

March 25, 2025

Record of Pre-Consultation

File Number: PCON25-0003

Address: 280 Jameson Drive

Applicant: [REDACTED]

Owner: 1439121 Ontario Ltd.

Application Type: Site Plan

Planner on File: Lauren Kubilis

Sent via Email: [REDACTED]

Mailing Address: [REDACTED]

Dear [REDACTED]:

This Record of Pre-consultation follows the meeting with staff on March 6, 2025, to discuss the proposed development on the lands municipally addressed as 280 Jameson Drive. This letter outlines the information and material required for a complete application for a Standard Site Plan Amendment Application.

Further review and comment will be provided as part of the Site Plan Review process. Additional information about the Site Plan submission and planning review process is detailed at the end of this letter.

Proposal

The applicant is proposing to commence the Phase 2 site plan approval process to facilitate the construction of a one (1) storey 3,478 square metre industrial building with associated surface parking and rear loading areas. The applicant's proposal is shown in Appendix A.

Location within the Williams Treaties Territory

The subject lands are within the traditional territory of the Williams Treaties that includes seven First Nations. In accordance with the policy direction of Section 7.1 of the City of Peterborough Official Plan, staff continue to support engagement efforts with local and regional Indigenous Communities with an aim to balance the growth and development while acknowledging the traditional knowledge and cultural heritage of Indigenous Communities. Engaging these communities at the earliest possible point in the land development process is best.



Each site provides unique circumstances and while expert City Staff provide guidance through an Archaeological and Ecological lens, additional and early engagement with First Nations can result in a development that considers and meets these broader objectives to the extent possible.

Complete application requirements shall include a summary of engagement that the applicant has completed with the seven First Nations in advance of submitting the formal Planning Act application. As the proponent of development please ensure the time and costs associated with the early engagement has been factored into your budget and timelines.

Contact Information for the Williams Treaty First Nations are as follows:

First Nation	Email Address
Beausoleil	bfnconsultation@chimnissing.ca
Rama	consultation@ramafirstnation.ca
Chippewas of Georgina Island	jl.porte@georginaisland.com donna.bigcanoe@georginaisland.com
Mississaugas of Scugog Island	tturoczi@scugogfirstnation.com
Hiawatha	tcowie@hiawathafn.ca
Alderville	jsmoke@alderville.ca
Curve Lake	kaitlinh@curvelake.ca

Materials and Information Required for complete Site Plan Approval Application

All letters, reports, studies, and plans listed must be in accessible PDF format and submitted **electronically as a single submission** through the [City of Peterborough's Website](#). If the application fee is equal to or less than ten-thousand dollars it can be paid online; a payment link will be provided via email once Planning Staff confirm the receipt of a full submission. Alternatively, the application fee can be made via cheque and forwarded to City Hall, Planning, Development and Urban Design Division, Attn: Lauren Kubilis.

At this stage in the application process, **we do not require paper copies**, though we may request paper copies of specific drawings or reports. Should we require paper copies, large plans must be individually folded to a maximum 8.5x11; rolled drawings will not be accepted.



Required Documents (as PDF, except the List of Submitted Drawings)

- Application for Site Plan Approval (online form only)
- Corporate Owner Authorization Form (online form only)
- Cover Letter: A memo describing the proposed development.
- Detailed Response Letter: outlining how the requirements listed in the Record of Pre-Consultation have been addressed. This must be a single, consolidated document. Do not provide multiple written responses by different consultants.
- Existing Conditions Plan including OLS survey drawings.
- Site Plan Drawing
- Building Floor Plans
- Landscaping Plan (prepared by a Landscape Architect)
- Building Elevations
- Photometrics (Lighting Plan)
- Removals and Re-instatement Plan
- Erosion and Sediment Control Plan.
- Existing and Proposed Grading Plan.
- Servicing plan for existing and proposed storm and sanitary sewers.
- Survey Plan (to show all easements)
- Functional Servicing Report
- Updated Stormwater Management Report
- Confirmation & Summary of Early Consultation with Williams Treaties (Treaty 20) First Nations
- List of submitted drawings and reports (see format requirements under Planning Comments below)

Additional Requirements:

Planning

Standard Requirements General

- With each submission, please include a separate Word document that lists all drawings and reports provided in support of this application. Each drawing or report should be listed following the format shown in the examples below:
 - Site Plan, Sheet A1.0, by Peterborough Architect, last revision date: January 13, 2023.
 - Stormwater Management Report, pages 1-66, by WaterPros, dated August 2022.
- Paper copies are not required. Should they be required, all plans must be Arch D (24" x 36") folded to (8 ½" x 11") plotted in black/white.
- A zoning statistics table is required. The zoning statistics table must outline the proposed use and applicable zoning regulations found in the City's Zoning By-law. Include columns detailing what is required and proposed. Include information in the table to compare all applicable zoning regulations, including but not limited to setback(s) from adjacent streets, coverage (% of lot), lot area covered by parking, driveway, and vehicle movement areas, building/structure height, parking.
- Please take note of the following general requirements for site plan drawings:



- Ensure legal description and the municipal file number (PCON25-0003) is on the title block.
- Include a drawing scale, north arrow, revision table, and key plan.
- Identify any existing or future easements, ROW and road widenings on the plan.
- The site plan drawing will include all proposed buildings/structures, parking and loading spaces (including accessible spaces), surface materials, and snow storage areas etc.
- Ensure drawings dimension all setbacks, lot lines, landscape buffers, parking spaces, drive aisles, loading spaces, internal walkways, etc. Please note, front yard setbacks are dimensioned from the centerline of adjacent roads.

