

ATTACHMENT 1



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April 3, 2007

By Courier

City of Toronto
Office of the City Clerk
Toronto City Hall
10th Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ms. Ulli Watkiss, City Clerk

Dear Ms. Watkiss:

**Re: Complaint under Section 20 of the Development Charges Act
Dibri Inc.
2454 Bayview Avenue, City of Toronto**

We are counsel to Dibri Inc., the owner of lands municipally known as 2454 Bayview Avenue in the City of Toronto (the "Property").

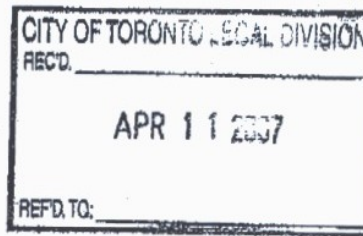
Dibri Inc. made application to the City's Building Division for a permit to construct a new elementary school on the Property to be leased, on a long-term basis, to the Junior Academy Inc. for use as a private elementary school. On March 9, 2007, the City's Chief Building Official issued Permit No. 07 104885 BLD 00 NB (the "Building Permit") for that purpose.

By letter dated February 13, 2007, a copy of which is attached, the City advised our client that development charges in the amount of \$142,598.35 were payable prior to the issuance of the Building Permit, characterizing the development as "Retail".

In order to obtain the Building Permit, our client paid the amount that the City alleged was payable for development charges on March 9, 2007. A copy of the receipt for such payment is attached.

It is our position that the private elementary school for which the Building Permit was issued does not constitute a "Retail Use", as defined in the City's Development

Please refer to: **Mark Flowers**
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Charge By-law. Moreover, given that section 415-7.B.(2) of the Development Charge By-law confirms that "non-residential uses other than retail uses are not subject to the payment of development charges", it is our position that no development charges should have been imposed by the City in this instance.

Accordingly, for the reasons set out above, and in accordance with section 20 of the *Development Charges Act, 1997*, Dibri Inc. hereby complains to the City that there was an error in the City's application of the development charge by-law and that the amount of the development charge was therefore incorrectly determined. Consequently, on behalf of our client, we are requesting full reimbursement of the development charges that were paid on March 9, 2007 in the amount of \$142,598.35.

We request that this matter be considered by City Council at the earliest available opportunity. In the meantime, please do not hesitate to contact us if you have any questions or require anything further.

Yours truly,

DAVIES HOWE PARTNERS

Mark R. Flowers

Attachments

copy: Client