



Report to: General Committee

Report Date: December 2, 2013

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**SUBJECT:** Development Charge Refund – Angus Glen Village Ltd.  
**PREPARED BY:** Kevin Ross, Ext 2126

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**RECOMMENDATION:**

- 1) THAT the report entitled “Development Charge Refund – Angus Glen Village Ltd.” be received;
- 2) THAT Council authorize staff to refund Angus Glen Village Ltd. the amount of \$617,468 representing amounts paid into Area Specific Development Charge Account 47A for a local crossing (bridge) which is being built by Angus Glen at their cost;
- 3) THAT Council authorize staff to refund Angus Glen Village Ltd. the amount of \$15,273 representing amounts paid into Area Specific Development Charge Account 47A for a sanitary sewer connection on 16<sup>th</sup> Avenue which was built by Angus Glen at their cost;
- 4) THAT Council authorize the payments to be made subsequent to the execution of the Amended Subdivision Agreement for Angus Glen West Village Phase I; and
- 5) THAT staff be directed to do all things necessary to give effect to this report.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

The purpose of this report is to obtain Council’s authorization to refund Angus Glen Village Ltd. (“Angus Glen”), Area Specific Development Charge (ASDC) payments representing their proportionate contribution towards a local bridge crossing now being built by Angus Glen, and a sanitary sewer connection that was constructed by Angus Glen. These payments were collected under the 1999 and 2004 by-laws and total \$617,468 for the crossing and \$15,273 for the sanitary sewer connection.

**BACKGROUND:**

As a part of their development, Angus Glen is required by the City to construct a crossing to connect the eastern and western sections of their subdivision (Angus Glen East Village and West Village), as well as to build a sanitary sewer connection to York Region’s 16<sup>th</sup> Avenue Trunk Sewer to service the residences. The City included this infrastructure in

the 1999 and 2004 Development Charges (DC) Background Study, in order to track their construction and ensure that the adjacent benefitting developments contributed their share of the cost.

During the update of the 2008 DC Background Study, the ASDC for the Angus Glen area was discontinued as a part of a policy shift, which saw a number of ASDCs being closed and the infrastructure transferred to the City Wide Hard or to local costs (responsibility of the local developer). As a result, Angus Glen has had no ASDCs due for their developments in its area since 2008.

The 2008 DC Background Study update also included a new policy where the City will, in instances where a local crossing provides a city-wide benefit, contribute a share of the cost up to 25%. The Angus Glen crossing was included in this category and is eligible for DC credits and/or reimbursement for up to 25% of the actual cost of the crossing. Staff will prepare a report next year recommending DC credits and/or reimbursement when the actual cost of the crossing can be better ascertained.

#### Angus Glen Crossing

The Angus Glen subdivision included a plan for a crossing at Bruce Creek to connect the eastern and western sections of the subdivision. The crossing, which forms a section of the minor collector road network, is a requirement of the transportation study to facilitate traffic flow throughout the subdivision and, onto the major arterial roads of Kennedy Road and Major Mackenzie Drive East. The crossing was included in the 1999 and 2004 DC Background Studies with 90% being ascribed to the Angus Glen subdivision and the remaining 10% being the responsibility of the York Downs area to the South. There has been no ASDC collection for the York Downs area to-date, however when payments are made, the proportional share for the crossing will be refunded to Angus Glen.

Angus Glen, in building its subdivisions, paid area specific development charges (ASDCs) under the 1999 and 2004 by-laws; the crossing was a major portion of the charges accounting for 62% (cost of \$927,000) of the 1999 and 71% (cost of \$1,365,120) of the 2004 ASDCs. The ASDC for area 47A was discontinued when the by-laws were updated in 2008.

Over the course of the 1999 and 2004 ASDC by-laws, the proportionate payments made by Angus Glen relating to the crossing totalled \$617,468. Staff recommend that this be refunded to Angus Glen given that the structure is now under construction, by Angus Glen, and is scheduled for completion in September 2014.

#### Sanitary Sewer

The Angus Glen development required a sanitary sewer connection to the regional trunk sewer on 16<sup>th</sup> Avenue to allow for the proper servicing of the residences in the

subdivision. The sewer connection was included in the 2004 ASDC by-law for area 47A at a cost of \$47,471 and accounted for 2.5% of the charge.

Angus Glen has built the sanitary sewer connection from their own resources and it has complied with the City's and Region's standard for design and construction. Staff recommend that the proportionate payments made by Angus Glen of \$15,273 relating to the sanitary sewer connection be refunded.

#### Summary

The sanitary sewer connection has already been built to the City's satisfaction, however the crossing at Bruce Creek is just in the process of being constructed. Staff recommend refunding of the amounts collected upon execution of the Amended Subdivision Agreement for Angus Glen West Village Phase I, and receipt of all additional securities and fees related to the crossing.

#### **FINANCIAL CONSIDERATIONS**

The refund of the ASDC payments has no financial impact, as it represents collections not utilized for the purpose collected, now being paid to the developer responsible for delivering the infrastructure. The balance in ASDC 47A is sufficient to cover the recommended refund.

#### **ENVIRONMENTAL CONSIDERATIONS:**

Not applicable.

#### **ACCESSIBILITY CONSIDERATIONS:**

Not applicable.

#### **ENGAGE 21<sup>ST</sup> CONSIDERATIONS:**

Not applicable.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

Engineering Department.

#### **RECOMMENDED BY:**

11/29/2013

28/11/2013

X

Alan Brown  
Director, Engineering

X

Joel Lustig  
Treasurer

28/11/2013

X 

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Trinela Cane  
Commissioner, Corporate Services