



Report to: Development Services Committee

Report Date: June 19, 2012

SUBJECT:	RECOMMENDATION REPORT Options to compensate Property Owners/Tenants affected by Town initiated street name changes
PREPARED BY:	Robert Tadmire, Coordinator of Geomatics/GIS Advocate, ext. 6810
REVIEWED BY:	Biju Karumanchery, Senior Development Manager

RECOMMENDATION:

- 1) That the report entitled “Options to compensate Property Owners/Tenants affected by Town initiated street name changes”, dated June 19, 2012, be received;
- 2) And that the request for compensation, by the affected business owner, not be supported;
- 3) And that Staff be authorized and directed to do all things necessary to give effect to these resolutions.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report provides a summary of the process undertaken to approve a renaming of the Town owned section of Highway 48 between 16th Avenue and Major Mackenzie Drive from ‘Highway 48’ to ‘Markham Road’. It specifically addresses the concerns raised by a business owner regarding the proposed street name change and outlines a position on the matter of compensating property owners and/or tenants impacted by Town initiated street name changes.

BACKGROUND:

On June 15, 2010, Planning Staff submitted a report to Development Services Committee requesting authorization to initiate the process for renaming the Town owned section of Highway 48 to ‘Markham Road’. Staff also requested approval for a public consultation meeting to inform and obtain comments from land owners abutting the affected section of Highway 48 about the proposed renaming. A public consultation meeting was held at the Markham Museum on June 16th 2011 to inform affected land owners about the recommended name change and to obtain their comments about this proposal. A business owner attending the meeting relayed his concern involving the costs that would be incurred by the businesses he owns when having to change their addresses from ‘Highway 48’ to ‘Markham Road’, and inquired with the Ward Councillors about the possibility of compensation.

A Public Meeting was held on March 27, 2012 to present the Town's proposal for renaming the Town owned section of Highway 48 to 'Markham Road'. All affected Property Owners and Tenants were provided notices of the Public Meeting. The affected business owner that attended the public consultation meeting presented a deputation that reiterated his concerns about costs incurred by the businesses he owns. It was suggested that he submit an itemized list of what he considered to be costs resulting from the street name change. His letter and itemized list was received at the April 17th, 2012 Council meeting. The street name change was approved at the April 17th Council meeting and the by-law was approved for adoption on January 1st, 2013 in order to provide affected owners and tenants with time to effect address changes.

The Town does not have a compensation policy related to a street name change, but has a clause in the Council adopted "Address Change Policy" that requires compensation when the change is requested by a private party. The policy stipulates that a property owner requesting an address number change that requires a change of address for other properties is required to compensate each affected property owner in the amount of \$200.00 for costs incurred. Council therefore requested that Staff report back to Development Services Committee with options to compensate property owners and/or tenants impacted by Town-initiated street changes and that these options include increased compensation levels for special circumstances.

OPTIONS/ DISCUSSION:

In considering the request by Council regarding possible compensation options, Staff reviewed municipal legal requirements, current business practices from several municipalities and the itemized list of costs submitted by the affected business owner.

The Town's Legal Department has advised that there are no legal requirements for municipalities to compensate property owners for municipally initiated street name changes. Although the Town has an "Address Change Policy" that requires property owners requesting address changes to compensate adjacent owners, this is meant to deal with the effects of private interests. Town initiated street name changes are meant to serve the greater public good.

The City of Vaughan, Town of Richmond Hill and City of Toronto were contacted to examine current practices with regard to property owner/tenant compensation. None of them provide compensation to owners/tenants affected by a municipally initiated street name change.

Staff also reviewed the list of cost recovery items submitted by the affected business owner. The Legal Department confirmed that there is a requirement for a corporation to file a change of address notice with the province, however, there is no filing fee for this document. This item comprises almost half of the amount claimed. Other items such as notices to the municipality are not required as the Town is the organization undertaking the change. The Town also circulates notices of any address changes to a variety of agencies and businesses including Bell Canada, all utilities, the Region of York, Canada

Post and the Municipal Property Assessment Corporation. There may be some other requirements for notification of a new address, but few, if any, require payment of a filing fee or other disbursement.

The Town has agreed to delay execution of the street name change by-law until January 1st, 2013 in order to provide owners and tenants with enough lead time to make the required changes and notifications, potentially in the normal course of business. Town Staff will, in due course, deliver notices of Council's approval of the street name change by-law to all affected property owners and tenants in this regard.

Staff therefore recommends that Council not support the claim of compensation submitted by the affected business owner.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Council may wish to consider compensation to affected property owners/tenants, as discussed above.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:


Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Finance and Legal Departments were consulted with respect to street name change compensation.

RECOMMENDED

BY:


Rino Mostacci, M.C.I.P. R.P.P.
Director of Planning and Urban
Design


Jim Baird, M.C.I.P. R.P.P.
Commissioner of
Development Services

ATTACHMENTS:

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