

Economic Development & Planning Committee

Tuesday, May 5th, 2009, 4:00 p.m.
City Hall - Council Chambers

<u>Committee Members</u>	<u>Areas of Responsibility</u>	
Councillor M. Kalivas, Chair	Economic Development	Vision 20/20
Councillor G. Beach	Planning	* Community Council
Councillor J. Earle	Chamber of Commerce	* Downtown Revitalization
Mayor D. Henderson,	DBIA	* Industry Advisory
Ex-Officio	Heritage Brockville	* Tourism Advisory

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FINAL ACCEPTANCE OF WORK AND DISCHARGE OF OBLIGATIONS UNDER SUBDIVISION AGREEMENT AND SERVICING AND DEVELOPMENT AGREEMENT CITY OF BROCKVILLE |
| 9-14 | 2. 2009-060-05
REMOVAL OF PART LOT CONTROL LOT 1 AND BLOCK "A", PLAN 426 CASS DEV SUBDIVISION
OWNER: CASS DEV LTD.
AGENT: JORDAN AND WISEMAN SURVEYING LTD.
FILE: 08T-03503 |
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PLAN OF SUBDIVISION PART OF LOT 11,
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OWNER: JOHN CASSELL, O/A CASS DEV LTD
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CONSENT AGENDA

29April2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 05 May 2009

2009-059-05

**FINAL ACCEPTANCE OF WORK
AND DISCHARGE OF OBLIGATIONS
UNDER SUBDIVISION AGREEMENTS AND
SERVICING AND DEVELOPMENT AGREEMENTS
CITY OF BROCKVILLE**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
J. FAURSCHOU
PLANNER I**

RECOMMENDATION:

1. **THAT** the Planning Department be directed to prepare the necessary By-laws for authorization by the Mayor and Clerk for final acceptance of work and to discharge obligations under various Subdivision Agreements and Servicing and Development Agreements for developments which have been completed to the satisfaction of the City of Brockville.

PURPOSE:

The purpose of this report is to enable a streamlined approach to final acceptance of work and to discharge obligations under various Subdivision Agreements and Servicing and Development Agreements for developments which have been completed to the satisfaction of the City of Brockville.

ORIGIN:

A review of various Subdivision Agreements and Servicing and Development Agreements has been undertaken by the Planning Department. Upon review it has been determined that there are a number of agreements which address the development of subdivisions within the limits of the City of Brockville and which have been determined to be completed to the satisfaction of the City of Brockville.

ANALYSIS:

The agreements under consideration date as far back as 1966 and in most cases the developer has ceased to exist. Schedule "A" to this report provides a listing of files and agreements which are under review. As a housekeeping matter, it is reasonable to have Council direct the Planning Department to prepare the necessary By-laws to be enacted for final acceptance of work and to discharge obligations under various Subdivision Agreements and Servicing and Development Agreements for developments which have been completed to the satisfaction of the City of Brockville.

The approach being proposed would be applied only to those Subdivision Agreements and Servicing and Development Agreements which have long been completed and in which the maintenance in those subdivisions has been assumed by the City for an

Final Acceptance of Work and Discharge of Obligations under Subdivision Agreements and Servicing and Development Agreements, City of Brockville

extended period of time. More current Agreements which have clearly identified steps to be met prior to final acceptance shall proceed on a case by case basis.

The ability of the Planning Department to fully review older files and to prepare a by-law represents a streamlined approach to final acceptance of work and to discharge obligations under various Subdivision Agreements and Servicing and Development Agreements for developments which have been completed to the satisfaction of the City of Brockville.

POLICY IMPLICATIONS:

There are no policy implications associated with the subject request. The request is a housekeeping issue related to approved and completed Subdivision Agreements and Servicing and Development Agreements.

FINANCIAL IMPLICATIONS:

All costs associated with processing of the By-laws shall be the responsibility of the Applicant where such can be located and the City in all other cases.

CONCLUSION:

The Planning Department respectfully requests direction to prepare the necessary By-laws for authorization by the Mayor and Clerk for final acceptance of work and to discharge obligations under various Subdivision Agreements and Servicing and Development Agreements for developments which have been completed to the satisfaction of the City of Brockville.



M. Pascoe Merkley
Director of Planning



B. Casselman
City Manager



J. Faurichou
Planner I

SCHEDULE "A" – Report 2009-059-05

SUBDIVISION / SERVICING AND DEVELOPMENT AGREEMENTS

File Number	File Description
267-1	Ontario Housing Corporation / CMHC H.O.M.E. Subdivision 4-76 Land Assembly Agreement Windsor Heights Subdivision (Plan 342) (Beley Street, Col. Douglas Crescent, Dana Street, Row Place, Mary Street)
267-2	Auden Park Developments Limited (now Standard-Rollins Development Corporation) Subdivision Agreement Sheridan Park (Plan 318) (Linden Crescent, Briarwood Drive, Laurier Boulevard, Flanders Road, Millwood Avenue)
267-3	Auden Park Developments Limited (now Standard-Rollins Development Corporation) Subdivision Agreement (Plan 357) (Vista Drive – south side)
267-4	Auden Park Developments Limited Subdivision Agreement (Plan 358) (Laurier Blvd., Fraser Court, Cole Court)
267-5	257244 Land Developments Limited (now Brockmoor Developments Corporation Limited) Subdivision Agreement Westview Ridge (Plan 330) (Westview Place, Ridgeview Place, Brock Street, Pearl Street)
267-6	PIMM Investments Limited Margaret Place Subdivision Agreement (Plan 364)
267-7	Raymond Kostuch Rosewood Park Subdivision Subdivision Agreement (Plan 356) (Karolina Street)
267-8	PIMM Investments Limited Victoria Park - Poplars I Subdivision Agreement (Plan 378) [Poplars II - 267-29] (Cuthertson Avenue North, Walsh Court)
267-11	257244 Land Developments Limited The Pines Subdivision Agreement (Plan 335) (11 Rivers Avenue) (No's 3, 5, 7, 9, 11, 15, 17, 19, 23, 25, 27, 29, 31, 35, 39, 41, 43, 45 Pineview Road)