Existing Approvals

- There is a registered site plan agreement on title for the subject property being City File No: SPC 1015.
 - To facilitate the phase 2 construction process, a standard site plan amendment application is required to amend the existing titles on schedule and provide applicable technical drawings reflecting the proposal.
- Staff acknowledge the extension agreement that was registered on August 24, 2023 (Instrument number PE403633) with a construction commencement deadline of September 27, 2024. Council granted an extension to the construction commencement deadline to October 25, 2025.
- Given the required scope of review for a standard site plan amendment application, meeting the October 25, 2025, deadline is ultimately the responsibility of the applicant. To facilitate a timely review process, it is essential to ensure prompt submission, as well as a swift turnaround in addressing city comments and resubmitting any required revisions.
 - Should the deadline be deemed unachievable through the site plan review process, it will be the applicant's responsibility to request a further extension through the City of Peterborough Legal services Division, Realty Services, and City Council.

Official Plan

- The property is designated “Prestige Employment” designation on Official Plan Schedule B (Land Use) and “Employment District” and “Designated Greenfield Area” designation on Official Plan Schedule A (Urban Structure).

Zoning

- The property is zoned Prestige Industrial (M2.1, 1Bb) under the Zoning By-law.
 - Alternative regulation 18b permitted uses include a warehouse.
- An update to the Zoning By-law Parking Standards has been approved by Council and will be effective commencing March 5, 2025.
 - Section 4.6.1 of the new parking by-law requires 1 type “B” loading space and 3 type “A” loading spaces as per an industrial use between 2,323-7,432 square metres.
 - The required dimensions of the loading spaces within the new parking by-law have been updated. For reference, please refer to the below dimensions:
 - Type B Loading Space: 9.0 metres by 3.6 metres
 - Type A Loading Space: 20 metres by 3.6 metres.



- Please update the Site Plan drawing to include the dimensions of the proposed loading spaces.
- Clarify if the proposed building will contain any sales areas within the interior floor plan. Additional parking may be required if an accessory sales area is proposed within the Phase 2 building.
- The zoning matrix table will need to be updated to include any new applicable regulations.

Site Layout

- Please include demarcated pedestrian crossings at all areas where tactile indicators have been shown on the site plan drawing.
- It is recommended that a 1.8 metre wide pedestrian walkway be included in front of the possible future parking area, to eliminate the need for visitors to traverse behind parked vehicles to access the entrance of the building.
- Waste collection areas are not shown on the site plan drawing. A detailed design drawing of the waste enclosure is also required, illustrating the structure's height, construction, and materials. Outdoor waste storage requires a four-sided garbage enclosure, to be detailed on the drawing, with lid/roof made of similar materials and/or colours as the proposed buildings on site. The door should be supported by hinges, not wheeled.
- Please Provide a flat landscape buffer between the property line and the proposed swale.
- Confirm if any employee break areas/seating areas are proposed. Ensure these details are included on the site plan drawing and landscape plan for staff review.

Building Servicing & Access

- Please illustrate the proposed fire route on the site plan drawing.
- An **Auto-Turn Study** is required to illustrate adequate vehicle/truck maneuverability (egress and ingress) for the proposed loading spaces. This can be shown on the site plan drawing.

Building Elevations

- Provide detailed elevations of the proposed industrial building. Please ensure that the following items are included on these drawings to ensure that all building materials do not impede onto pedestrian and vehicular circulation areas.
 - Identify building/structure materials.
 - Illustrate functional building materials on the building elevations, including vents, wall lights, scuppers, downspouts, rainwater leaders etc.
 - Dimension the width, length, and height of the proposed building.

Landscaping

- A **Landscape Plan**, prepared by a professional Landscape Architect is required. This drawing will illustrate any existing and proposed landscaping, fencing, seating areas, above ground utilities etc.
- Adequate tree plantings should be provided for along the boundary of the subject property, to provide for adequate buffering between existing adjacent residential uses.



- The landscape plan shall account for further detail regarding the proposed deep swale. The details shall also include any proposed employee break areas, seating areas etc.
- Within the proposed landscaped open spaces, consider using water efficient, and drought resistant plant materials.
- Please ensure that landscape enhancement details for the central outdoor amenity space are incorporated into the landscape plan.
- The selection of trees from the Recommended List for Street, Park, and Site Plan Trees (Specification CP 801.02) shall endeavor to achieve a biodiversity target of no more than 10% of the same species, no more than 20% of the same genera and no more than 30% of the same family. Biodiversity targets should be kept in mind for tree selection; however, it is understood these targets may not be achievable due to site conditions or landscape objectives.
- Identify snow storage areas on the site plan and landscape plan. The snow storage areas should be mindful of obscuring vehicular sightlines and ideally located in proximity to a drainage catch basin to prevent runoff contamination. Furthermore, where possible, snow storage areas should be located away from the central landscaped amenity space to limit the damaging effects of salt and dangers of water/ice build-up on pedestrian walkways.
- Tree planting locations will adhere to the following clearance guidelines:
 - Minimum of 4 metres from any lamp standard.
 - Minimum of 1.5 metres from any utility pedestal, mailbox, water hydrant or edge of driveway.

