The Corporation of the Municipality of Trent Hills

By-law No. 2024-024

A By-law to Establish a Development Charge for Fire Protection Services

Whereas the Council of the Corporation of the Municipality of Trent Hills (hereinafter referred to as "the Council") anticipates that the Corporation of the Municipality of Trent Hills (hereinafter called "the Municipality") will experience additional development, including redevelopment throughout the Municipality in the next ten years and Council further anticipates that this development will increase the need for services;

And Whereas Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Municipality or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

And Whereas the Development Charges Act, 1997 (the “Act”) provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

And Whereas a development charge background study has been completed in accordance with the Act;

And Whereas the Council of The Corporation of the Municipality of Trent Hills has given notice of and held a public meeting on the 9th day of January, 2024 in accordance with the Act and the regulations thereto;

Now Therefore the Council of the Municipality of Trent Hills hereby enacts as follows:

1. Definition and Uses

1.1. In this By-law, unless a contrary intention appears, a term has the same meaning as that which exists in the Act or any Regulation made pursuant to Section 68 of the Act, both as amended from time to time.

1.2. In this By-law:

i. “Act” means the *Development Charges Act,* as amended, or any successor thereof;

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ii. “accessory use” means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

iii. “apartment unit” means any residential unit within a building containing four or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor. Notwithstanding the foregoing, an apartment unit includes a stacked townhouse dwelling unit.

iv. “bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

v. “benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

vi. “board of education” has the same meaning as set out in the Education Act, R.S.O. 19990, Chap. E.2, as amended, or any successor thereof;

vii. “capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board,

viii. "capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,

   i. to acquire land or an interest in land, including a leasehold interest,

   ii. to improve land,

   iii. to acquire, lease, construct or improve buildings and structures,

   iv. to acquire, lease, construct or improve facilities including,

      1. furniture and equipment other than computer equipment, and

      2. material acquired for circulation, reference or information purposes by a library board within the meaning of the Public Libraries Act; and

      3. rolling stock with an estimated useful life of seven years or more;

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v. interest on money borrowed to pay costs in i. to iv.;

vi. to undertake studies in connection with any of the matters in paragraphs i. to iv. above, including the development charge background study

ix. “Council” means the Council of the municipality;

x. “Development” means the construction, erection or placing of one or more Buildings on land or the making of an addition or alteration to a Building that has the effect of increasing the size thereof, and includes Redevelopment;

xi. "Development Charge" means a charge calculated in accordance with the rules set out in the Development Charges Act, 1997 and imposed against development in the Municipality as set out in this By-law;

xii. "duplex dwelling" means a residential building that is divided horizontally into two dwelling units;

xiii. "Dwelling Unit" means one or more rooms used, designed or intended to be used as a residence and which has exclusive use of culinary and or sanitary facilities;

xiv. “existing” means the number, use and size that existed as of the date this by-law was passed;

xv. "Farm Building" means any part of a building which is not used for residential purposes and which building is located on 3 or more hectares of land and which building is used solely for farm and farm related activities carried out on the same farm and includes barns, implement sheds, seasonal roadside stands and silos but does not include processing or year round wholesale or retail facilities;

xvi. "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;

xvii. “Green Energy” means lands, buildings or structures that that are not of an accessory use and that:

i. form, support or accommodate a system or utility used, designed or intended to convert wind or solar energy into electricity and feed it into the general power grid, and includes such systems or utilities that are subject to the Green Energy Act or are participating or intended to participate in the Independent Electricity System

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Operator's Feed-In Tariff Program, or successor thereof, or similar program; and

xviii. "Gross Floor Area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls;

xix. "industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or self-storage facilities;

xx. "institutional development" means development of a building or structure intended for use,

i. as a long-term care home within the meaning of subsection 2(1) of the Long-Term Care Homes Act, 2007;

ii. as a retirement home within the meaning of subsection 2(2) of the Retirement Homes Act, 2010;

iii. by any of the following post-secondary institutions for the objects of the institutions:

1. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario

2. A college or university federated or affiliated with a university described in subclause 1.19.3.2; or

3. An Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017

iv. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

v. as a hospice to provide end of life care

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xxi. “Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Municipality of Trent Hills or any part or parts thereof;

xxii. “local services” means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 19990, Chap. P.13, as amended, or any successor thereof;

xxiii. “multiple dwellings” means all dwellings other than single-detached, semi-detached, stacked townhouse, and apartment unit dwellings

xxiv. "non-residential development" means development other than residential development as defined herein, and includes development for commercial, farm, industrial and institutional uses;

xxv. "Owner" means the owner(s) of land, or a person who has made application for an approval for the development of land upon which a Development Charge is imposed;

xxvi. "Place of Worship," means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.5.0., 1990, as amended;

xxvii. “rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

xxviii. “Redevelopment” means the construction, erection or placing of one or more Buildings on land where all or part of a Building on such land has previously been demolished, or changing the use of all or part of a Building from a Residential purpose to a Non-residential purpose or from a Non-residential purpose to a Residential purpose, or changing all or part of a Building from one form of Residential Development to another form of Residential Development or from one form of Non-residential Development to another form of Non-residential Development;

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xxix. “Rental Housing Development” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises;

xxx. “regulation” means any regulation made pursuant to the Act

xxxi. "residential" means designed, adopted or used as a home or residence of one or more individuals who reside or dwell there permanently or seasonally and includes single detached dwellings, semi-detached dwellings, row dwellings, duplex dwellings, triplex dwellings, apartment buildings, and seasonal dwellings;

xxxii. "row dwelling" means a residential building containing not less than three units with each unit separated by a common or party wall or walls with a separate outside entrance to each unit;

xxxiii. "seasonal dwelling" means a single detached dwelling occupied on a non-permanent basis, the owner(s), occupant(s), having another permanent address, but does not include nursing homes, hotels, motels, tourist homes, bed & breakfast establishments, student residences, barracks, or any other development of an institutional nature and included in the Municipality's Zoning By-law as a non-residential use;

xxxiv. "semi-detached dwelling" means a residential building that is divided vertically into two or more dwelling units, each dwelling unit having one or two vertical walls, but no other parts attached to another structure;

xxxv. “service” means a service designed in Section 3 of this By-law, and “services” shall have a corresponding meaning;

xxxvi. "single detached dwelling" means a residential building consisting of one dwelling unit and not attached to another structure;

xxxvii. “stacked townhouse” means a building, other than a duplex, row dwelling, or back-to-back townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;

xxxviii. "triplex dwelling" means a residential building that is divided into three dwelling units;

xxxix. Use" means occupation and utilization for a particular purpose, practice or benefit; and

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xl. "Wind Turbine" means a rotary engine that extracts energy from the flow of wind, converts it to mechanical energy by causing a bladed rotor to rotate, and further converts it to electrical energy through an electrical generator.

2. Designation of Services

2.1. The category of services for which development charges are imposed under this By-law is Fire Protection Services

3. Application of By-law Rules

3.1. Development charges shall be payable in the amounts set out in this By-law where:

i. the lands are located in the area described in section 3.2; and

ii. the development of the lands requires any of the approvals set out in subsection 3.4.

Area to Which By-law Applies

3.2. Pursuant to Section 2(7) of the Act, this By-law applies to all lands within the geographic limits of the Corporation of the Municipality of Trent Hills, whether or not the land or use is exempt from taxation under Section 13 of the Assessment Act, R.5.0., 1990.

3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

i. the municipality or a local board thereof;

ii. a board of education;

iii. the Corporation of the County of Northumberland or a local board thereof; or

iv. Landed vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development is intended to be occupied and used by the university.

Approvals for Development

3.4. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

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i. the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;

ii. the approval of a minor variance under section 45 of the Planning Act;

iii. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;

iv. the approval of a plan of subdivision under section 51 of the Planning Act;

v. a consent under section 53 of the Planning Act;

vi. the approval of a description under section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or

vii. the issuing of a permit under the Building Code Act in relation to a building or structure

3.5. No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed

3.6. Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect or increasing the need for services

Exemptions

3.7. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

i. an enlargement to an existing dwelling unit;

ii. a second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.;

iii. a third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to

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the existing detached house, semi-detached house or rowhouse contains any residential units;

iv. one residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units; or

v. in an existing rental residential building, which contains four or more residential units, the creation of the greater of one residential unit or one per cent of the existing residential units.

3.8. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of additional dwelling units in proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

i. A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;

ii. A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units; or

iii. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

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Exemption for Industrial Development:

3.9. Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.

3.10. If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

i. notwithstanding section 3.10, if the gross floor area is enlarged by more than 50 percent (50%), development charges shall be payable and collected and the amount payable shall be calculated in accordance with s.4(3) of the Act.

3.11. For the purpose of sections 3.9 and 3.10 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

3.12. The exemption for an existing industrial building provided by sections 3.9 and 3.10 shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this by-law or its predecessor.

