



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### Development Charges By-law 1137-2022 – Ontario Land Tribunal Hearing – Request for Directions

**Date:** January 26, 2026

**To:** City Council

**From:** City Solicitor

**Wards:** All Wards

#### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

#### SUMMARY

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On August 15, 2022, the City passed a Development Charges By-law, being By-law 1137-2022 ("DC By-law"). The DC By-law was appealed to the Ontario Land Tribunal (the "Tribunal") by five appellants.

The Tribunal convened two Case Management Conferences on March 10, 2023 and June 26, 2023. Following the CMCs, there remains one outstanding appellant of the DC By-law, being Dunpar Developments Inc. (the "Appellant"). The Tribunal ordered that the hearing be phased with the first phase of the hearing scheduled for 14 days commencing on June 1, 2026. Exchange of witness lists are required by February 23, 2026.

Given the procedural timelines in advance of the Hearing, this matter is urgent and should not be deferred.

The Chief Financial Officer and Treasurer has been consulted on this report.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.

2. City Council direct that Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor remain confidential at the discretion of the City Solicitor, as they contain advice that is subject to solicitor-client privilege and relates to matters that are the subject of potential litigation

## **DECISION HISTORY**

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On August 15, 2022, the City passed the DC By-law which was appealed to the Tribunal by five appellants.

The Tribunal convened two Case Management Conferences on March 10, 2023 and June 26, 2023 and heard a Motion on November 2, 2023.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information