

**LPAT Case Nos. PL171084
PL180158
PL180580
MM180022
MM170004**

LOCAL PLANNING APPEAL TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	ClubLink Corporation ULC and ClubLink Holdings Ltd.
Subject:	Request to amend the Official Plan - Refusal of request by the Town of Oakville
Existing Designation:	Private Open Space and Natural Area
Proposed Designation:	Site Specific (to be determined) – including Residential, Mixed Use and Community Commercial
Purpose:	To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description:	1333 Dorval Drive
Municipality:	Town of Oakville
Approval Authority File No.:	OPA.1519.09
LPAT Case No.:	PL171084
LPAT File No.:	PL171084
LPAT Case Name:	ClubLink Corporation ULC v. Oakville (Town)

See Appendix “A”

WITNESS STATEMENT OF AUDREY JACOB

Prepared for ClubLink Corporation ULC and ClubLink Holdings Limited

May 17, 2021

Qualifications

1. I am a land economist and planner and am the Chief Operating Director of IBI Group, which is a multi-disciplinary firm that provides advice to a broad range of clients. For over ten years prior, I was the Director and practice lead of the Real Estate, Economics and Planning Group out of the Toronto office. I have been with IBI Group for 34 years. Prior to joining IBI Group, I was a consultant at Stamm Economic Research.
2. I hold an undergraduate degree in urban-economic geography from the University of Toronto and a Masters of Urban Planning (MUP) from McGill University. I have

substantial experience in the fields of municipal finance, including development charges as well as residential and employment land needs and growth management.

3. I am a Registered Professional Planner (RPP), a member of the Ontario Professional Planners Institute in good standing as well as a member of the Canadian Institute of Planners. I am also a Professional Land Economist.
4. A copy of my curriculum vitae is attached to this Witness Statement, together with a signed Acknowledgement of Expert's Duty form, as Attachments 1 and 2 respectively.
5. I have previously provided expert evidence before the Ontario Municipal Board / Local Planning Appeal Tribunal as a land economist and land use planner, including expert evidence in the areas of municipal finance, development charges, growth management and land needs.

Retainer

6. IBI Group was originally retained by ClubLink Corporation ULC and ClubLink Holdings Limited ("ClubLink") in January 2016 to complete a Capital Impact Assessment, a Municipal Financial Impact Study and a Commercial/Retail Market Review and Impact Study in support of ClubLink's Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications (the "Applications"). The Applications were submitted to the Town of Oakville (the "Town") on November 10, 2016. ClubLink appealed the Town's refusal of the Applications to the Local Planning Appeal Tribunal.
7. IBI Group's retainer was extended in August 2020 to include updates to the Commercial/Retail Market Review and Impact Study ("Retail Market Review"), the Municipal Financial Impact Study ("Financial Impact Study") and the Capital Impact Assessment ("Capital Impact Assessment"). IBI Group also completed a Community Services and Facilities Study ("CSFS") to address issues raised by the Town and the Regional Municipality of Halton on the Issues List for these appeals. The four studies were produced to the Town and the other parties to these appeals on February 22, 2021. The findings of the Capital Impact Assessment and Municipal Financial Impact Study are included below in my Summary of Evidence and Opinion. The summary of

findings and opinion for the Retail Market Review and the CSFS are included in Ms. Robyn Brown's Witness Statement.

8. All dollar values in this Witness Statement are expressed in constant 2020 dollars.

Summary of Evidence and Opinions

Capital Impact Assessment (February 22, 2021)

9. The Capital Impact Assessment was completed on February 22, 2021. The purpose of the Capital Impact Assessment was to update IBI Group's 2016 report and examine the capital impact of the proposed redevelopment of the Glen Abbey Golf Club on the Town, specifically in relation to: roads, intersections / access points, pedestrian and cycling routes, transit improvement, storm water management, trails and parks.