File Number	File Description
267-12	734361 Ontario Limited Dodge Industrial Park - Broome Industrial Servicing and Development Agreement (Plan 332) (Original agreement with Dodge and Dodge Repealed by By-law 38-89)
267-13	Calanco Lands Limited Loyalist Park, Phase II, 1975 Plan of Subdivision (Plan 331) (Kensington Parkway, Lindsay Place, Cambridge Crescent, Colonel Curry Drive, Cunningham Crescent, MacOdrum Drive, Kyle Court, Comstock Crescent)
267-14	Dodge Developments Subdivision Agreement (Pt. Lots 13 and 14, Conc. I, Plan 367) (Kent Blvd. & Jefferson Dr.)
267-19	Kinjul Limited - Phase I Subdivision Agreement (Plan 376) (6 Lots) (No's 117, 119, 121, 123, 125, 127 Chipman Road)
267-21	Calanco Lands - Loyalist Park I - Cartier Court (Plan 329) (No's 4, 6, 8, 10, 12, 14, 16 Cartier Court)
267-24	Kinjul Limited - Phase II Subdivision Agreement (Plan 377) (8 Lots) (No's 118, 120, 122, 124, 129, 131, 133, 135 Chipman Road)
267-26	576683 Ontario Ltd. & 636773 Ontario Ltd. Servicing and Development Agreement J. Malovic - Horningtoft – 28R-6436 576683 Ont. Ltd. & 636773 Ont. Ltd. (11 Lots) (No's 107, 109, 111, 113, 115 Chipman Rd.) (No's 2, 4, 6, 8, 10, 12 Elizabeth St.)
267-28	553048 Ontario Limited Subdivision Agreement (Block B, Plan 342) (12 Lots) (No's 2, 4, 6, 8, 10, 12, 14, Colton Court) (No's 106, 108, 116, 118, 120 Beley Street)
267-29	Pimm Investments Limited Subdivision Agreement United Church Lands (west of Millwood Avenue, north of Plan 378), Part of Cuthbertson Avenue - Poplars II - Ref. Plan 28R-5463 [Poplars I - 267-8] (15 Lots) (No's 1320-1329 Beley Street) (No's 1322, 1324, 1326, 1328, 1330 Millwood Ave.)
267-30	Kinalea Development Corporation Servicing and Development Agreement (Block C - Plan 342) (13 Lots) (No's 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 Beley Place, formerly Langmuir Place)

File Number	File Description
267-32	Pimm Investments Limited Subdivision Agreement Residual Lands - Hunter's Hill - Ref. Plan 28R-6530 (Plan 342 - 28R-6530) (No's 100 - 103 Mackenzie Street.) (No's 1460 - 1480 Windsor Drive) (No's 180 - 202, 204 - 210 Beley Street)
267-34	Ernest Harper Limited Subdivision Agreement Ref. Plan 28R-5456 (5 Apartment buildings) (No's 2, 6, 10, 12, 14 Charlotte Place)
267-36	Rockway Pontiac Buick Ltd. Servicing and Development Agreement Ref. Plan 28R-2459 (Chelsea Street Extension)
267-39	Kinalea Et Al. Servicing and Development Agreement Brockwoods Subdivision - Pt. Lot 16, Conc. 1, Centre, Brock and Pearl Streets (Plan 388) (Pearl Street, Brock Street, Malloch Court, Higgins Court, Adley Drive, Dowsley Crescent, Donaldson Court, Wolthausen Street))
	Phase 1 (Gardiners Road Development) (Pearl Street, Brock Street, Malloch Court)
	Phase 2A (Gardiners Road Development - Don Case) (Pearl Street, Brock Street, Higgins Court)
	Phase 2B Ernest H. Harper Limited - Ernest Harper (Pearl Street)
267-44	M. Anthol Brownlee Servicing and Development Agreement (Ref. Plan 28R-6039, Plan 228) (Morris Court)
267-45	Eowana Needham (Hands Realty) Servicing and Development Agreement (28R-6528, Plan 80) (7 lots) (1 - 7 Shelby Lane)
267-46	David Darling, In Trust Servicing and Development Agreement (Part Lots 77 and 78, Plan 271) (28R-5892) (5 Lots on East Side of Windsor Drive)
267-51	653973 Ontario Ltd. Servicing Agreement Laurier Blvd. to Bridlewood Subdivision (City Lands)

29April2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 05 May 2009

2009-060-05

REMOVAL OF PART LOT CONTROL

LOT 1 AND BLOCK "A", PLAN 426

CASS DEV SUBDIVISION

OWNER: CASS DEV LTD.

AGENT: JORDAN AND WISEMAN SURVEYING LTD.

FILE: 08T-03503

M. PASCOE MERKLEY

DIRECTOR OF PLANNING

J. FAURSCHOU

PLANNER I

RECOMMENDATION:

THAT a by-law be enacted pursuant to Section 50(7) of the Planning Act R.S.O. 1990 to remove Lot 1 and Block "A", Plan 426, City of Brockville, County of Leeds, from Part Lot Control.

PURPOSE:

The purpose of this report is to provide an outline and recommendation on a request to remove part lot control from lands described as Lot 1 and Block "A", Plan 426, City of Brockville.

BACKGROUND:

A letter of request for removal of Part Lot Control, dated 24 March 2009, has been submitted by Mr. Bob Jordan, on behalf of Cass Dev. Ltd., owner of lands described as Lot 1 and Block "A", Plan 426, (Flanders Road) City of Brockville. The letter of request is attached as **Schedule "A"** to this report. The location of the subject property is indicated on **Schedule "B"** to this report. Photos of the subject property are attached as **Schedule "C"** to this report.

Jordan and Wiseman Surveying Ltd. has indicated that the owner of Lot 1 wishes to increase the yard adjacent to Block "A" by realigning the common lot line northwards. In order to do this, the Applicant has requested consideration for removal of part lot control to enable lot realignment. The following analysis addresses the request.

ANALYSIS:

On 21 June 2005, Council for the Corporation of the City of Brockville entered into a Subdivision Agreement for development of Cass Dev. Subdivision, being identified as Registered Plan 426.

The lands which are the subject of this application are located on the north-west corner of Duke Street/Hillcrest Drive and Flanders Road and are wholly within Cass Dev Subdivision. The Lot 1 is occupied by a single detached dwelling. Block "A" is stormwater detention area serving Plan 426. Block "A" is to be conveyed to the City for stormwater management purposes as per condition 19b) of the Subdivision Agreement.

Removal of Part Lot Control, Lot 1 and Block "A", Plan 426, Cass Dev Subdivision**Owner: Cass Dev Ltd.****Agent: Jordan And Wiseman Surveying Ltd.****File: 08T-03503**

As the dimensions of Lot 1, both before and after the proposed lot realignment, meet the minimum requirements for a residential lot under City of Brockville Zoning By-law 194-94, as amended, the dimensions and lot area of Block "A" are not specified in the Agreement and Block "A" is not required as Parkland dedication, no amendment is required to the Agreement in regard to the proposed lot realignment.

Removal of Part Lot Control

Council for the Corporation of the City of Brockville has the authority to enact a By-law to designate that certain lands not be subject to part lot control through Section 50(7) of the Planning Act R.S.O. 1990.

Removal of part lot control for those lands described as Lot 1 and Block "A", Registered Plan 426, City of Brockville, County of Leeds, would permit re-alignment of the lot/block resulting in one larger residential lot and a reduced Block "A". No new lot is proposed.

A draft Reference Plan has been prepared and appropriate deeds will be prepared upon completion. As the land is located wholly within Plan 426, the most expedient method of lot realignment is by removing part lot control.

Should the request be supported, the necessary by-law to remove these lands from Part Lot Control shall be prepared for enactment by City Council.

It is appropriate for the by-law to be in effect for a limited period of time only. Accordingly, the by-law will contain a sunset clause providing for it to be effective for six (6) months from the date of its passing. This allows sufficient time for preparation and registration of the appropriate documentation.

