
AIRD & BERLIS LLP

Barristers and Solicitors

Leo F. Longo
Direct: 416.865.7778
E-mail: llongo@airdberlis.com

March 8, 2017

Our File No.: 136522

BY EMAIL: regionalclerk@york.ca

Chair & Council Members
York Region
17250 Yonge Street
1st Floor, Room 12000
Newmarket, Ontario
L3Y 6Z1

Attention: Mr. Christopher Raynor, Regional Clerk

Dear Chair & Council Members:

Re: March 9, 2017 Committee of the Whole Meeting

**Re: Agenda Item "B"
Proposed York Region Development Charges By-law – Public Meeting**

We have been retained by the automobile dealerships listed on Attachment "A" hereto. Collectively, they employ over 2,440 employees.

The purpose of this submission is to:

- (i) advise Council of our clients' concerns with the current proposed draft of the 2017 Development Charges By-Law ("DCBL"); and
- (ii) request a meeting with senior staff to elaborate upon this submission and discuss the best means by which our clients' concerns might be addressed.

As you are aware, there is a broad range of activities that may take place in a typical automobile dealership (i.e. sales, indoor and outdoor display of automobiles, associated sales and administrative offices, repair and service bays, automobile storage (licensed and unlicensed vehicles), parts and supply storage). This letter speaks to two particular operational aspects.

Parking Spaces

Where our clients are able to provide on-site surface parking for their employees, customers, and/or for vehicles to be serviced or sold, no development charges are levied

March 8, 2017

Page 2

against such parking. Yet when those same vehicles are placed in the basement of the dealership or in a separate parking structure, development charges are levied. This is a costly distinction without any appreciable difference.

Whether such a vehicle is parked outdoors or indoors, the effect is the same; i.e. neither scenario increases the capital costs required to meet any increased need for Regional services resulting from the provision of that parking.

Assessing the full “retail” DC rate against such basement or structured parking is punitive and disproportionate. Whether indoors and outdoors, these parking spaces do not generate added employees or result in any greater demand for water or wastewater services, roads or transit.

To address this concern, the proposed DCBL should be amended by revising the definition of “gross floor area” and/or “parking structure” to exclude such automobile dealership parking from calculable GFA for which DCs are payable.

Servicing Bays & Areas

At these dealerships our clients have substantial areas within their buildings devoted to vehicle servicing and repair. Properly trained and skilled mechanics and technicians are employed.

This aspect of the dealership’s operations is a use also ordinarily permitted within the various employment zones of local municipalities’ zoning by-laws. When this is a stand-alone use located within such zones, the Region’s lower non-residential industrial DC rate would be applied...but when part of a dealership, the higher non-residential retail DC rate is applied.

Like the discrete “hotel” DC rate structure that has been established in the proposed DCBL, auto dealerships should have a separate by-law provision which would apply the lower non-residential rate to that portion of their buildings devoted to servicing bays and repair areas.

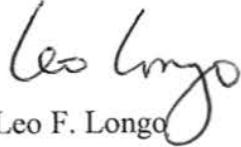
We look forward to discussing these requests with your staff prior to the finalization of the DCBL.

March 8, 2017

Page 3

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo

LFL/ly

- c. Bill Hughes, Commissioner of Finance [via email: william.hughes@york.ca]
Clients
Michael Gagnon, GWD

ATTACHMENT "A"

FERRARI MASERATI OF ONTARIO
MARANELLO ALFA ROMEO
MARANELLO MOTO SPORT
R. FERRI MOTORSPORT
200 Auto Park Circle
Vaughan, ON L4L 8R1

PINE TREE FORD LINCOLN
100 Auto Park Circle
Vaughan, ON L4L 9T5

MARANELLO BMW
55 Auto Park Circle
Vaughan, ON L4L 8R1

EUROPEAN AUTOBODY
70 Whitmore Road
Woodbridge, ON L4L 7Z4

MINI VAUGHAN WEST
55 Auto Park Circle
Vaughan, ON L4L 8R1

SUBARU OF MAPLE
250 Sweetriver Boulevard
Vaughan, ON L6A 4V3

VAUGHAN CHRYSLER
1 Auto Park Circle
Vaughan, ON L4L 8R1

WILLOWDALE SUBARU
222 Steeles Ave West
Thornhill, ON L4J 1A1

VOLVO OF UNIONVILLE
4088 Highway #7 East
Markham, ON L3R 1L4

March 8, 2017

Page 5

VOLVO VILLA

220 Steeles Avenue West
Thornhill, ON L4J1A1

BMW AUTOHAUS

480 Steeles Avenue West,
Thornhill, Ontario L4J 6X6

VOLKSWAGEN VILLA

212 Steeles Avenue West
Thornhill, ON L4J1A1

BMW AUTOHAUS

480 Steeles Avenue West
Thornhill, Ontario L4J 6X6

LAND ROVER/JAGUAR THORNHILL

434 Steeles Avenue West
Thornhill, Ontario L4J 6X6

PFAFF PORSCHE

101 Auto Park Circle,
Woodbridge ON L4L 8R1

PFAFF PORSCHE PRE-OWNED

115 Auto Park Circle,
Woodbridge, ON L4L 8R1

PFAFF AUDI

9088 Jane Street,
Vaughan, ON L4K 2M9

PFAFF TUNING

33 Auto Park Circle,
Woodbridge, ON L4L 8R1

PFAFF AUTOWORKS

214 Courtland Ave.,
Vaughan, ON L4K 4W9

PFAFF LEASING

618 Chrislea Rd.,
Woodbridge ON L4L 8K9

March 8, 2017

Page 6

MCLAREN TORONTO
33 Auto Park Circle,
Woodbridge, ON L4L 8R1

H.J PFAFF AUDI
16775 Leslie Street,
Newmarket, ON L3Y 9A1

PFAFF HARLEY DAVIDSON
8779 Yonge Street,
Richmond Hill, ON L4C 6Z1

PFAFF PORSCHE SERVICE
618 Chrislea Rd.,
Woodbridge ON L4L 8K9

COVENTRY NORTH JAGUAR/LAND ROVER
123 Auto Park Circle
Woodbridge, ON L4L 9S5

ZANCHIN AUTOMOTIVE GROUP
5555 Highway 7 West
Woodbridge, ON L4L 1T5
Consisting of the following:

Number 7 Honda	Number 7 Repair body shop
Venice Leasing	Woodbridge Toyota
Prima Mazda	Alta Nissan
International Auto Depot	Martin Grove VW
Alta Infiniti	Routes Car Rental
Maple Toyota	Maple Body Shop
Maple Honda	Maple Acura
Maple Hyundai	Maple VW
Maple Mazda	Maple Nissan
Alta Nissan Richmond Hill	Alta Nissan Richmond Hill body shop

28653313.3