

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. **10 07-96-0002**
Your File/V/Réf.

DATE 23 September 1996

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

FROM/EXP. Councillor van den Ham

SUBJECT/OBJET **DEVELOPMENT CHARGES -
RELOCATION OF MOBILE HOMES**

REPORT RECOMMENDATION

That the Corporate Services and Economic Development Committee consider and recommend to Council an appropriate interpretation of the Regional Development Charges, as they relate to the relocation of mobile homes.

BACKGROUND

Mr. Michael McEvoy is the owner of Lynwood Homes Trailer Park in Edwards, Ontario. He wishes to address the Committee on the interpretation received from our Legal Department regarding Regional Development Charges (RDC) as they apply to mobile homes.

Attached at Annex A is the correspondence that Mr. McEvoy has sent to me on this matter.

It is my understanding that the Regional By-law on RDC's is silent on the relocation of mobile homes.

LEGAL DEPARTMENT COMMENT

Pursuant to the *Development Charges Act*, development charges may only be imposed where development increasing the need for services, which can be either adjacent to the site or broader Regional services, has occurred.

In the instance of the moving of a dwelling unit from one site in the Region to another site and the subsequent placement of a new dwelling on the original site, there are of course two possibilities:

1. The site from which the unit was taken is exempt and the development charges have to be paid in respect of the site to which the unit is taken, or
2. The site to which the unit is taken is exempt and development charges have to be paid in respect of the original site.

While the Regional Development Charge by-law is silent on which one of the two approaches is to be taken, in applying the principle that development charges are only to be imposed where the development increases the demand for services, it is the opinion of the Legal Department that the second approach is the correct one. Where a dwelling is moved from, in this case Lynwood Gardens to Meadowlands Mobile Home Park and the former site at Lynwood Gardens was left vacant, no development had occurred which would increase the need for services. It will be only by the placement of one or more new homes at Lynwood Gardens that the number of dwelling units has increased and therefore there is development increasing the need for services.

*Approved by
Robert van den Ham*

VDH/kl
Attach. (3)


12 Sep 1996

Regional Municipality of Ottawa-Carleton
Ottawa-Carleton Centre, Cartier Square
111 Lisgar Street, Ottawa Ontario K2P 2L7

Attention: Mr. Robert Vandenhame

Reference: LYNNWOOD MOBILE HOMES TRAILER PARK
1300 YORKS CORNERS RD,
EDWARDS, ONTARIO K0A 1V0


SUBJECT; REGIONAL DEVELOPMENT CHARGES
LYNNWOOD GARDENS TRAILER PARK
(SEE LETTER ATTACHED, DATED 14 FEB 96)

 A review of the circumstances which have occurred at the Lynnwood Mobile Homes Trailer Park during the 1995/96 year would indicate less than ideal conditions existed, primarily because of mis-management and neglect by the owner.

As of the 30th day of August 1996, I Michael McEvoy, appointed by my wife, as first mortgage holder have in fact taken control of the situation. As Park Manager, appointed legally by my wife, am in full authority to operate the business known as "LYNNWOOD MOBILE HOMES TRAILER PARK". (SEE DOCUMENT ATTACHED).

Unfortunately, because of the situation, some lots have been vacated at this park and the tenants and homes have been relocated to another park.

Having consulted with the Township of Osgoode, Mr Kevin Grace, re unfairness of the decision as specified in the Regional Government letter of 14 February, as well as others, it would appear corrective action should be considered to re-correct an injustice. To this I as a responsible resident of Ottawa/Carleton,



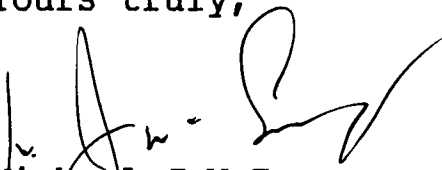
as a 1st Mortgage Holder, assuming full responsibility for the Park, assuming responsibility to rectify many injustices to the Tenants, to the Township by way of having to pay the 1996 taxes collected by the Landlord and never payed to the Township, by also assuming the responsibility to Pay Otario Hydro arrears, by working on a priority basis to correct environmental problems, etc. have just cause to ask your indulgence in this matter.