Impact on Stormwater Detention

The proposed reduction in the area of Block "A" has been reviewed by the Ministry of the Environment. An "Amended Certificate of Approval" has been issued approving the proposed changes. In addition, the Operations Department and CRCA have reviewed the proposal and have no objections.

POLICY IMPLICATIONS:

The proposed lot realignment and associated changes are consistent with City policies as the area is currently designated and zoned for residential development within a registered plan of subdivision.

Removal of Part Lot Control, Lot 1 and Block "A", Plan 426, Cass Dev Subdivision

Owner: Cass Dev Ltd.

Agent: Jordan And Wiseman Surveying Ltd.

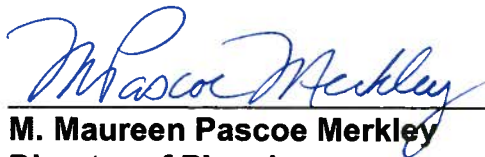
File: 08T-03503

FINANCIAL CONSIDERATIONS:

All costs associated with the application to remove part lot control from the lands described as Lot 1 and Block "A", Plan 426, including preparation of a Reference Plan, deeds and registration are the responsibility of the Applicant.

CONCLUSIONS:

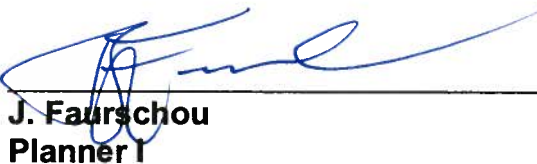
The revised dimensions of Lot 1, Plan 426 exceed the minimum requirements under City of Brockville Zoning By-law 194-94, as amended, for a residential lot within the R2-Single Unit Residential Zone. The revised Block "A" has been confirmed by MoE and CRCA as being able to meet the requirements for storm water detention. Accordingly, the Planning Department has no objection to removal of part lot control from Lot 1 and Block "A", Plan 426.



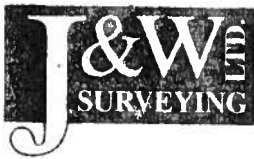
M. Maureen Pascoe Merkley
Director of Planning



B. Casselman
City Manager



J. Faurischou
Planner I



SCHEDULE "A" to REPORT 2009-060-05

**JORDAN
& WISEMAN**
SURVEYING LTD.

33 PERTH STREET
P.O. BOX 485
BROCKVILLE
ONTARIO K6V 5V7

TELEPHONE: (613) 342-7525

FAX: (613) 342-9513

City of Brockville
P.O. Box 5000,
Brockville, ON
K6V 7A5

Attention: Jon Faurschou, Planner

Dear Mr. Faurschou:

**Re: Consent Application for lot addition
Cass-Dev Ltd.
Flanders Road**

March 24, 2009



As suggested in your e-mail dated March 20/09, I would like to withdraw the above-noted consent application and request that Part Lot Control be lifted on the subject lands. A cheque from John Cassell for the amount of \$395.00 is attached and I would request the return of his previous cheque for \$580.00.

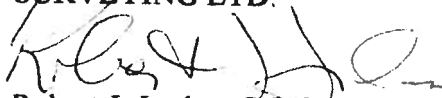
The required PIN numbers are shown on the attached photocopy taken from the Land Titles Block Map.

It is my understanding that Brian Tuthill from Eastern Engineering Group is following up with the CRCA to receive their written approval for the project to reduce the size of the retention pond.

If you have any questions or require further information, please contact me at this office.

Yours truly,

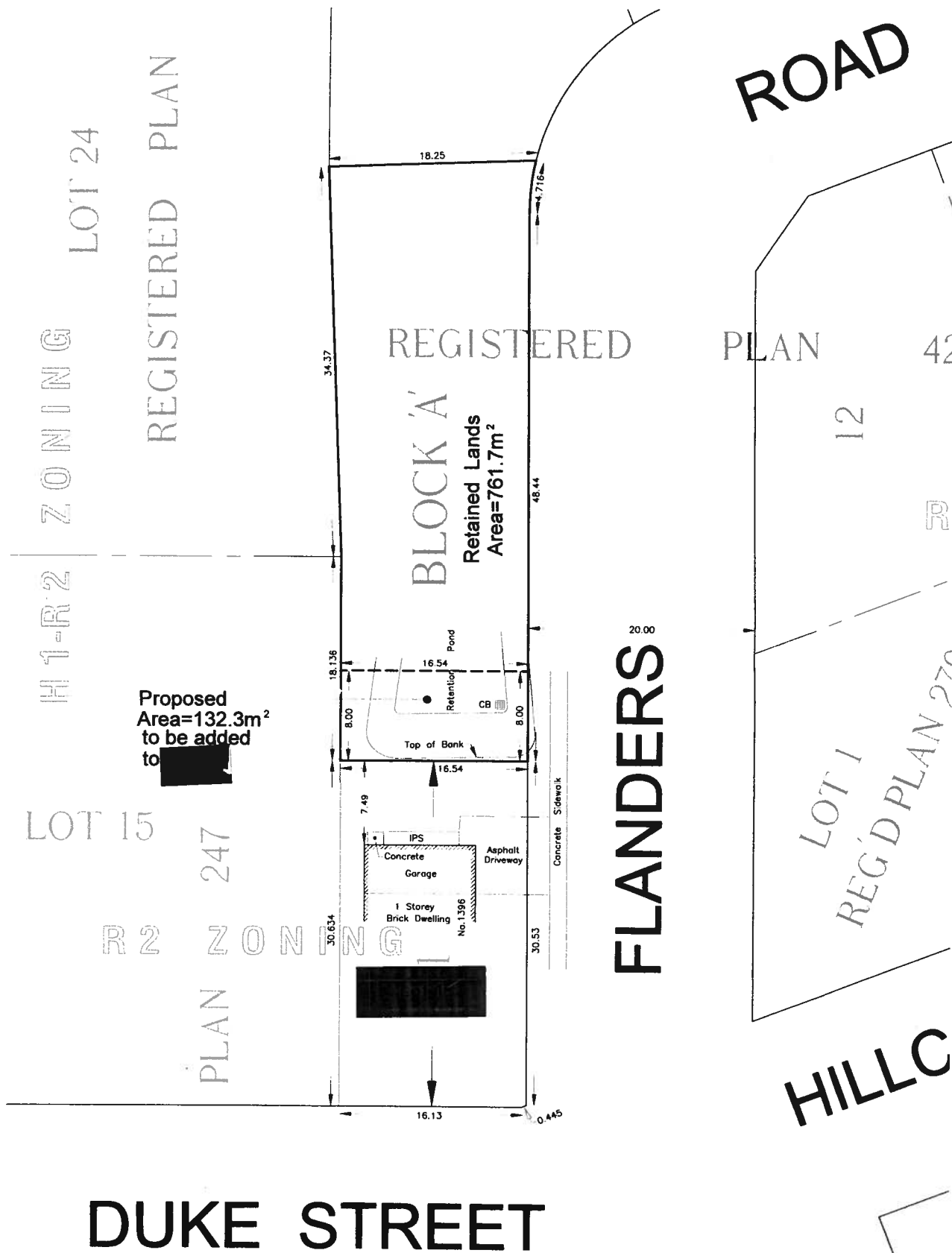
**JORDAN & WISEMAN
SURVEYING LTD.**


Robert J. Jordan, O.L.S.