Other Plans, Drawings, and Reports

- **Building floor plans** are required. At a minimum, please provide the building's ground floor plan to give a better understanding of the building's programming at grade, and the location of key building entrances, circulation patterns and bicycle parking areas.
- Provide a **Photometric Plan (Lighting Plan)** ensuring 0.0fc at property lines and include a cutsheet of all proposed lighting fixtures. Exterior light fixtures should be 'dark sky compliant' and down-cast with full cut-off shields, to limit light pollution on adjacent properties.
- If additional information or clarification is required, please contact Lauren Kubilis, Urban Design Planner, lkubilis@peterborough.ca email or 705-742-7777 Ext. 1500.

Environmental Review

Environmental/ecology planning staff conducted a desk-top natural heritage screening of the property in accordance with the 2024 Provincial Planning Statement and the 2023 City Official Plan policies 4.1.2 e) and 7.21.2, to offer the following comments:

- Based on provincial recommendations for adjacent lands (120 m distance from features for considering potential negative impacts), the proposed development is >120 m from the Peterborough Wetland Airport Complex, a provincially significant wetland, and the subject lands are not designated Natural Areas. However, there are other features on adjacent lands that meet the City's Official Plan criteria for the Natural Heritage System (NHS) Level A and B features.



- The A.R. (Sandy) Wakeling survey (May 16, 2022) identifies a “ditch”, wetland (marsh), and watercourse adjacent to the property and previous technical studies also confirmed habitat for species at risk and fish within the adjacent lands.
- Phase 1 SWM Report notes a "ditch" alongside the CPR rail; this report suggests that excess spill will flow to the north (ditch) and to the SWM pond along Fisher Drive. This ditch, however, is a watercourse because there is a bed and steep banks within this channel as per technical work by others and it is connected to Fleming Creek downstream and Fisher Creek upstream via wetlands and channelization.
- The watercourses and SWM pond support fish and other wildlife as per technical work by others.
- NHIC/Make a Natural Heritage Map, ebird, and technical work by others note the following species at risk occurrences on adjacent lands:
 - Eastern Meadowlark and Bobolink (threatened birds, regulated by the Endangered Species Act, O. Reg. 242/08).

Provincial and Municipal Natural Heritage & Water Policies

The following is a list of typical natural heritage policies and regulations:

- 2024 Provincial Planning Statement (PPS) natural heritage policies 4.1.6, 4.1.7, and 4.1.8, and water policies 4.2.1 to 4.2.5 where development or site alteration will interfere with hydrologic features, e.g., SWM.
- City Official Plan policies 4.6.1 e) & 4.6.2 – Natural Heritage System, 7.21.2 – EIS/scoping for Complete Application Requirements, and 8.2 – Definitions.

Proposal Assessment

Given the lands are entirely disturbed by active construction, current detail designs indicate no intrusion into fish habitat, and there are technical studies of the adjacent lands, staff is of the opinion that this proposal appears consistent with Official Plan policy 7.21.2 o. Therefore, an EIS report is not requested to support an application.

For a complete application, environmental/ecology planning staff offer the following:

1. It is understood from the pre-application consultation meeting that an updated/amended SWM plan is requested, therefore, the applicant will be required to confirm that the SWM design and the ESC plans are still consistent with the Fisheries Act in support of approvals ([Measures to protect fish and fish habitat](#)). Timing windows will apply for any work that may impact fish or fish habitat, so please add relevant information/work sequencing details to applicable plans.

As a reminder, the applicant has a duty to notify the Department of Fisheries and Oceans (DFO) of the proposed activities prior to commencement of work in accordance with the Fisheries Act ([The Fish and Fish Habitat Protection Program](#)).

2. The proponent/applicant is also responsible for satisfying sections 9 and 10 of the Endangered Species Act (ESA) and associated regulations prior to commencement of work. There are specific rules to follow during work activities to avoid threatened



birds, please see <https://www.ontario.ca/page/bobolink-and-eastern-meadowlark-habitats-and-land-development>. Timing windows may apply during work activities.

If a species at risk enters the work area, give the species time to leave the area before starting work and notify the Ministry of the Environment, Conservation and Parks staff to get advice/help (SAROntario@ontario.ca). See [Development and infrastructure projects and endangered or threatened species | ontario.ca](#) for additional information.

Please add relevant MECP/ESA information/details to applicable plans.

3. Based on the 2024 aerial photos, the work site is not consistent with the approved Phase 1 Erosion Sediment Control (ESC) plans. The applicant is required to install and maintain ESCs as per approvals to satisfy relevant policies and regulations.

If additional information or clarification is required, please contact Jasmine Gibson, Planning Ecologist, at jgibson@peterborough.ca or 705-742-7777 Ext. 1864.

Development Engineering

- Please provide the following plans, ensure that all submitted plans are up to date and include any necessary revisions to reflect current site conditions and design changes:
 - Removals and reinstatement plan
 - Erosion and sediment control plan
 - Existing and Proposed Grading Plan
 - Servicing plan for existing and proposed storm and sanitary sewers.
 - Ensure to provide a plan which displays all the existing easements and state their purpose.
 - Functional Servicing Report.
- If additional information or clarification is required, please contact Christopher Sokol, Senior Development Engineering Technologist, at csokol@peterborough.ca or 705-742-7777 Ext. 1710.

Asset Management & Capital Planning

- We will require an update to the approved July 2023 Stormwater Management Report reflecting the minor changes in the latest proposed site plan layout for Phase 2.
- If additional information or clarification is required, please contact Joe Burke, Water Resources and Municipal Engineer, at jburke@peterborough.ca or 705-742-7777 ext. 1773.

