

**To be completed in advance of filing a Development Charges Complaint with Niagara Region.**

**Contact Information of Complainant:**

Date (yyyy-mm-dd) 2019-03-19		
Name of complainant (first, last) 867962 Ontario Limited		
Address 1285 Cream Street		
City/Town Fenwick	Province ON	Postal code L0S 1C0
Home phone no. Same	Business phone no. Same	Mobile no.
E-mail		

**Location of development that the complaint relates to:**

Building Permit No. B17-201	Regional Development Charge Owing (\$) \$298,208.45	
Type of Development Apartment Building		
Address 574 King St.		
City/Town Welland	Province ON	Postal code L3B 3L3

Date Development Charges Paid (mm/dd/yyyy): 12-21-2018

Date of Building Permit Issuance (mm/dd/yyyy): 12-21-2018

Has it been more than 90 days after the day that the development charges, or any part of them, were payable (Y/N)? No

**RECEIVED MAR 19 2019**

Niagara Region Clerk's Office

Original to ERMS: R. Fleming

CAO	<input type="checkbox"/>	Chair	<input type="checkbox"/>
Comm. Sec.	<input type="checkbox"/>	Legal	<input type="checkbox"/>
Corp. Sec.	<input type="checkbox"/>	Rec'd	<input type="checkbox"/>
Councillors	<input type="checkbox"/>	Public Health	<input type="checkbox"/>
HR	<input type="checkbox"/>	Public Works	<input type="checkbox"/>

File: \_\_\_\_\_ Initials: [Signature]

Complaint Type (check all that apply)

<input checked="" type="checkbox"/>	The amount of the development charge was incorrectly determined.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	There was an error in the application of the development charge by-law ( <a href="#">Click for DC Bylaw</a> ).

If any of the above complaint types are applicable, please provide a summary of the complaint below.

**Summary of Complaint**

Please indicate how the complaint meets at least one of the complaint types noted above and provide the reasons for your complaint. Please be as detailed as possible and provide information as to who was involved, dates, and times. If there is not enough space below to describe the complaint, you may attach extra paper. Please attach any relevant documents such as letters or reports that are relevant to your complaint. Please further indicate the amount of development charges that you believe are payable if there is a difference between the amount calculated by the municipality or Region, and your calculation. Please also explain the basis of your calculation.

see attached

The information you provide on this form is collected pursuant to the Development Charges Act and shall be used solely for purposes of processing your complaint and in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

If you have any questions regarding this form, or the Development Charges Complaint process, please contact Rob Fleming ([robert.fleming@niagararegion.ca](mailto:robert.fleming@niagararegion.ca)).

Regional Development Fees Complaint - 867962 Ontario Limited, 574 King St. Welland  
March 19, 2019

1. The City of Welland failed to properly calculate the development charges on the Date (June 17, 2017) on which a complete Building Permit Application was received and accepted by the City of Welland, under bylaw 84-2015, which was in effect at the time of application.
2. The City of Welland misinformed clients as to the 'Calculation Date' to be used in determining Development Charges for Building Permits Applications submitted to the City prior to September 1, 2017 and issued after September 1, 2017.
3. The Niagara Region neglected to ensure that all of the municipalities within the Region were informed and were providing Building Permit Applicants the same information regarding Calculation Dates. The City of Welland and the Town of Pelham are two municipalities that were misinforming Building Permit Applicants. In fact all Building Permit Applications received before September 1, 2017 at the Town of Pelham and issued after September 1, 2017 used the calculation date defined in Bylaw 84-2015.
3. The Region of Niagara and the City of Welland neglected to notify all clients, who's Building Permit Applications submitted before September 1, 2017 and were affected by the change in definition of 'Calculation Date', were eligible to enter into agreements, with the Region, effectively grandfathering them into the Bylaw 84-215.
4. The Region of Niagara neglected to include a transition clause in DC Bylaw 2017-98 to address specifically all Building Permits submitted under bylaw 84-2015 prior to September 1, 2017 and issued after September 1, 2017.
5. If calculated properly the amount to be collected at issuance of the Building Permit for 574 King St. was 50% of the total fee, calculated at the time the Building Permit Application was accepted by the City of Welland, on June 17, 2017, of which 100% will be refunded through the SNIP incentive upon completion.  
As follows:

	Correct Amount	Amount Paid
50 Apartment Units @ \$ 4,651.00 per unit	\$ 232,550.	\$ 361,634.00
Automatic reduction CIP @%50	<u>\$-116,275.</u>	<u>\$- 63,353.55</u>
Amount Payable at Building Permits	\$ 116,275.	\$ 298,280.45
Snip Refund at Completion	<u>\$-116,275.</u>	<u>\$ 180,817.00</u>
Total DC's paid	0	\$ 117,463.45
In conclusion		
Amount paid at Building Permits	\$ 298,280.45	
Correct amount to be Paid	<u>\$ 116,275.00</u>	
Amount to be immediately refunded	\$ 182,005.45 + Interest	
Snip Refund at Completion	<u>\$ 116,275.00</u>	
Total DC's Paid	0	