

THE CORPORATION OF THE TOWN OF GRAVENHURST
BY-LAW NO. 2024-110

Being a By-law with Respect to Development Charges
for The Town of Gravenhurst

WHEREAS The Town of Gravenhurst will experience growth through development and re-development;

AND WHEREAS pursuant to Section 2 (1) of the Development Charges Act, 1997, S.O. 1997, c. 27 as amended, Gravenhurst Town Council may pass by-laws for the imposition of development charges against land to pay for the increased capital costs because of increased needs for such services arising from the development and re-development of such land;

AND WHEREAS the development of land, for residential and non-residential uses will increase the need for the services designated in Schedule "A" hereto;

AND WHEREAS Gravenhurst Town Council has completed a development charges background study and given notice in accordance with the Development Charges Act, 1997 of its development charges proposal and a held public meeting on October 23, 2024;

AND WHEREAS Gravenhurst Town Council has heard all persons who applied to be heard in objection to, or in support of, the development charges proposal;

AND WHEREAS Gravenhurst Town Council on November 19, 2024, determined that no further public meetings were required under Section 12 of the Development Charges Act, 1997;

AND WHEREAS Gravenhurst Town Council expressed its intent to undertake the capital works identified in the development charges background study;

AND WHEREAS Gravenhurst Town Council expressed its intent to recover the committed excess capacity identified in the development charges background study through future development charges;

AND WHEREAS Gravenhurst Town Council has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as "area rating" or "area specific development charges", and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

AND WHEREAS the Study dated September 20, 2024 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle;

AND WHEREAS Gravenhurst Town Council will give consideration to incorporating the Asset Management Plan outlined in the Study within the Town of Gravenhurst's ongoing practices and Asset Management Plan;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

A. DEFINITIONS

1. In this by-law:

- 1.1. "Act" means the *Development Charges Act, 1997, S.O. 1997, c. 27*, as amended;
- 1.2. "accessory use" means a building or structure that is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure, and includes but is not limited to bunkies and sleeping cabins with no bathroom and kitchen facilities;
- 1.3. "affordable residential unit" means a dwelling unit that meets the criteria set out in subsection 4.1 of the Act;
- 1.4. "apartment" means a dwelling unit in a residential building and the residential portion of a mixed-use building containing four or more dwelling units, where the dwelling units are connected by an internal corridor;
- 1.5. "attainable residential unit" means a dwelling unit that meets the criteria set out in subsection 4.1 of the Act;
- 1.6. "cannabis production facility" means a building used, designed or intended for growing, cultivation, producing, testing, destroying, storing or distribution, excluding retail sales, of marijuana or cannabis and for the purposes of this by-law is defined as a non-residential use;
- 1.7. "commercial accommodation premises" means any building or structure designed, used or intended to be occupied by one or more individuals as temporary sleeping accommodations whether on a daily, weekly, monthly, seasonal or other basis and includes, but is not limited to:
 - 1.7.1. tourist commercial resorts, hotels and motels;
 - 1.7.2. lodging or group homes and bed and breakfasts;
 - 1.7.3. retirement homes, old age homes and nursing homes;
 - 1.7.4. school dormitories not otherwise exempt; and
 - 1.7.5. sleeping cabins part of a commercial operation of a camp or similar business.
- 1.8. "commercial accommodation unit" means any suite, room, or other enclosed space within a commercial accommodation premises:
 - 1.8.1. that is leased, rented, assigned or otherwise granted to one or more occupants or for any period of time; and
 - 1.8.2. the occupant(s) to whom the suite, room, or other enclosed space is leased, rented, assigned or otherwise granted to have a reasonable expectation of privacy.
- 1.9. "development" means any and all buildings or structures that require a permit of any kind under the Building Code and includes redevelopment;

