

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL MINUTES

Wednesday, September 25, 2019
7:00 PM

Staff:

David Reddon, Chief Administrative Officer
Harold Lenters, Director of Development Services
Dan Buttineau, Director of Recreation and Culture
Ron Jenkins, Director of Emergency Services and Fire Chief
Rob Wheeler, Director of Corporate Services and Treasurer
Rob Flindall, Director of Operations and Infrastructure
Ryan Cronsberry, Deputy Chief Administrative Officer
Valerie Stevens, Director, Library Services/CEO
Connor McBride, Planner II
Ken McAlpine, Manager, Parks Development and Operations
Ingrid Fung, Planner II
Lawrence Artin, Head, Special Capital Initiatives
Devin Dillabough, Supervisor, Inspections/Deputy CBO
Alan Drozd, Supervisor, Development Planning
Zaidun Alganabi, Manager, Development Engineering
Mike Hutchinson, Chief Municipal Law Enforcement Officer
Tanya Thompson, Manager, Communications
Rachel Dillabough, Town Clerk
Carolyn Lance, Council Services Coordinator

A moment of meditation was observed.

1. CALL TO ORDER - MOMENT OF MEDITATION

"We would like to begin today's meeting by acknowledging that the Town of Georgina is located over lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples and thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship."

2. ROLL CALL

The following Members of Council were present:

Mayor Quirk
Councillor Waddington
Councillor Neeson

Regional Councillor Grossi
Councillor Fellini
Councillor Sebo

Councillor Harding

3. COMMUNITY ANNOUNCEMENTS

- The trail at the bottom of Bud Legget Crescent has been completed
- September 28 and 29, Annual Georgina Studio Tour
- September 28 and 29, Chippewas Annual Pow Wow event located on Georgina Island

(1) Presentation of 'Mavis Gulyas Street' street sign

Council presented a 'Mavis Gulyas Street' street sign to Ms. Gulyas's family members in honour of Ms. Gulyas's contributions to the Town. The family expressed appreciation for the presentation, stating that Ms. Gulyas was honoured by being named the Citizen of the Year in 1990 and for naming a street after her.

(2) Presentation of 'Sam Battaglia Crescent' street sign to Josephine Nero

Council presented a 'Sam Battaglia Crescent' street sign to Sam's family members; the street in Sam's honour will be located in the Ainslie Hill Subdivision on Catering Road in Sutton. The family thanked Council for this great honour, they are proud that Council is celebrating his life and accomplishments in this manner.

4. INTRODUCTION OF ADDENDUM ITEM(S) *None*.

5. APPROVAL OF AGENDA

Moved by Councillor Fellini, Seconded by Councillor Neeson

RESOLUTION NO. C-2019-0502

That the September 25, 2019 agenda be adopted.

Carried.

6. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF *None*.

7. ADOPTION OF MINUTES *None*.

8. SPEAKERS

Alex Troop, the developer of the Hedge Road Landing project, Item No. 12(2)(B), advised that he is in complete agreement with the staff report, thanked Town staff and Council for all of their work, assistance and cooperation to date and advised that he remains committed to advancing the project in a cooperative manner.

Moved by Councillor Harding, Seconded by Councillor Fellini

RESOLUTION NO. C-2019-0503

That the delegation provided by Alex Troop, the developer of the Hedge Road Landing project, advising that he is in agreement with the staff report and providing an update on the advancement of the project in a cooperative manner with Town staff, be received.

Carried.

Michael Smith, respecting Report No. DS-2019-0082, in attendance on behalf of Ballymore Development (Keswick) Corp., owner of the draft approved subdivision on the north side of Glenwoods Avenue behind the Walmart site, and Mr. Chanthiran Kanagaratnam, owner of 110 Glenwoods Avenue located on the north side of Glenwoods Avenue and abutting the subdivision

- advised that he disputes staff's position that the conveyance of the blocks would set a dangerous precedent; Mr. Kanagaratnam is not proposing to develop the lands he seeks to acquire and understands that the 10 metre buffer to the woodland edge will apply to the parcel and any future application of the residential portion of his property would consider environmental features, there are no rare, endangered or significant plants on the parcel requested to be conveyed

- Mr. Kanagaratnam agrees that the two woodlot blocks should be zoned 'open space', is willing to enter into a conservation easement agreement with the Town, has agreed that no fence will be erected within the woodlot as part of the agreement and will clean up the western parcel of the material dumped there

Moved by Councillor Waddington, Seconded by Councillor Neeson

RESOLUTION NO. C-2019-0504

That the information provided by Michael Smith respecting Report No. DS-2019-0082 acting on behalf of Ballymore Development (Keswick) Corp., owner of the draft approved subdivision on the north side of Glenwoods Avenue behind the Walmart site, and Mr. Chanthiran Kanagaratnam, owner of 110 Glenwoods Avenue located on the north side of Glenwoods Avenue and abutting the subdivision be received.

Carried.

Chanthiran Kanagaratnam, 110 Glenwoods Avenue, respecting Report DS-2019-0082, advised that he is the potential purchaser of lands from the subject property, has no intention of developing the lands within the woodlots or required buffer, is prepared to have the blocks zoned as Open Space and to enter into a Conservation Easement Agreement, has no intention to construct a fence to separate the woodlot, will clean up the garbage dumped on western block and

requested if both blocks are not severed, that the western block be severed and conveyed to him.