10. The following summarizes the findings of the Capital Impact Assessment:

- a) The majority of the proposed capital infrastructure will be a direct developer responsibility according to the local service policy in the Town's 2018 Development Charges Background Study.
- b) The costs of the proposed capital infrastructure that may not be directly funded by the developer amounts to \$3.75 million and includes transit improvement, recreational trail development and parkland programming.
- c) Given the estimated timing of the proposed redevelopment, the full \$3.75 million would be funded through development charges or front-end agreements with the developer. In the latter case, funded amounts would be eligible for development charge credits.
- d) The Town will not be responsible to fund any capital works for the proposed redevelopment, due to the repeal of the 10% statutory deduction in certain services funded by development charges. By-law 2021-016, adopted March 29, 2021, which amended Development Charges Bylaw 2018-001, removed the previous mandatory 10% reduction.

- e) Based on the Town's Financial Impact Model, the proposed redevelopment will generate a total of \$47.5 million in development charges revenue for the Town (2017 rates). Note that this does not reflect current rates as the Town's Financial Impact Model does not use current rates.
- f) Based on the Town's rates as at July 2020, the proposed redevelopment will generate a total of \$63.7 million in development charges revenue for the Town.

Municipal Financial Impact Study (February 22, 2021)

11. The Financial Impact Study was completed on February 22, 2021. The purpose of the Municipal Financial Impact Study was to update IBI Group's 2016 Report and examine the financial impact of the proposed redevelopment of the Glen Abbey Golf Club on the Town of Oakville.

12. The following summarizes the findings of the Municipal Financial Impact Study:

- a) **Capital Revenues:** As noted in the Capital Impact Assessment, the proposed Glen Abbey redevelopment will generate \$63.7 million in development charges revenue for the Town.
- b) **Operating Revenues:**
 - i. Based on the current building permit application fee rates, at completion the proposed redevelopment would generate an overall one-time revenue totalling \$7.3 million.
 - ii. The assessed value of the proposed redevelopment at build out is estimated at over \$1.26 billion.
 - iii. Annual property tax revenue at build out is estimated at \$6.4 million.
 - iv. Additionally, annual non-tax revenue attributed to the proposed redevelopment is \$531,000. Combined, the anticipated revenue for the Town is estimated at approximately \$7.0 million annually at build out.

- c) **Operating Expenditures:** Municipal operating costs attributed to the proposed redevelopment total \$4.7 million. At a mature state, the proposed redevelopment continues to yield a positive net annual operating surplus.
- d) **Net Operating Impact:** At a mature state, the Town's annual operating surplus associated with the redevelopment is estimated at \$2.29 million (i.e., operating revenue minus operating expenditures). It is estimated that each phase of the redevelopment will result in a positive financial impact, combining to generate a \$24.1 million surplus for the Town to 2042.

Issues List and Responses

- 13. In my evidence at the hearing, I will primarily address the following issues on the Issues List: 9(a) and (b), 46(e) and 105(a).
- 14. **Issue 9(a): Should the Applications be refused on the basis that intensification of the nature and scale proposed should be located in the Town's strategic growth areas (growth areas in the Livable Oakville Plan), based on: (a) consistency with the policies of the Provincial Policy Statement regarding nodes and corridors; intensification and redevelopment; transit-supportive development; and coordinating planning and infrastructure; including sections 1.1.1, 1.1.3.2, 1.1.3.3, 1.2.1, 1.2.4, 1.6.1, and 1.6.3;**
- 15. Response: Of the policies identified in Issue 9(a), policies 1.1.1 and 1.6.1 and of the Provincial Policy Statement ("PPS") are relevant to the Capital Impact Assessment and Financial Impact Study.
- 16. Section 1.1.1 identifies policies for the creation of healthy, liveable and safe communities. Subsection A promotes the efficient development and land use patterns to sustain the financial well-being of the Province and municipalities over the long term. Subsection E promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns which optimize transit investments and standards to minimize land consumption and servicing costs.