- 1.10. "duplex dwelling" means a residential building containing two (2) separate, primary dwelling units that is not a semi-detached residential development;
- 1.11. "dwelling unit" means any part of a residential building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with bathroom and kitchen facilities for their exclusive use. A dwelling unit shall not include a commercial accommodation unit or garden suite as defined in this by-law;
- 1.12. "farm building" means buildings or structures used to carry on a bona fide farming operation including barns, silos and other ancillary development to an agricultural use, but excluding those buildings or structures used for residential purposes and cannabis production facilities;
- 1.13. "garden suite" means one (1) detached residential structure containing bathroom and kitchen facilities and only one (1) sleeping area that is ancillary to an existing residential structure and at the time of installation is designed and intended to be temporary and portable, but does not include a mobile home or park model trailer;
- 1.14. "Gravenhurst" means "The Corporation of the Town of Gravenhurst" as the context requires;
- 1.15. "high density multiple unit residential development" means:
 - 1.15.1. all residential development that does not qualify as either single detached dwelling, semi-detached dwelling, duplex or low density multiple residential development; and
 - 1.15.2. in the case of a mixed use development, any portion of the residential component thereof that does not qualify as single detached dwelling, semi-detached dwelling, duplex or low density multiple residential development;
- 1.16. "hunt camp" means a building or buildings primarily used for recreational activities such as hunting or fishing, which provides seasonal or temporary accommodation in a remote location where municipal or community services are usually not immediately accessible to the buildings. A hunt camp does not include a dwelling unit or commercial accommodation premises or other commercial use. For the purposes of this by-law a hunt camp shall be charged as high density multiple unit residential development;
- 1.17. "industrial" means any land, building or structure or portions thereof used, designed or intended for or in connection with manufacturing, producing, processing, fabricating, assembling, refining, cannabis production facility, research and development, storage of materials and products, truck terminals and warehousing;
- 1.18. "institutional" means development of a building or structure intended for use:
 - 1.18.1. as a long-term care home within the meaning of subsection 2(1) of the Long-Term Care Homes Act, 2007;
 - 1.18.2. as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, 2010;
 - 1.18.3. by any institution of the following post-secondary institutions for the objects of the institution: a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario; a college or university federated or affiliated with a university described in subclause 1.18.1; or an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;

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- 1.18.4. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- 1.18.5. as a hospice to provide end of life care;
- 1.19. "long term care home" means homes, nursing homes or homes for the aged where the Ministry of Health and Long Term Care funds the care provided in such homes and application for accommodation is made through a Community Care Access Centre or other provincial regulatory body and is a not-for-profit organization;
- 1.20. "low density multiple unit residential development" means:
 - 1.20.1. townhouses or row homes;
 - 1.20.2. triplexes, quadraplexes and larger similar developments where the residential units are not connected by an internal corridor;
- 1.21. "mixed use" means any building or structure that is comprised of both residential and non-residential portions;
- 1.22. "mobile home" means any residential building or structure that is designed to be made mobile and constructed or manufactured to provide a temporary or permanent residence for one or more persons, but does not include a travel trailer, or a tent trailer, or a park model trailer;
- 1.23. "multiples" means a residential building containing more than two dwelling units and includes triplex, quadraplex, townhouse or row house;
- 1.24. "non-profit housing development" means the development of a building or structure intended for use as a residential premises and developed by;
 - 1.24.1. a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary objective is to provide housing,
 - 1.24.2. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing, or
 - 1.24.3. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act 2022, c. 21, Sched. 3, s. 4.
- 1.25. "non-residential" means lands, buildings or structures, or part thereof, used, designed or intended to be used for any use other than residential use;
- 1.26. "park model trailer" means any structure that is designed to be mobile and meets the following criteria:
 - 1.26.1. built on a single chassis mounted on wheels;
 - 1.26.2. designed to facilitate relocation from time to time;
 - 1.26.3. designed to provide a permanent or seasonal residence for one or more persons, but not including a travel trailer or tent trailer;
 - 1.26.4. designed as living quarters and may be connected to those utilities necessary for installed fixtures and appliances; and
 - 1.26.5. has a gross floor area, including lofts, not exceeding 50 m² (538.21 ft²) when in the set up mode and having a width greater than 2.6 m (8.53 ft) when in the transit mode.