Moved by Councillor Fellini, Seconded by Councillor Waddington

RESOLUTION NO. C-2019-0505

That the information provided by Chanthiran Kanagaratnam respecting Report No. DS-2019-0082 concerning his desire to purchase the western block of land from Ballymore Development (Keswick) Corp that abuts his property at 110 Glenwoods Avenue, be received.

Carried.

Wayne Phillips, Malone Road, respecting Item No. 10(1), advised that he is in support of Cliff William's presentation respecting the Jacksons Point Harbour development, indicating that Jackson's Point Harbour with surrounding parks, beach, boating and historical activities, continues to be an attraction, and should be restored. A group of residents has created a Facebook page called 'Friends of Jackson's Point'. He encouraged Council and staff to be more open in disclosing the direction being taken, and noted that residents would like a head at the table in order to be involved in the community.

Moved by Regional Councillor Grossi, Seconded by Councillor Sebo

RESOLUTION NO. C-2019-0506

That information provided by Wayne Phillips in support of Cliff William's position concerning the potential for the Jackson's Point area, be received.

Carried.

Anne May, 100 Glenwoods Avenue, respecting Report No. DS-2019-0082, stated that she is concerned with the proposed 10 metre buffer around her property; she feels like she is being blocked in, if the buffer remains.

Moved by Councillor Waddington, Seconded by Regional Councillor Grossi

RESOLUTION NO. C-2019-0507

That the information provided by Anne May, 100 Glenwoods Avenue respecting Report DS-2019-0082 and her concern with the proposed 10 metre buffer around her property.

Carried.

9. DELEGATIONS/PETITIONS *None.*

10. PRESENTATIONS

- (1) Seema Allahdini, Public Education and Outreach, Women's Support Network of York Region, advising of the services it provides as York Region's only Sexual Violence Crisis Centre.

Kelly Collins, Board Chair, and **Seema Allahdini** advised Council that the Women's Support Network of York Region was established in 1992 as York Region's only sexual violence and youth crisis centre and currently has three portfolios including sexual violence, commercial sex trafficking and prevention work through prevention education

- core funding provided by the Ministry of the Attorney General, the Provincial Ministry of Children and Social Services, federal funding from the Department of Women and Gender Equity, Canada Summer Jobs, Newmarket's Bingo World and from private donators

- raising awareness via a link on the Town's website, willing to make presentations to organizations

- Information to be disseminated through the Town's social media avenues and brochures provided to the local libraries, Civic Centre and other Town facilities

Moved by Councillor Fellini, Seconded by Councillor Waddington

RESOLUTION NO. C-2019-0508

That the presentation provided by Kelly Collins, Board Chair, and Seema Allahdini, Public Education and Outreach, Women's Support Network of York Region, advising of the services it provides as York Region's only Sexual Violence Crisis Centre be received.

Carried.

- (2) Cliff Williams regarding the potential of the Jackson's Point Harbour area.

Mr. Williams stated that tourism is the one business that exists but is not exploited in Georgina and requested that Council not just direct staff to initiate discussions of the potential acquisition of the MSR Lalu Jackson's Point Inc. Lands on the south side of the channel, but to direct staff to move to the next stage where a concept and funding could be explored, so that the Town can preserve the beach and park access, and that this be considered during the 2020 budget deliberations.

Moved by Councillor Sebo, Seconded by Councillor Neeson

RESOLUTION NO. C-2019-0509

That the presentation provided by Cliff Williams respecting the potential of the Jackson's Point Harbour area and requesting Council move forward with a concept plan and funding for the improvement of the Harbour area and preservation of the beach and park access, along with the exploration of funding options during the 2020 budget deliberations, be received.

Carried.

Staff was requested to report back to Council updating the actions being taken by staff respecting the Jackson's Point Harbour redevelopment area.

David Reddon stated that phase 1 of the Parks Waterfront Master Plan Strategy includes the harbor and staff will be issuing the Request for Proposal document shortly for consulting services to provide some of the direction to follow for the parks and the harbor property.

11. PUBLIC MEETINGS *None.*

- (1) STATUTORY MEETING(S) UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS *None.*
- (2) STATUTORY MEETING(S) UNDER OTHER LEGISLATION *None.*
- (3) OTHER PUBLIC MEETINGS *None.*

12. REPORTS

- (1) ADOPTION OF REPORTS NOT REQUIRING SEPARATE DISCUSSION
None.

- (2) REPORTS REQUIRING SEPARATE DISCUSSION

Reports from the Development Services Department:

- (A) Application to Revise or Alter an Approved Draft Plan of Subdivision requiring Council Approval
BALLYMORE DEVELOPMENTS (KESWICK) CORP,
Part Lot 6, Concession 3 (NG), RP65R-31761, Parts 58 & 59, n/s
Glenwoods Avenue
AGENT: Michael Smith Planning Consultants

Report No. DS-2019-0082

Ingrid Fung, Planner II, provided a summary of the report, along with a power point presentation.

•applicants are proposing to remove the western parcel from Block 92 in order to add it to 110 Glenwoods Avenue, rather than both the western parcel and the eastern parcel as previously sought.