Transportation

- We are in the process of reviewing our non-residential bike parking requirements, so please note the following are recommendations:
 - Two outdoor, short-term bike parking spaces may be adequate for visitors and customers visiting the property.
 - For employees who may be parking for their entire shift, indoor bike parking is preferred. Indoor bike parking provides greater security from theft and



- damage and shelter from inclement weather. Indoor bike parking may be provided within the building, or in an accessory building or shed.
 - For a development of this type, it is suggested that a minimum of 6 parking spaces, 1 space for every 1000 square metres of gross floor area, or 1 space for every 17 employees (per shift) be provided, whichever is the greater.
- Please consider including vehicle charging stations or the provision for adding them in the future within the parking lot. This would not only future proof the building but will contribute to achieving the City's GHG reduction targets for the Community sector.
- If additional information or clarification is required, please contact Vinod Soman-Senior Project Manager – Transportation, at vsoman@peterborough.ca or 705-742-7777 ext. 1749.

Building

- The setbacks from side and rear lot line setbacks relate to the storeys of the building. This will be measured as per the Storey definition in the Zoning By-law. It does not reference average height, as per note 2 in the zoning matrix proposed, but will follow the definition. This will need to be demonstrated in the building sections and roof plans.
- The previous building has an open permit. Though not a requirement for this application, it may be in your best interest to contact the building inspector for inspections, especially before occupancy. Contact Guy Carveth, Large Residential Inspector at 705-742-7777 x1764.
- If the applicant would like to discuss any items related to Building Code compliance, or the permit application process ahead of building permit submission, they may contact Susan Morrison, Inspector, Large & Complex Buildings, at smorrison@peterborough.ca or 705-742-7777 ext. 1778.

Urban Forestry

- No comments
- If additional information or clarification is required, please contact Leighanne Howard, Urban Forest Manager, at lhoward@peterborough.ca or 705-742-7777 ext. 1878.

Fire

- Hydrant is to be within 90m of principal entrance via a travelled pathway.
- If additional information or clarification is required, please contact Cathy Robertson, Chief Fire Prevention Officer at carobertson@peterborough.ca or 705-742-7777 ext. 6221.

Heritage

- No heritage comments or concerns.
- If additional information or clarification is required, please contact Erik Hanson, Cultural Resource Program Manager at ehanson@peterborough.ca or 705-742-7777 ext. 1489.

Accessibility



- Accessible parking quantity and size: Provide a minimum quantity and size that reflects the highest standard required of both the AODA and the Zoning By-law for a parking lot with 35 total spaces serving an industrial use.
- AODA requires a parking lot with 26-50 total parking spaces to have a total of 2 accessible parking spaces (one 3.4 m wide van accessible Type A space and one 2.7 m wide standard Type B space).
- The Zoning By-law may require more accessible parking spaces than the AODA. [AODA and Zoning By-law req'ts].
- Accessible parking location: Locate accessible parking as close as possible to the principal barrier-free building entrance. [City requirement]
- Walkway connection to Jameson Dr: Provide the most direct route from the principal building entrance to the Jameson Dr street-edge. [City requirements]
- Avoid curb-faced walkways along the drive aisle, where possible.
- Consider incorporating pedestrian crossing paint markings where walkways cross drive aisles. [recommendations]
- Walkway fronting the building, edge design: The drawings do not show a curb detail (single line vs. double lines in plan) between the walkway and the parking lot. It is unclear if the applicant is proposing a curb v. no curb and a raised walkway vs. flush walkway. Update drawings and provide required separation features to suit proposed design. Note, main curb-faced walkways fronting a building should be minimum 1.8 m wide to accommodate vehicle overhang. [City requirement]
- Curb radii at S-E corner of the building and impact to curb ramp design: Attention to detail is needed at the bottom of the curb ramp, the drop curb design and the orientation of the tactile plate to ensure alignment with the pedestrian direction of travel and help prevent tipping of mobility aids (front wheels of a mobility aid should cross the bottom of the ramp at the same time). [City requirement]
- Alternatively, minimize the curb radii to facilitate a curb ramp design that is perpendicular to the curb line, similar to the receiving curb ramp across the drive aisle to the south. [recommendation]

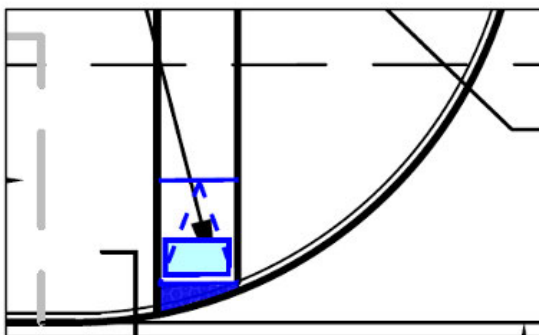


Figure 1: modified drop curb
(option to resolve)

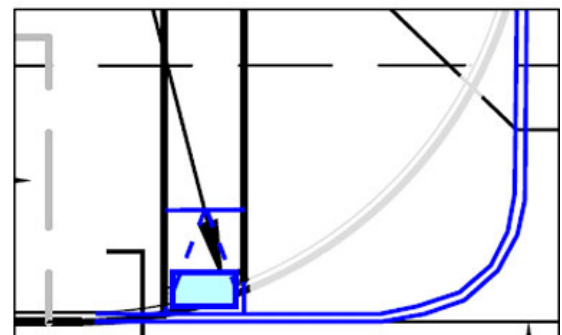


Figure 2: modified curb radii
(recommended option)

- Grading Plan: Show running and cross slopes at all walkways, curb ramps and accessible parking areas. Include linework and spot elevation detail to describe each walkway ramp type (e.g., depressed curb, perpendicular style curb ramp, parallel style curb ramp). Show proposed barrier curbing and dropped curbing locations, complete with tactile attention indicators as required. [City requirement]

- If additional information or clarification is required, please contact Mark Buffone, Accessibility Compliance Specialist, at mbuffone@peterborough.ca or 705-742-7777 ext. 1630.