- 1.27. "regulations" means the regulations to the Act;
 - 1.28. "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;
 - 1.29. "residential" means land or buildings or structures of any kind whatsoever or any suite, unit, apartment, room or sleeping area within such buildings or structures used, designed, intended to be or capable of being used as living accommodations for one or more individuals except those premises or buildings constituting commercial accommodation premises as defined in this by-law. For the purposes of this by-law any building or structure or portion of any building or structure or portion thereof within which there is at least one sleeping area shall be categorized as either residential or commercial accommodation premises;
 - 1.30. "secondary suite" means a dwelling unit, whether contained within a single detached dwelling, a semi-detached dwelling or a townhouse/row home dwelling, or ancillary to a single detached dwelling, a semi-detached dwelling or a townhouse/row home dwelling including but not limited to a stand-alone structure (e.g. coach house or laneway suite) or structure constructed above an existing garage or other structure separate from the primary dwelling unit which:
 - 1.30.1. Is secondary to the primary dwelling unit and smaller in gross floor area than the primary dwelling unit;
 - 1.30.2. Cannot be conveyed as a separate parcel from the primary dwelling unit;
 - 1.30.3. Is not a Duplex, Garden Suite, Commercial Accommodation Unit, Mobile Home or Park Model Trailer as defined in this by-law;
 - 1.31. "semi-detached dwelling" means a residential building consisting of two (2) separate dwelling units:
 - 1.31.1. having one vertical wall, but no other parts, attached to another building or structure; and
 - 1.31.2. the dwelling units are not connected by an interior corridor;
 - 1.32. "single detached dwelling" means a residential building consisting of one dwelling unit and not attached to another building or structure;
 - 1.33. "sleeping area" means a habitable room or other definable space within a building or structure that is:
 - 1.33.1. capable of being used as a sleeping area for one or more individuals; and
 - 1.33.2. includes a den, study or other similar space, but does not include a living room, dining room or kitchen;
 - 1.34. "temporary building" means any building or structure that is intended, at time of construction or installation is intended to be removed in the future and includes garden suites, mobile homes and park model trailers.
2. For the purposes of this by-law each of the following shall be deemed to be a separate dwelling unit:
 - 2.1. each single detached dwelling;
 - 2.2. each dwelling unit within a duplex or semi-detached dwelling;
 - 2.3. each suite, apartment or unit within a triplex, quadraplex or similar development;

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- 2.4. each suite, apartment, unit, room or sleeping area within a high density multiple unit residential development or a commercial accommodation premises; and
- 2.5. each mobile home and each park model trailer
3. In determining whether or not a suite, apartment, unit, room, sleeping area or other enclosed space is a unit within the meaning of Section 2 the presence or absence of specific features such as kitchens, cooking facilities or other features is not relevant.
4. The interpretation section of the Act shall apply to this by-law. In the event of any conflict between the Act and the provisions of the by-law, the provision of the Act shall govern.
5. In the application of the by-law the terms “unit”, “apartment” or “suite” are synonymous and are considered interchangeable. Notwithstanding anything to the contrary, each suite, unit or apartment shall be deemed to be a separate unit within the meaning of this by-law.

B. APPLICATION OF BY-LAW

6. This by-law:
 - 6.1. Shall apply to all lands within the boundaries of The Town of Gravenhurst.
 - 6.2. The provisions of this by-law shall be used to determine if a development charge is payable in any particular case and to determine the amounts payable.
7. The services for which development charges shall be payable, shall be those described in Schedule “A” hereto.
8. Development charges shall be payable for the services laid out in Schedule A:
 - 8.1. Library
 - 8.2. Fire Protection
 - 8.3. Parks & Recreation
 - 8.4. Services Related to a Highway: Public Works
 - 8.5. Services Related to a Highway: Roads & Related
 - 8.6. Development-Related Studies
 - 8.7. Storm Water Drainage and Control
9. The development charges shall be and are hereby imposed on all lands within the boundaries of The Town of Gravenhurst.
10. All owners of land shall, prior to developing their lands, whether by way of new development, re-development or any other type of development, unless specifically exempted herein, pay development charges in accordance with this by-law.

C. OBLIGATION TO PAY DEVELOPMENT CHARGES

General

11. Subject to section 2(3) of the Act and Section 59 of this by-law, an owner of land shall pay development charges, in accordance with the provisions of this by-law at the rates set forth in Schedules "B-1" to "B-6" as adjusted in accordance with Section 59 from time to time for any and all development requiring any one or more of the following:
- 11.1. the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
 - 11.2. the approval of a minor variance under section 45 of the *Planning Act*;
 - 11.3. the conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act*;
 - 11.4. the approval of a plan of subdivision under section 50 of the *Planning Act*;
 - 11.5. a consent under section 53 of the *Planning Act*;
 - 11.6. the approval of a description under section 50 of the *Condominium Act, 1998*; or
 - 11.7. the issuing of permit under the *Building Code Act, 1992*, in relation to a building or structure.

Phasing

12. The development charges are being phased in, in accordance with Schedules "B-1" to "B-6". The first phase-in will be effective on January 1, 2025 and will continue annually afterwards until January 1, 2027.