Harold Lenters;

- 10 metre buffer would not automatically be implemented if/when owners on Glenwoods Avenue propose to develop their land
- suggested the matter be referred back to staff for consideration of potential consequences of the suggested conservation easement and lot reduction for conveyance

Alan Drozd;

- complication concerning the presence of a significant nesting of Herons in the northern portion of woodlot area on the south side of Dovedale Drive which delayed and complicated the construction program for the extension of Dovedale Drive as activity needs to occur during the non-nesting period.
- zoning by-law to be presented to Council following the approval of the urban design guidelines, placing restrictions around the zone associated with the herons to avoid disruption of the federally protected birds
- need to ensure the heronry issue is resolved as the federal government takes this matter very seriously

Zaidun Alganabi;

- construction of the extension of Dovedale Drive should commence shortly, in conjunction with residential lots

Moved by Councillor Waddington, Seconded by Regional Councillor Grossi

RESOLUTION NO. C-2019-0510

1. That Council receive Report No. DS-2019-0082 prepared by the Planning Division, Development Services Department dated September 25, 2019 respecting an application to revise or alter approved Draft Plan of Subdivision 19T-13G01 requiring Council approval submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. on behalf of Ballymore Development (Keswick) Corp. for lands described as Part Lot 6, Concession 3 (NG); RP 65R31761 Parts 58 and 59.
2. That Council refer the application to revise or alter approved Draft Plan of Subdivision 19T-13G01 back to staff to investigate the revised request, specifically the conveyance of only the westerly parcel of land from Block 92 to the property owner abutting this parcel to the east, placement of a conservation easement on the western parcel, and the potential shift of the trail system to the other side of 100 Glenwoods Avenue.

Carried.

- (B) Hedge Road Landing, Draft Plan Condition 11
Draft Plan of Condominium 19CDM-06G01
Part Lot 5, Concession 8 (G)

2052267 Ontario Inc. (c/o Alliance Homes)
Report No. DS-2019-0116

Zaidun Alganabi provided a summary of the report along with a power point presentation.

•large pieces of infrastructure need to be constructed through community improvement or grants for a further pumping station. Last expansion of sewage plant occurred in the 1990's, additional expansion and allocation required.

Rob Wheeler advised that by indexing over time the potential financial compensation paid to the Town by the owner for the installation of the remaining portion of the forcemain to service the East Lands subdivision to the east of the subject property, it will ensure the Town will have sufficient funds to conduct the work when required.

Moved by Councillor Sebo, Seconded by Councillor Waddington

RESOLUTION NO. C-2019-0511

1. That Council receive Report No. DS-2019-0116 prepared by the Development Engineering Division, Development Services Department dated September 25, 2019 respecting Hedge Road Landing, Draft Plan Condition 11, Draft Plan of Condominium 19CDM-06G01.
2. That Council approve, in principle, the proposal set out in Attachment 6 as an alternative approach for satisfying Draft Plan Condition 11.
3. That pursuant to Section 51(44) of the *Planning Act*, R.S.O., 1990, c.p.13, as amended, Condition 11 of draft plan approval for Draft Plan of Condominium 19CDM-06G01 be amended by adding the following to the end thereof:

"Alternatively, rather than requiring the Owner to construct the above-noted forcemain to service those lands east of the subject lands, at the Town's complete discretion, Council may consider and approve a Financial Compensation Agreement.", such that the condition reads as follows:

"The owner shall agree in the condominium agreement to undertake all at his expense the design and construction of a sanitary sewer forcemain adequately sized to accommodate proposed flows from those lands east of the subject lands now contained within the urban service boundary of the Sutton Secondary Plan, as amended. The forcemain shall be routed from the east limit of the subject lands at the westerly projection of Elizabeth Street, through the subject lands to Black River Road and then westerly on Black River Road to the Sutton Water Pollution Control Plant. The owner shall convey an easement of suitable size as determined by the Director of Engineering and Public Works for the purpose of maintaining the forcemain. Alternatively, rather than requiring the Owner to construct the above-noted forcemain to service

those lands east of the subject lands, at the Town's complete discretion, Council may consider and approve a Financial Compensation Agreement."

4. That pursuant to Section 51(47) of the Planning Act, R.S.O. 1990, as amended, written notice shall not be given as the change to Condition 11, of Draft Plan Approval for Plan of Condominium 19CDM-06G01 is considered to be minor.
5. That Planning Staff forward the revised conditions of draft plan approval to the applicant, their agent, and the York Region Director of Community Planning and Development Services, and to all other agencies for which the Town has imposed conditions of draft plan approval and to all other agencies which have imposed their respective conditions of approval.
6. That the Owner's solicitor provide a draft Compensation Agreement to satisfy revised Condition 11 for review by Staff and the Town solicitor and that the Compensation Agreement be brought back to Council for approval.

Carried.

(C) Formalization of Encroachments
2687169 Ontario Limited (c/o Luch Tor)
Lot 220, Plan 220, 404 The Queensway South

Report No. DS-2019-0121

Moved by Councillor Waddington, Seconded by Councillor Fellini

RESOLUTION NO. C-2019-0512

1. That Council receive Report No. DS-2019-0121 prepared by the Planning Division, Development Services Department, dated September 25, 2019 respecting the formalization of the encroachments identified in site plan exemption application E.002 submitted by 2687169 Ontario Limited (c/o Luch Tor) for 404 The Queensway South, Keswick.
2. That a by-law be passed authorizing the Mayor and Clerk to enter into an encroachment agreement between the Town of Georgina and the Owner of 404 The Queensway South, Keswick.
3. That the encroachment agreement be executed and registered on title of the subject property and relevant rights-of-way prior to the issuance of any building permit under application #190507.