Comments provided by PUG Services Corp

- Development and/or Frontage Charges applicable. Suitability of existing water service sizing is the responsibility of the owner.
- If additional information or clarification is required, please contact Michael Meyers, Water Utility Manager at mmeyers@peterboroughutilities.ca or 705-748-9301 ext.1319.

Otonabee Region Conservation Authority (ORCA)

- The subject property is located within the Otonabee Conservation Watershed. The Authority will review the forthcoming application for the following:

Natural Hazards Policy (Planning)

- Otonabee Conservation will review the application for consistency with the Provincial Planning Statement 2024 and to ensure that the proposed development does not create or aggravate existing natural hazards.
- Current mapping indicates that the subject property is not subject to natural hazards. Otonabee Conservation has already reviewed and approved phase 1 of the development of this property which included the review of stormwater management/water quantity controls across both phase 1 and 2 at this site. If there are any required changes or deviations from that which was already reviewed, Otonabee Conservation will review the updated material.

ORCA S. 28 Regulation (Permitting)

- Otonabee Conservation mapping shows that shows that this property is not subject to Ontario Regulation 41/24.

Clean Water Act (CWA)

- Otonabee Conservation will review the application to assess the applicability of the Trent Source Protection Plan (SPP) prepared under the Clean Water Act (CWA).
- Preliminary review indicates that the subject property appears to be outside of those areas subject to SPP policies and a Restricted Land Use Notice is not required.
- In addition, the subject property is entirely or partially in the vulnerable area(s) listed below.
 - Intake Protection Zone 3 (low and/or moderate threats may be possible)
- These pre-consultation comments are valid for two years from the date of this memo.
- If additional information or clarification is required, please contact ORCA: Don Allin, Manager, Plan Review & Permitting Services, ORCA, at dallin@otonabeeconservation.com or 705-745-5791 ext. 225.

Fees

City of Peterborough



- The 2025 fee for a Standard Site Plan Amendment is \$7,500.00.
- Please note the application fee is subject to change and will be determined based on the date a complete application is submitted. The fees are in accordance with the User Fee By-law as outlined on the [Planning Divisions Fees](#) webpage.
- The City's fees are payable to the Corporation of the City of Peterborough. A cheque may be mailed or sent to Attn: Planning Division, 500 George Street North, Peterborough ON, K9H 3R9.

Otonabee Region Conservation Authority

- An ORCA fee is required at the time of submitting the application(s) to the City of Peterborough.
- The current 2025 ORCA fee for this type of intermediate site plan application is \$1,470.00 in accordance with the 2025 ORCA fee schedule, however this is updated from time to time. Please verify the amount owing to ORCA at the time of submitting the application.
- The City collects the fee on behalf of ORCA and the applicant is advised to include the amount in the cheque payable to the City of Peterborough.
- Link to ORCA Fee Schedule [Planning Fees | Otonabee Conservation](#).
- **Other Payments and Securities**
- Though not due at this time, please note that prior to the execution of the Site Plan Agreement, other payments (such as cash-in-lieu of parkland) and/or performance securities (based on cost estimates for civil work within the right-of-way, civil works on site, and landscaping) may be required.
- The City of Peterborough collects Development Charges at the Building Permit stage. For more information on current rates and contact information please visit <https://www.peterborough.ca/en/doing-business/development-charges.aspx>

Additional Information

Please note that the City's Pre-consultation process was modified effective January 1, 2025 pursuant to repealed [By-law 23-032](#). Upon completion of the above noted reports, studies, drawings, plans and consultation, please submit all required documents along with an application through the City's [Online Development Applications & Forms](#) website for Site Plan Approval.

Requirements and comments provided shall remain valid for a period of one year from the date of this letter unless applicable City and/or Provincial policies are amended in the meantime. If a sufficient application for Site Plan Approval has not been made within the one-year period, further pre-consultation may be required. Be advised that further consultation may also be required as modifications to the proposal are incorporated.

If you have any questions, please contact the undersigned.

Yours sincerely,

Lauren Kubilis



Urban Design Planner
705-742-7777 ext. 1500, lkubilis@peterborough.ca



Report IPGPL26-024; Appendix B

From: Accounting <[REDACTED]>
Sent: Monday, October 6, 2025 1:19 PM
To: Susan Morrison <SMorrison@peterborough.ca>
Subject: RE: 280 Jameson, Application 25-103527

[EXTERNAL EMAIL - use caution when clicking links and opening attachments]

Susan

We are in receipt of the building permit application fee of \$93,612.00 (3,480 m² x \$26.90) and have no issues with this invoice.

We do not agree with the invoice 88984 from the City in the amount of \$912,978.00 for development charges. We understood that we were responsible for school board development charges but exempt from City development charges as we were exempt on phase 1 of the project.

A history of the project is as follows:

The land was purchased on October 17, 2017 at a cost of \$163,200 under the condition that construction of a building of at least 8,000 sq ft was commenced by October 10, 2019.

