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**PUBLIC HEARING – DEVELOPMENT CHARGES COMPLAINT
TOWN + COUNTRY BMW, MARKHAM**

The Finance and Administration Committee held a public meeting pursuant to section 20 of the *Development Charges Act* to consider a complaint from Town + Country BMW, Markham, regarding development charges payable for Building Permit Number 11 121424 000 00 CP, and recommends:

1. Receipt of the communication dated December 12, 2011 from J. H. Cochrane, President, 1475398 Ontario Inc.
2. Receipt of the deputations from:
 - (a) Jim Cochrane, President, Town + Country BMW, and
 - (b) Al Duffy, on behalf of Town + Country BMW

(See Clause 6, Item 3)

1475398 ONTARIO INC.
8111 Kennedy Road
Markham, Ontario L3R 5M2

CAO OFFICE

20/12/11

RECEIVED

(Town+Country BMW Premises)

December 12, 2011

The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1

Attention: Bruce McGregor, CAO

Dear Sir:

Re: Building Permit Number 11 121424 000 00 CP

This letter is a request for a refund of the overpayment of the Development Charges we paid in order to receive the above Building Permit. After issuance of the Building Permit we had a site meeting with you and a representative of the Town. At that meeting we viewed the subject matter of the above building permit number ("the Project") and presented our reasoning that the development charges that should have been levied for the Project ought to have been calculated at the industrial rate and not the retail rate as had been done.

In order to meet timing obligations, we paid the amount demanded by the Region and Town in the sum of \$920,704.32 under protest which represented what the charges would be if this was a retail improvement.

At that meeting we demonstrated that the Project had nothing to do with any retail use but is intended only for the servicing of vehicles and the storage of automobile parts.

In fact, there is no access between the retail portion of the business we carry on and the uses intended to be carried on in the Project when it is completed.

In no way would BMW permit the Project, having regard to its barebones industrial construction, to be used as part of the retail operation on the Property.