4. That the property described as PIN 034760364 and legally described as Widening along W/S of the Queensway S PL 193 N Gwillimbury; Georgina be conveyed to York Region following the execution of Recommendations 2 and 3.

Carried.

Moved by Councillor Fellini, Seconded by Councillor Neeson

That the Council Meeting recess at 8:55pm

Carried.

The meeting reconvened at 9:12pm

(D) Development Charges By-law - Complaint by M. Mair

Report No. DS-2019-0126

Mayor Quirk read a script to explain the procedure to conduct a Hearing.

Mayor Quirk advised that council has convened for the purposes of conducting a hearing of a complaint brought pursuant to Section 20 of the Development Charges Act by Marilynne Mair, 226 Bayview Avenue, Keswick who will be representing herself.

Mayor Quirk advised that the purpose is to hold a hearing with respect to the aforesaid complaint. Adjournment requests shall be dealt with at the start of proceedings. As per the Rules, Council may take one of the following actions with respect to a request for an adjournment;

- (a) Grant the request
- (b) Grant the request and fix a new date
- (c) Grant a shorter adjournment than requested
- (d) Deny the request
- (e) Direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue, or
- (f) Make any other appropriate order

The format for this hearing is as follows;

- (a) The complainant will make her submissions. If the complainant wishes to call witnesses these will be called at this time.
- (b) Town staff will make their presentation on the report prepared
- (c) The complainant will be invited to respond to the questions or clarifications requested by Members of Council and respond to the staff presentation

- (d) Conclusion and adjournment of hearing. At the conclusion of the hearing, Council will either deal with the complaint and issue a decision or reserve its decision in which case a decision will be provide to the complainant in writing at a later date following further deliberation and a further meeting of Council.

Mayor Quirk called on Marilynne Mair to make submission and call witnesses, if any, with respect to the complaint. Ms. Mair was sworn in and provided information on the complaint.

Ms. Mair, the Claimant, advised as follows;

- on January 2nd, spoke with Feiby Salib in the Building Department, advised Feiby that she had submitted a conditional offer to purchase 226 Bayview Avenue and she was there to do her due diligence
- she asked a number of questions, most relevant being if there were any other fees besides basic building permit fees that she would need to pay to build
- after checking the file and computer, Feiby assured her and her boyfriend that only building permit fees applied
- Ms. Mair felt completely confident and sure that she had performed her due diligence, had received the correct information and they could afford to purchase and build their home based on the budgeted funds, mortgage approvals and the information received from the Town of Georgina Building Department
- proceeded to purchase the lot
- Thursday, March 7th, their Project Manager Tim Danbrook attended the counter for the permits and was informed that an additional over \$77,000 worth of levies applied to this lot
- she attended the Building Department herself after receiving this information, spoke with Lori
- she wrote a letter to Rod Larmer and John Espinosa expecting her situation to be addressed and asked for a meeting and received a short response indicating that Feiby does not recall the conversation.
- paid a lawyer to write a letter asking for a meeting but received no reply
- she received no care or consideration or a chance to speak to Rod, John and Feiby at a meeting
- on July 2nd, she filed a development charges complaint
- was advised that Rachel Dillabough had responded to her via email but she did not receive this email, creating a time sensitive issue
- Rachel focused on the format in which the development charge complaint had been submitted, attaching a bylaw with a complaint form to use
- in none of the emails did Rachel mention to her that the forms would only be addressing the Town's development charges and not the Region's development charge although she was disputing all development charges; her complaint was issued as it was written
- there is also an issue concerning the vacant lot. Staff's response is that the detached garage has existed for years and staff are unsure as to when it was built

- the existence of residential garage and foundation, concrete pad and hydro proves that 226 Bayview has never been a vacant lot and as such, there should not be development charges
- Building Department has stated that the applicant claims the existing detached garage at north end of property was a remaining part of the original cottage that was demolished under authority of demolition permit 920244. Staff do not agree with this based on Town permit records and aerial photography
- claimant maintains that the garage is a part of the original cottage. It was not an entity unto itself. A final inspection of the original cottage was never done although a demolition permit existed
- staff indicated there are notes from 1996 indicating that the property is a vacant lot and the existence of the garage is legal non-conforming; she believes these two notes contradict each other, either it is an empty lot or there is a garage on it, both cannot be true
- does not know what the bylaws were in 1996 about the legal existence of a residential garage without the rest of the cottage but it does not mean that it is a legal situation in 2019
- the Building Department had no paperwork regarding when a decision was made to charge development charges and it seems they are now scrambling to find proof to justify the development charges
- when the building permit was applied for, they used the maximum lot coverage in their design. The Building Department reviewed the plans and advised that the garage is using part of the maximum lot coverage and it would either need to be demolished or Planning would need to increase the lot coverage. In other words, the garage is being considered part of the new development but it was not a part of the old development which doesn't make sense to her
- demolition permit to remove old garage was obtained and the work was completed in 2019
- Building Department are sticklers for documentation; her development charges complaint letter would not be accept unless it was on their standard form, even though all the information required was there, it did not need to make sense, it just needed to follow procedure and protocol
- This same organization has no documentation showing that the cottage was demolished, no final inspection was ever done, they are asking Council to accept from them in lieu of final inspection, a couple of old photographs from their archives, showing that somewhere in a 10 year period a cottage was demolished and the garage remained and also asking that the garage be ignored because they are going to call this an empty lot
- if she went to the building department and said she wanted to put a shed on her yard, that she is not going to fill out an application or apply for permits but provided a picture of her back yard taken from above, it would not be acceptable
- 'Duty of care' is an obligation by a person or organization to avoid acts or omissions that could likely cause harm to others, an obligation for a person to be careful and considerate in their actions; Feiby owed the complainant a duty of care, she should have told the complainant of this huge \$76,000 development charge as she knew she was using Feiby's answers to reach a decision and that

the complainant expected that Feiby was knowledgeable as was implied by her position in the Building Department.

