



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**Consumer Protection Strategy- Disclosure of
Development Charges**

Date:	September 23, 2009
To:	Executive Committee
From:	City Solicitor
Wards:	All Wards
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

This report responds to the request of the Executive Committee that the City Solicitor report back to the Executive Committee, at its meeting on October 5, 2009, on the design of a “consumer protection strategy”, including changes to the city’s by-laws and practices, that could best withstand a court challenge in relation to (i) the disclosure of development charges to purchasers of new homes in agreements of purchase and sale and (ii) including municipal charges in the advertised price for a new home.

RECOMMENDATIONS

The City Solicitor recommends that:

- (1) Committee adopt the recommendation contained in confidential Attachment 1, and
- (2) The recommendation contained in confidential Attachment 1 become public once adopted and the remainder of Attachment 1 remain confidential as solicitor-client advice.

FINANCIAL IMPACT

This report has no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting of February 23, 24 and 25, 2009 City council adopted recommendations related to "Development Charges-Discussion of Comments Received and Revisions to Proposed by-law". The following recommendation [Ex 29.8(10)] was adopted:

The City Solicitor be requested to report to the Executive Committee no later than June 2009, on the enactment of a by-law under the City of Toronto Act to establish consumer protection measures requiring full disclosure to all purchasers of all Development Charges payable at the time of entering into an Agreement of Purchase and Sale, and whether the City can require that development and other municipal charges be included in the advertised sale price of a dwelling unit and not charged separately at time of closing.

<http://www.toronto.ca/legdocs/mmis/2009/ex/reports/2009-02-02-ex29-cr.htm>

At its meeting on June 2, 2009, the Executive Committee had before it a report, dated May 15, 2009, entitled "Disclosure of Development Charges" with confidential attachment from the City Solicitor. The Executive Committee referred the report back to the City Solicitor with the instructions to design a "consumer protection strategy" including changes to the City's by-laws and practices that could best withstand a court challenge and submit a report to the October 5, 2009 meeting of the Executive Committee.

The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-21499.pdf>

COMMENTS

The confidential attachment addresses the consumer protection strategy requested by the Executive Committee.

CONTACT

James E. Anderson
Director, Municipal Law
Legal Services Division
Phone: 416-392-8059
Fax: 416-397-5624
E-mail: janders1@toronto.ca

SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Confidential Advice on a Consumer Protection Strategy to require Disclosure of Development Charges.