City of Peterborough

To:	**Members of the General Committee**
From:	**Blair Nelson, Commissioner, Infrastructure, Planning and Growth Management** **Richard Freymond, Commissioner, Finance & Corporate Support Services**
Meeting Date:	**April 13, 2026**
Report:	**Development Charges for 280 Jameson Drive, IPGPL26-024**

Subject

To provide background information regarding a complaint filed under s.20 of the **Development Charges Act**, 1997 (the "DCA"), by the owners of the land municipally known as 280 Jameson Drive (the "Property"), regarding the imposition of development charges (the "Complaint"). A statutory hearing for Council to consider the matter will occur during the Council meeting on April 20, 2026.

Specifically, this report details City staff's determination of (1) when development charges became payable, (2) when the amount of the development charge was to be determined, and (3) the manner in which the determination was made in respect of the development charges addressed in the Complaint. This report also provides the materials provided by the complainant with respect to the Complaint.

Recommendation

That Council approve the recommendation outlined in Report IPGPL26-024, dated April 13, 2026, of the Commissioner of Infrastructure, Planning and Growth Management and the Commissioner of Finance & Corporate Support Services as follows:

That Report IPGPL26-024 be received for information.

Executive Summary

- The Development Charges Act (DCA) was imposed by operation of By-law 24-081 and calculated with regard to By-law 25-100.
- Schedule D of By-law 19-095 and 19-096, as amended, exempted 280 Jameson Drive from development charges through Provision 17 (b). However, By-law 24-081 removed nine of ten industrial properties listed from Schedule D, including the 280 Jameson Drive property.
- All requirements of the DCA were met in the passing of By-law 24-081
- On September 3, 2025, City-wide Development Charges By-law 25-100 went into effect, repealing and replacing By-law 24-081 and lowering development charges. No appeals were received.
- One phase of development has occurred at the Property. That building was subject to Site Plan, which was deemed complete on September 22, 2022, and approved on August 22, 2023.
- On August 28, 2023, a conditional building permit was issued for site servicing, footings, below-slab services, and slab-on grade while a full building permit was issued on January 30, 2024. At the time of building permit issuance, the development was subject to Development Charge By-laws 19-095 and By-law 19-096, as amended, which exempted the proposed construction from City development charges.
- On March 6, 2025, a prospective tenant for the property participated in a pre-consultation meeting with City staff to discuss the Site Plan application requirements for the second phase. Although development charges were not explicitly discussed in the meeting, the formal record of pre-consultation letter issued to the applicant noted that development charges are collected at the time of building permit issuance.
- On May 8, 2025, a Site Plan Application was filed for Phase 2 and was deemed complete on May 27, 2025. Final approval has not yet been received.
- September 23, 2025, the owner disputed the applicability of City DCs. City staff confirmed the Property was no longer exempt, with the passage of By-Laws 24-081 and 25-100.

Background

The DCA is the statutory basis upon which municipalities may impose municipal development charges (“DCs”). The DCA provides that a municipality may pass a by-law to impose DCs. In the present matter subject to a complaint, the DCs were imposed by operation of By-Law 24-081 and calculated with regard to By-Law 25-100.

Establishing the City-wide Development Charge By-law

City-wide Development Charges By-law 24-081 went into effect January 1, 2025, repealing and replacing By-laws 19-095 and 19-096, as amended by By-laws 22-061 and 22-062 respectively.

Schedule D – List of Industrial Lands of By-laws 19-095 and 19-096, as amended, effectively exempted the Property, 280 Jameson Drive, from development charges through Provision 17 (b) being:

> Development charges in respect of industrial uses of lands, buildings or structures shall not be payable during the term of this By-law for only those lands identified in Schedule D.

By-law 24-081 removed nine of ten industrial properties listed, including the Property, from Schedule D.

All requirements of the DCA were met in the passing of By-law 24-081 (e.g. notice provisions). The DCA requires the completion of a Development Charge Background Study and at least one public meeting of council before passing a development charge by-law. Notice of a statutory public meeting dated September 16, 2024, was published in the Peterborough Examiner. A public meeting was held on Monday, October 7, 2024, in Council Chambers where Hemson Consulting Ltd. presented the results of the Development Charges Background Study undertaken by the City and where public delegations were received. The City-wide Development Charges By-law, in its final form was then presented and approved at a Special Council meeting on December 2, 2024. The by-law went into effect on January 1, 2025. Notice of by-law passage dated December 14, 2024, was published in the Peterborough Examiner. Two appeals (from Durham Building Corporation and Pristine Homes (Lily Lake) Inc.) to By-law 24-081 were received and the matter is awaiting a hearing with the Ontario Land Tribunal.

On September 3, 2025, City-wide Development Charges By-law 25-100 went into effect, repealing and replacing By-law 24-081 and lowering development charges. No appeals were received.

Determination of Development Charge Applicability

Development charges payable for non-exempt industrial development are payable at time of building permit issuance.