- Rachel should have mentioned in one of her emails that any complaint letter filed would only address a small part of the development charges being disputed and not the entire charge, and Rod should have afforded the claimant a chance to meet

- she is a mother, her children's father passed in 2011 with no life insurance, her home is all she has and she is all her children have, she is the only person who will leave them anything. This is a staggering, life-altering, financially destroying amount of money for her, she deserves to be treated better and deserves a meeting to discuss this terrible thing that has happened to her, deserve for her town to show her a bit of compassion, kindness and common decency

- the claimant believes the Town of Georgina dropped the ball on this, when they did not do a final inspection of the site to ensure the work was completed, when they designated 226 Bayview as a vacant lot when there was a residential garage on it, when she went to the counter to do her due diligence and Feiby did not give her the correction information

- the claimant requested Council hold the Town and Building Department by the strict rules they bind others to, that they not accept all the photographs today but use the information in the file acknowledging that the Town has no record of when the cottage was demolished as they never went to inspect and they acknowledge the existence of a structure on the property that precludes it from being a vacant lot, and that the Town incorrectly assessed this as a vacant lot and because of the existence of a residential garage with foundation and hydro which was part of the original cottage and had to be demolished in order to build and this was done within the 60 month period

- because the claimant was given the wrong information by Feiby, she asked that Council find the assessment for development charges was incorrect and that her money be returned to her in its entirety

Devin Dillabough was sworn in and submitted evidence at this time.

- staff report discusses the development charge appeal

- Building Permit 190159 applied for March 6, 2019 to build a new single family dwelling

- staff determined that development charges would be applicable

- Permit issued May 2, 2019 upon payment of the development charges, collected on behalf of the Town, the Region and the School Board

- complaint filed appealing the development charges by Marilynne Mair, the claimant

- staff reviewed the complaint and have the following responses;

- claimant claimed that 226 Bayview was never an empty lot as part of the original residential structure has always been on the land. There was a new house built in 2019, there was a separate detached garage on property. Permit issued in 1976 to repair the garage but unsure when the garage had been built. Staff is of the understanding that a detached garage is not a residential structure, it is an accessory structure and not considered as part of a residence.

- claimant indicated that there was an application made June 15, 1977 to complete renovations to part of the residential structure and this clearly shows the remaining residential garage as part of the original structure
- no record of a permit on that date but he believes they may be referring to the building permit issued in 1976 to repair the garage which had an expiry date of June 15, 1977
- claimant's claim of a demolition permit application dated June 26, 1992, approved to demolish original 3 bedroom residential structure. Claims the permit clearly shows part of the structure will remain and that a final inspection was not done.
- Pages 115-117 of the agenda, the permit application for the demo of the cottage, first page is the application No. 920244, page 117 is the site plan used at the time, showing that the cottage is to be demolished and the top left-hand corner is the garage, but is not labelled
- notes in file from August 14, 1996 that the lot is vacant and August 24, 1996 that the location of the garage without a dwelling is legal non-conforming; suspect two different staff members wrote 'vacant' and meant that the house was no longer there, not speaking about the garage
- August 24th comment was respecting garage – speculation
- aerial photos, one from 1970 and one from 2002. In both photos from York Mapping; can see the cottage in the 1970 photo and can make out in the top left-hand corner. North-west corner, there is a small building, the detached garage. The 2002 photo, can see the detached garage but the house is no longer there
- there is no record of a final inspection on the demolition, just a note in the file that the house is no longer there
- respecting the development charges, regardless of that fact, the Town's development charge by-law speaks to redevelopment within 60 months. There was no house in 2002 and the garage is an accessory structure to a residential use that no longer exists
- respecting lot coverage, when the applicant applied for a building permit, lot coverage is calculated based on a certain area of the property and the buildings take up a certain percentage of lot coverage. It was determined that the house and garage combined would exceed the maximum permitted lot coverage. The options were to apply for planning approval to allow for an increased lot coverage, or simply remove the garage. In this case, an application was made for demolition and the garage was removed
- one final picture received by staff, attachment #4, is a coloured photo showing concrete found when excavating; it may be remnants of what was there originally but it does not constitute a dwelling, would not be a building according to the Building Code Act and staff would not consider this to constitute a dwelling
- four different permits issued throughout the life of this property; in 1976 to repair the detached garage, in 1992 a demolition permit for the cottage which was demolished sometime between 1992 and 2002 when we know it was gone based on the aerial photo, a building permit application for a new home and a building permit application to remove the original detached garage
- cannot speak to the comments about staff, he was not involved in that. The counter is always busy, staff always strive to provide accurate information to

customers. Typically it is usually not the frontline staff at the counter to give out development charge information, it would be a zoning examiner behind the scenes.