17. Section 1.6.1 outlines policies for the provision of infrastructure and public service facilities in a coordinated and efficient manner which are financially viable over their lifecycle and are available to meet current and projected needs.
18. As per the findings of the Financial Impact Study, the Glen Abbey redevelopment is estimated to generate an annual operating surplus of \$2.29 million at build out and is expected to result in a \$24.1 million surplus for the Town to 2042.
19. As per the Capital Impact Assessment, approximately \$3.75 million in capital infrastructure would be funded through the Town's development charges program. These capital projects include transit improvements, recreational trail development and parkland programming. Given the estimated timing of the proposed redevelopment, it is expected that the full \$3.75 million would be funded through development charges or front-end agreements with the developer. Based on the Town's 2020 development charge rate, the proposed redevelopment will generate a total of \$63.7 million dollars in development charge revenue, which would leave a surplus of \$59.9 million to fund other growth-related capital costs throughout the Town.
20. It is my opinion that the Glen Abbey redevelopment is consistent with the identified policies of the PPS. The findings of the Financial Impact Study and Capital Impact Assessment illustrate that the Glen Abbey redevelopment will result in a net positive operating and capital position for the Town. The annual operating surplus at build out demonstrates that the proposed redevelopment will contribute to the financial viability of the redevelopment over the lifecycle of the planned infrastructure. With respect to capital costs, the development charge revenue is expected to cover and exceed the required Town capital infrastructure investments.
21. Overall, the positive operating and capital position generated by the Glen Abbey redevelopment demonstrates that a cost-effective development pattern has been planned.
22. **Issue 9(b): Should the Applications be refused on the basis that intensification of the nature and scale proposed should be located in the Town's strategic**

growth areas (growth areas in the Livable Oakville Plan), based on: ... (b) conformity with the policies of the Growth Plan regarding directing growth to strategic growth areas; intensification within the delineated built-up area; integration of planning and infrastructure; aligning growth with transit and transportation corridors; transit-supportive densities and development; and implementation; including sections 1.2.1, 2.1, 2.2.1, 2.2.2, 3.1, 3.2.1, 3.2.2, 3.2.3, 3.2.8, 5.2.3.2, and 5.2.5;

23. Response: Of the policies identified in Issue 9(b), policies 3.1 and 3.2.1 of the Growth Plan are relevant to the Financial Impact Study and the Capital Impact Assessment.
24. Section 3.1 promotes the creation of complete communities through the better use and optimization of land, infrastructure and public service facilities through the identification of the most cost-effective opportunities which maximize current and future investments to create strong, healthy and prosperous communities.
25. Section 3.2.1 identifies the need for the coordination of infrastructure and land use planning across various governments and agencies. Subsection 2 states that planning for new or expanded infrastructure should occur in an integrated manner and should include evaluations of long-range scenario-based land use planning, environmental planning and financial planning. Supporting studies should be provided which demonstrate how infrastructure investment has been leveraged, how sufficient infrastructure capacity is provided in strategic growth areas, what the full life cycle costs of infrastructure are, and what the impacts of climate change are.
26. The vast majority of new infrastructure for the proposed Glen Abbey redevelopment will be direct developer responsibilities. As per the Capital Impact Study, the costs of the proposed capital infrastructure that may not be directly funded by the developer amounts to \$3.75 million and includes transit improvements, recreational trail development and parkland programming. Given the estimated timing of the proposed redevelopment, the full \$3.75 million is expected to be funded through development charges or front-end agreements with the developer.

27. The annual operating surplus at build out demonstrates that the proposed redevelopment will contribute to the financial viability of the redevelopment over the lifecycle of the planned infrastructure. The positive operating and capital position generated by the Glen Abbey redevelopment demonstrates that a cost-effective development pattern has been planned for which can help to contribute to the creation of a complete community.
28. It is my opinion that the Glen Abbey redevelopment conforms with the identified policies of the Growth Plan.
29. **Issue 46(e): Is the nature and scale of development appropriate given that the site is not a growth area identified in Livable Oakville or a major growth area or Intensification Area identified in the Regional Official Plan, considering: ... (e) conformity with the policies of the Growth Plan 2019 regarding infrastructure to support growth, integrated planning, moving people/transit, transit-supportive densities and development, and public service facilities?**
30. Response: Please see my response to Issue 9(b) in paragraphs 23 to 28. It is my opinion that the Glen Abbey redevelopment conforms with the identified policies of the Growth Plan.
31. **Issue 105(a): Is proposed section 3.6, together with the proposed new Schedule A1, intended to restrict growth through mixed use development and intensification to the areas identified as “Nodes and Corridors” on Schedule A1 and, if so, does this restriction render OPA 15: (a) inconsistent with the Provincial Policy Statement, 2020 (“PPS”), and in particular, policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?**
32. Response: Of the policies identified in Issue 105(a), policies 1.1.1 and 1.7 of the PPS are relevant to the Financial Impact Study and the Capital Impact Assessment. Please see my response to Issue 9(a), at paragraphs 15 to 21, for my assessment of PPS policy 1.1.1.

