



March 5, 2020

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Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON L2V 4T7

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Niagara Region Clerk's Office

Original to: CS: R. Fleming

Attention: Ann-Marie Norio-Regional Clerk

Dear Ms. Norio

**RE: 260 & 270 Hunter Road, Grimsby, Ontario
Development Charges Complaint
Town File No. 26SP-16-1811**

CAO	<input type="checkbox"/>	ICP	<input type="checkbox"/>
Chair	<input type="checkbox"/>	Legal Asst	<input type="checkbox"/>
Comm. Ser.	<input type="checkbox"/>	Legal	<input type="checkbox"/>
Corp. Ser.	<input type="checkbox"/>	NRH	<input type="checkbox"/>
Councillors	<input type="checkbox"/>	Public Health	<input type="checkbox"/>
HR	<input type="checkbox"/>	Public Works	<input type="checkbox"/>
File: _____		Initials: <u>RL</u>	

We are the solicitors for 34 West Avenue North (Hamilton) Incorporated, owner of the subject lands. Today, UrbanSolutions Planning & Land Development Consultants Inc. submitted the sum of \$220,541.58 to the Town of Grimsby on behalf of our client as payment of the Development Charges related to the subject site plan application.

Of this amount, \$192,468.70 is allocated to the Region and it is the owner's position that the amount of the development charge was incorrectly determined. In keeping with Section 20(1) of the Development Charges Act, 1997, please accept this letter as a formal complaint. As required by Section 20(3), the reasons for the appeal are outlined below:

The Region of Niagara applied the following calculation in determining the amount of the Development Charge:

Conversion of Industrial to Non-Industrial Use:	43,714 square feet x \$3.72 = \$162,616.08
New Non-Industrial Use:	3,358 square feet x \$8.36 = \$29,852.62
Total	\$192,468.70

The amount of \$162,616.08 was not calculated correctly as because 14,111.49 square feet, not 43,714 square feet were converted to a Non-Industrial Use. Applying the correct floor area to be converted reduces that portion from \$192,468.70 to \$52,494.74. While it is agreed that a conversion from an Industrial to a Non-Industrial Use is taking place in the establishment of the new training facility, much of the Industrial use will be retained given the nature of the activities being conducted within.

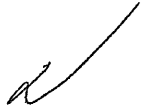
OWENS WRIGHT LLP

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As required by Section 20(5), we look forward to receiving notice of the hearing. Please feel free to contact the undersigned with any comments or questions.

Yours very truly,

OWENS WRIGHT LLP



Randy H. Lebow*

RHL/

*on behalf of RANDY H. LEBOW PROFESSIONAL CORPORATION

Encls.

cc. Robert Fleming, Region of Niagara by email: Robert.Fleming@niagararegion.ca
Riccardo Persi, 34 West Avenue North (Hamilton) Incorporated
Messers. Sergio Manchia & Matt Johnston, UrbanSolutions