- staff does not agree that development charges would be exempt in this case.
- believe the photo speaks for itself, in 2002 the lot was vacant, 17 years have passed without a house on the property
- it is a 60-month redevelopment timeframe with the Town's development charge bylaw. Each municipal authority has its own bylaw but Georgina's is 60 months. When you remove something, the owner has 60 months without paying a development charge

Regional Councillor Grossi enquired if the only time this time period has been extended beyond the 60 months is if Council asks the owner of a property to demolish a structure on the property for the purposes of clearing the land due to it being unsightly

Devin Dillabough advised that the standard timeframe is 60 months. The by-law permits that timeframe to be extended to 120 months, but this instance is still beyond that timeframe

Councillor Sebo indicated that page 102 in the agenda, or page 4 of the report, refers to two of the four most recent building permits. The building permit numbers and dates seem to be reversed.

Devin Dillabough explained that the demolition permit for the detached garage had to be issued and the garage had to be removed before issuing the permit for the other building. Permit No. 190159 was applied for on March 6th and throughout the review process, it was discovered that the lot coverage was exceeded, so they made the application after for the demolition permit

Regional Councillor Grossi enquired if the Town gives development charge credits for accessory structures left on a property, and if the Region gives development charge credits for this reason

Devin Dillabough stated that neither the Town nor the Region give development charge credits for accessory structures left on a property

Councillor Harding enquired if the Region has development charges on this property also, or if the Town collects on behalf of the Region

Devin Dillabough stated that the Region does have development charges and the Town collects those development charges on behalf of the Region

Mayor Quirk

- page 100 lists the Town's development charges, the Town collects for the Region and School Board. Appeals are only allowed to be submitted to the Town for the Town's development charges
- any appeal of the Region or School Board needs to go directly to the Region and the School Board. This appeal is for the Town's development charges in the amount of \$11,245.00 only.
- enquired what the definition of a dwelling unit is

Devin Dillabough

- a dwelling unit is defined in the Town's development charges bylaw; "A dwelling unit means any part of a building or structure used, designed or intended to be used as a domestic establishment where one or more persons may sleep and are provided with culinary and sanitary facilities which include at a minimum a kitchen, a sink, stove, fridge, a toilet and a sink for the exclusive use with a toilet."
- A detached garage does not contain those amenities and does not qualify as a dwelling unit. The land may not be fully vacant but is vacant of a dwelling unit, vacant in the sense of a residence, in the sense of what development charges are payable for

Councillor Neeson inquired if there is a policy in place for keeping an internal record with respect to contact with a member of the public at the building counter

Devin Dillabough advised that there is no specific policy with respect to how information is given out or how information is sent out. A lot of information is given verbally. Written information respecting development charges would always be sent from a zoning examiner or possibly Rod or himself. An applicant should not be getting a written letter prepared by an Application Examiner outlining what the development charges are. The Application Examiner's main function is permit intake, so their expertise is application fees for building permits, site alteration permits, etc. He does not know the conversation that took place but their mindset when there are people standing at the counter is related to the applications for a building permit, not the charges that are payable upon issuance of a building permit.

Regional Councillor Grossi enquired of the claimant if she bought the lot privately and if she used a real estate agent and if she purchased through a real estate agent, if that agent works in the Town of Georgina.

The claimant indicated that she bought the property through a local real estate agent. The agent put in a clause for her to do her due diligence, told her to go to the building department to ensure that there was nothing unusual about the lot, no charges, nothing under the LSRCA that may give her problems.

Regional Councillor Grossi enquired if the claimant hired a lawyer to review the agreement of purchase and sale before the due diligence clause was removed and the claimant indicated she did not.

Regional Councillor Grossi advised that as far as he knows, prior to closing the deal, the only reason to remove that due diligence clause would be on the advice of a lawyer saying more research is necessary respecting what the costs may be, not from speaking to someone at a counter regarding what may occur, the real estate agent should have advised her that there may be an issue with respect to some of the costs relative to that property. That is between the claimant, her lawyer, her real estate agent and her decision to move forward with the purchase of the property and removing the clause.

The claimant stated that she spoke to someone at the counter of the Building Department at the Town of Georgina and believes that person should have referred her to another staff member if she did not know the answer to her question.

Councillor Waddington enquired if the claimant's argument against the payment of the development charges is primarily based on the fact that she believes the land is not vacant, or the fact that she believes someone at the Town made a mistake or a combination of the two.

The claimant stated that her argument is mostly because the person at the counter made a mistake but also, she researched this on the internet and found the original Development Charges Act which clearly stated that if a property has a building or structure on it for which a demolition permit is required and this permit is taken out within 48 months of the new building going up, then development charge credit is due. That is the wording she was going by. She did not realize this was replaced by the Town of Georgina putting in their own bylaw in 2016. She feels as though it was not a vacant lot and calling it a vacant lot was an error on behalf of the Building Department, but mostly Phoebe owed her a duty of care and she made it very clear to Feiby that she had a conditional offer in and if she wasn't qualified to answer her question, she should have said that.

Councillor Waddington enquired again that the claimant is disputing the fact that it was a vacant lot and truly does not believe it was one, and enquired if she has an MLS listing of per property; the claimant advised that she does not believe it was a vacant lot and does have the MLS listing but not with her.

Councillor Waddington stated that he just looked up 226 Bayview Avenue online and it is listed as a vacant lot.