33. Section 1.7 identifies a list of criteria which is meant to promote long term economic prosperity. Subsection C references optimizing the long term availability of land, infrastructure and public service facilities.

34. The annual operating surplus at build out demonstrates that the proposed development will contribute to the financial viability of the redevelopment over the lifecycle of the planned infrastructure. The positive operating and capital position generated by the Glen Abbey redevelopment demonstrates that a cost-effective development pattern is being proposed which optimizes existing investments in infrastructure.

35. It is my opinion that the Glen Abbey redevelopment is consistent with the identified policies of the PPS.

Summary of Opinion

36. It is my opinion that the Applications are consistent with the identified policies of the PPS and conform to the identified policies of the Growth Plan as they relate to financial and capital impact.

37. The findings of the Financial Impact Study and Capital Impact Assessment illustrate that the build out of the proposed Glen Abbey redevelopment will yield a net positive operating and capital financial position for the Town. It is not anticipated that the proposed development will have an adverse impact on the Town's finances.

List of Documents to be Referred To

1. Provincial Policy Statement (2020)
2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)
3. Greater Golden Horseshoe: Growth Forecasts to 2051, Hemson Consulting, August 26, 2020
4. Region of Halton Official Plan, Interim Office Consolidation (September 28, 2015)
5. Livable Oakville, Town of Oakville Official Plan (2009), Office Consolidation (February 23, 2015)
6. Halton Region Development Charges Background Study (2017)
7. Town of Oakville Development Charges Background Study, Watson and Associates (2018)

IBI Group Reports

8. Glen Abbey Golf Club Redevelopment Municipal Financial Impact Study (February 22, 2021)
9. Glen Abbey Golf Club Redevelopment Capital Impact Study (February 22, 2021)
10. Glen Abbey Golf Club Redevelopment Commercial/Retail Market Review and Impact Study (February 17, 2021)
11. Glen Abbey Golf Club Redevelopment Community Services and Facilities Study (February 17, 2021)

Financial Impact Study

12. Town of Oakville Financial Information Return (2019)
13. Town of Oakville Financial Impact Model (2017)
14. Municipal Property Assessment Corporation – Current Value Assessment (2020 values for various properties)
15. Town of Oakville Property Tax Rates (2020)
16. Town of Oakville Building Permit Fees (2020)

Capital Impact Study

17. Development Charges Act, 1997
18. Bill 108, the “More Homes, More Choice Act, 2019
19. Town of Oakville Development Charges By-law 2018-001
20. BA Group, “Glen Abbey Golf Club Proposed Redevelopment Transportation
21. SCS Consulting Group Ltd., “Functional Servicing and Stormwater Management Report – Proposed Redevelopment of the Glen Abbey Golf Club, Town of Oakville”, February 2021;
22. ERA Architects, “Park & Open Space Concept Plan – Glen Abbey, Oakville”, October 2016



Audrey Jacob

Dated: May 17, 2021

Appendix "A"

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
 Subject: Application to amend Zoning By-law No. 2014-014 - Refusal of Application by the Town of Oakville

Existing Zoning: Private Open Space (O2), Private Open Space-Special (O2- Sp. 114), and Natural Area (N)

Proposed Zoning: Site Specific (to be determined)

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipality File No.: Z.1519.09
 LPAT Case No.: PL171084
 LPAT File No.: PL171085