To date, one phase of development has occurred at the Property, being the construction of a one storey industrial warehouse with a building area of 1,221 square metres (13,142sq/ft). That building was subject to Site Plan Application SPC 1015 that was received on August 31, 2022, deemed complete on September 22, 2022, and approved on August 22, 2023. On August 28, 2023, a conditional building permit was issued for site servicing, footings, below-slab services, and slab-on grade while a full building permit was issued on January 30, 2024. At the time of building permit issuance, the development was subject to Development Charge By-laws 19-095 and By-law 19-096, as amended, which exempted the proposed construction from City development charges.

On March 6, 2025, a prospective tenant for the property participated in a pre-consultation meeting with City staff to discuss the Site Plan application requirements for a second phase of development consisting of a one storey, 3,478 square metre (37,436sq/ft) industrial building with associated surface parking and rear loading areas. Although development charges were not explicitly discussed in the meeting, the formal record of pre-consultation letter issued to the applicant dated March 25, 2025 noted that development charges are collected at the time of building permit issuance and referred the applicant to the City's website for additional information on current development charge rates (see Appendix A).

On May 8, 2025, a Site Plan application was filed for the proposed Phase 2 development (File No.: SPC 1015b) and was deemed complete on May 27, 2025. To date, this application is still under review and has not received approval.

Calculation of Development Charges at Permitting Stage

The building permit application for the proposed Phase 2 building on the Property was submitted on Aug 19, 2025, but was deemed incomplete due to missing site plan approval, missing site plan drawings, and the absence of professionally sealed plans. The applicant requested a foundation-only permit (i.e. a conditional building permit), but fees could not be initially calculated without clarity on the building type as the rate to be charged depends on the building type.

Updated drawings were received on Aug 26, 2025, allowing technical plans review to begin. The Planning Division advised on Sept 2, 2025, that site plan approval was approximately one month away. A conditional building permit (CBP) approach was offered and this option required the applicant to pay the building permit fees, DCs, Planning securities, and was based on the planning departments confirmation that a CBP could be issued ahead of site plan approval. On September 16, 2025, invoices were issued relating to the CBP and included the DCs rates payable under By-law 25-100, being lower than 24-081, calculated at (City Non-Res. Dev. Charge Fee $257.29X3,480sqm = $895,369.20) and combined Education DCs of $17,608.00. Planning securities of $251,890.00 were also required under the CBP.

Complaint

Beginning on Sept 23, 2025, the owner disputed the applicability of City DCs. City staff confirmed the Property was no longer exempt from DCs, with the passage of By-Laws 24-081 and 25-100. On October 28, 2025, the applicant's lawyer, Mr. Routliff filed a complaint regarding the DCs on the Property. Attached as Appendix C is a copy of that correspondence.

In accordance with s.20 of the DCA, Council is required to hold a hearing into the Complaint and to give the owner an opportunity to make representations at the hearing. Additionally, the City Clerk is required to mail a notice of the hearing to the owner at least 14 days before the hearing. Notice of the hearing was mailed to the owner on March 27, 2026. In the scheduling of the complaint hearing, the City Clerk has invited Mr. Routliff to provide any additional materials. Those materials, if any, are attached hereto as Appendix D.

After hearing the evidence and submissions of the complainant, Council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint. Additionally, after Council reaches a decision on the Complaint and issues notice of such to the owner, the owner may appeal Council's decision to the Ontario Land Tribunal by filing a notice of appeal with the City Clerk, on or before 40 days from the date of Council's decision.

Strategic Plan

Strategic Pillar: Governance & Fiscal Sustainability

Strategic Priority: Pursue service excellence in governance to support long-term fiscal sustainability of the City while respecting the impact of decisions on taxpayers.

The collection of DCs is the City's primary revenue source for implementing growth-related improvements to infrastructure and municipal services, ensuring infrastructure and services meet the demand of new growth and maintaining long-term fiscal responsibility.

Engagement and Consultation

This report has been prepared in consultation with staff from the City's Legal Services, Building Services, Financial Services and Planning, Development and Urban Design divisions.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of this report. However, if Council were to rule in favour of the complainant (authorize a DC exemption), the tax base would need to make the DC reserves financially whole.

Conclusion

The City has received a Complaint under s.20 of the DCA regarding the applicability of city-wide DCs in relation to proposed construction at 280 Jameson Drive. Council is required to hold a hearing into the Complaint and to issue a decision on the Complaint. This provides information regarding City staff's determination of (1) when development charges became payable, (2) when the amount of the development charge was to be determined, and (3) the manner in which the determination was made in respect of the development charges addressed in the Complaint.

Attachments

Appendix A: Record of Pre-Consultation, March 25, 2025
Appendix B: Property Owner Email, October 6, 2025
Appendix C: Complaint Letter - October 28, 2025

Submitted by,

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Commissioner, Infrastructure, Planning & Growth Management

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