Exemptions and Discounts

13. Subject to Section 14 herein, the following types of development shall be exempt from payment of development charges:
- 13.1. the development of a farm building;
 - 13.2. the development of a cemetery and burial sites exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;
 - 13.3. buildings or structures owned and occupied by and used for the purposes of a municipality;
 - 13.4. buildings or structures owned and occupied by and used by a Board of Education defined in section 1 (1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended;
 - 13.5. buildings or structures owned by a hospital approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c. P.40 when used for public hospital services;
 - 13.6. buildings or structures owned and occupied by a college of applied arts and technology or university including residences for students enrolled in such college or university;
 - 13.7. secondary suites;

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13.8. Affordable Residential Units as defined by the Act, as amended;

13.9. Non-Profit Housing Development as defined by the Act, as amended; and

13.10. Development charges payable for Rental Housing Developments as defined in the Act, where all of the Dwelling Units are intended to be used as rented residential premises, shall be reduced based on the number of bedrooms in each Dwelling Unit as follows:

13.10.1. 3 or more bedrooms – 25% reduction

13.10.2. 2 or more bedrooms – 20% reduction

13.10.3. All other quantities of bedrooms – 15% reduction

14. For the purpose of Section 13 development subsidized by any of the entities listed therein whether by way of grant agreement, cost contribution or otherwise is not exempt from the payment of development charges.

Temporary Buildings

15. Notwithstanding any other provisions of this by-law, but subject to Section 16, 17 and 18, a person proposing to erect a temporary building may request deferral of payment of development charges provided that:

15.1. prior to the issuance of the building permit for the temporary building, the owner shall provide to the Town securities in the form of cash or a letter of credit acceptable to the Town Treasurer in the full amount of the development charges otherwise payable pursuant to this by-law.

15.2. within five (5) years of the date the building permit is issued, the owner shall demolish or remove the temporary building from the lands.

15.3. Upon satisfactory evidence that Section 15.2 has been complied with, the Town shall return to the owner the securities provided pursuant to Section 15.1, without interest.

15.4. In the event that the owner does not demolish or remove the temporary building in accordance with Section 15.2 and provide satisfactory evidence in accordance with Section 15.3 the temporary building shall be deemed conclusively not to be a temporary building for the purposes of this by-law and the Town shall, without prior notification to the owner, transfer the cash or draw upon the letter(s) of credit provided pursuant to Section 15.1 and transfer the amount so drawn into the appropriate development charges reserve funds.

16. Notwithstanding Section 15, development charges with respect to garden suites are required to be paid in full at the time that a building permit is issued, in accordance with Section 38.

16.1. If a garden suite is demolished or removed within five (5) years of the date of issuance of the building permit relating thereto, the owner may make application to the Town for a refund.

16.2. On receipt of evidence to the satisfaction of the Town, which establishes that a garden suite has been removed or demolished in accordance with Section 16.1 the development charges paid in regard to that garden suite shall be refunded in full, but without interest, to the then current owner thereof.

17. Notwithstanding Section 15, development charges with respect to mobile homes are required to be paid in full at the time that a building permit is issued, in accordance with Section 39.

17.1. If a mobile home is demolished or removed within five (5) years of the issuance of the building permit relating thereto, the owner may make application to the Town for a refund.

17.2. On receipt of evidence to the satisfaction of Gravenhurst, which establishes that a mobile home has been removed or demolished in accordance with Section 17.1 the development charges paid in regard to that mobile home may be refunded in full, but without interest, if:

17.2.1. that applicant establishes to the satisfaction of the Town that he/she is the current owner of the mobile home in question and the owner or lessee of the parcel of land on which the mobile home was located; and

17.2.2. a development charge was paid with respect to the mobile home in accordance with Section 17.

18. Notwithstanding Section 15, development charges with respect to park model trailers are required to be paid in full at the time that a building permit is issued, in accordance with Section 39.

18.1. If a park model trailer is demolished or removed within five (5) years of the issuance of the building permit relating thereto, the owner may make application to the Town for a refund.

18.2. On receipt of evidence to the satisfaction of the Town, which establishes that a park model trailer has been removed or demolished in accordance with Section 18.1, the development charges paid in regard to that park model trailer may be refunded in full, but without interest if:

18.2.1. that applicant establishes to the satisfaction of the Town that he/she is the current owner of the park model trailer in question and the owner or lessee of the parcel of land on which the park model trailer was located; and

18.2.2. a development charge was paid with respect to the park model trailer in accordance with Section 18.

