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## MEMORANDUM

CSC-C 18-2019

**Subject: Regional Development Charge Complaint Process**

**Date: October 9, 2019**

**To: Corporate Services Committee**

**From: Rob Fleming, Senior Tax & Revenue Analyst**

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At the Regional Council meeting held on August 15, 2019, Council approved the minutes from the Procedural By-law Review Committee on July 30, 2019 which provided the below direction to staff:

*That Correspondence Item PBLRC-C 7-2019, being a memorandum from Committee members requested a report respecting any policy, procedural or By-law amendments necessary for Development Charge Hearings to be held at a Special Council meeting rather than a Regular Council meeting.*

As such, staff are recommending that the Regional Development Charge Task Force (RDCTF) Terms of Reference (TOR) be revised to clearly reflect the request to have Regional Development Charge (RDC) complaint hearings held at a Special Meeting of Regional Council rather than as part of a Regular Council meeting. Staff have also updated the RDC complaint form to reflect the aforementioned change as well. Both the RDCTF TOR and the RDC complaint form can be found as attachments 1 and 2, respectively.

Should Committee be in favour of this, the following is suggested wording:

That the Regional Development Charge Task Force Terms of Reference **BE REVISED** to include that Regional Development Charge complaint hearings are to be held at a Special Meeting of Regional Council.

Respectfully submitted and signed by

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Rob Fleming, MBA  
Senior Tax & Revenue Analyst  
Financial Management & Planning

**Attached:**

1. Regional Development Charge Task Force Terms of Reference – Revised
2. Regional Development Charge Complaint Form

# **REGIONAL DEVELOPMENT CHARGES POLICY TASK FORCE (RDCPTF)**

## **TERMS OF REFERENCE**

**Appendix to Memo CSC-C 18-2018**

**Recommended for Approval by the Corporate Services Committee October 9,  
2019**

**Ratified by Regional Council on <date>**

**Consolidated Version as of <date>**

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## 1. **PREAMBLE**

The RDCPTF is a policy advisory committee established by The Regional Municipality of Niagara in accordance with the following Terms of Reference. The RDCPTF has been established to advise the Regional Council, reporting through the Corporate Services Committee on Municipal requirements contained in the Development Charges Act, 1997 and matters related to the Region's Development Charges Study and By-law.

## 2. **MANDATE**

To advise The Regional Municipality of Niagara regarding the matters related to development and implementation of policy to be incorporated within the Region's Development Charges Study and By-law including, but not limited to: Alignment of development charge policy with the Region's servicing policy, planning and phased infrastructure, and financing of growth related infrastructure and alignment with the Niagara 2041 growth strategy.

Complaints submitted pursuant to the Development Charges Act, 1997, will be heard at a Special Meeting of Regional Council~~by Regional Council~~.

## 3. **GOALS/PURPOSE**

The RDCPTF will advise on capital costs required for infrastructure including how to recover costs and aligning growth with servicing needs; how development charge policies impact the Region's ability to recover growth related capital costs, and the necessity for these costs to be recovered by new growth, and also provide guidance on development charge policy updates.

The RDCPTF will oversee grant programs that exempt DCs (both mandatory and discretionary) and support the budget request of replacement funding for those DCs exempted.

## 4. **REPORTING STRUCTURE**

The RDCPTF will report to Regional Council through the Corporate Services Committee.

## 5. **WORK PLAN**

The RDCPTF will provide guidance to staff in the development of the work plan related to the DC By-Law renewal identifying the specific initiatives and activities to be undertaken within each of the areas of focus, inclusive of budget needs, to further guide decision-making and resource management.

## 6. **BUDGET**

N/A

## **7. MEMBERSHIP**

### **7.1 Composition**

Membership for the RDCPTF shall be a minimum of 16 members of Council.

Membership for the RDCPTF shall include:

- Chair and Vice Chair
- Other Council members

### **7.2 Term**

The term of membership shall be four years, concurrent with Regional Council's elected term of office, and the membership shall be approved by Council in accordance with membership requirements in the Terms of Reference.

Current RDCPTF Committee members shall indicate their desire to be reappointed to the Committee no later than the last meeting prior to the change in Council.

### **7.3 Privacy**

The meetings of the RDCPTF are public unless confidential matters are discussed.

## **8. ROLES & RESPONSIBILITIES**

### **8.1 Chair & Vice Chair**

A Chair and Vice Chair will be elected from RDCPTF Committee members on a biannual basis at the first meeting of the New Year to preside over meetings and Committee business.

It is the role of the Chair to preside over RDCPTF Committee meetings so that its business can be carried out efficiently and effectively, and to act as a liaison between the RDCPTF Committee, the Corporate Service Committee and Regional Council.

It is the role of the Vice Chair to preside over RDCPTF Committee meetings in the absence of the Chair and to perform any other duties delegated by the Chair or as assigned by the Committee through a majority vote.

### **8.2 Committee Members**

All RDCPTF members, including the Chair and Vice Chair, have the responsibility to help achieve the RDCPTF's Mandate and Goals/Purposes. Committee members are also responsible for:

- Reviewing meeting materials in advance of the meetings and arriving prepared to provide a broad perspective on the issues under consideration;
- Working diligently to complete assigned activities;
- Participating on working groups, as appropriate;
- Agreeing to describe, process and resolve issues in a professional and respectful manner;
- Providing input to help identify future projects or strategic priorities for future years' work;
- Communicating activities of the Committee to groups represented or those who may have an interest and offer information back to the Committee.

