writing to City's Council, with my name, the address where notice can be given to and the reasons for the complaint.
- I will receive a notice of the hearing at least 14 days before the hearing and I have an opportunity to make representations at the hearing.



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### HEARING PROCESS

- I will attend the hearing which will be held either at a scheduled Audit Finance & Administration Committee (AF&A) meeting or at a special meeting of AF&A.
- After the hearing, Council (AF&A) may dismiss the complaint or rectify an incorrect determination or error pertaining to the complaint.
- Notice of decision and last day for appealing the decision (40 days after the day the decision is made) will be communicated to me by mail.



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### NEXT STEPS

- I may appeal Council's decision to the Local Planning Appeal Tribunal (LPAT) by filing the appropriate forms with the City's clerk.
- I will receive a notice of the hearing from LPAT.
- LPAT may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.



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## ILLUSTRATION 3: RAISING A CONCERN ABOUT DC POLICY

DC Policy is set through the DC By-law setting process. Some policy is set by legislation and other policy is set through discretionary decisions made by Council.

The ability to change DC policy is restricted. In order to change DC policy, the change must either be changed with the enactment of a new DC By-law or changed by amending an existing DC By-law. In both cases, Council must release a background study and draft By-law, undergo a minimum 60-day public consultation period, hold a public meeting and meet other legislative requirements. Any DC policy change cannot be applied retroactively. Any DC policy that reduces a DC amount payable requires funding from another source (levy, reserves) so that the DC reserves are held in the same position as if the decision to reduce the amount payable had not been made. Council cannot choose to charge more than the DC rate as calculated in the originating DC background study through the detailed capital costs/population calculation.

The options that developers have for their DC policy concerns to be heard depend on the status of the DC By-Law (i.e., in the process of enacting or adopted).

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### THE CITY IS IN THE PROCESS OF ENACTING A NEW DC BY-LAW

- Developers may delegate at DC Stakeholders Subcommittee meetings.
- Developers may send comments to staff at the following email address: [DCBackgroundstudy@hamilton.ca](mailto:DCBackgroundstudy@hamilton.ca).
- Developers may delegate at the DC By-law public meeting.
- Council may choose whether or not to incorporate the desired policy into the DC By-law.



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### THE DC BY-LAW HAS BEEN ADOPTED

- Developers may request to delegate at AF&A.
  - AF&A may choose whether or not to hear the delegation.
  - AF&A may receive my delegation with no further action or direct staff to prepare a report back.
- If a By-law amendment is directed, the DC Act amendment process must be followed (background report, 60-day public consultation, public meeting, etc.) before Council can vote to change the policy.
- DC policy cannot be applied retroactively.