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
 Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipality File No.: 24T-17003/1519
 LPAT Case No.: PL171084
 LPAT File No.: PL171086

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
 Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipality File No.: 24T-17003/1519
 LPAT Case No.: PL171084

LPAT File No.: PL171167

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
 Subject: Proposed Plan of Subdivision
 Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipality File No.: 24T-17003/1519
 LPAT Case No.: PL171084
 LPAT File No.: PL180034

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Proposed Official Plan Amendment No. 24
 Municipality: Town of Oakville
 LPAT Case No.: PL180158
 LPAT File No.: PL180158
 LPAT Case Name: ClubLink Corporation ULC et al. v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: By-law No. 2018-016
 Municipality: Town of Oakville
 LPAT Case No.: PL180158
 LPAT File No.: PL180159

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Proposed Official Plan Amendment No. 15
 Municipality: Town of Oakville
 LPAT Case No.: PL180580
 LPAT File No.: PL180580

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.

Subject: Proposed Official Plan Amendment No. 16
Municipality: Town of Oakville
L.P.A.T. Case No.: PL180580
L.P.A.T. File No.: PL180581

PROCEEDING COMMENCED UNDER subsection 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Appeal of a decision of Council on an application to demolish a building or structure
Municipality: Town of Oakville
LPAT Case No.: MM180022
LPAT File No.: MM180022

PROCEEDING COMMENCED UNDER subsection 69(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Appeal against the levying of an application fee
Municipality: Town of Oakville
LPAT Case No.: MM170004
LPAT File No.: MM170004

Attachment 1 - CV of Audrey Jacob

Audrey H. Jacob

Deputy Regional Director, Canada East

Ms. Jacob leads the firm's Real Estate Economic + Planning practice. She specializes in development charges, municipal financial impact analysis, market analysis, demographic analysis, population and employment forecasts, development/financial feasibility, economic impact, and growth management/land needs.

Representative Experience

Development Charge and Education Development Charge Studies

– On behalf of BILD and/or its predecessor organizations (Urban Development Institute/Ontario, Greater Toronto Homebuilders' Association) and private developers, reviewed and analyzed the development charge by-law of the following municipalities, regions and school boards:

- City of Toronto (1999, 2007, 2008, 2013, 2018 DC By-laws)
- City of Hamilton (2019 DC By-law)
- York Region (1991, 1998, 2003, 2007 DC By-laws)
- City of Vaughan (1991, 1999, 2003, 2013 DC By-laws)
- Town of East Gwillimbury (1999, 2004, 2013, 2018 DC By-laws)
- Town of Whitchurch-Stouffville (1999, 2004, 2018 DC By-laws)
- Town of Aurora (2014 DC By-law)
- Township of King (2009, 2014 DC By-laws)
- Peel Region (2012 DC By-law)
- City of Brampton (2009 DC By-law)
- City of Mississauga (2019 DC By-law)
- Halton Region (1999–2000, 2003–2004, 2008, 2012 DC By-laws)
- Town of Milton (1999–2000, 2004, 2008, 2012, 2016 DC By-laws)
- Town of Oakville (1991, 1999, 2004, 2009, 2012 DC By-laws)
- Durham Region (2003 DC By-law)
- Town of Ajax (1999, 2003, 2008, 2018 DC By-laws)
- City of Pickering (2004 DC By-law)
- City of Ottawa (2004, 2008, 2012, 2019 DC By-law)
- Town of New Tecumseth (1999/2000, 2004, 2014 DC By-laws)
- Town of Bradford West Gwillimbury (2003/2004 DC By-laws)
- Town of Innisfil (2004, 2008, 2018 DC By-laws)
- City of Barrie (1999, 2019 DC By-laws)
- City of Guelph (1999, 2009, 2014, 2018 DC By-laws)
- Guelph Eramosa Township (2013, 2018 DC By-laws)
- Simcoe County (2006, 2016 DC By-laws)
- Town of West Lincoln (2019 DC By-law)
- City of Thorold (2019 DC By-law)
- Town of Blue Mountains (2019 DC By-law)