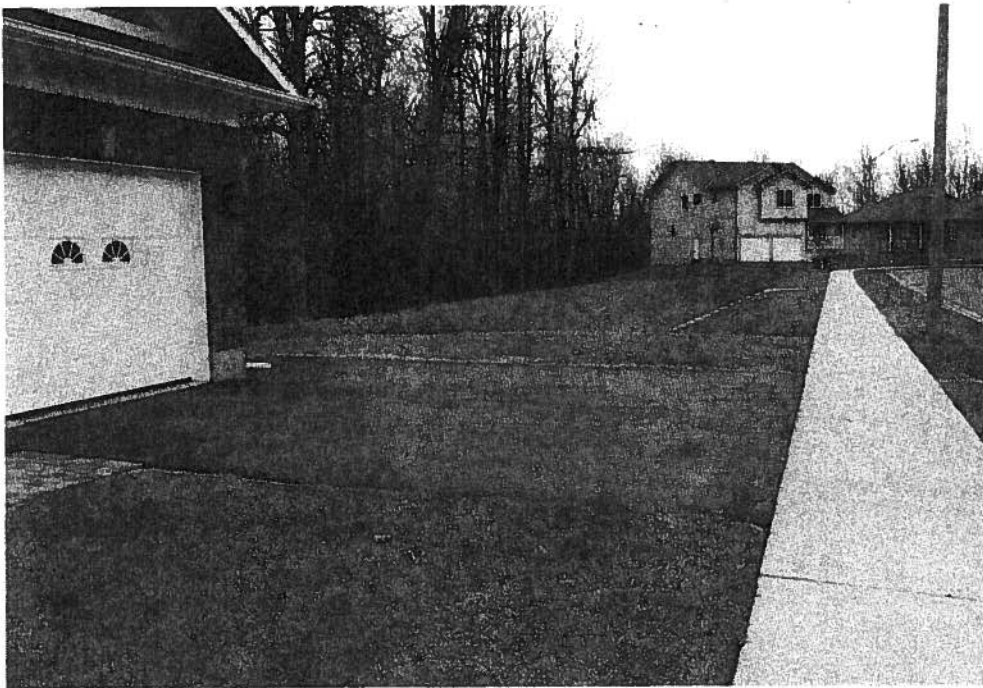
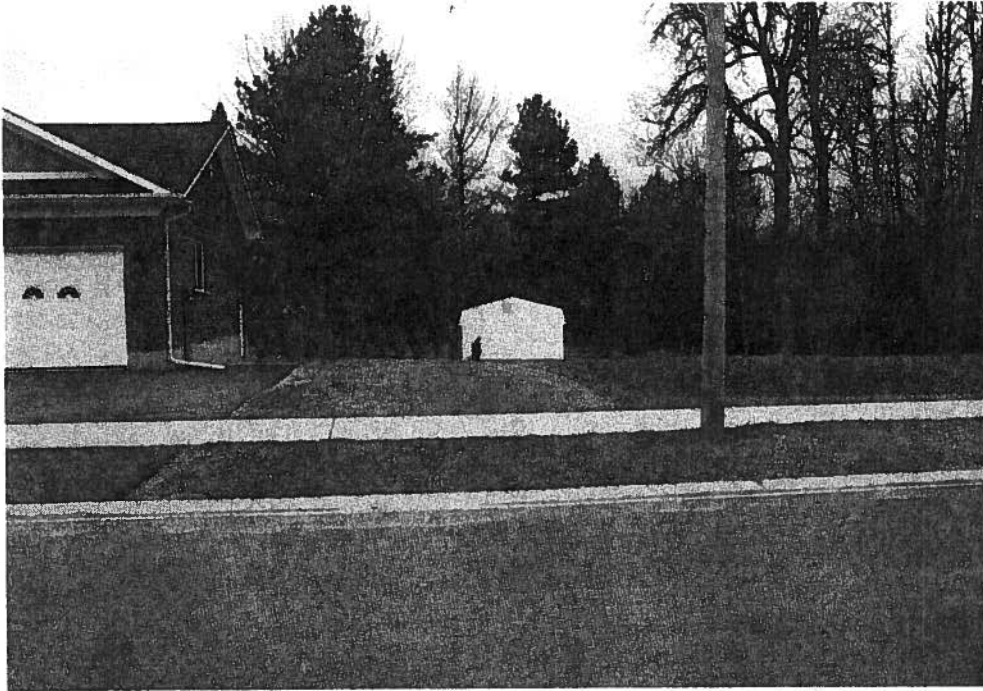
Encl.

ROBERT J. JORDAN
B.A., B.Sc., O.L.S.

SURVEY RECORDS OF:
K. M. WISEMAN, O.L.S.
T. J. INGRAM, O.L.S.



SCHEDULE "C" to REPORT 2009-060-05



29April2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 05 MAY 2009

2009-061-05

EXTENSION OF FINAL APPROVAL

PLAN OF SUBDIVISION

PART OF LOT 11, CONCESSION 2

CITY OF BROCKVILLE

OWNER: JOHN CASSELL, O/A CASS DEV LTD.

AGENT: EASTERN ENGINEERING GROUP INC.

FILE: 08T-06501A

M. PASCOE MERKLEY

DIRECTOR OF PLANNING

J. FAURSCHOU

PLANNER I

RECOMMENDATIONS:

THAT the date for registration for final approval of plan of subdivision on lands described as Part of Lot 11, Concession 2, City of Brockville, County of Leeds be extended for an additional 120 days from the date of Final Approval.

PURPOSE:

The purpose of this report is to make recommendation respecting a request for extension of the date on which the Plan of Subdivision for the extension of Flanders Road easterly and southerly through to Laurier Boulevard is to be registered at the Registry Office.

BACKGROUND:

Eastern Engineering Group Inc., acting as Agent for Mr. John Cassell, o/a Cass Dev Ltd., Owner of lands described as Part of Lot 11, Concession 2, City of Brockville, County of Leeds, made application for a proposed Plan of Subdivision.

The subject lands, located on the north side of Laurier Boulevard, immediately west of 458 Laurier Boulevard (Health Unit), are currently vacant.

On 10 April 2007, Council for the Corporation of the City of Brockville passed resolution 2007-064-04 which granted draft approval to a Plan of Subdivision on the subject land, said draft approval being subject to eleven (11) conditions.

On 10 March 2009, Council for the Corporation of the City of Brockville passed resolution 2009-031-03 which granted final approval to a Plan of Subdivision on the subject land.