D. CALCULATION OF DEVELOPMENT CHARGES PAYABLE

General

19. For the purposes of calculating the development charges payable, all development shall be categorized as either:

19.1. residential;

19.2. non-residential; or

19.3. mixed use.

20. Without limiting the generality of the foregoing, non-residential development includes all development not defined as residential.

21. In the case of mixed use development, the building or structure shall be separated into residential and non-residential portions. In the event that a complaint is lodged with respect to whether or not a building or structure or portion thereof is residential or non-residential, the portion in question shall be deemed to be residential.

22. Notwithstanding Section 21, hallways shall be included within the non-residential portion unless the portions of the buildings or structures that the hallways provide access to are solely residential.

- 23.** Once it has been determined that a proposed development is residential or commercial accommodation premises in whole or part, the residential portion or commercial accommodation premises portion shall be reviewed to determine whether or not such portion is proposed to be separated into units, suites, apartments, rooms or sleeping areas, use of which may be given, leased, rented, granted or otherwise conferred upon a specific person or persons for a period of time, whether daily, monthly, annually, until the occurrence of a specific event or otherwise.
- 24.** For the purposes of Section 23, the provision of services by the landlord or other persons to lessees, tenants or occupants of the proposed units, suites, apartments, rooms or sleeping areas does not and shall not exempt the owner from payment of development charges in accordance with the residential development charge rates detailed in Schedules “B-1” to “B-6” hereto.
- 25.** Subject to Section 66 herein, where an owner has previously paid a development charge with respect to land being developed as a condition of a consent, plan of subdivision or condominium approval given under the *Planning Act*, and the amount of such payment was the full amount payable at the time for the development being proposed, the owner shall not be required to top up the amount to the amounts herein.

Rules applicable to the calculation of development charges applicable to residential development

- 26.** The development charges payable with respect to development that is solely residential development, shall be calculated in accordance with this section.
- 27.** The residential development shall be categorized as:
- 27.1. single detached dwelling, duplex, or semi-detached dwelling; or
 - 27.2. low density multiple unit residential development; or
 - 27.3. high density multiple unit residential development; or
 - 27.4. other residential development, either a garden suite or a hunt camp or a mobile home or a park model trailer.
- 28.** In the case of single detached dwellings, the development charges shall be calculated on the basis of the number of single detached dwelling units for which a building permit is applied for multiplied by the rates set for such development in Schedules “B-1” to “B-3”.
- 29.** In the case of semi-detached dwellings and duplexes, the development charges shall be calculated on the basis of the number of semi-detached dwelling units or duplex dwelling units for which a building permit is applied for multiplied by the rates set for such development in Schedules “B-1” to “B-3”.
- 30.** In the case of low density multiple unit residential development, the development charges payable shall be calculated by multiplying the total number of units, suites and apartments within the development by the rates set forth in Schedules “B-1” to “B-3”.

- 31.** In the case of high density multiple unit residential development that has been or is proposed to be separated into two or more units, suites or apartments, whether temporarily or permanently, the development charges shall be calculated as the sum of:
- 31.1. the number of suites, units or apartments with two or more sleeping areas within the development multiplied by the rates set forth in Schedules “B-1” to “B-3”; plus
 - 31.2. the number of suites, units or apartments within the development containing less than two sleeping areas multiplied by the rates set forth in Schedules “B-1” to “B-3”.
- 32.** In the case of high density multiple unit residential development that has not been and is proposed not to be separated into units, suites or apartments as described in Section 31, but is proposed to be separated into two or more rooms or sleeping areas, the development charges payable shall be calculated by multiplying the number of sleeping areas and rooms by the rates set out in Schedules “B-1” to “B-3”.
- 33.** In the case of high density multiple unit residential development that is a combination of one or more of the developments described in Sections 31 and 32, Sections 31 and 32 shall be applied to each such portion and the development charges payable shall be calculated as the sum of the amounts calculated for each such portion.
- 34.** For the purposes of this section and Section 42, where plans or drawings of any kind, whether prepared for building permit applications, leasing, marketing or other purposes, for a building or structure illustrate units, suites, apartments, hotel or motel rooms or distinct sleeping areas, such plans and drawings shall be prima facie evidence of the division of the building or structure into units, suites, apartments or sleeping areas.
- 35.** It is hereby acknowledged that pursuant to sections 2(3), 2(3.1), 2(3.2) and 2(3.3) of the Act, development charges are not payable.
- 36.** Where additional units, over and above the number of units referenced in Section 35, development charges shall be applied in accordance with Sections 26 to 35 with respect to those additional units.
- 37.** Notwithstanding anything to the contrary, the exemptions described in Section 35 do not apply to the conversion of residential premises or the enlargement and conversion of residential premises to commercial accommodation premises.
- 38.** Notwithstanding anything to the contrary, the development charges payable with respect to garden suites and residential buildings within hunt camps as defined in this by-law shall be calculated as follows:
- 38.1. number of garden suites multiplied by the rate set forth in Schedules “B-1” to “B-3”
 - 38.2. number of individual residential buildings within hunt camps multiplied by the rate set forth in Schedules “B-1” to “B-3”
- 39.** Notwithstanding anything to the contrary, the development charges payable with respect to a mobile homes and park model trailers as defined in this by-law shall be calculated as follows:
- 39.1. number of mobile homes or park model trailers, multiplied by the rates set forth in Schedules “B-1” to “B-3”.