Education

Master of Urban Planning, McGill University, Montreal, QC, 1983

B.A. (Urban-Economic Geography), University of Toronto, Toronto, ON, 1979

Experience

2014–Present

IBI Group, Toronto, ON, Deputy Regional Director, Canada East

2010–2014

IBI Group, Toronto, ON, Director

2007–2010

IBI Group, Toronto, ON, Associate Director

1986–2006

IBI Group, Toronto, ON, Senior Associate, Senior Planner/Economist

1983–1986

Stamm Economic Research, Consultant

Real Estate and Housing Department with the City of Edmonton, Planner

Zink & Partner, Architects in Munich, Germany, Researcher

Memberships

Ontario Professional Planners Institute (OPPI), Full Member

Canadian Institute of Planners (CIP), Full Member

Registered Professional Planner (RPP)

Association of Ontario Land Economists (AOLE), Professional Land Economist

Lambda Alpha, Honorary Society of Land Economists, Member

Pragma Council, University of Waterloo, Chair, Executive Committee

Urban Land Institute, Member

Women's Leadership Initiative (WLI) – Champion 2016

Board Appointments

Faculty Advisory Board - School of Urban Planning Representative, Faculty of Engineering, McGill University, Montreal, QC (1995–2002)



CN Intermodal Milton – Provided expert testimony in the area of municipal finance at an Environmental Assessment Board Hearing related to the development of an intermodal facility in Milton on behalf of CN Rail.

McMaster University DC Appeal – Assisted McMaster University in their appeal of the City of Hamilton's 2019 DC Bylaw related to university lands and residences. The matter is on-going.

Town of West Lincoln – On behalf of the Niagara Home Builders' Association (NHBA), reviewed the Town's 2019 DC Bylaw and Background Study to ascertain concerns. Discussions with the Town occurred and followed through to mediation with a mutually agreeable outcome to the NHBA and the municipality.

City of Thorold – On behalf of the Niagara Home Builders' Association (NHBA), reviewed an addendum to the City's DC Background Study. The City's 2019 DC Bylaw was appealed and waiting to proceed.

Town of Blue Mountains – On behalf of Dunn Capital, reviewed the Town's 2019 DC Background Study and Bylaw. A mediation was held but the matter is now proceeding to the LPAT.

City of Mississauga – On behalf of the Sorbara Group, reviewed the City's 2019 DC By-law, focusing on the increase in the DC rate for apartments.

Peel Region – Non- Residential Development Charges – Orlando Corporation – IBI Group was retained by Orlando Corporation, one of the largest non-residential developers in North America to assist them in assessing the validity of the proposed development charges in Peel Region along with their respective municipalities. IBI Group's work considered the anticipated non-residential development, trends in development and floor space per worker assumptions which underpinned the charge.

Community Benefit Charge Impacts – Homestead Homes – IBI Group was retained by Homestead to understand the potential magnitude of the proposed new charge on "soft" services, replacing Development Charges, Parkland contributions and Section 37. IBI Group compared the current charges in multiple municipalities on a proposed development with the proposed charges to understand the magnitude of the charge. This work was used to draft a letter to the province.

Devonleigh Homes – Community Benefit Charges/Development Charge Monitoring – Devonshire Homes has nearly 2,000 units in six different municipalities, and retained IBI Group to monitor and review proposed changes to the charges, along with Community Benefit Charge Strategy Studies and Parkland studies across the various municipalities to keep Devonleigh Homes appraised of any changes, their impacts and to represent Devonleigh Homes in discussions / negotiations with the municipalities and their consultants.

McMaster University – Development Charges – Student Housing – IBI Group was retained by McMaster University to represent them in a hearing regarding the City of Hamilton's decision to no longer allow exemptions for the University space and student housing. (ongoing)

South East Courtice Secondary Plan – Fiscal Impact Assessment – IBI Group represents the SE Courtice Landowners Group (LOG) in the Secondary Plan process. IBI Group, in submission to the Town of Clarington and its consultants has assessed the operating impacts on the City's finances of various land use concepts proposed throughout the process to assist in assessing one of the criteria used in assessing the concepts.