Other Exemptions

3.13. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

i. Non-profit housing development;

ii. Residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of that Act;

iii. Buildings or structure used as farm buildings;

iv. Buildings or structures to be used as hospitals as governed by the Public Hospitals Act, R.S.O., 1900; and

v. Solar Energy Projects with a nameplate generating capacity less that 100 kilowatts

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Other Reductions

3.14. Notwithstanding any other provision of this by-law, development charges for rental housing development shall be reduced in accordance with the following:

i. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent;

ii. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent; and

iii. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.

4. Amount of Charges

Residential

4.1. The development charges set out in Schedule A shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

4.2. The development charges described in Schedule A to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure and calculated with respect to each of the services according to the gross floor area of the non-residential use.

4.3. The development charges described in Schedule A to this by-law shall be imposed on non-residential Green Energy uses of lands, with respect to the number of wind turbines for Wind Turbine developments and the kilowatts of nameplate generating capacity for Solar Energy developments.

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Reduction of Development Charges for Redevelopment

4.4. Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 24 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

i. in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 4.1 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

ii. in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 4.2, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

4.5. Notwithstanding section 4.4 the replacement of a building destroyed by fire or similar unintended action shall be exempt from payment of a Development Charge so long as the replacement occurs within five (5) years and the replacement is for the same number of residential units or for a non-residential building of the same floor area. Additional residential units or non-residential floor area shall be subject to the normal provisions of this by-law.

Time of Payment of Development Charges

4.6. Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.

4.7. Despite Section 4.6, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid

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before or after it would otherwise be payable, in accordance with section 27 of the Act.

4.8. Notwithstanding Sections 4.6 and 4.7, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

4.9. Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 4.1, 4.2 and 4.3 may be calculated on the rates set out in Schedule "A" on the date of the planning application, including interest. Where both planning applications apply, Development Charges under Sections 4.1,4.2 and 4.3 may be calculated on the rates, including interest, set out in Schedule "A" on the date of the later planning application.

4.10. Interest for the purposes of Sections 4.8 and 4.9 shall be determined as the base rate plus 1%

i. The base rate shall be equal to the average prime rate on:

1. October 15 of the previous year, if the adjustment date is January 1,
2. January 15 of the same year, if the adjustment date is April 1,
3. April 15 of the same year, if the adjustment date is July 1, and
4. July 15 of the same year, if the adjustment date is October 1.

4.11. The average prime rate, on a particular date means, the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada.

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Credits

4.12. Credit for previous Development Charge Payments and lot levies credit shall be applied to the Development Charge calculated in Subsections 4.1, 4.2, and 4.3 above for any previous Development Charge or lot levy payment. The onus shall be upon the owner/applicant to provide proof of earlier payments.

5. Payment by Services

5.1. Despite the payment required under subsections 4.1, 4.2, and 4.3, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law

6. Indexing

6.1. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on February 20th of each year, in accordance with the prescribed index in the Act.

7. Schedules

7.1. The following schedules shall form part of this By-law:

i. Schedule A - Residential and Non-Residential Development Charges – Fire Protection Services

8. Conflicts

8.1. Where the Municipality and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

8.2. Notwithstanding section 8.1, where a development which is the subject of an agreement to which section 8.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4, an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

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9. Building Permit Issuance

9.1. Where Development Charges apply to land in relation to which a building permit is required, unless an agreement is entered into pursuant to subsection 4.7 above, the building permit shall not be issued until the Development Charge has been paid in full.

10. Refunds

10.1. Notwithstanding the foregoing, if a Development Charge is paid at the time a building permit is issued and no building proceeds pursuant to the said permit and the building permit has expired, the registered owner may apply to the Treasurer of the Municipality for a refund of the Development Charge paid at the time the building permit was issued within one year of payment to the Municipality provided the building permit is surrendered with the said refund application, if not already surrendered.

11. Severability

11.1. If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended, or modified.

12. Date By-law In Force

12.1. This By-law shall come into effect at 12:01AM on February 20, 2024.

12.2. This By-law will expire at 12:01 AM on February 20, 2033 unless it is repealed by Council at an earlier date.

By-law No. 2024-024, as amended by By-law No. 2024-110 and Consolidated

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Schedule "A"
to By-law No. 2024-024 for
The Corporation of the Municipality of Trent Hills

Schedule of Development Charges – Fire Protection Services

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL		
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.m. of Gross Floor Area)	Green Energy (per 500 kW nameplate generating capacity of Solar Energy Developments)	Green Energy (per wind turbine for Wind Turbine Developments)
Fire Protection Services	3,065	2,092	2,027	1,628	17.55	3,065	3,065

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