

Present: Mayor Mitchell
Councillor Alexander
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor
K. Nix, Commissioner of Corporate Services/Treasurer
R. Saunders, Commissioner of Planning and Development
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
S. Dave, Legislative Coordinator (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Delegations

2.1 Dave Paterson, Appellant, The Royal Ashburn Golf Club
Re: Development Charge Appeal - The Royal Ashburn Golf Club

Dave Paterson, representing The Royal Ashburn Golf Club, provided an overview of the Development Charge Appeal. Details of his presentation included:

- The precedent setting project at Wooden Sticks Golf Club being similar to the one submitted by Royal Ashburn Golf Club;
- A lack of communication from the Town regarding the cost of

development charges at the beginning of the building permit application process;

- Seasonal nature of operations at the Club where the revenue generating ability is only present for 4-6 months out of a year, and as such, high costs of development charges negatively impacts profit margins;
- No development charges for previous construction on the property in 2005, 2010 and 2012;
- Request for more information regarding how the monies from development charges was being used to service The Royal Ashburn Golf Club and surrounding areas;
- The inability to pass development charges to end users like larger developers can, and the adverse impact on the ability to grow their business, and contribute to the economic health of the region.

A brief question and answer period ensued between Members of Council and Mr. Paterson with respect to the outcome of his Development Charge Appeal to the Regional Municipality of Durham.

3. Presentations

3.1 Ken Nix, Commissioner of Corporate Services / Treasurer and Warren Mar, Commissioner of Legal and Enforcement Services / Town Solicitor Re: Overview of Report CS 55-19: Development Charge Complaint - Royal Ashburn Golf Club

Warren Mar, Commissioner of Legal and Enforcement Services / Town Solicitor provided an overview of Report CS 55-19 with respect to the Development Charge Complaint from the Royal Ashburn Golf Club. Mr. Mar further provided an overview of the Development Charges Act and the specific subsections that relate to this matter. Additional details of his presentation included the following:

- In reviewing the Development Charge (DC) By-law, Staff have determined that the proposed development falls within the broad definition of "retail commercial" in the by-law, and as such, is not exempt from any development charges;
- The DC By-law, as it currently exists, does not account for the seasonal nature of a business, nor does it discriminate between what types of municipal services will be provided as a result of development. It is the assumption of the by-law that any development within the Town will increase demand on municipal services;
- The Development Charges Act does not permit Council to waive or refund any portion of the development charges if the amount of

the development charges is determined to be correct, and the charges are correctly applied.

Ken Nix, Commissioner of Corporate Services / Treasurer, provided further details with respect to Staff's response to the complaint from The Royal Ashburn Golf Club:

- In terms of the increase in development charges since 2004, municipalities are now more aware of the "cost of development" on the delivery of municipal services, and as such, as seeking to maximize rates;
- Details regarding how and where the development charges are applied, and the types of municipal services they fund; and
- Staff have reviewed all building permits since 2005 related to the Royal Ashburn Golf Club and could not locate anything that triggered a permit during that time.

A detailed question and answer period ensued between Members of Council and Staff with respect to:

- Accounting for the seasonal nature of certain businesses during the next review of the DC By-law;
- Details regarding the type of development that can trigger a development charge;
- Whether there were any exemptions within the DC By-law that could be applied to the Royal Ashburn Golf Club;
- Whether there was an opportunity to disclose the development charges at the beginning of a building permit application;
- The possibility of providing the Royal Ashburn Golf Club with a grant or refund to offset development charges costs; and
- The implications for the Town if it were to provide such a grant or refund to the Royal Ashburn Golf Club.

4. Items for Consideration

- 4.1** Corporate Services Department, Legal and Enforcement Services
Department and Planning and Development Department Joint Report,
CS 55-19
Re: Development Charge Complaint - Royal Ashburn Golf Club

Resolution # 314-19

Moved By Councillor Shahid
Seconded By Councillor Alexander

That Council confirms the development charges imposed by the Town of Whitby on the Royal Ashburn Golf Club for the development of property

known municipally as 995 Myrtle Road West, Whitby, Ontario.

Carried

5. Confirmatory By-law

5.1 Confirmatory By-law

Resolution # 315-19

Moved By Councillor Leahy
Seconded By Councillor Newman

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on November 12, 2019 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

6. Adjournment

6.1 Motion to Adjourn

Moved By Councillor Newman
Seconded By Councillor Alexander

That the meeting adjourn.

Carried

The meeting adjourned at 6:29 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor