



**Attachment 1 CASSELS BROCK
LAWYERS**

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2008 JAN -3 P 1:34

January 3, 2008

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file # 36871-1

Mayor and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
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Mayor and Members of Council:

Re: Kreadar Enterprises Ltd. Development Charges Credit

We are the solicitors for Kreadar Enterprises Ltd., the owner of lands north of McNicoll and west of Midland legally described as Parts 1, 5 and 6 on Plan 66 R-19597 (the "Kreadar Lands") and are making a complaint regarding the Development Charges ("DC") payments made on October 9 and October 29, 2007, for buildings 3 and 4 on Part 5 of the Kreadar Lands pursuant to sections 20-24 of the *Development Charges Act, 1997* S.O. 1997 c.27. This payment was made under protest and without prejudice to our client's ability to bring this complaint as detailed in our November 1, 2007 letter to Mr. B. Ashton City Buildings Department. The reasons for the complaint are detailed below, and include that it is our position that our client is entitled to DC credits for the previous construction of the Silver Star Boulevard and sanitary sewers associated with the Kreadar Lands.

The Kreadar Lands have been the subject of several planning approvals, including a severance of the lands into the development parcels described above, rezoning for commercial uses of 7.7 ha along Midland in 2002, and further rezoning in 2005 for commercial uses on the McNicoll frontage west of Silver Star Boulevard.

As part of the initial development approvals of the Kreadar Lands, Kreadar Enterprises constructed Silver Star Boulevard and certain sanitary sewers at the City's request, at a cost of \$573,014.34 to date with further work to be completed, which in 2001, was estimated at \$382,321.83 for a total of \$955,336.17. While this road and sewer have been in the City's DC calculations since 1991, no DC charges were applicable to the Kreadar Lands as commercial development at the time they were constructed as commercial development was not subject to the City's DC By-law at the time. As a result, no DC's were required to be paid for the earlier phases of development on the Kreadar Lands and therefore, no credit for the earlier construction has previously been granted.

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In light of the fact that DC's are now applicable to the commercial development being constructed on Part 5 of the Kreadar Lands, Kreadar Enterprises is seeking credit for the earlier construction of the Silver Star Boulevard and the sanitary sewers for the DCs paid for the current development in the amount of \$386,986.01 and any future development of the Kreadar lands to which DC's are attributable.

Yours truly,
Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read "Stanley Makuch".

Stanley Makuch
SM:na

cc: Marvin Arbuck
Jason Arbuck
Robert Robinson, Legal Council, City of Toronto