
MEMORANDUM

PBLRC-C 7-2019

Subject: Regional Development Charge Complaint Hearing Process Background

Date: July 30, 2019

To: Procedural By-Law Review Committee

From: Helen Chamberlain, Director/Deputy Treasurer

The Procedural By-Law Review Committee made the following request for information at the meeting held on June 17, 2019:

Provide information respecting Development Charge hearings being held at a Committee meeting rather than a meeting of Regional Council.

The following has been prepared as additional background on the complaint process adopted by the Region:

- Section 20 of the Development Charges (DC) Act provides a means to address Development Charge complaints.
- On March 3, 2011, Council elected to delegate the authority to hold the complaint hearings to the appropriate Standing Committee of Council. Planning Committee at that time had purview of the DCs therefore complaints went to that committee and a By-Law, attached as Appendix 1, to delegate authority was passed by Council.
- On May 16, 2018, when reviewing the Regional Development Charges Task Force (RDCTF) Terms of Reference (TOR), an amendment was recommended that hearings be directed to Corporate Services Committee (CSC) as that committee now had purview of DCs as a result of changes to the committee by-laws. However committee directed staff to return the authority to hold complaint hearings back to Council, repealing the previously passed By-Law. The concern was that by continuing to have a committee hold the hearings it would diminish the authority of Council.
- Council approved the revised Regional process for complaint hearings on July 5, 2018 as per CSD 12-2018 Revised.

Should Council direct future complaints to be heard by CSC, the TOR and a By-Law would need to be updated for Council's consideration. If Council delegates the authority to hold complaint hearings to CSC, then any complaint rulings made by CSC would be final and would not need to be ratified by Regional Council.

Respectfully submitted and signed by

Helen Chamberlain, CPA, CA
Director, Financial Management & Planning/Deputy Treasurer

By-law No. 02-2014 was repealed by By-law No. 2018-61.

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THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 02-2014

A BY-LAW TO DELEGATE
REGIONAL COUNCIL'S POWER
TO HOLD HEARINGS
UNDER THE *DEVELOPMENT CHARGES ACT, 1997*

WHEREAS Section 20 of the *Development Charges Act, 1997* (the "Act") permits a person required to pay development charges to complain to the Council of the municipality imposing the development charge; and

WHEREAS Complainants are entitled under the Act to make representations at a hearing before Council; and

WHEREAS Regional Council may delegate the power to hear such complaints to a Committee of Council; and

WHEREAS Regional Council adopted the Terms of Reference for the Regional Development Charge Task Force on March 3, 2011, stating that appeals of staff decisions respecting development charges may go to "an appropriate Standing Committee of Council";

WHEREAS Regional Council wishes to repeal By-law No. 82-2012 and replace same with an updated by-law regulating the delegation of the power to hold hearings under the *Development Charges Act, 1997*.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Regional Municipality of Niagara enacts as follows:


1. That the power under the *Development Charges Act, 1997* to hold hearings into complaints about development charges is hereby delegated to the Standing Committee having responsibility for Development Services;
2. That following such hearings, the Standing Committee shall report to the full Regional Council for its information; and

3. This By-law takes effect on the day it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



Gary Burroughs, Regional Chair



Janet Pilon, Regional Clerk

Passed: January 16, 2014