

**From:** [Webmaster](#)  
**To:** [Brandon Almeida](#)  
**Subject:** [External] Online Form - Request to Speak at a Standing Committee or Regional Council  
**Date:** Monday, August 9, 2021 6:07:49 PM

## Request to Speak at a Standing Committee or Regional Council

Below is a copy of your submission:

Name

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Organization

Losani Homes

standing committee

Corporate Services Committee

Presentation Topic

CSC-C 21-2021 Additional Information for CSD 37-2021, Respecting Development Charge Demolition Credit Extension Request – Brownfield Redevelopment, Grimsby

Presentation includes slides

No

Previously presented topic

No

#### Presentation Details

Further to our ongoing requests for extension of the Development Charge Demolition Credits for 362 - 398 North Service Road & 2 Winston Road, Losani Homes would like to provide further information in response to the recommendations brought forward by Staff at the Corporate Services Committee on July 14, 2021, through report CSD 37-2021. Specifically, recommendations 2 and 3 of the report were amended and subsequently deferred to the August 11, 2021, Corporate Services Committee meeting pending additional information from staff. Considering the context of the site from a holistic development perspective, the entirety of the lands cannot proceed to issuance of building permits and application of available credits until remediation has been completed, with Record of Site Condition filed, and all development approvals in place. As such, we do not feel it is appropriate to consider portions of the site for extension as these requirements are in place for the entirety of the lands. Extension is required to 96 months after issuance of demolition permit issuance, inclusive of 2 Winston Road, which is in alignment with the Municipal and Regional By-law provisions for extensions of this nature. Although, this specific portion of the property did not require remediation and record of site condition as its previous use was residential, development cannot proceed until all lands are remediated and receive approvals accordingly. We hope committee proceed with bringing forward Recommendation 2 for approval and considers Losani Homes comments for extension related to recommendation 3 of report CSC C 21-2021.

Video Consent

Yes



VIA EMAIL

August 9, 2021

Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4T7  
ATTN: Corporate Services Committee

**RE: Niagara Region DC Demolition Credit Extension Request (REPORT CSC-C 21-2021)  
362 - 398 North Service Road & 2 Winston Road. – 26OP-16-1805, 26Z-16-1803, 26T-16-1801**

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Dear Corporate Services Committee Members,

Further to our ongoing requests for extension of the Development Charge Demolition Credits for 362 - 398 North Service Road & 2 Winston Road, Losani Homes would like to provide further information in response to the recommendations brought forward by Staff at the Corporate Services Committee on July 14, 2021, through report CSD 37-2021. Specifically, recommendations 2 and 3 of the report were amended and subsequently deferred to the August 11, 2021, Corporate Services Committee meeting pending additional information from staff. The recommendations as amended and deferred are as follows:

***Recommendation 2:*** That the eligibility period extension request for the Regional Development Charge demolition credits associated with 2 Winston Rd. Grimsby, **~~BE DENIED~~ BE APPROVED**; and

***Recommendation 3:*** ~~That no additional extension for the Brownfield Transition agreement made under Schedule F of By-law 2017-98 between the Regional Municipality of Niagara and Losani Homes (1998) LTD. or other grants associated with the 5th Wheel development~~ **BE APPROVED**. That any extensions to brownfield grant agreements between the Regional Municipality of Niagara and Losani Homes (1998) LTD. **BE APPROVED** if the extension aligns with the Town of Grimsby's Development Charges By-law.

The scope of our request was the extension of the eligibility for the Demolition Credits pertaining to 362 – 398 North Service Road & 2 Winston Road. There was never any previous discussion or correspondence with staff on the status of the Brownfield Transitional Agreement made under Schedule F of By-law 2017-98 in advance of the recommendation that was brought forward through report CSD 37-2021. Losani Homes has maintained that redevelopment of these lands has not been able to proceed due to delays in completing the remediations works and development approvals. These delays were further compounded following the constraints imposed by the global pandemic, but this was not an item discussed in detail through our original request, and not in relation to the Brownfield Transitional Agreement with the Region. It is also noted that Losani Homes has filed a request for extension of applicable Municipal DC Demolition Credits to the Town of Grimsby in advance of our request to the Region.

