

March 15, 2010

Town of Ingersoll
130 Oxford Street, 2nd Floor
Ingersoll, Ontario N5C 2V5

Dear Mayor and Council

Re: Garland Court, Senior Housing Project

Thank you for the opportunity of allowing us to meet with the Development Committee on Thursday, March 11, 2010 to discuss the details of our Seniors Housing Project.

We would appreciate Council reconsidering the two issues that were raised at the Development Committee meeting. The reason for our request is to assure that this project stays "on track" and remains "affordable" for us. We believe Council has authority to reconsider the decisions that were made with respect to this project at their earlier Council meetings, as it relates to these issues. Pursuant to Section 9.11 we believe we are bringing before Council added information and a further proposal with respect to the amount payable for Development Charges.

With respect to the security deposit required for the Site Plan Agreement. We have provided a letter of credit for \$6,400.00. This letter of credit guarantees the repair and restoration of Garland Court after construction is completed.

To satisfy the Town of Ingersoll as well as the County of Oxford we are prepared to provide additional letter of credit in the sum of \$40,000.00 to guarantee the performance of our obligation concerning this Site Plan Agreement. We have chosen the sum of \$40,000.00 as this represents the costs that our clients will incur for the installation of the storm and sanitary sewers as well as the water mains on the property.

Paragraph 15 of Schedule A to By-Law # 99-3881, which is the Site Plan approval guidelines provides that "According to the Town of Ingersoll's Site Plan Control By-Law an applicant **may be** required to provide the Town with a deposit of cash, certified cheque, or irrevocable letter of credit, or any combination thereof, to ensure satisfactory provision and maintenance of the building, structures, facilities and work approved under the site plan approval process".

Ennio Micacchi

Murray R. Borndahl

Ferry W. Thompson

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Certified Specialist
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Rebecca L. Pepper

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We believe it clearly indicates that Council has a discretion under this provision to require something less than the 50% of the estimated cost of the site work as provided in Section 15 (b). We believe this is a proper situation for Council to exercise that discretion given the proven track record of our clients with respect to past developments in the Town of Ingersoll, the fact that this is an affordable housing project and finally the substantial costs that our clients will need to incur to provide this letter of credit. Further we must be mindful of the provincial direction indicating the wish of the Province of Ontario that local municipalities support the development of affordable housing.

I respectfully request that Council accept a total security with respect to the site plan control agreement in the sum of \$46,400.00.

With respect to the development charges and building permit fees with respect to this project, the Town's current development charges on the 14 senior units payable at the permit stage is \$19,810.00 (14 x \$1,415.00).

Our clients are also required to pay, at permit stage, the building permit fees, plumbing permits, sewer connections and deposits totaling \$12,749.00. At the Development Committee meeting we had indicated to the Committee that the development charges were waived with respect to our client's project on John Street and it was felt it would be appropriate that this project be treated in the same manner.

We have been advised that the John Street project was not charged development fees as it was exempt from those fees being a part of the downtown/commercial area. Upon further review of the John Street project, it would appear that the Town of Ingersoll specifically decided to include the John Street property in the downtown/commercial area in order for it to be developed as affordable housing.

We believe that, notwithstanding this property is not within the downtown/commercial area, that it is appropriate that the development charges should be waived with respect to this project. We see no difference in the two projects in that regard. The addition of these housing units in the Town of Ingersoll will increase the Town's tax base and add a type of housing that is badly needed in the Town of Ingersoll.

Accordingly, we request that council waive the development charges on our Garland project for \$19,810.00. You will note that this is only for the 14 senior units. Our clients are not asking for a waiver of the charges on the 6 on-street units.

Brian Conn and Murray Borndahl will be attending the March 22 special meeting to answer any questions or concerns Council may have.

Thank you for your consideration.

Yours very truly,

NESBITT COULTER LLP

Per:

A handwritten signature in black ink, appearing to read "Terry W. Thompson", written over a horizontal line.

Terry W. Thompson

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