DISTRICT OF CLEARWATER

BYLAW NO. 177, 2017

A Bylaw to Reduce Development Cost Charges for Affordable Rental Housing

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WHEREAS Council is authorized under section 563 of the *Local Government Act* to reduce a development cost charge for an eligible development;

AND WHEREAS the *Development Cost Charges Bylaw No. 127, 2014* provides an exemption for non-profit rental housing;

NOW THEREFORE the Council of the District of Clearwater, in open meeting assembled, **ENACTS AS FOLLOWS**:

1. CITATION

1.1. This bylaw may be cited for all purposes as the *"District* of Clearwater *Development Cost Charge Reduction Bylaw No. 177, 2017".*

2. DEFINITIONS

2.1. In this bylaw,

"**Council**" means Council for the District of Clearwater

"**Eligible Development**" means a dwelling unit that may only be occupied on a not-for-profit rental basis to a person in need of affordable housing, where the unit is owned by:

(a) the government of British Columbia or Canada;
(b) British Columbia Housing Authority; or
(c) a society incorporated under the *Societies Act* (B.C.) or a non-profit corporation incorporated under Part 11 of the *Canada Corporations Act* (Canada), where a *housing agreement* has been executed in relation to the development before a building permit has been issued;

and a covenant under section 219 of the *Land Title Act* has been registered in the Land Titles Office in favour of the District of Clearwater that guarantees the affordable use of the residential units at the Property for a period set out in the covenant.

"**Housing Agreement**" means a housing agreement pursuant to a bylaw adopted under section 483 of the *Local Government Act*, or an agreement for the provision of affordable housing with the government of British Columbia or Canada or the B.C. Housing Authority.

3. EXEMPTION

3.1. Subject to this Bylaw, the development cost charges that would otherwise apply to the development at 240 Park Drive, legally described as Lot 1, Plan EPP20233, DL 73 ("Property") do not apply to any residential unit qualifying as an Eligible Development on the Property.

4. CONDITIONS

4.1. If, from the date an occupancy permit is granted to the owner, a dwelling unit on the Property ceases to meet the criteria for an Eligible Development or any of the terms, restrictions, conditions and requirements set out in a Housing Agreement during the time period commencing the full amount of development cost charges that would have been payable in for that unit on the date the building permit was issued, had the reduction not applied, plus interest at the rate of 3 percent annually, calculated monthly from that date and compounded annually, shall immediately become due and owing to the District.

5. SEVERABILITY

5.1. If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, the invalid part is severed and the remainder continues to be in force and effective.

READ a first time this 5th day of December, 2017.

READ a second time this 5th day of December, 2017.

READ a third time this 5th day of December, 2017.

ADOPTED this 9th day of January, 2018.

John Harwood, Mayor

Leslie Groulx, Corporate Officer