ANALYSIS:

Extension of Final Approval of the Plan of Subdivision

Condition 11. of Report 2007-064-04 reads as follows:

11. *That the Final Plan, as approved by the City of Brockville, must be registered within sixty (60) days of the date of final approval or the City's approval may be withdrawn in accordance with Section 51(59) of the Planning Act, R.S.O. 1990, c.P.13."*

Extension of Final Approval – Plan of Subdivision, Removal of H1 Holding Symbol,
Block B, Plan 42, Part of Lot 11, Concession 2, City of Brockville
Owner: John Cassell, O/A Cass Dev Ltd.
Agent: Eastern Engineering Group Inc.
File: 08T-06501A

A Subdivision Agreement was prepared and provided to the developers Agent for review. During this review, it was brought to the attention of the City that the legal description was incomplete. More specifically, the ownership of the east portion of the proposed extension of Flanders Road, which was approved for sale to the developer by Council, appears to be incomplete. In addition, the required conveyance of a 0.3 metre reserve located at the easterly terminus of Plan 426 has not been done. This reserve, being Block "B", Plan 426, is required to be removed to enable the extension of Flanders Road from Plan 426 into the new development. Accordingly, the Agreement cannot be registered at this time.

The time frame of sixty (60) days from the date of final approval is inadequate to address the clarification of title. The proposed extension of the time frame for registration will permit the title to be resolved and a registerable legal description to be prepared.

Accordingly, the Planning Department is requesting that consideration be made to extend the time frame for registration for an additional four months (120 days) in order to address changes. The date for final registration would then be moved from 09 May 2009 to 07 September 2009.

POLICY IMPLICATIONS:

There are no financial implications associated with the proposed extension of the time frame for registration of the final Plan of subdivision.

FINANCIAL IMPLICATIONS:

There are no policy implications associated with the proposed extension of the time frame for registration of the final Plan of subdivision.

CONCLUSION:

The Planning Department is recommending extension of the time frame for registration for an additional four months (120 days) in order to address the requirements of the Agreement. The date for final registration would then be moved from 09 May 2009 to 07 September 2009.



M. Maureen Pascoe Merkley
Director of Planning

B. Casselman
City Manager

J. Faurschou
Planner I

30 April 2009

REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE –
05 MAY 2009

2009-062-05

2009 BUILDING FEES

M. PASCOE MERKLEY
DIRECTOR OF PLANNING

RECOMMENDATION:

THAT a by-law be enacted to establish fees for applications for and issuance of permits for building and plumbing.

PURPOSE:

To bring into effect fee increases and new fees related to building and plumbing permits issued under the Ontario Building Code.

BACKGROUND:

The City of Brockville, as a principal authority under the Building Code Act, is responsible for administration and enforcement of the Ontario Building Code in this municipality.

In accordance with Section 7 of the Building Code Act, the City may, by by-law, require the payment of fees on applications for and on the issuance of permits. The proposed by-law to establish fees for 2009 (to come into effect as of the date of passage by City Council) is attached as **Appendix 1** to this report.

Prior to passing a by-law to impose or change fees, a public meeting is required to be held by City Council. On Tuesday, April 28, 2009, a public meeting was held by Brockville City Council. Excerpts from the minutes of the Council meeting appear as **Appendix 2** to this report. Issues raised through this process will be discussed in this report.

ANALYSIS:

It is the practice during annual budget preparation for user fees to be reviewed. For this budget year, all building and plumbing fees were reviewed with the following in mind:

- The estimated costs for administration and enforcement of the Ontario Building Code;
- The budget guidelines established by City Council, in particular, that Departments are to complete a review of their User Fees taking into consideration legislation and benchmark positions; and
- Any rationalization of fees needed, including identification of any new fees, to better reflect services delivered.

The fees submitted to Council through the 2009 budget process reflect the following:

- User fees will provide partial cost recovery associated with responsibilities for administration and enforcement of the Ontario Building Code. The net expense to the City after collection of user fee revenues is estimated at \$89,370.
- The total amount of fees collected will not exceed the anticipated reasonable costs, both direct and indirect, to administer and enforce the Building Code Act, consistent with the Building Code Act.
- Since Brockville's fees, when compared with other municipalities' fees as published in the Municipal Study 2008 by BMA Management Consulting Inc., are amongst the lowest in Ontario, continuation of the multi-year phase-in of fee increases of approximately 10% annually was brought forward for the second year in succession.
- New fees have been introduced, for inspections for work commenced without a permit, and for re-inspections where more than 2 inspections are required for the same stage of construction.

Information about proposed fee increases and new fees was provided to local builders in advance of the public meeting.

Written submissions received in advance of the public meeting were distributed to Council with its agenda for April 28, 2009, and comments made at the public meeting are reflected in the minutes.

Issues Raised through the Public Meeting Process

1. Housing starts are declining, and building fees are a contributing factor.

Declining housing starts are more so related to lack of demand and prevailing economic conditions than to fees charged for enforcement of the Ontario Building Code. Brockville's building fee structure, compared with other municipalities, is very competitive.

2. A 10% fee increase in successive years is excessive.

Fees collected to administer and enforce the Ontario Building Code in Brockville have been amongst the lowest in Ontario in recent years. Fee increases above the rate of inflation are justified based on benchmarking and on efforts to move towards full cost recovery, to lessen the burden placed on the general taxpayer.

3. Explanation needed for new re-inspection fee.

Newly introduced through the 2009 budget process is a re-inspection fee when more than 2 inspections are required for the same stage of construction. Many times,

inspectors must conduct more than one inspection of the same stage of construction. However, once an inspection is completed and deficiencies are found, there should be only one re-inspection needed to confirm that deficiencies are rectified. Unfortunately, this is not always the case, and each time an inspector is called out, there is an associated cost in effort and lost time. We believe that the permit fees charged are reasonable to cover two inspections of the same stage of construction, but if more than two are needed, an additional fee should be levied. (rate proposed: \$100)

4. Can the number of inspections on a construction site be reduced or combined and thus a fee discount offered?

The following is information provided by Brent Caskenette, Chief Building Official.

According to Division C – Part 1 Section 1.3.5.1. Prescribed Notices there are currently 14 mandatory listed inspections that are to be conducted. Of the 14, one is for plumbing which has 6 sub-inspections listed. Therefore, there are potentially 20 mandatory inspections. Section 1.3.5.2. Additional Notices contains potentially 9 additional inspections as mandated by Code. If we were to follow the Code to the letter, there could be as many as 29 inspections on any permit issued. Of course, not all inspections are required in all instances. We currently conduct 7 building and 4 plumbing inspections which is the absolute minimum that we can conduct without jeopardizing code compliance and municipal liability. Of the 11 inspections conducted, some are doubled up with other inspections to reduce trips to sites, although this does not reduce the timeframes on site, which of course has a direct cost. Reducing inspections will not reduce the timeframe on site. Therefore there would be no anticipated savings by reducing trips. This may also affect the inspection process as items may be hidden from view, not providing a comprehensive review.

5. Explanation needed on new Engineering Fee associated with lot grading.

See memo from Peter Raabe, Municipal Engineer attached as **Appendix 3**.

6. Fees charged on a per unit basis associated with multiple unit dwelling construction may be excessive, particularly for larger apartment style buildings, for example, a 50 unit apartment building.

