

**HEARING COMMITTEE OF  
THE CORPORATION OF THE COUNTY OF GREY**

IN THE MATTER OF a complaint pursuant to section 20 of the *Development Charges Act*, 1997, S.O. 1997, c. 27 regarding certain development charges payable in respect of:

**Lot 42, White Cloud Island, geographic Township of Keppel  
Township of Georgian Bluffs  
County of Grey**

**Date of complaint: May 10, 2021**

**Date of hearing and order: July 8, 2021**

**Date of notice: July 22, 2021**

**NOTICE OF DECISION AND ORDER OF THE HEARING COMMITTEE**

**A. The Complaint**

1. On May 10, 2021, a complaint was made to the Corporation of the County of Grey (the “County”) pursuant to section 20 of the Development Charges Act, 1997, S.O. 1997 c. 27 (the “Act”) by Matthias Moser (the “Complainant”).
2. The complaint was with respect to development charges to be paid in respect of a residential property development proposed by the Complainant on Lot 42, White Cloud Island, in the geographic Township of Keppel, in the County of Grey.
3. The development charges that are the subject of this complaint were charged pursuant to two development charge By-laws enacted by the County pursuant to section 2 of the Act; County By-law 4949-16, as amended by County By-law 5103-21, and County By-law 4950-16, as amended by County By-law 5104-21 (collectively, the “County DC By-laws”).
4. The specific complaint made was that the development charges were imposed “erroneously”.
5. Under subsection 20(1) of the Act, a complaint may be made by a person required to pay a development charge where “there was an error in the application of the development charge by-law” by the municipality imposing that charge.

## **B. Hearing Structure and Preliminaries**

6. Pursuant to subsection 20(4) of the Act, the County's Council was required to hold a hearing into the complaint and give the complainant an opportunity to make representations at the hearing.
7. On June 10, 2021, the Committee of the Whole of the County's Council recommended that all powers to hear and decide this complaint be delegated to an ad hoc hearing committee, consisting of County Warden Selwyn Hicks, as Chair, and Council members Aakash Desai and John Woodbury. The County's Council subsequently approved that delegation on June 24, 2021.
8. On June 17, 2021, Warden Hicks, then in his capacity as Chair of the County's Council, sought representations from the County as to whether it wished to be added as a party to the hearing in order to make representations with respect to the interpretation of the County DC By-laws. The County advised that it wished to be added as a party and to be represented by counsel. Pursuant to sections 4.2 and 5 of the Statutory Powers Procedures Act, Hicks ordered that the County be added as a party. The reasons for the order were: that the subject matter of the complaint was in respect of the interpretation of the County DC By-laws; and, that the County may be prejudiced by the determination of the complaint.
9. Prior to the hearing, on the direction of the Chair, staff supporting the hearing committee engaged the Complainant and counsel for the County in discussions on preliminary matters. Various preliminary matters were agreed by the parties including the following:
  - i) The right to an in-person hearing was waived, and an electronic hearing over the "Zoom" platform was substituted; and
  - ii) The complaint would be interpreted as being in respect of all of the County DC By-laws then in effect.

## **C. Hearing – July 8, 2021**

10. The Committee convened a hearing on July 8, 2021, to receive representations from the Complainant and the County. What follows is a summary of those representations, as it is unnecessary to review them in detail in order for the Committee to reach its decision on the complaint.
11. The Committee first heard representations from the Complainant, supplemented with the presentation of slides illustrating his concerns.
12. In his representations, the Complainant explained the context of the proposed building project, which is a seasonal, cabin-type residential dwelling on White Cloud Island and which will be accessible only by water. He indicated that the

dwelling may only be used for a limited time during each year due to a number of weather-related impacts of water access to the property. He also indicated that the Township of Georgian Bluffs had required him to enter into an agreement acknowledging the lack of municipal services on the island.

13. The Complainant indicated that it was his view that the County DC By-laws should not impose development charges on properties with such limits. Given these circumstances, he asked that the development charged be waived.
14. The Committee heard representations from Mr. Treslan on behalf of the County. Mr. Treslan called Mr. Randy Scherzer, the County's Director of Planning and Development, as a witness. Mr. Scherzer gave evidence as to the structure of the County's DC By-laws.
15. In particular, Mr. Scherzer stated that the County's DC By-laws apply to all land in the County, and that they impose development charges against all residential development within the County. Mr. Scherzer noted that the capital development of a number of County services were funded in part by development charges imposed under the County's DC By-laws.
16. The Committee then sought submissions from both the Complainant and the County with respect to the disposition of the complaint.
17. The Complainant submitted that the Committee should waive the development charges owing in respect of his building project.
18. The County submitted that the Committee should dismiss the complaint, since development charges were appropriately charged in respect of the Complainant's development, and that the Committee did not have the authority under the Act to waive development charges that were properly charged under the By-laws.

#### **D. Conclusion**

19. The Committee agrees with the submissions from the County.
20. The evidence presented by both the Complainant and the County confirms that the development that is the subject of the complaint is a residential development of a type which is subject to development charges under the County's DC By-law. Further, there was no dispute that the development was a "single detached dwelling" for the purposes of determining the amount of the development charges to be paid in respect of it. It follows that no error was made in the application of the County's DC By-laws to the subject development.
21. The Committee also agrees with the County's argument that it does not have jurisdiction to waive development charges in response to a complaint. Rather, its jurisdiction provided under section 20(6) of the Act is limited to rectification of errors

that have been made, if any, in the application of the County DC By-laws. Subsection 6 of the Development Charges Act reads as follows:


“(6) After hearing the evidence and submissions of the complainant, the council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.”

22. Since no error was made in the application of the County DC By-laws, the Committee is required to dismiss the complaint.


23. The Committee thanks both Mr. Moser and Mr. Treslan for their carefully prepared and presented representations.

**E. Order**

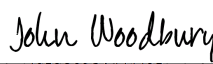
24. The complaint is dismissed.

DocuSigned by:  
  
75732AE88553428...

Selwyn Hicks, Chair

DocuSigned by:  
  
A2AD9B8101AF4E4...

Aakash Desai

DocuSigned by:  
  
4052C69CA444435...

John Woodbury

**Counsel**

- Complainant: Matthias Moser, self-represented
- County: Erroll Treslan