

City of Mississauga Corporate Report



<p>Date: March 28, 2024</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Shari Lichterman, CPA, CMA, City Manager and Chief Administrative Officer</p>	<p>Meeting date: May 8, 2024</p>

Subject

Authorization to Enter into a Development Charges Deferral Agreement with Frog in Hand Productions Inc.

Recommendation

That the Director, Finance and Treasurer, and the City Clerk, or their designate, be authorized to enter into a development charges deferral agreement on behalf of the City with Frog in Hand Productions Inc., with the content satisfactory to the Director, Finance and Treasurer and in a form satisfactory to the City Solicitor, to defer the payment of development charges for the structures at 887 Jim Tovey Boulevard (formerly Hydro Road) as outlined in the report dated March 28, 2024 entitled "Authorization to Enter into a Development Charges Deferral Agreement with Frog in Hand Productions Inc." from the City Manager and Chief Administrative Officer.

Executive Summary

- In 2023, Frog in Hand Productions Inc. applied for a building permit to erect a temporary dome and storage trailers in support of their "Art Shelter" rehearsal space, located at 887 Jim Tovey Boulevard (formerly Hydro Road).
- Based on the current development charges ("DC") By-law definition of "Temporary", the structures related to the rehearsal space are required to pay DCs.
- Staff are recommending that Council authorize a DC Deferral Agreement to defer the calculation and payment of the DCs for at least three years.
- Staff will undertake a review of the definition of "temporary building or structure" and incorporate any changes, as appropriate, for Council's consideration through the next DC By-law review.
- The total applicable City DCs amount to \$22,767.34.

Background

Staff have been in discussions with Frog in Hand Productions Inc. (the “Applicant”). Frog in Hand Productions Inc. is a performance company of dance theatre artists. The Applicant is incorporated as a non-for-profit organization and is based in Mississauga. The artists exist to cultivate Mississauga as a cultural hub where they can create unique opportunities in the City for artists to remain connected to their community.

The Applicant has installed a temporary structure, entitled “The Art Shelter” which is an off grid geodesic dome, as well as two shipping containers for storage, shown in Figure 1 below. The purpose of the Art Shelter is to provide artists with a rehearsal space in the City, where this type of space is in short supply. The Art Shelter is intended to be an arts incubation hub, primarily for rehearsals. As such, there will be no performances for the general public on site. The Art Shelter is located at 887 Jim Tovey Boulevard (formerly Hydro Road), where the land is owned by Lakeview Community Partners Ltd (LCPL). The Applicant currently has a lease with LCPL which terminates on May 31, 2027, with the possibility of yearly extensions until LCPL is ready to develop on site.

Figure 1



The structures that the Applicant has erected attract a development charge per the policies and definitions contained in the current DC By-law. Given its temporary nature, the Applicant has requested a deferral of the DCs. The Applicant has submitted this written request, attached as Appendix 1 to this report.

Comments

The DC By-law contains a limited number of exemptions, including that no DCs are imposed on “temporary buildings or structures”, as defined in the By-law. A building or structure is defined

as temporary if the building or structure is constructed or placed on the land for a period not exceeding 245 days within any twelve-month period. The Art Shelter does not meet this definition.

The impetus of this report is for staff to receive authorization to enter into a DC deferral agreement, beyond the term defined in the By-law, to defer the calculation of the DCs until such point in time that the DC by-law is renewed by Council, likely to occur in 2027. Staff will undertake a review of the temporary building or structure definition and bring forward any proposed revisions for Council's consideration during the 2027 By-law review.

The definitions, policies and rates contained in the By-law will continue to be in force until such time that Council amends or renews the By-law. Staff does not advise for Council to open and amend the By-law simply to change one policy and definition, as the passage of a new by-law would be subject to appeals to the Ontario Land Tribunal.

The DC Deferral Agreement will provide for the payment of DCs, should the use become protracted or no longer deemed to be a temporary structure, in accordance with the By-law.

Financial Impact

The following is a breakdown of the DCs applicable for the Art Shelter and shipping containers.

City of Mississauga DCs	\$22,767.34
Region of Peel DCs	\$46,223.70
Peel District School Board DCs	\$810.71
Dufferin Peel Catholic School Board DCs	\$776.32
Total Development Charges	\$70,578.07

It is noted that the Region of Peel's policy regarding temporary structures is consistent with the City's. Regional staff would need to bring forward a similar recommendation for Regional Council's consideration in order to accommodate the Applicant's request. The education development charges have been paid in full by the Applicant as there is no exemption contained in the School Boards' by-law nor is there a deferral provision in the *Education Act*.

Finally, it should be noted that an exemption contained in the By-law does not constitute a waiver or grant-in-lieu of DCs. The City's current By-law already contemplates the exemption of temporary uses from the payment of DCs; this current proposal simply seeks more time to defer the calculation of the DCs until staff have the opportunity to review the definition of temporary in the By-law.

Conclusion

This report has been prepared to provide an overview of the application of the DC by-law, its exemption for temporary buildings and structures, and how the By-law would apply to the

structures emplaced by Frog in Hand Productions Inc. Staff are seeking authorization to enter into a DC Deferral Agreement to defer the calculation and payment of development charges beyond 36 months for the structures associated with Frog in Hand Productions Inc. until such time that the 2027 DC By-law is renewed by Council and the definition of temporary building or structure is reviewed for Council's consideration.

Attachments

Appendix 1: Deferral Request Letter from Frog in Hand Productions Inc.

A handwritten signature in black ink, appearing to be 'SML', written over a horizontal line.

Shari Lichterman, CPA, CMA, City Manager and Chief Administrative Officer

Prepared by: Janet Lee, Manager, Manager of Development Financing and Reserve Management