Ottawa DC Appeal – On behalf of residential and non-residential developers, appealed the transition provisions of the City of Ottawa's 2019 DC By-law. The matter was settled before proceeding to the LPAT.



DC Working Group – Participated in a working group regarding the determination of an appropriate approach to planned transit level of service for consideration in the context of Bill 73 which is intended to update the Planning Act and the Development Charges Act. On-going participation/input to Bill 108 related matters re: amendments to the DCA and Community Benefits Charge.

TCDSB EDC Review – On behalf of First Gulf, undertook a review of the Toronto Catholic District School Board updated Education Development Charge non-residential rate.

EDC Review, York Region – On behalf of a consortium of landowners/developers in York Region, undertook a review of a differentiated Education Development Charge rate based on (i) housing type, and (ii) geography (north versus south York Region). Assessed the implications in terms of quantum as well as cashflow to the public/separate school boards in York Region.

City of Toronto Scarborough Subway Extension DC – Participated in the review of the City's proposed SSE amendment to the City's DC on behalf of BILD Toronto. Examined issues including benefit to existing, post period benefit, ridership and other related matters. BILD and the City could not reach agreement and the matter proceeded to the OMB where a mediation occurred and resulted in a settlement between the parties.

Brampton DC Review – Assisted Orlando Corporation in a review of non-residential/industrial development charges arising from the City's proposed DC update/review. At issue was the assumption related to the City's industrial floorspace per worker. IBI worked with the City's consultant to reach an input assumption.

Richmond Hill ASDC – Assisted a landowner in an outstanding DC credit related to an Area Specific Development Charge and a subdivision agreement in the Town of Richmond Hill. Prepared an affidavit in support of the DC credit for review by the OMB.

Halton Region DC Appeal – Appeared as an expert witness related to two matters for the Hamilton Halton Home Builders Association: (i) the matter of whether Conservation Authority related capital projects are DC eligible, and (ii) if the Region's combination of apartments and multiple housing units differentiated by size each to a single category was appropriate.

Pan Am Athlete's Village – Working with Dundee Kilmer in a review of potential development charge credits, exemptions and re-imburements related to the development of the Athlete's Village for the Pan American Games.

Guelph DC – Participated in successive DC reviews on behalf of the Guelph Development Association and Guelph & District Homebuilders' Association. Analysis focused on soft (10 year) services, the inclusion of specific projects and or services as well as a review of the hard infrastructure requirements reflecting in various master plans.

Guelph DC Complaint – Assisted Cooper Construction in reviewing the City's imposition of a commercial DC on a 2nd phase of a speculative industrial building, and presented concerns to Council.

Guelph DC Credits – Assisted Charleston Homes in a review of potential DC credits. Charleston Homes undertook a redevelopment of a site located in Guelph's Downtown, an area exempt from DCs when the project commenced. With the passage of time, the area became subject to DCs. Through review and discussion with the City, the matter was settled.

Centre Wellington DC – Assisted Matza Holdings regarding the imposition of an Draft Plan Condition regarding servicing financing of projects not considered a local service and included in the municipality's DC. A settlement was reached before an OMB hearing.

City of London DC Update – Retained by the City of London to assist with the updating of their development charges bylaw. The City's DC includes a City Services component (typical) as well as an Urban Works Reserve Fund component (atypical). Apart from updating the DC to more accurately reflect costs, the work is intended to bring the UWRF component into compliance with the DC Act.



Mayfield West – Examined the capital and operating impact of the proposed development of the Mayfield West area in the Town of Caledon on behalf of landowners. The work included a determination of appropriate development charge rates and examination of potential operating financial impacts arising from the proposed development.

Airport Self Storage – Undertook an analysis of the Durham Region development charge as it applied to self storage facilities in Oshawa. The issue focussed on a disconnect between the detailed analysis carried out in the Region's DC Background Study and the implementation of the Region's DC Bylaw. The matter was heard before the Ontario Municipal Board.