It is with your assistance, I desire a wrong be made right. Lot levies not apply to sites previously approved and developed.

Consultation with a Mr Kevin Grace of the Township of Osgoode will enlighten your office of any additional information which may assist in your deliberations.

Trusting this will receive due consideration and a favourable reply, I remain,

Yours truly,


Michael J McEvoy
Lynnwood Gardens Trailer Park
613-837-3142

Edwards
KOA 100

Copy to Township of Osgoode (Mr Kevin Grace)

Regional Municipality of Ottawa-Carleton
Ottawa-Carleton Centre, Cartier Square
111 Lisgar Street, Ottawa, Ontario K2P 2L7

Legal Department
Tel. (613) 560-2058
Fax. (613) 560-1383



Municipalité régionale d'Ottawa-Carleton
Centre Ottawa-Carleton, Place Cartier
111, rue Lisgar, Ottawa (Ontario) K2P 2L7

Service du contentieux
Tél. (613) 560-2058
Télécopieur (613) 560-1383

14 February 1996

File: A.1.7.1.9

The Corporation of the Township of Osgoode
P.O. Box 130
8243 Victoria Street
Metcalf, Ontario
K0A 2P0

Attention: **Mr. Rolly Ray**
Chief Building Inspector

Dear Mr. Ray:

RE: ADMINISTRATION
REGIONAL DEVELOPMENT CHARGES
LYNNWOOD GARDENS TRAILER PARK

This letter is to confirm our telephone conversation of last week.

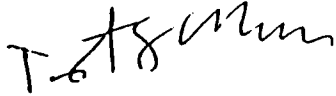
As I understand the situation, a portion of the mobile homes located at the Lynnwood Gardens Trailer Park will be moving to the site of a new trailer park also located in the Township of Osgoode. The question posed by the Township is the extent to which regional development charges will be payable.

The transfer of the mobile homes from Lynnwood Gardens to the new park will not increase the number of dwelling units in the Region. It is therefore my opinion that regional development charges would not be payable. However, should the mobile homes be replaced at Lynnwood Gardens, such will be new growth and regional development charges will therefore be payable.



Please do not hesitate to contact me if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "T. C. Marc". The signature is written in a cursive style with a large initial "T" and "M".

Timothy C. Marc
Solicitor

TCM/td

cc: Kathleen Dompierre
Kent Kirkpatrick

NOTICE TO TENANT TO ATTORN TO MORTGAGEE

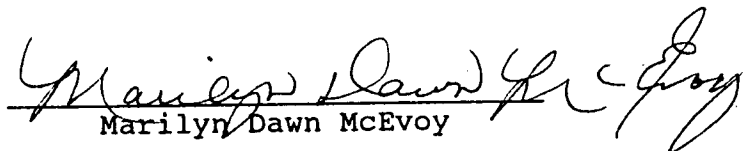
TO: TENANT OF LOT , LYNNWOOD GARDENS MOBILE HOME PARK,
1300 Yorks Corners Road, Edwards, Ontario

TAKE NOTICE that I hold a first mortgage on the property known as Lynnwood Gardens Mobile Home Park, 1300 Yorks Corners Road, Edwards, Ontario of which the above lot occupied by you forms part.

My mortgagee is now in arrears and accordingly I require you to attorn to me and pay to my agent, Michael J. McEvoy at 1457 Forest Valley Drive, Gloucester, Ontario, K1C 5N2 any rent now due or in the future payable for the lot occupied by you.

Pursuant to the provisions of the Mortgages Act of Ontario (as amended), I will hold you responsible if you do not comply with this notice. I have the authority to commence proceedings to collect any and all rental arrears or terminate your tenancy for non payment of any rental arrears.

DATED at Gloucester this 30th day of August, 1996


Marilyn Dawn McEvoy