

Co-Managing Partner Denise Baker successfully represents Durham Region in an appeal before the Ontario Land Tribunal

June 27, 2023

Co-Managing Partner Denise Baker represented the Regional Municipality of Durham in a successful appeal that was brought before the Ontario Land Tribunal. The appeal was brought forward under the *Development Charges Act* (“DCA”), and pertained to a dispute involving a Supportive Housing Facility that is currently under construction within the Township of Brock, and which will be wholly owned and operated by Durham Region.

The facility will contain 37 suites once completed, which the Township held necessitated the payment of a Development Charge. In compliance with this, Durham Region paid the Township a Development Charge of \$464,757 under protest. However, the Region maintained that as a municipality, it fell within a DCA exemption that stipulated municipalities would not be required to pay a Development Charge “where the site is owned by and used for the purposes of a municipality.”

The Tribunal ultimately ruled in favour of the Regional Municipality of Durham, ordering the Township of Brock to refund the municipality the total sum of the Development Charge, in addition to interest “at a rate agreeable to the Parties.”

To learn more about Denise Baker, please visit her profile page.

To learn more about the Municipal Practice Group, [click here](#). To learn more about the Planning & Land Development Practice Group, [click here](#).