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Information on the Process for Development Charge Complaint Hearings

Information Report

Report Number: INFO-2026-01

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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

In advance of the development charge complaint hearing scheduled for Monday, January 19, 2026, this report provides Council with information on how development charge complaint hearings are conducted.

Background

The *Development Charges Act, 1997* (the “**DC Act**”), provides a mechanism to dispute the payment of development charges through a hearing before Council. The procedure in respect of the hearing of a complaint under the DC Act is governed, generally, by the *Statutory Powers Procedure Act* and, specifically, by Section 20 of the DC Act.

The procedure noted in Section 20 of the DC Act is:

- Council shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.

- 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.

Discussion

Development charge complaint hearings held by municipalities, including York Region, are generally structured in a consistent manner, which is that the hearing takes place by way of receipt and consideration of a deputation from the complainant and a recommendation report from municipal staff. The process is as follows:

- A complainant will have five minutes to speak. The staff position is set out in a report on the agenda, and staff do not make a presentation.
- Following the complainant's deputation, Members of Council may ask questions of the complainant or staff.
- After receiving responses to questions asked, Council will make a decision.
- If Council wishes to deliberate in private prior to making a decision, they may do so, however, this is not common practice. Also, given that Council is acting as an adjudicative body, the private deliberations will not involve staff.

Following the hearing, the Town will send out a notice of decision, which will also provide information on how to file an appeal to the Ontario Land Tribunal, in the event a complainant wishes to appeal the decision.

The complaint being heard on Monday, January 19, 2026 was also the subject of a development charge complaint hearing at York Region Council on December 11, 2025. Members of Council may wish to review the [video recording](#) of the hearing procedure that took place at York Region Council in order to become familiar with the process for development charge complaint hearings.

Consultation

Financial Services and Legislative Services were consulted in the preparation of this information report.

Conclusion

This memorandum is provided to ensure Council is familiar with the process for the hearing of development charge complaints.

Council Priority Association

This report aligns with the following Council Priority: Community and Economic Vibrancy

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Approval for Distribution

Karen Reynar, Director, Legal and Procurement Services

Esther Armchuk, Commissioner, Corporate Services

Report Contact

For more information on this report, contact info@newmarket.ca