

## **Appendix 2 – Complaint provisions under the DC Act**

Section 20 of the *Development Charges Act, 1997* sets out a process by which applicants can object to a development charge. The relevant provisions of the DC Act are as follows:

### **Complaint to council of municipality**

**20** (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,

- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge by-law.

### **Time limit**

(2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable.

### **Form of complaint**

(3) The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant and the reasons for the complaint.

### **Hearing**

(4) The council shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.

### **Notice of hearing**

(5) The clerk of the municipality shall mail a notice of the hearing to the complainant at least 14 days before the hearing.

### **Council's powers**

(6) After hearing the evidence and submissions of the complainant, the council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.

### **Notice of decision and time for appeal**

**21** (1) The clerk of the municipality shall mail to the complainant a notice of the council's decision, and of the last day for appealing the decision, which shall be the day that is 40 days after the day the decision is made.

### **Requirements of notice**

(2) The notice required under this section must be mailed not later than 20 days after the day the council's decision is made.

### **Appeal of council's decision**

**22** (1) A complainant may appeal the decision of the council of the municipality to the Ontario Municipal Board by filing with the clerk of the municipality, on or before the last day for appealing the decision, a notice of appeal setting out the reasons for the appeal.

### **Additional ground**

(2) A complainant may also appeal to the Ontario Municipal Board if the council of the municipality does not deal with the complaint within 60 days after the complaint is made by filing with the clerk of the municipality a notice of appeal.