Using the example of an apartment building or similar high density development, the following comments are provided by Brent Caskenette, Chief Building Official.

What must be considered in this example, not only the number of inspections that must be conducted, but the timeframe over which a project of this size is anticipated.

We could draw a parallel with the Wedgewood development. Aside from the physical inspections, we must consider the additional timeframes required for plans review, change orders to working drawings, site meetings, etc... as these items in most instances require approval of the CBO to ensure code compliance prior to implementation in the building. Wedgewood for example had over 300 change orders, with the majority affecting items which require municipal approval (ex. Drawing

changes, review and approval). A project of this size is also approximately 18 – 24 months in length. During that time frame, there are numerous calls, emails, unofficial site visits to address smaller items which may not affect code, but do require review to ensure they don't affect some other component of construction. All this is specific to the permit for the project, but is a tangible that cannot be determined in the sense that a hard time frame cannot be determined which in turn affects costing.

EXISTING POLICY

None.

FINANCIAL CONSIDERATIONS:

The Planning Department budget, in particular, and Council's budget in general, is premised in part on estimates for the collection of revenues from user fees from different sources, including building fees. Total revenue from building fees is estimated at \$214,500 for 2009.

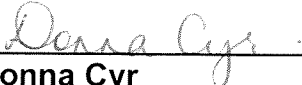
CONCLUSION:

On balance, building fees proposed for implementation in the 2009 budget year are reasonable and justifiable. Some concerns with timing of fee increases will be lessened with the Development Charge "holiday" recently endorsed by Council.

Once the recommendation in this report is supported, the by-law to implement the building fees for 2009 will be placed on the next available Council agenda for adoption.



M. Maureen Pascoe Merkley
Director of Planning

Bob Casselman
City Manager

Donna Cyr
Director of Finance

THE CORPORATION OF THE CITY OF BROCKVILLE
By-Law Number 000-2009

By-law to establish Fees related to Building Activities

WHEREAS the *Ontario Building Code Act* permits the Council of a municipality to pass by-laws to require the payment of fees on applications for and on the issuance of permits; and

WHEREAS the *Ontario Building Code Act* requires that a public meeting be held prior to passing a by-law to introduce or change a fee imposed for applications for a permit or for the issuance of a permit; and,

WHEREAS a Public Meeting was held on April 28th, 2009 respecting fees related to building activities; and

WHEREAS it is deemed desirable to establish a schedule of fees and charges for building activities;

NOW THEREFORE BE IT ENACTED BY THE CORPORATION OF THE CITY OF BROCKVILLE AS FOLLOWS:

1. **THAT** the fees and charges for building activities be established as shown in Schedule "A" attached hereto, said fees are subject to all applicable federal and/or provincial taxes, unless otherwise indicated.
2. **THAT** the fees established by this by-law shall come into effect upon passing of this by-law.
3. **THAT** the Building Permit Fees referred to as Class 1, Class 2, Class 3, Class 5, Class 6, Class 9, Class 10 and Class 11 on Schedule "A", and all plumbing fees, be waived for the area identified as Priority Area 2 on "Schedule "A" - Community Improvement Project Area" to the Community Improvement Plan for Downtown Brockville, said schedule being attached hereto as Schedule "B".
4. **THAT** Schedule "A" and Schedule "B" hereto attached be read with and form part of this by-law.
5. **THAT** By-law 044-2009 be amended to remove Schedule "B".

Given under the Seal of the
Corporation of the City of Brockville
and passed this 00 day of May, 2009

MAYOR

CLERK

FEES RELATED TO BUILDING DIVISION

ALL FEES ARE TAX EXEMPT

ACTIVITY DESCRIPTION	ACCOUNT #	2008		2009		% Change Rate
		RATE	BUDGET	RATE	BUDGET	
Class 1 New single unit dwelling	G6310-0310-0824	910.00		\$1000.00 (base fee) per unit plus \$0.45 per sq.ft. in excess of 2000 sq.ft. (total living area excluding garage, carport, porches, decks, etc.)		9.89%
Class 2 New semi detached or duplex dwelling	G6310-0310-0824	910.00/unit		\$1000.00 (base fee) per unit plus \$0.45 per sq.ft. in excess of 2000 sq.ft. (total living area excluding garage, carport, porches, decks, etc.)		9.89%
Class 3 New multiple unit dwelling containing 3 or more units	G6310-0310-0824	865.00/unit		\$950.00 (base fee) per unit plus \$0.45 per sq.ft. in excess of 2000 sq.ft. (total living area excluding garage, carport, porches, decks, etc.)		9.83%
Class 4		Recinded by By-law 067-2006.		Recinded by By-law 067-2006.		
Class 5 Alterations and repairs for single unit, duplex or semi- detached dwelling	G6310-0310-0824	The greater of \$80.00 or \$0.40 per square foot		The greater of \$150.00 or \$0.45 per square foot		87.50% 12.50%
Class 6 Additions to s.u./duplex/sems	G6310-0310-0824	The greater of \$115.00 or \$0.40 per square foot		The greater of \$150.00 or \$0.45 per square foot		42.86% 12.50%
Class 7 Residential accessory buildings	G6310-0310-0824	The greater of \$80.00 or \$0.40 per square foot		The greater of \$150.00 or \$0.45 per square foot		87.50% 12.50%
Class 8 Decks and unenclosed porches		The greater of \$46.00 or \$0.40 per square foot		The greater of \$90.00 or \$0.45 per square foot		12.50% 12.50%
Class 9 Multiple unit dwellings repairs additions and alterations	G6310-0310-0824	The greater of \$115.00 or \$0.40 per square foot		The greater of \$150.00 or \$0.45 per square foot		30.43% 12.50%
Class 10 New industrial, public or commercial buildings	G6310-0310-0824	The greater of \$346.00 or \$0.40 per square foot		The greater of \$385.00 or \$0.45 per square foot		11.27% 12.50%
Class 11 Alterations and additions to industrial, public or commercial buildings	G6310-0310-0824	The greater of \$144.00 or \$0.40 per square foot		The greater of \$250.00 or \$0.45 per square foot		73.61% 12.50%
Class 12 Industrial, public or commercial accessory buildings	G6310-0310-0824	The greater of \$145.00 or \$0.40 per square foot		The greater of \$250.00 or \$0.45 per square foot		72.41% 12.50%
Class 13 Demolition of a building	G6310-0310-0824	87.00		\$100.00		14.94%
Class 14 Occupancy Permit	G6310-0310-0824	115.00		\$130.00		13.04%
Class 15 Renewal of Permit	G6310-0310-0824	Permit fee as calculated (Permit Class 1 or \$205.00 whichever is less.		Permit fee as calculated (Permit Class 1-12) or \$205.00 whichever is less.		9.76%
Class 16 Transfer of Permit	G6310-0310-0824	104.00		\$115.00		10.58%
Class 17 Change of Use Permit	G6310-0310-0824	104.00		\$115.00		10.58%
Conditional Permit agreement	G6310-0310-0824	100.00		\$110.00		10.00%
Signs	G6310-0310-0824	44.00		\$50.00		13.64%
Awning Permits	G6310-0310-0824	44.00		\$50.00		13.64%
Banner Permits	G6310-0310-0824	44.00		\$50.00		13.64%
Swimming Pool Permits	G6310-0310-0824	\$95.00		\$105.00		10.53%
"New" Inspection fee for work commenced without a permit				\$200 (Industrial, Commercial, Institutional, New Residential) \$100 All Other Residential		100.00%
"New" Reinspection Fee where more than 2 inspections are required for same stage of construction.				\$100		100.00%
		TOTAL		TOTAL		
		USER FEES	150,000	USER FEES	120,000	-20.00%

