

## Attachment 1: E-mailed Complaint from Frank Di Giorgio Dated October 25, 2021

**From:** [Frank Di Giorgio](#)  
**To:** [Executive Committee](#)  
**Cc:** [Frank Di Giorgio](#)  
**Subject:** Development Charges Act Complaint under Sec 20(1)(c) - 337 maple leaf drive  
**Date:** Monday, October 25, 2021 1:50:33 PM

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Clerk, City of Toronto

Owner/Complainant: Miranda Mastracci  
Authorized Representative : Frank Di Giorgio  
Email: [REDACTED]  
Phone: [REDACTED]

### Reason for Complaint

Resolution of the issue is problematic because the Building Department has applied the Development Charges Act unjustly and under the unique circumstances of the subject land, a development charge does not apply to the requested building permit at 337 Maple Leaf Drive.

### Context

1. The Development Charges Act (DCA) introduced in 1997, is not retroactive and it expands the scope of services and capital project costs financed under prior Provincial legislation.
2. Prior to the introduction of the DCA, a development charge was payable and collected prior to the final approval of a consent under the Planning Act on the land to which a development charge was applied.
3. In accordance with Sec 59.1 of the amended DCA, no additional development charges may be imposed on land except as permitted under the DCA or the Planning Act.
4. Development that results in growth related capital costs is controlled through the consent process related to lot creation under Sec 51 & Sec 53 of the Planning Act.
5. Consistent with the amended DCA, a development charge is payable prior to the issuance of the first above ground building permit on the land to which a development charge applies.

### Compliance with DCA

6. The owner of the subject property has applied for a building permit for an as of right development of a detached dwelling on a legal lot in a residential neighbourhood.
7. The lot addition application at 337 Maple Leaf Dr. is a technical severance for legal purposes only to adjust property lines and does not result in new lot creation or development.
8. The requested building permit is independent of the lot severance application and is not subject to a development charge.

### Grounds for Exemption

Consistent with Sec 53(1) of the Planning Act and Sec 2(2) of the DCA, any and all applicable

development charges on land at 337 maple leaf drive were paid as follows.

9. Sec 2(2)(e) - DCA

Pursuant to a consent approval by a Committee of Adjustment decision in 1980, any and all development charges were paid at the lot creation stage as reflected in documents submitted to the City.

10. Sec 2(2)(g) - DCA

The property owner at 337 maple leaf drive obtained a building permit in 1980 for construction of a structure on the site which secured rights for development in accordance with the zoning by law permissions in a residential neighbourhood. (Rights of a property owner with a Permit issued in accordance with the Building Code Act).

11. Sec 2(2)(d) - DCA

Prior to the registration of a plan of subdivision by the City in 1983 on maple leaf drive, the property owners on the south side of the street paid additional charges for a local improvement capital project in the valley lands that also included conveyance of land to the City for public park purposes and 337 Maple Leaf Drive shared those costs.

Additional Exemption Permissions

12. Sec 2(3.1) - DCA, O Reg 82/98

New detached dwellings on a parcel of land that forms a whole lot in a registered plan of subdivision is exempt from development charges. (Registered Plan, 1983)

13. By law 415-6(B)(7)

Whole lots, buildings or structures that form part of a registered plan of subdivision are exempt from development charges.

14. DCA, By law 415-6(A)

Redevelopment of existing buildings and structures in accordance with zoning permissions in a residential neighbourhood that defines the size of an existing or intended dwelling unit that includes minor variances are exempt from development charges.

In summary, while the purpose of development charges is to recover the capital cost of infrastructure triggered by new development and growth, the applicable development charge on an existing lot is capped and limited to the recovery of new necessary infrastructure to service the proposed development in accordance with Sec 41 of the Planning Act. Therefore, the complainant requests that a building permit be issued at the subject site and that no development charge be applied consistent with the DCA, Official Plan policies and the Planning Act and Provincial Policy Statement.