## **9. WORKING GROUPS**

To fulfill its mandate and accomplish its goals, the RDCPTF may establish working groups to deal with specific issues or projects. The working groups will meet, as needed, to review specific issues referred to them by the RDCPTF and otherwise complete their assigned tasks.

Working groups are considered to be time-limited, project specific sub-committees of the RDCPTF in that they are convened to accomplish a specific task (or tasks) in a narrowly defined time period.

## **10. RESOURCES**

The Enterprise Resource Management Services department is the designated lead department providing resource support for the RDCPTF; however, the Committee also has access to the technical expertise of staff from other Regional departments as may be required. It is recognized that staff time and the level of participation will be dependent on other departmental priorities as determined by senior management and/or Regional Council. As required, additional resources may be sought. Additional resourcing may be required for projects with senior levels of government.

The RDCPTF Committee shall receive administrative support from the Office of the Regional Clerk for meeting and agenda management.

## **11. MEETINGS**

A meeting schedule following a six week cycle shall be set for the RDCPTF during the 18 months preceding the expiry of the RDC By-Law or at the call of the Chair should a time sensitive matter arise during this time. The schedule will be circulated to the members for approval prior to the 18 month time period. Meetings held outside this 18 month time period will be at the call of the Chair.

The RDCPTF meetings will be held at Regional Headquarters at a time as determined by the members. All meetings will be open to the public unless confidential information is presented.

Meetings shall be governed by the Region's Procedural By-law, being a by-law to govern the calling, place and proceedings of the meetings of Council and its Committees, as may be amended from time-to-time.

If necessary, a schedule setting the due dates for materials to be included on the agenda will be circulated to each member pending adoption of a meeting schedule or the scheduling of a meeting date.

A committee member who is unable to attend a meeting, shall forward his/her regrets to the Office of the Regional Clerk as soon as possible. Should the Office of the Regional Clerk not have confirmation of quorum 24 hours prior to the meeting, the meeting shall be cancelled.

## **12. ABSENTEEISM**

Members who miss three consecutive meetings without authorization shall be deemed to have resigned from the Committee and will be notified of this in writing by the Committee Chair.

## **13. AMENDMENTS TO THE TERMS OF REFERENCE**

The Terms of Reference should be reviewed and refined at a minimum of every four years to ensure that they remain current and meaningful.

Proposals to amend the Terms of Reference shall require the approval of a majority of the members present. Proposed amendments to the Terms of Reference shall be submitted to Regional Council for approval through the Corporate Services Committee and shall take effect only upon the approval of Council.

## **Procedure for Complaints under the Development Charges Act**

### **Parties to a Complaint**

A person required to pay a development charge to Niagara Region, or the person's agent, may complain to the Region. The process for development charges complaints is outlined in sections 20-25 of the Development Charges Act.

### **Time, Form, and Contents of a Complaint**

Complaints must be in writing, submitted to the address below, or via email to:

[Clerk@niagararegion.ca](mailto:Clerk@niagararegion.ca)

The Regional Municipality of Niagara

1815 Sir Isaac Brock Way

P.O. Box 1042

Thorold, ON L2V 4T7

Attention: Regional Clerk

No complaint will be considered if it is received more than 90 days after the date the development charge, or any part of it, is payable to Niagara Region (as per s. 20(2) of the Development Charges Act). All complaints will first be reviewed by Niagara Region staff to confirm the criteria for submitting a complaint as outlined in the Act have been met.

The complaint must contain and allege, as a reason for the complaint, one or more of the following:

1. The amount of the development charge was incorrectly determined;
2. 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
3. There was an error in the application of the development charge by-law.



### **Complaint Hearing**

A hearing of the complaint at a Special meeting of Regional Council will be scheduled within 60 days after the complaint is received by the Region as required.

At a hearing before Regional Council, the complainant will be given an opportunity to make representations. Niagara Region Staff may provide a report to Regional Council regarding the complaint. After hearing the evidence and submissions of the complainant, Council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.

The decision of Council is final, subject to the appeal rights provided in the Development Charges Act.

The notice of hearing of the complaint will be mailed to the complainant at least 14 days before the hearing at the address provided below.

Following the hearing, the notice of Regional Council's decision will be mailed to the complainant at the address provided below no later than 20 days after the date of the decision.

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

Contact Information of Complainant:

Date (yyyy-mm-dd)		
Name of complainant (first, last)		
Address		
City/Town	Province	Postal code
Home phone no.	Business phone no.	Mobile no.
E-mail		

Location of development that the complaint relates to:

Building Permit No.	Regional Development Charge Owing (\$)	
Type of Development		
Address		
City/Town	Province	Postal code

Date Development Charges Paid (mm/dd/yyyy): \_\_\_\_\_

Date of Building Permit Issuance (mm/dd/yyyy): \_\_\_\_\_

Has it been more than 90 days after the day that the development charges, or any part of them, were payable (Y/N)? \_\_\_\_\_

Complaint Type (check all that apply)

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

**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.

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)).