FEES RELATED TO BUILDING DIVISION ACTIVITIES

ALL FEES ARE TAX EXEMPT

ACCOUNT NUMBER & ACTIVITY DESCRIPTION	ACCOUNT #	2008 RATE	DOLLARS	2009 RATE	DOLLARS	% Change Rate
PLUMBING - CLASS 18	G6310-0310-0825					
Plumbing Contractor License		n/a		n/a		
New single unit dwelling, semi-detached dwelling, duplex dwelling or row house dwelling.		122.50		\$135.00 per unit		10.20%
Repair, alteration or addition single family dwelling, semi- detached dwelling, duplex dwelling or row house dwelling		33.50 plus \$5.00/fixture or appliance		\$36.75 plus \$5.50/fixture or appliance		9.70% 10.00%
New commercial		\$96.50 plus \$5.00/fixture or appliance		\$106 plus \$5.50/fixture or appliance plus \$5.50/fixture or appliance		9.84% 10.00%
Commercial, repair, alteration or addition		\$53.50 plus \$5.00/fixture or appliance		\$58.75 plus \$5.50/fixture or appliance		9.81% 10.00%
New Industrial		\$229.50 plus \$5.00/fixture or appliance		\$252.50 plus \$5.50/fixture or appliance		10.02% 10.00%
Industrial repair, alteration or addition		\$64.25 plus \$5.00/fixture or appliance		70.75 plus \$5.50/fixture or appliance		10.12% 10.00%
New public		\$96.50 plus \$5.00/fixture or appliance		\$106.00 plus \$5.50/fixture or appliance		9.84% 10.00%
Public repair, alteration or addition of appliance		\$53.50 plus \$5.00/fixture or appliance		\$58.75 plus \$5.50/fixture or appliance		9.81% 10.00%
New apartment buildings		160.50 plus \$10.00/unit plus \$5.00/fixture or appliance		\$176.50 plus \$11.00 per unit plus \$5.50/fixture or appliance		9.97% 10.00% 10.00%
Apartment buildings additions		\$96.50 plus \$5.00/fixture or appliance		\$106.00 plus \$5.50/fixture or appliance		9.84%
Apartment buildings, repair or alterations		\$64.25 plus \$5.00/fixture or appliance		\$70.75 plus \$5.50/fixture or appliance		10.12% 10.00%
Commercial air conditioning		64.25 /unit		\$70.75 per unit		10.12%
Industrial air conditioning		114.25 /unit		\$125.50 pr unit		9.85%
Sewer connections and replacements		\$32.25 \$32.25		\$35.50 \$35.50		10.08% 10.08%
Water Service connections and replacements		\$32.25		\$35.50		10.08%
Hot water or steam heating in single family, semi-detached duplex or row house dwellings		\$96.50		\$106.00 pr unit		9.84%
Hot water or steam heating in public, commercial or industrial buildings		\$96.50/installation		\$106.00 per installation		9.84%
Installation of backflow preventers		\$32.25/unit		\$35.50 per unit		10.08%
Installation of water softeners: Residential		\$32.25/unit		\$35.50 per unit		10.08%
Commercial/Industrial/Public Bldg.		\$64.25/unit		\$70.75 per unit		10.12%
		TOTAL		TOTAL		
		PLUMBING	14,493	PLUMBING	12,000	-17.20%

Schedule A Community Improvement Project Area





Excerpt from Council Meeting
Public Meeting under
The Ontario Building Code
April 28th, 2009

**MEMORANDUM FROM
MAUREEN PASCOE MERKLEY, DIRECTOR OF PLANNING
2009 BUILDING FEES**

Mayor Henderson announced the Public Meeting under the Ontario Building Code Act.

Ms. Pascoe Merkley, Director of Planning, announced that Notice of the Public Meeting concerning proposed Building Permit Fee Schedule Revisions was given in the Recorder and Times Newspaper on April 2nd, 2009, as well that a notice was sent to local builders.

Mayor Henderson called on the Director of Planning to explain the purpose of the Public Meeting and the nature of the proposed Building Fee revisions.

Ms. Pascoe Merkley, Director of Planning reviewed the regulations under the Ontario Building Code respecting fees charged for building permits and the issuance thereof, and noted that fees charged can only reflect the cost recovery of what it costs to enforce the Building Code. Presently, the fees charged by the City of Brockville only represent partial recovery of costs. She noted that new fees are being proposed for the inspection of work carried out without a permit and for re-inspections. The date that the new by-law would take effect is May 1, 2009.

The following persons made oral representation with respect to the proposed Building Fee changes:

Mr. Mike Veenstra, Spring Valley Homes, P.O. Box 1543, Brockville, K6V 6E6, noted that last year, builders faced a 10% increase with respect to building fees and are facing another 10% increase this year. He further noted that the Building community is anticipating its worst year for construction and these proposed fee increases are not good for the economy. He noted that the proposed new re-inspection fees should be discussed with the Director of Planning.

Mayor Henderson asked the Director of Planning to explain the proposed new re-inspection fees. Ms. Pascoe Merkley noted that the construction of new homes would typically go through 5 to 6 different stages of construction and inspection and any one of those stages could note deficiencies. If on re-inspection any of those deficiencies noted were not rectified, the next time that a Building Inspector is called out would be an additional fee. The philosophy or essence behind this is that if deficiencies are noted, the next time around those deficiencies should be rectified. Failure to do this takes up our Building Inspectors time. We charge a flat rate for construction of new dwellings

and there would be an additional charge if 3 or more inspections are required. The goal is not to charge more than our costs to enforce the Building Code. We have provided estimates of revenues and expenses however there is still a net expense to the taxpayer. When comparing Brockville to other municipalities, Brockville ranks among the lowest fees charged in Ontario. This meeting is to discuss if the proposed increases are substantiated with respect to our costs.

Mr. Veenstra stated that another concern is the fee with the re-inspection of grades and asked if this would be charged if the builder was waiting for an inspection and discovered a problem. Ms. Pascoe Merkley stated that when applications are submitted, along with that application is a Lot Grading Plan and this must be reviewed with the City's Engineering Division so that we are aware of the grading as well as to ensure that there will be consistency with overall grading schemes. At the time of completion of construction, there is another steps to ensure that grading is finalized to a certain level of tolerance. There are times when there are issues with grading and what the lot grading fee is intended to do is to cut back on the number of times that staff are having to carry out inspections to insure that there are not drainage issues. There is no fee charged on the original inspection. If there is the requirement for additional field checks, then the fee applies.

