

To Guelph Planning Committee

Re: Agenda Item 6.1, September 9, 2025

RE: 1) Support of Recommendation 1 of Staff Report Regarding Parkland Dedication By-law Exemptions and 2) Request for Full or Partial Refund of Parkland Dedication Fee Imposed on [REDACTED] Woodside Road in the City of Guelph

Our purpose in approaching Planning Committee is:

- a. To Provide Support for Recommendation 1 which amends bylaw (2022)-20717 “...to remove additions or alterations to residential buildings that do not create additional units or change the use of the building...thereby eliminating the requirement to convey parkland or pay cash-in-lieu of parkland”
- b. To seek a Full or Partial refund from the Parkland dedication fee imposed on [REDACTED] Woodside Road.

#### 1. Support of Agenda Item 6.1, Recommendation 1 of Staff Report

In regard to the staff recommendation to introduce exemptions for additions and alterations which do not create additional units or change the use of the building, we would provide our full support of this exemption. Our primary reason for this support is that the present by-law is inconsistent with other City By-laws:

- a. Development charges Bylaw – charges for single-detached homes are paid based upon number of units and not on the size of the unit. As well, exemptions are provided for replacement buildings within 48 months of demolition
- b. The City’s Zoning by-law defines density to mean “the number of dwelling units on a lot divided by the net lot area” – i.e. density is defined by number of units on the lot. Section 30 of the present parkland bylaw would exempt a replacement of a single-family unit with another single-family unit however section 32(e) of the by-law introduces density by assessing the size of the existing home and then determining whether the size of the replacement unit exceeds the size of the existing unit by 50%
- c. Present policy inconsistent with statutory Planning Act provisions to allow the addition of second, third and ancillary units to the property (an obvious increase in density) without CIL payment

#### 2. Our Request Regarding CIL Payment for [REDACTED] Woodside Road

As noted, there are many concerns we have surrounding the imposition of the Parkland fee on the demolition and reconstruction of a single-family home. Given our situation we are seeking a partial refund because of the direction the building department staff provided us (noted herein) or alternatively, a full refund based on the proposed changes to the bylaw.

The following provides a brief overview of our process to demolish and replace the existing 4-bedroom single family with a larger new 4-bedroom single family home :

- December 22, 2023 – Verbal discussion between Caitlin [REDACTED] Anna Stravo from the Building Department regarding timing to submit permit application for a May 2024 construction start. Caitlin indicated that they were planning on applying by the end of January 2024. Caitlin was advised that there was no rush to submit the building application and to submit late March 2024.
- Cautiously, in order to ensure a spring approval to commence construction, the Demolition Permit Application Submitted to the City on February 25, 2024
- On February 27, 2024 the Parkland Dedication Bylaw amended, which increased the associated Cash-in-lieu payment by more than 100%
- On March 11, 2024 the Building Permit Application Submitted to the City
- On March 18, 2024, correspondence from the City requesting payment of \$40,625 for a CIL payment under the amended Parkland Dedication Bylaw – if the required payment was made 12 days earlier, then the cash-in-lieu cost would have been \$20,360

As presented above, the original timing of when we would have submitted the building application was in January, 2024 over a month before the City amended the Parkland Dedication by-law. Only because we were advised that there was no rush to submit the applications, did we delay.

It should be pointed out as well that there was no communication to any persons with applications in the process of the pending amendment to the Parkland By-law. By-law (2024)-20860 was added at the last minute to the February 27, 2024 revised Council Agenda without any notation or staff report indicating that the Parkland By-law was being amended.

After the March 18 correspondence was received from the City, we have had conversations with staff regarding this matter and had offered the payment for the pre-February 27<sup>th</sup> amount (\$20,360) but to no avail. Our discussions and process are provided below:

- Ben met with Gene Matthews on May 14, 2024 to discuss the situation and to offer the reduced payment given the circumstances. A follow-up reply from Gene Matthews indicated that the by-law was applied properly and that there would be no reduction in the fee. He was advised to pay the amount in order to proceed with the construction of the house.
- Given the short timeline to receive the building permit and to move ahead with the construction of the house, he was advised that he could pay under protest to which he assumed that he could continue to discuss this matter with senior staff (CAO) and Council.
- To pay under protest meant that he would have to submit an application to the OLT in order to continue a dialogue with the City, which he did.
- Upon making the submission to the OLT regarding his protest, he was subsequently advised that no Council member and no staff could talk to him further on this matter because it was now a matter for the Tribunal to consider.
- He did request to have a “Without Prejudice” meeting to which he met with Gene Matthews and Allison Thorton in August, 2024. No change in the decision was made.

Subsequent to the August meeting, we have removed our OLT appeal. We would like to make clear that we never intended to go to the extent of filing a complaint with the OLT but was guided to do so

by staff in order to “keep the discussion going” however we were not informed that that would remove our ability to speak to Council members.

Throughout the discussion we have had with the City, we have been told that “the City has applied the bylaw properly”. However, our frustration is that **no one will be accountable for advising us to not file for the building permit until late March** which subsequently meant that the fee had doubled. Once again, with no notice publicly of the change in the bylaw, there was no opportunity to file the building permit application earlier to avoid this significant fee increase.

We had subsequently reached out to our Ward Councillor Leanne Coran to gain assistance in this matter. As we understand, staff have continued to advise that “the City has applied the bylaw properly”. As a result, we were in progress of preparing a submission to Council on our situation however the opportunity to submit it to Council now arises as a result of this Staff Report and recommendations.

For information purposes, we have attached a background on the property and house reconstruction on [REDACTED] Woodside Road.

### **Our Request**

**Given the advice of the Building Department to not submit the building permit until a time after the Parkland By-law was amended thus causing our Parkland fee to double, we request a refund of \$20,260 be provided (note that section 9 of By-law (2022) – 20717 allows Council, at its discretion, to determine the payment-in-lieu).**

**Alternatively, given that staff are now requesting Council changes to the Parkland bylaw which would fully exempt the demolition and reconstruction of [REDACTED] Woodside Road, we request a full refund of the parkland CIL payment of \$40,625**

Respectfully Submitted,

Ben [REDACTED] and Caitlin [REDACTED]  
[REDACTED] Woodside Road, Guelph, [REDACTED]

Caitlin [REDACTED]  
Ben [REDACTED] [REDACTED]

## **Attachment 1 – Background on the Property and House Reconstruction**

Ben and Caitlin [REDACTED] purchased [REDACTED] Woodside Road in the City of Guelph on July 7, 2023, with the intent of redeveloping it with a larger home for themselves and their three young children. One of the very attractive features of purchasing a home in this area is the proximity of Hugh Guthrie Park, a 5.3 acre park that is about a 5 minute walk from the Property via various pathways.

At the time of the purchase, the Property consisted of one lot on a registered plan of subdivision and an existing 4 bedroom side-split single detached dwelling with an open carport. The size of the lot is 22.86m by 33.53m and the size of the original 4 bedroom side-split, now demolished, was 141 m<sup>2</sup> above grade. The Original Dwelling was constructed in the early 1960's.

As noted, the Original Dwelling contained 4 bedrooms. The New Dwelling is a single detached two story unit with a 2 car garage and contains 4 bedrooms. There is an increase in gross floor area of the Approved Dwelling (approximately double) resulting from the construction of a 2-story style unit vs. a side-split unit. Generally, the increase in gross floor area of the Original Dwelling relates largely to the size of the kitchen, the general living area and the bathrooms along with modest increases to the size of bedrooms, conforming to modern day standards and expectations.