



**CALEARTH  
INTERNATIONAL  
DEVELOPMENT INC.**

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**CONSULTING ENGINEERS**

October 11, 2006

**Town of Markham**

Anthony Roman Centre  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

**Attn: Ms. Sheila Birrell, CMO**  
Town Clerk

**Re: 1375504 Ontario Inc., 7778 Kennedy Road (formerly 4488 14<sup>th</sup> Avenue), Markham.  
Overpayment of Development Charges**

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Further to our letter to you dated August 2, 2006 being a request to have this subject matter placed on the earliest Committee meeting agenda and for the undersigned to appear as a formal delegation at that Committee meeting. We have been informed that the subject matter is now to be on the Agenda of the General Committee of October 16, 2006.

We are pleased to provide you with a brief summary of a request for refund of the overpayment of development charges as amplified hereinafter.

The Owners of the property initiated the request for refund in order to simplify the Site Plan Control Agreement (SPCA) for an additional 54 to be constructed on this site.

In a Site Plan Control Agreement entered into for this property on October 22, 1991 the Development Charges were completely paid for 123 units, which the Town Solicitor confirmed.

On this basis we have developed the Prepaid Development Charges Analysis dated 06 05 30 attached hereto as Attachment "A".

After numerous meetings and consultations with all municipal parties it was agreed that under that SPCA, as cited in Schedule "C" in paragraph 8.

Total Levies and Fees Payable	\$915,500.00
Less Recoveries	<u>\$245,058.00</u>
Net paid to Town	\$670,442.00

Therefore, the amount paid to the Town for 123 units is \$5451.00 each.

The SPCA contained the 123 units as the final number of units, for the Total Project.

The project was divided into two phases.

Under Phase I, 82 units were actually built, thus 41 units have been prepaid under this SPCA. Therefore for a new application of 54 units in Phase II, with 41 units prepaid, leaves a total of 13 units for which additional charges apply.

Because of the complications with regard to calculating an accurate credit for the 54 units in Phase II, it was concluded that a refund should be paid prior to entering into any new agreement, so that the new SPCA for the 54 units, may stand on its own merit, with current charges applicable.

Thus we have calculated that the amount for the 41 prepaid units under the SPCA at \$5,451.00 each, is **\$223,481.00** which is now refundable.

The total amount with accumulated interest, based on Canada Bank Rate, is **\$442,386.00** for the period of October 23, 1991 to July 31, 2006, inclusive.

Upon finalization, the Town may now proceed to charge the amounts based on the current rates for Phase II, without any restrictions or hindrances to any prior commitments.

After numerous meetings, telephone calls and correspondence with Staff and Members of Council since November of 2005, it was finally concluded by the end of June 2006 that sufficient information was passed back and forth and that this matter should now be brought before Committee and Council for finalization for the refund of approval.

We thank you for considering this matter and receiving our précis and trust that it is your decision to approve this request for refund.

Again we appreciate your co-operation to conclude this matter as soon as possible.

Yours truly,

**CALEARTH INTERNATIONAL DEVELOPMENT INC.**  
Consulting Engineers and Project Managers

*Gerry Mintz*

Gerry Mintz, P.Eng.  
Principal Engineer

## ATTACHMENT "A": to Letter to Town June 2, 2006

1375504 Ontario Inc., 7778 Kennedy Road (formerly 4488 14th Avenue), Markham

### Prepaid Development Charges Analysis

Based on information received at meeting with Town Friday May 26, 2006

06 05 30

Zoning Bylaw 90-81, 19th of March, 1991 allows mixed -use building, residential	123 units
Total Land Approved for Development in Site Plan Control Agreement (SPCA) dated 22nd day of October, 1991	2.78 ac
Total Units -approved Site Plan SP1 by Cole Sherman	109 units
Total Units -on page 10 in text of Agreement	123 units

Solicitor stated 123 units should be used

Total Development Payable Fees - paid in 1991 for 123 units	\$	915,500
Recoveries	\$	245,058
Net paid to Town	\$	670,442
Per unit prepaid to Town for	123 units is	\$5,451 each

Number of units built in Phase I	82 units
Number of prepaid units remaining (123-82)	41 units
Total new development	54 units
Total new units not prepaid	13 units

Amount prepaid for 41 units at	\$5,451 is	\$	223,481
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### Total Accumulated Amount with Interest at Canada Bank Rate is

( Development Charges Refund table previously sent)	\$	442,386
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