Mr. Veenstra asked what would happen if the adjoining property owner alters the grading plan. Ms. Pascoe Merkley noted that in those cases, it is incumbent on the builder and the City's Engineering staff to work together. The proposed new fees are intended to correct the numerous times that staff are required to review and re-review the same issues. Mr. Veenstra asked, with respect to the submission of plans to the Engineering Department for approval on grading, is it acceptable to use a CET to review the drawings. Ms. Pascoe Merkley stated that the City accepts CETs, Ontario Land Surveyors or Professional Engineers. Mr. Veenstra asked if a builder could eliminate one of the 5 steps, would he receive a discount. Ms. Pascoe Merkley invited Mr. Veenstra to share more of this idea with the Planning Department. Mr. Veenstra questioned why City staff would require or insist on a soil inspection when his development is on bedrock. Ms. Pascoe Merkley noted that inspectors must determine the condition of the site prior to the issuance of a permit.

Mayor Henderson asked what the process is if there is a disagreement between a builder and the City. Ms. Pascoe Merkley noted that there is always the opportunity for dialogue between the builder and staff and if there is a disagreement, the builder may go to the Code's Commission.

Mr. Veenstra noted that in the Downtown area, the City has a Community Improvement Plan (CIP) in place that exempts those properties of the requirement to pay the building permit fees and development charges, however all builders are exposed to these same economic issues. He stated that these fees should be eliminated in order for builders to

survive. He noted that some municipalities have no development charges such as Cornwall who now has a one million dollar distribution centre being built there. Council now has the opportunity to make an improvement to the Brockville market.

Councillor Journal noted that Mr. Paul Veenstra of Coombe Custom Homes has contacted him and requested that his issues be expressed at this meeting since he was unable to attend. He noted that the fees for a multi-residential unit are going up to \$950 per unit which, for a 50 unit building, would equate to \$47,500. There has not been a multi-residential unit built in Brockville since 1992 due to these building fees. Mayor Henderson noted that this could have also been due to the tax ratio for a multi-residential property being higher than that of a residential tax ratio, which Council addressed last year by considering a new tax class ratio called "new multi-residential" and its tax ratio is at 1 which is equivalent to the residential tax ratio.

Councillor Baker noted that typically, a Public Meeting would be to receive a report and review submissions. A report would then be brought back to Council with staff recommendations to those comments. He questioned where the time is for Council and staff to reflect on these public comments if Council is being asked to pass the by-law tonight. He feels discouraged that we would ask the public to come and provide submissions if our minds are already made up. For clarity, Ms. Pascoe Merkley noted that the fee by-law before Council implements the 2009 Budget.

Staff was requested to report on the issues raised to the Economic Development and Planning Committee Meeting scheduled for May 5th, 2009.

The Public Meeting under the Ontario Building Code adjourned at 7:35 p.m.

APPENDIX "3" – Report 2009-062-05



MEMORANDUM



ENGINEERING DIVISION

To: Maureen Pascoe-Merkley, Director of Planning
From: Peter Raabe, P.Eng.
CC:
Date: April 30, 2009
Re: Lot Grading
File #: D00-01

The Operations Department, Engineering Division would like to provide the following response to several questions which surfaced at this week's Council Meeting regarding fee charges for lot grading resubmissions.

The City of Brockville will accept Lot Grading Plans prepared and signed by a Civil Engineering Technologist provided the technologist is employed by a Consulting Engineering firm who has a Certificate of Authorization in accordance with the Professional Engineers Act and has sufficient liability insurance.

Engineering staff will, at their own discretion, determine whether or not a lot grading submission will be subject to a fee for additional submissions. Should a developer wish to vary from the approved lot grading, it will be necessary for the developer to contact the City and receive approval prior to their initial submission. In addition, a fee may not be charged under unusual circumstances where communication between the developer and City is established early in the process. However, the City will determine what constitutes an unusual circumstance and decide whether a fee will apply or not. Charges will be applicable where lot grading plans are submitted and do not match the master lot grading plan, where there are errors or omissions, where plans have been submitted but have not been previously approved by the City or for any other circumstance which could have been avoided and does not require City staff to review or inspect sites multiple times.

Trusting this is satisfactory. If you have any questions, do not hesitate to contact my office.

from the desk of... Peter E. Raabe, P. Eng., Municipal Engineer
City of Brockville, 1 King Street West, P. O. Box 5000, Brockville, ON K6V 7A5
Tel: 613-342-8772, Ext. 8257, Fax: 613-342-5035, Email: praabe@brockville.com

[REDACTED]

Jannette Amini

From: Sandra Seale
Sent: Wednesday, April 29, 2009 11:17 AM
To: Henry Noble
Cc: Jannette Amini
Subject: RECEIVED AND ACTIONED - RE: Please put this letter on the agenda of the next EDP meeting

From: Henry Noble [mailto:hnrynl@hotmail.com]
Sent: April 29, 2009 10:51 AM
To: Sandra Seale
Cc: Gord Beach
Subject: Please put this letter on the agenda of the next EDP meeting

Ms S

Please put discussion of this letter and the following e-mail I received last year on the agenda of EDP as I wish to discuss the matter.

Tks

H Noble

=====
From: [REDACTED]
To: hnrynl@hotmail.com
Subject: From John Ackerman
Date: Tue, 25 Nov 2008 14:13:59 -0500

Hi Henry
You are busy so I will keep this short.
I know you have tried valiantly to get some action on those portable signs that are up year round.
Some have been up for ever .
What's the latest on your efforts?
Are they allowed to be up for ever ?
They have ignored any warnings the city has given them.
I think it creates an unlevelled playing field, so I need to know what is going to happen.
I have a feeling the City gave up.
You know the old saying.....If you can't beat them.....join them.
Thanks for your time.
Sincerely yours,
John Ackerman

=====

> Subject: Letter concerning store openings on holidays & signage

*Copied - Council
Bob C. & Sandi J.*



April 22, 2009

Mayor's Office

P.O. Box 5000
Brockville, ON
K6V 7A5

Dave Henderson:

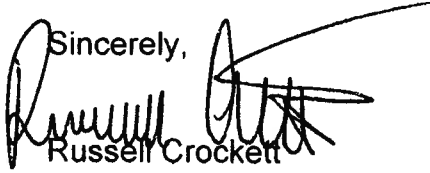
I am writing with two questions regarding bylaws:

The first concerns Stat Holidays. Dollarama was open on Good Friday and Easter Sunday. I was under the impression that we were not to open those days. Who is there to enforce this bylaw?

The second concerns road signs. Several years ago I was notified of the bylaw and warned about a fine. I spent over \$20,000 on a permanent road sign. This is obviously not enforced city wide.

I called City Hall with these questions and was told that they do not have the manpower to enforce these bylaws. So what is the point in having them? I play by the rules, but others don't, and no enforcement takes place.

I will be the first to thank you and others for doing a job well done. However, I'm not sure that following the rules is always the correct strategy.

Sincerely,

Russell Crockett
Giant Tiger
300 Park St.
Brockville, ON
K6V 2J1