York Self Storage – Assisted a landowner with respect to the imposition of a retail DC on a self storage development in York Region. The landowner had previously paid an industrial DC on phase 1; subsequent phases were charged a retail DC based on changes to the Region's DC By-law. Analysis revealed that the background study to the DC had assumed self storage to be industrial. A settlement was reached.

Bradford West Gwillimbury DC Review – Worked with local landowners and developers, carried out a review of the proposed changes to the Town's DC bylaw. The matter was appealed to the Ontario Municipal Board but a settlement was reached.

West Perth – Worked successfully with the Stratford and Area Builders in a review of the Township of West Perth DC bylaw to reduce the residential development charge in response to a review of the background study which included non-growth projects and other considerations.

Elgin and Huron Area Water Supply Systems – Assisted the Elgin Water Board in developing cost recovery mechanisms including water user rates and one time surcharge for capital improvements. The work program was later extended to include the Lake Huron Water Supply System.

Uses of Development Cost Charges – Carried out an analysis of the use of 'development cost charges' on behalf of Canada Mortgage and Housing Corporation (CMHC) across 10 provinces and 8 major Canadian cities. The study provided benchmarking of development cost charge practices across the country including provincial legislation and actual practices. The case study approach to each City revealed a variable approach to the scope and application of development cost charges. Development cost charges are imposed on new residential and non-residential growth to recover costs of infrastructure required to service new growth.

Canadian Airport Authorities – On behalf of the Greater Toronto Airports Authority, IBI Group undertook a review of 8 airport authorities across Canada to ascertain the participation of airports in the delivery of hard infrastructure (roads, water, sewer, stormwater) associated with airports and their surrounding lands. The review was utilized for negotiation purposes with Transport Canada and regional and local governments to determine fair share practices related to the delivery of hard infrastructure.

Orangeville Financial Impact – Determined the municipal financial impact of a proposed mixed use development on the Town of Orangeville on behalf of a developer, in support of an Official Plan Amendment.

Municipal Fiscal Impact Studies – Carried out municipal fiscal impact analysis for a number of private sector clients including across the GTA/GGH. The analyses evaluated the impact of a proposed land development on the capital service requirement of the municipality and the operating implications for upper and lower tier municipalities as well as school boards.



Expert Witness

Appeared as expert witness before the Ontario Municipal Board/LPAT/EAB to support land use and economic analysis of various land development sites in various municipalities across the GTA/GGH.

Board Appointments

Faculty Advisory Board – School of Urban Planning Representative, Faculty of Engineering, McGill University, Montreal, Quebec 1995 to 2002.

Speaking Engagements

Real Estate Forum Land Conference, June 2005, Speaker/Panelist: *What is the Outlook for Land Values Outside the Greenbelt? Will There Be More Pressure Now or Not?*

Insight Ontario Planning Forum, March 5–6, 2009, Land and Economic Development – Managing Current Realities/Planning the Future, Speaker/Panelist: *Protecting Employment and Employment Lands.*

Burlington Innovation District Workshop, Burlington Economic Development Corporation, April 2015, Guest Speaker: *Successful Mixed Use Development – Markham Centre.*

Cities of Tomorrow, February 2, 2016, Linking Growth and Infrastructure, Speaker/Panelist: *Funding Growth Infrastructure.*

Urban Land Institute Toronto (ULI), February 22, 2019, Panelist: *Game Changers: Understanding the Impact of Growth Plan Reforms.*

Publications

Whatever Happened to McGill College Avenue? Audrey Reifenstein and Melanie Balfour; Heritage Montreal, 1983.



Attachment 2 - Acknowledgement of Expert's Duty



Ontario
Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL171084, PL180158, PL180580, MM180022, MM170004	Town of Oakville

1. My name is Audrey Jacob(name)
I live at theCity of Toronto.....(municipality)
in the.....City of Toronto.....(county or region)
in theProvince of Ontario.....(province)
2. I have been engaged by or on behalf of **ClubLink Corporation ULC and ClubLink Holdings Limited** (name of party/parties) to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date May 17, 2021.....

Audrey Jacob

Signature