An extension was granted to April 10, 2021. A further extension was granted in May 2023. Under the May 2023 extension the property was split into two phases. Phase 1 consisting of parts 3 and 4 on Reference Plan 45R-16240 and part 2 Plan 45R-16452 and Phase 2 consisting of parts 1 and 2 on Reference Plan 45R-16240. The extension called for the commencement of the Phase 1 building by lawfully pouring the foundation (commenced construction) by October 1, 2023 and required the company to commence construction of a building of at least 15,000 sq ft on the Phase 2 lands by September 27, 2024. The 13,125 sq ft Phase 1 building has been completed and is occupied by Intelcom Courier Canada Inc. dba Dragonfly Shipping since June 1, 2025.

One final extension was granted in August 2024 wherein the deadline for pouring the foundation on the Phase 2 property was extended to October 31, 2025. We have in good faith proceeded with the necessary preliminary work to build a 37,440 sq ft building for Phase 2 and applied for a foundation permit on August 20, 2025. On September 16, 2025 we were invoiced for City development charges of \$895,369.20. We were exempt from Phase 1 municipal development charges under by-law 19-095 and responded that we were exempt and requested a revised invoice. The City responded that by-law 19-095 had been rescinded and replaced with by-law 24-081 and that "the property is now subject to DC's

as indicated in the DC invoice that my colleague sent previously”. This was the first indication that the project would incur \$895,369 in City development charges. The Phase 2 project is not feasible with an additional \$895,369 in costs.

We are now in the situation of having designed and installed a water management system for both phases with all water storage being on Phase 1 lands, performed site preparation on Phase 2 lands, paid engineers and architects to submit Phase 2 plans to the City, all at a cost of approximately \$500,000 to find out one week before digging the foundation that the project is subject to the development charges.

There is a property in the Major Bennett Industrial Park that was exempt from development charges under 19-095 that continued to be exempt under 24-081, listed on Schedule D. We do not understand why our property was not treated the same.

Could you please advise us as to the appropriate channels to open discussions with the City with regard to listing our property on Schedule D of By-law 24-081.

Thank you

Brian McIlhargey

President

1439121 Ontario Ltd.



Rousseau Mazzuca LLP

October 28, 2025

VIA EMAIL AND REGISTERED MAIL (mles@peterborough.ca; miwalsh@peterborough.ca)

City of Peterborough

Attn: David Potts, City Solicitor
via executive assistant, Michelle Walsh
500 George St. N.
Peterborough, ON K9H 3R9

Municipal Law Enforcement & Security Division

Legislative Services
500 George Street North,
Peterborough ON K9H 3R9

RE: DEVELOPMENT CHARGES
280 Jameson Drive, Peterborough, ON K9J 6X6

We represent 1439121 Ontario Ltd. (“143”). We write with respect to the City of Peterborough’s Invoice #88984 dated September 16, 2025 (the “**Improper Invoice**”) regarding development charges levied with respect to the lands located at 280 Jameson Drive, Peterborough, Ontario (the “**Project**”). The development charges levied under the Improper Invoice, which are substantial and amount to \$895,369.20, are improper and unjustified. If not withdrawn (which they ought to be), the amounts charged under the Improper Invoice will cause irreparable financial harm to 143’s continued operations.

Be advised that this letter and the submissions below also serve as 143’s formal complaint to the Municipal Law Enforcement & Security Division, Legislative Services of the City of Peterborough (the “**City**”) with respect to the development charges levied pursuant to the Improper Invoice. A copy of the Complaint Form is enclosed.

Background

143 is the owner of the Project. On January 30, 2024, the City issued the first building permit with respect to the Project bearing permit number 2023-102322-000-00-B3N. This permit states that “permission is granted to 1439121 Ontario Ltd. to construct finished warehousing at 280 Jameson Drive”. The permit and the respective architectural drawings submitted by 143 contemplated the construction of two buildings among other items. A copy of this permit is attached for your reference as well as 143’s architectural drawings for the Project.

At the beginning of the Project’s construction, 143 constructed the first of two buildings, one of two parking lots, a mutual driveway/entrance for *both* buildings, a storm water management system for the *overall site*, completed the installation of City services for the second structure, completed water runoff management from the site of the second structure, and completed overall site preparation. The first building has been completed and has been occupied by Intelcom Courier Canada Inc. dba Dragonfly Shipping since June 5, 2025.





On August 20, 2025, 143 applied to the City for a foundation permit for the Project's second building. As part of the permit process, the City stipulated that 143 must commence pouring the foundation for the second structure by no later than October 31, 2025. On September 16, 2025, 143 was provided with the Improper Invoice which levied development charges in the amount of \$895,369.20. 143 was previously advised that the Project was exempt from development charges under By-law 19-095. The Improper Invoice runs afoul of this exemption. Furthermore, the first permit in respect of the Project was issued in January 2024 – well in advance of the by-laws the City now purportedly relied upon as the basis for levying the charges. In addition, the work already completed by 143 (which was completed in June 2025) clearly contemplates and includes scopes of work for the second building. There is no question that *all* the work pertaining to the Project was contemplated by the first permit. 143 has incurred approximately \$500,000 in costs related to preparation of the Project site for the second building.

Development charges verging on \$1 million are now being imposed by the City, nearly two years after the first permit for the Project was issued, will effectively kill the Project. It is our position that the City is improperly imposing these charges to collect additional unwarranted City revenue funds from 143.

143 hereby disputes and is making a formal complaint in relation to the Improper Invoice. The basis for 143's position and complaint are set out below.