Councillor Neeson stated that due to your two positions of whether the lot was vacant or not and a failure respecting duty of care, from her perspective, he inquired what exactly the claimant asked Feiby and what the responses were

The claimant stated that she had originally come to the Town about two other properties for sale and there were issues with the Lake Simcoe Region Conservation Authority and an unassumed road and spoke with Lori

- asked Feiby exactly that she had put in a conditional offer at 226 Bayview Avenue, she is on a very tight budget and needs to know that there are no unexpected fees associated with this lot; specifically, will she be dealing with any conservation authorities or just the Town, are there any unassumed roads, any unusual setbacks to prevent her from building in certain areas, any fees to be paid other than the basic building fees paid to the Town. Feiby looked in the file, brought it up on the computer and advised that as far as she can tell, it is just a standard building lot with building permit fees, but wasn't sure what they would cost. The claimant then texted her real estate agent, told her to firm up the offer
- husband passed in 2011

Councillor Neeson inquired if the claimant presented the MLS listing at the counter, stated that it was a vacant lot, or provided any information other than the address.

The claimant provided the property address, did not provide the MLS listing. In the file, the top item in the file was the demolition permit from 1992 that showed the garage remaining and the cottage to be demolished. The demolition permit was there.

Councillor Neeson inquired of Devin Dillabough if we have record of Feiby, does he know who she is and can he provide her name and is she still a Town employee.

Devin Dillabough advised that he does know who the individual is, she is a Town employee and her name is Feiby Salib. She is not present. There are no record of the conversation and no notes in the file.

- the copy of Rod's reply letter to Mair in the report is on page 122

- Feiby's position is one of three Application Examiners, their primary function is to receive applications for building permits and site alteration permits and permits to connect at the building counter. They do answer general inquiries, typically they are not expected to answer questions about development charges, just basic zoning questions. They are the frontline staff to greet the public. If someone has a complex question, the Application Examiners direct them to a staff member behind the scenes, to a Zoning Examiner, Jeremy Liscoumb or Lori Gardiner.

Mayor Quirk inquired how a person would find out if development charges were associated with a property they were interested in.

Devin Dillabough

- need to know what questions to ask. The counter is usually busy. If someone comes up to ask if there are development charges on the property, they would be directed to speak to a Zoning Examiner. At the same time, he does understand

the applicant's frustration; she wanted to know about fees. He does not believe that is the Application Examiner's responsibility, but it is unfortunate that she wanted to be made aware of the development charges and she was not made aware of them.

Regional Councillor Grossi inquired if staff would receive multiple calls over the course of a day answering basic questions.

Devin Dillabough advised that staff members receive all nature of questions respecting all aspects of development and questions not even not related to development.

Regional Councillor Grossi inquired if lawyers, real estate agents, the general public, anybody and everybody would call to ask these questions.

Devin Dillabough advised that it is fair to say that. He added that project managers, real estate managers, builders are all well aware of development charge bylaws, they may not be aware where they are applicable, but they would know to ask that question.

The claimant has no clarifications, just thanked Council for hearing her. She stated that she just wanted a chance to be heard and that's why she brought this development complaint primarily about the vacant lot because she was not allowed to bring a complaint about Feiby as it does not fall under a Section 20 complaint so she would not have been heard. That is why that was brought out as the primary reason and she tried to open with what happened to her at the counter.

Mayor Quirk concluded the hearing of this complaint brought pursuant to the Development Charges Act. Mayor Quirk thanked everyone for their participation and submissions with respect to this matter.

Mayor Quirk read the following: This concludes the hearing of this complaint brought pursuant to the Development Charges Act. ON behalf of the Members of Council, I wish to thank you for your participation and submissions with respect to this matter.

Town Solicitor Andrew Biggart advised that Council is not sitting as Council, it is sitting as a quasi-judicial body to make a determination akin to a judge making a determination at a trial.

- in order to deliberate, it is appropriate to go into closed session so that deliberations can remain quiet and all members can speak freely on their opinions of the evidence provided.
- staff recommendations were made public as part of the hearing process.
- this would be the point for deliberations to take place with respect to the hearing that has just occurred.

- the report came forward referencing Section 20 of the Development Charges Act. Section 20 of the Development Charges Act speaks of nothing but a hearing, sets out the procedure Council has embarked upon tonight for the hearing and then the deliberations of the hearing body after the hearing has concluded
- Section 7 of the report speaks to Subsection 20(5) of the Development Charges Act
- this hearing has been conducted, and the deliberations under the Statutory Powers and Procedures Act under a quasi-judicial body are frequently recognized as being in private so that the members of the quasi-judicial body can speak freely with respect to what has been heard and the evidence submitted
- the public remaining during deliberations is possible but is not the process the Town has previously conducted and is not the usual process for municipalities.
- it is the usual course of action for municipalities to hold their hearing in private and allows members of the quasi-judicial panel presiding over the hearing to speak freely to each other

Town Council, acting as a Quasi-Judicial Body for the purpose of the hearing, convened into Closed Session at 10:04pm and reconvened into open session at 10:32pm

Mayor Quirk advised that the Quasi-judicial body has made a determination to deny the appeal submitted by Marilynne Mair.

The Council Meeting reconvened at 10:33pm

Moved by Councillor Waddington, Seconded by Councillor Harding

RESOLUTION NO. C-2019-0513

1. That Council receive Report No. DS-2019-0126, prepared by the Building Division, Development Services Department dated September 25, 2019 respecting a Development Charges By-law 2016-0054 complaint by M. Mair.
2. That Council confirm that the application of Town Development Charges is accurate and deny the appeal of M. Mair.

Carried.

