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DATE 10 June 1998

TO/DEST. Co-ordinator, Corporate Services and Economic Development
Committee

FROM/EXP. Regional Solicitor

SUBJECT/OBJET **ONTARIO MUNICIPAL BOARD DECISION
BROOKSIDE MANOR RETIREMENT HOME**

Background

Brookside Manor (Kanata) Inc. had appealed to the Ontario Municipal Board under subsection 8(7) of the *Development Charges Act*, R.S.O. 1990, c. D.9 against a development charge imposed on a property at Shirley's Brook Drive in the City of Kanata by the Region.

An Ontario Municipal Board Hearing took place on April 15, 1998.

The appeal by Brookside Manor (Kanata) Inc. concerned the construction of a new retirement home on Shirley's Brook Drive in Kanata. This retirement home will consist of 91 bedrooms. Regional staff and Mr. Glover, agent for the owner, had agreed on the applicability of the four bedrooms to one domestic establishment convention for this development, Brookside Manor. However, the appellant had taken the position that it should be the one bedroom apartment development charge rate rather than the multi-bedroom development charge rate that should be applicable to Brookside Manor's development.

In the opinion of staff, retirement homes are intended to be used as the living accommodations of those present in those buildings and therefore retirement homes come within the definition of residential uses found in the By-law.

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Where there are no other means to guide staff in the applicability of Regional Development Charges, staff have applied a convention that four bedrooms are equivalent to one domestic establishment and therefore one dwelling unit, to which the two bedroom apartment rate is applied. This convention has balanced the greater number of bedrooms than typically found in a multi-apartment dwelling against the lesser number of kitchens and other rooms. This convention also balances the fact that while there may be greater demand in a retirement home or rooming house for water and sewer, at the same time there is likely to be a lesser demand on roads which receive a significant portion of the residential development charge.

The Board, chaired by J.R. Mills, rendered an oral decision confirming the interpretation of the Region that when examining the definition of “residential use” and “dwelling unit” in By-law 210-91, that a retirement home is a residential use and not a commercial use.

Conclusion

In rendering the decision of April 15, 1998, the Board has confirmed that the practice of the Region in this context is appropriate and respects the provision of By-law 210 of 1991.

*Approved by
J. Douglas Cameron,
Regional Solicitor*

JDC/AT-M/tg