The Project Site is Subject to an Exemption and, Alternatively, Restrictions

Relevant Statutes

The *Development Charges Act* 1997, S.O. 1997, c. 27 (the "*Act*") provides the following with respect to the timing of payment of development charges at section 26:

When development charge is payable

26 (1) A development charge is payable for a development upon a building permit being issued for the development unless the development charge by-law provides otherwise under subsection (2).

The *Act* also provides that developments may be exempt from the imposition of Municipal development charges in certain circumstances. Section 5(1) provides the for the following:

5 (1) The following is the method that must be used, in developing a development charge by-law, to determine the development charges that may be imposed:

...



9. Rules must be developed to determine if a development charge is payable in any particular case and to determine the amount of the charge, subject to the limitations set out in subsection (6).

10. The rules may *provide for full or partial exemptions for types of development and for the phasing in of development charges*. The rules may also provide for the indexing of development charges based on the prescribed index. 1997, c. 27 [emphasis added].

The City has taken the position that the development charges under the Improper Invoice are justified as By-law 19-095 (which provided the exemption) was replaced by by-law 24-081 effective October 26, 2024. By-law 19-095 provided the following exemption:

17(b) 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.

Schedule D of the By-law listed the Project site as being exempted from development charges. It is 143's position that this exemption applies continues to apply to the Project. The first building permit issued for the Project clearly contemplated the entirety of the development and, as such, the construction of the second building is subject to the exemption. At no time did the City advise 143 of the possibility that the exemption could be revoked. Had 143 been aware of the possibility that the Project was at risk of significant future development charges at the whim of the City and after a substantial amount of construction had been completed, they would not have proceeded with the Project in this region.

Even if the exemption does not apply (which we strictly deny), the *Act* provides the following restrictions with respect to development charges:

Restriction on rules

5(6) The rules developed under paragraph 9 of subsection (1) to determine if a development charge is payable in any particular case and to determine the amount of the charge are subject to the following restrictions:

1. The rules must be such that the total of the development charges that would be imposed upon the anticipated development is less than or equal to the capital costs determined under paragraphs 2 to 8 of subsection (1) for all the services to which the development charge by-law relates.
2. If the rules expressly identify a type of development they must not provide for the type of development to pay development charges that exceed the capital



costs, determined under paragraphs 2 to 8 of subsection (1), that arise from the increase in the need for services attributable to the type of development. However, it is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.

3. If the development charge by-law will exempt a type of development, phase in a development charge, or otherwise provide for a type of development to have a lower development charge than is allowed, the rules for determining development charges may not provide for any resulting shortfall to be made up through higher development charges for other development [emphasis added].

Section 5(6)(3) referenced above clearly provides that any shortfall due to a development being subject to an exemption from development charges cannot be “made up through higher development charges for other development”. Accordingly, the City cannot impose this substantial development charge in order to make up for any short fall it has experienced due to previous exemptions it has provided. Given the substantial sum being invoiced by the City, as well as the City’s inconsistent and arbitrary removal of the exemption in the amended development charges By-laws, 143 takes the position that the City is imposing this development charge in an effort to make up for a shortfall.

The Development Charges Are Applied as of the First Permit

If the exemption provided under By-law 19-095 does not continue to apply to the Project (which is denied), then 143 nevertheless takes the position that the subsequent by-laws clearly state that a development charge may only be calculated and payable *on the date of the issuance of the first building permit*. By-law 24-081 states the following at section 17:

Phasing, Timing of Calculation and Payment

17. (a) Except as provided in subsection (b) hereof, the development charges set out in this By-law are payable, in full, subject to the exemptions and credits provided herein, from the effective date of this By-law.

(b) 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.

(c) Subject to section 22 (with respect to redevelopment) and subsection (d), *the development charges shall be calculated as of, and shall be payable, on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies [emphasis added].*



By-law 24-081 was repealed and replaced by By-law 25-100 on September 3, 2025. Bylaw 25-100 states the following at section 17:

Phasing Timing of Calculation of Payment

17. (a) Except as provided in subsection (b) hereof, the development charges set out in this By-law are payable, in full, subject to the exemptions and credits provided herein, from the effective date of this By-law.

(b) 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.

(c) Subject to section 22 (with respect to redevelopment) and subsection (d), *the development charges shall be calculated as of, and shall be payable, **on the date the first building permit is issued** in relation to a building or structure on land to which the development charge applies* [emphasis added].

Notably, both of the above by-laws provide that “the development charges *shall* be calculated as of, and *shall* be payable, **on the date the first building permit is issued** in relation to a building or structure on land to which the development charge applies”. The by-law states that development charges *shall* be calculated and payable on the date of the issuance of the first permit. Use of the word *shall* denotes a mandatory date on which the calculation must be conducted. As a result, the development charges in effect as of January 30, 2024, ought to apply, if any. The provisions do not contain language that would allow the new charges to be applied retroactively. Simply put, the City cannot impose a development charge nearly two years after the issuance of the first permit related to the Project. Even if the exemption did not apply to the Project (which we deny), the development charges as they were *at the time the first permit was issued* would apply pursuant to section 26 of the Act, and those charges would be significantly less than those contemplated under the current development charges by-laws.