Regional staff have noted through report CSC-C 21-2021 that they maintain their recommendation that 2 Winston Rd should not be considered for extension of the Regional Development Charge Demolition Credit. Town Staff's opinion on developable lands for the 5<sup>th</sup> Wheel property is cited, with specific reference to the fact that the new blocks as established through Draft Plan Approval will be comprised of Parkland, Open Space, and a portion of the Municipal Right-of-Way for the greater development. Town Staff's opinion is that due to this the lands are not brownfield, and the lot was never developable.

We fundamentally disagree with the above opinion as presented by regional staff. The historical use was residential, but the lands are and should be deemed developable in the context of the entire site. The credit would apply for the greater development and not specific construction on the historical boundary of the subject lot which has been altered through Draft Plan Approval. It is now part of a greater assembly for development, sharing the constraints and benefits that come from this. We further note that the designation of this small portion of the lands within the greater development as Parkland, Open Space and Municipal ROW do not define it as undevelopable in terms of developable acreage under the by-law. Consideration needs to be given to the benefit this piece brings to the holistic development, along with principal intent of demolition credits in regard to their application to development charges.

Demolition credits are derived on the principle that a given structure historically used services and paid for a portion of the initial costs for the infrastructure to facilitate development in that given area of the municipality through Development Charges. Considering this historical investment paid, demolition credits serve as the mechanism to ensure that initial investment is recognized and not double charged. To provide the opinion that because an approved redevelopment plan, consistent with municipal policy, deems a small portion of a larger assembly as non-developable from a building construction perspective, appears to contradict the intent of the demolition credits. The entire development, inclusive of 2 Winston Rd. is facilitating 1287 residential units and 70,000 m2 of employment space under a single development for all the lands.

It is unclear why the Region and Town is taking the position that this credit be forfeited when municipal policy and the approved plans designated this small portion of land for future municipal assets (Park/ROW), and the greater development is bringing substantial benefit and further infrastructure improvements for substantially more units and employment to the area. The intent of the credit should still apply considering proximity and contribution to the initial infrastructure in this area. Further, the focus should not be on whether the isolated piece is brownfield under explicit historical use, as the entirety of the lands are brownfield in terms of development constraints and remediation requirements. It is very reasonable and appropriate to have this credit applied to the greater development considering the above. This application for credit application across development sites is consistently applied in varying municipalities in Ontario, with some even allowing the transfer of credits to other developments within a given municipality.

Regional Staff are correct in noting that Losani Homes will not be receiving any Brownfield Development Charge grants from the Town of Grimsby, and that no additional agreements are in place with the Town that could align with the current regional agreement. Considering this, recommendation 3 as amended would not result in an extension of the Regional Brownfield Development Charge Transitional Agreement with Losani Homes. Losani Homes has no concern in recommendation 3 proceeding as amended considering this but hope the Committee would consider a further amendment that could foster productive discussion and review of the agreement. Although we did not initiate a request for extension of this agreement through our request for extension of the demolition credits, we would like to proceed to work with Regional Staff, Committee and Council to put forward a formal request for a one-year extension due to the unforeseen effects and substantial delays as imposed as a result of the global pandemic. We believe it is reasonable to bring forward this request now that staff have brought forward this item and believe that the effects that were experienced by the development and its approvals to date have been experienced by many others in the Region and Province as whole.

Considering the context of the site from a holistic development perspective, the entirety of the lands cannot proceed to issuance of building permits and application of available credits until remediation has been completed, with Record of Site Condition filed, and all development approvals in place. As such, we do not feel it is appropriate to consider portions of the site for extension as these requirements are in place for the entirety of the lands. Extension is required to 96 months after issuance of demolition permit issuance, inclusive of 2 Winston Road, which is in alignment with the Municipal and Regional By-law provisions for extensions of this nature. Although, this specific portion of the property did not require remediation and record of site condition as its previous use was residential, development cannot proceed until all lands are remediated and receive approvals accordingly. We hope committee proceed with bringing forward Recommendation 2 for approval and considers Losani Homes comments for extension related to recommendation 3 of report CSC C 21-2021.

We appreciate your continued review and consideration for extension of the DC Demolition Credits for this site. Should you have any questions or concerns, please do not hesitate to contact me.

Regards,  
**LOSANI HOMES (1998) LTD.**  
Per

A handwritten signature in black ink, appearing to read 'B. Almeida', is positioned above the printed name and title.

Brandon Almeida, BES, MCIP, RPP  
Project Manager & Planner  
Land Development