



Town of Newmarket
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Ombudsman Investigation Information Report

Report Number: 2017-28

Department(s): Legislative Services

Author(s): Sarah Niezen, Records and Projects Coordinator

Date: December 20, 2017

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this report is to provide a public summary of the Ombudsman's investigation into a complaint that the Town failed to effectively communicate the fees payable for a proposed renovation and zoning change.

Background

On August 3, 2017 the complainants submitted a complaint to the Municipal Ombudsman (ADR Chambers) alleging that the Town failed to advise them upfront of all the fees associated with a project to renovate their building and change the zoning to permit both residential and institutional uses. The complainant sought reimbursement of all fees paid to the Town and all fees paid to their consultants.

A final report was issued by ADR Chambers on September 26, 2017.

Discussion

The complainants wished to renovate a property in Newmarket, to be used both for their residence and for a small school based on holistic education.

Summary of Timeline

This process began formally in 2010 with discussions with staff and Council members prior to this date. Planning Report 2011-10 dated March 1, 2011 recommended the Zoning By-law Amendment be referred to a public meeting. A statutory public meeting

was held on May 3, 2011. On June 10, 2011 Council enacted site specific Zoning By-law Amendment 2011-34. A building permit application was filed on May 11, 2011 and an application for site plan approval on July 28, 2011.

The project evolved, with site plan approval considered by the Site Plan Review Committee on August 15, 2011, and Planning Report 2011-33 considered by Committee of the Whole at its meeting on August 29, 2011.

On May 24, 2012 the complainants withdrew their application.

The complainants reactivated their application, in a scaled-down form, in 2016. They filed new applications for site plan approval on February 26, 2016 and for a building permit on July 29, 2016. They revised their building permit application on August 9, 2016. In August 2016 they withdrew their application.

Summary of Ombudsman's Review Process

The Ombudsman reviewed the Town's records and correspondence with the complainant, conducted several interviews via conference call with the Mayor, senior staff, and staff in the Planning and Building Services Department.

Ombudsman's Recommendations

The Ombudsman found that based on the information available, it was reasonable to conclude that staff did not provide enough information about the applicable fees in 2010. However, the Ombudsman noted that the complainants would have obtained this information about the applicable fees from their planning consultant.

The Ombudsman recommended that the Town should not reimburse any fees to the complainants.

Conclusion

Staff have made considerable improvements since 2010 in the provision of planning and building information to applicants, with the website and other means. Staff will continue to review and improve these practices moving forward.

Business Plan and Strategic Plan Linkages

The objective review of Town processes by the Ombudsman relates to the Well-equipped and managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

Consultation

None.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Contact

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