Finally, and in the event of any ambiguity in the by-law, the Ontario Land Tribunal has held that – where there is ambiguous language in a development charge by-law – such ambiguity must be resolved in favour of the developer. Accordingly, if there is any ambiguity in by-law 24-081 (which is denied) it should be resolved in favour of 143.¹ The Ontario Superior Court has further upheld a decision of the Ontario Municipal Board whereby it was held that “the City has a responsibility to clearly communicate the development charge process to the Developer”. Therefore, if there was a possibility of further development charges being levied against the Project, the City had an obligation to make this clear to 143 at the time the first permit was issued with respect to the Project.²

¹ *140 Old Mill Road LP v Waterloo (Region)*, 2024 CanLII 120314 (ON LT) at [para 98](#).

² *City of Toronto v. Sherway Gate Development Corp.*, 2013 ONSC 6298 (CanLII) [at para 8](#).



The City's Application of By-Law 24-081 is Replete with Additional Issues

The Bylaw has not been Uniformly Applied

Further to the issues outlined above, 143 states that By-law 24-081 has not been applied uniformly across all properties. For example, a property located in Major Bennett Industrial Park which was exempt from development charges under by-law 19-095 (as the Project previously was) continues to be exempt from such charges. There is no reasonable basis for the lack of uniformity in the application of exemptions (or withdrawal of the same) and, as such, 143 states that the City's application of this by-law is arbitrary and unfair. There is no clear justification as to why some properties continue to be exempt from these substantial charges, but Project site is not. No basis or reasons have been given for the City's unilateral and unannounced attempt to revoke a prior exemption.

The Development Charges Exceed the Capital Costs

Section 2(1) of the *Act* provides that "The council of a municipality may by by-law impose development charges against land **to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies**" [emphasis added]. Therefore, the City's authority to impose development charges is to account for increased capital costs. It is 143's understanding that the increase in capital costs which would result from the Project are limited to connecting Municipal services from the perimeter of the Project Site to the Municipality. It is unclear how such a narrow capital cost could result in a nearly \$1 million development charges. In that vein, the charges seem disproportionate, unjustified, and prohibited by operation of the *Act*.

The *Act* is clear that a development charge is not intended to be a source of revenue generation for a Municipality. It exists to directly respond to the costs that a Municipality will incur in relation to the services it will need to provide for new developments. Therefore, the City's imposition of the charges under the Improper Invoice run contrary to the purpose of the *Act* and development charges more broadly. If Municipalities were to have unlimited discretion in assessing the development charges, Municipalities could attempt to upcharge developers to collect amounts in excess of capital costs in order to generate additional revenue for the City. This would deter development and stunt growth, not encourage it.

Retroactive & Improper Charges Damage Business, Growth and Development

As stated above, the City's imposition of these unforeseen and improper development charges at this stage of the Project will render it financially unviable. The remaining facility being constructed is a commercial manufacturing facility designed to increase the capacity and output of goods. Unlike a residential development project, these costs cannot be passed on to a consumer.



This Project is a hard sunk cost which was designed to increase the future capacity and growth of 143. That said, the City will lose out on the jobs and the economic growth that would have been created by this Project if the Project is unable to proceed (not to mention the loss of business for construction trades in the region).

Further, if the City refuses to withdraw these development charges and ultimately repossesses the lot upon which the second building is to be built, the municipality will have a smaller (nearly half the size of the original site), more restricted and less desirable lot to market. The construction which has already been completed included a significant amount of work related to the second structure. Therefore, any future construction on this site will have to properly interact with the first building as well as the existing construction. Developers will likely view these requirements as being costly, inefficient and restrictive.

Finally, as the news and information of the retroactive and improper application of development charges circulates in the construction and development industry – it will undoubtedly have a chilling effect and drive business out of the region to surrounding regions with cheaper development costs. In *140 Old Mill Road v. Waterloo (Region)* the Ontario Land Tribunal (the “**Tribunal**”) held that “good public policy demands that there be some element of finality to the imposition of development charges and that property owners should not be forever exposed to the possibility of additional development charges because a municipality did not take appropriate care to ensure that its calculation of development charges was accurate”. The Tribunal also found that “the language in the development charges by-law does not state the Region may assess an additional development charge or make a correction after a development charge amount is certified, paid, and a building permit issued”.³

In the present case, the relevant by-laws with respect to the Project do not include a provision whereby the City can re-assess development charges after the first building permit for a development project has been issued. If the City opts to take this approach, developers will essentially have to write a blank cheque to the City for development charges when commencing any development project. Such financial uncertainty and instability will result in developers boycotting the City, thereby harming the local economy and construction industry.

The above in mind, 143 states that it is in the City’s interest to facilitate the completion of construction at the Project.

Conclusion

The City’s actions have caused the Project to be suspended until the City advises of its final position in respect of the Improper Invoice.

³ Supra note 1 at [para 68](#).



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Time is of the essence as the City has required 143 to commence construction of the foundation for the second structure by October 31, 2025. We hereby request that the City extend the aforementioned deadline until such time as this dispute / complaint is resolved. In any event, we trust that the City will not take steps to repurchase any lands without first giving notice.

We strongly encourage the City to consider the inevitable negative effects of these development charges on the Project, as well as on the state of development within the region more broadly.

We require the City's position by **Thursday, October 31, 2025, at 5:00 p.m.** Should we not receive the City's position by this date, we have instructions to commence legal proceedings, including but not limited to filing a formal complaint under the *Development Charges Act*.

We look forward to your prompt response.

Sincerely,

Rousseau Mazzuca LLP

Jordan Routliff

Encl: Complaint Form - Municipal Law Enforcement & Security Division; Building Permit No. 2023-102322-000-00-B3N; Drawings issued by Engage Engineering on August 3, 2023; Invoice dated September 9, 2023