Reports from the Office of the Chief Administrative Office:

- (A) Noise By-law Exemption Agreement between the Town of Georgina and Inland Iron & Metals

Report No. CAO-2019-0037

Moved by Regional Councillor Grossi, Seconded by Councillor Fellini

RESOLUTION NO. C-2019-0514

1. That Council receive Report No. CAO-2019-0037 prepared by the Municipal Law Enforcement Division of the Office of the Deputy CAO dated September 25th, 2019 respecting a Noise By-law Exemption request from Inland Iron & Metals.
2. That Council authorize staff to execute the Agreement between Inland Iron & Metals and the Corporation of the Town of Georgina and extend the agreement to a two-year period, September 27, 2021.

Carried.

(B) Multi-Use Recreation Complex (MURC) Concept Design

Report No. CAO-2019-0038

Dave Reddon advised that both the budget and project have been approved and the Steering Committee and Terms of Reference provide authority, but it has been staff's practice to present all actions to Council for their review.

Staff was requested to circulate the amendments to the plans to all Members of Council.

Moved by Councillor Fellini, Seconded by Regional Councillor Grossi

RESOLUTION NO. C-2019-0515

1. That Council receive Report No. CAO-2019-0038 prepared by the Office of the CAO dated September 25, 2019 respecting the Concept for the Multi-use Recreation Complex (MURC).
2. That Council approves the attached HUB concept design and be made aware that the project team is proceeding with the Schematic Design Phase in order to maintain progress, validate the 2019 approved budget and prepare a document for a grant submission as recommended by the project Steering Committee.
3. That Council be advised that the Steering Committee recommend the project team explore an additional therapy tank during the Schematic Design Phase.

Carried.

Moved by Councillor Waddington, Seconded by Councillor Fellini

That the Council Meeting continue past the four-hour time limit.

Carried.

13. DISPOSITIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT

(1) Dispositions/Proclamations

- (A) Learning Disabilities Association of York Region requesting Council proclaim the month of October as 'Learning Disabilities Awareness Month' with the theme 'Don't Dis My Abilities'.

Moved by Councillor Waddington, Seconded by Councillor Harding

RESOLUTION NO. C-2019-0516

That Council proclaim the month of October as 'Learning Disabilities Awareness Month' with the theme 'Don't Dis My Abilities', focusing on children, youth and adults with learning disabilities as well as their families and friends, for people to see beyond the limitations and enable people with learning disabilities to become among the most creative and productive members of the communities.

Carried.

- (B) Pat Gooderham, Poppy & Parade Chairman, Royal Canadian Legion, requesting permission to host its annual Remembrance Day Parades on Sunday, November 10th in Keswick at 10:30am and in Sutton at 1:30pm; both communities will also hold services at the respective cenotaphs on Monday, November 11th at 11:00am.

Moved by Councillor Neeson, Seconded by Councillor Fellini

RESOLUTION NO. C-2019-0517

That Council provide permission to the Royal Canadian Legion to host its annual Remembrance Day Parades on Sunday, November 10th in Keswick at 10:30am and in Sutton at 1:30pm, with services to be held at the respective cenotaphs on Monday, November 11th at 11:00am, and that the approval be referred to the appropriate staff for any assistance that can be provided.

Carried.

(2) General Information Items

- (A) Information Items

Moved by Councillor Harding, Seconded by Councillor Fellini

RESOLUTION NO. C-2019-0518

That the General Information Listing for September 25, 2019, be received.

Carried.

(B) Briefing Notes *None.*

(3) Committee of Adjustment Planning Matters

(A) Under Review

(B) Recommendations

(C) Decisions

Moved by Regional Councillor Grossi, Seconded by Councillor Waddington

RESOLUTION NO. C-2019-0519

That the Committee of Adjustment Planning Matters for September 11, 2019, be received.

Carried.

14. MOTIONS/NOTICES OF MOTION none.

15. REGIONAL BUSINESS none.

16. OTHER BUSINESS none.

17. BY-LAWS

Moved by Councillor Waddington, Seconded by Regional Councillor Grossi

That the following by-laws be adopted:

- (1) Bylaw Number 2019-0081 (COU-1) being a by-law to appoint two new board members for the Jackson's Point Business Improvement Area for the 2018-2022 Term of Office.
- (2) Bylaw Number 2019-0082 (COU-1) being a by-law to appoint two new board members for the Sutton Business Improvement Area for the 2018-2022 Term of Office.

- (3) Bylaw Number 2019-0083 (CON-1), being a by-law to authorize the Mayor and Clerk to enter into an Agreement with Inland Iron & Metals (Inland), n/s of Ravenshoe Road, Part of Lot 1, Concession 6, Sutton, respecting the handling of materials on Sundays and Statutory Holidays.
- (4) Bylaw Number 2019-0084 (PUT-1), being a by-law to authorize the Mayor and Clerk to execute an Encroachment Agreement between the owner of the property municipally known as 404 The Queensway South and the Town of Georgina, respecting Plan 220, Lot 220

Carried.

18. CLOSED SESSION *None.*

19. CONFIRMING BY-LAW

Moved by Councillor Fellini, Seconded by Councillor Waddington

That the following by-law be adopted:

- (1) By-law No. 2019-0085 (COU-2), a by-law to confirm the proceedings of Council on September 25, 2019.

Carried.


20. MOTION TO ADJOURN

Moved by Councillor Sebo, Seconded by Councillor Harding

That the meeting adjourn at 11:25pm

Carried.


Margaret Quirk, Mayor


Rachel Dillabough, Town Clerk