Rules applicable to the calculation of non-residential development charges

- 40.** In the case of development that is solely non-residential development, the development charges for the entire development, as the case may be, shall be calculated in accordance with this section.
- 41.** In the case of non-residential development that consists solely of commercial accommodation premises comprised of units, suites, apartments and/or sleeping areas and amenity areas for the exclusive use of the occupants of the units, suites, apartments and/or sleeping areas, the development charges payable shall be calculated on the basis of multiplying the number of units, suites, apartments and/or sleeping areas within the commercial accommodation premises by the rates set forth in Schedules “B-4” to “B-6”. Section 34 shall apply to this section.
- 42.** In the case of non-residential development that does not include commercial accommodation premises, the development charges payable shall be calculated by multiplying the gross floor area of such development by the applicable rates set forth in Schedules “B-4” to “B-6”.
- 43.** In the case of non-residential development that consists of both commercial accommodation premises and other portions not set out for the exclusive use of the occupants of the commercial accommodation premises, the development shall be apportioned and the rates set forth in Schedules “B-4” to “B-6” shall be applied to each portion.
- 44.** Where a development includes the enlargement of the gross floor area of an industrial building, the amount payable shall be determined in accordance with Section 4 of the Act.
- 45.** Except for enlargement of commercial accommodation premises, where the development includes the enlargement of the gross floor area of a non-residential development, the amount payable with respect to the non-residential portion of the enlargement shall be determined in accordance with the following rules:
- 45.1. if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and
- 45.2. if the gross floor area is enlarged by more than 50 per cent the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
- 45.2.1. determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement; and
- 45.2.2. divide the amount determined under Section 45.2.1 by the amount of the enlargement.
- 46.** For the purposes of calculating the charges payable with respect to non-residential development, the area of the following portions of the development shall be deducted in calculating the gross floor area:
- 46.1. a room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- 46.2. loading facilities above or below grade; and

- 46.3. a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use.

Rules applicable to the calculation of development charges applicable to mixed use development

47. In the case of a mixed use development, development charges shall be calculated in accordance with this section.
48. The development charges payable with respect to mixed use developments shall be the sum of:
- 48.1. for the residential portion, an amount calculated in accordance with Sections 26 to 39 inclusive; plus
 - 48.2. for the non-residential portion, an amount calculated in accordance with Sections 40 to 46 inclusive.
49. Notwithstanding anything to the contrary, where the owner or operator of a building or structure provides full meal services by way of a meal plan or otherwise to the lessees, tenants or occupants of suites, units, or apartments or sleeping areas within the building and operates a separate kitchen and/or dining facility solely to serve such residents, the area occupied by such kitchen and/or dining facilities shall not be included in the calculation of the non-residential portion development charges.
50. Notwithstanding anything to the contrary, where facilities such as swimming pools, saunas, exercise rooms or other entertainment or recreational facilities within a mixed use development are for the exclusive use of the residents of the residential portion of that development, such facilities shall not be included in the calculation of the non-residential portion of the development charges.

Expansions or Enlargements of non-residential buildings

51. For the purposes of determining the amounts payable with respect to expansions or enlargements the unexpanded size of the building shall be the size of the building as of the date this by-law comes in effect.

Demolition and Destruction

52. An owner whose building is destroyed by fire or natural causes or who has secured the necessary approvals, may demolish and replace the building with another building and receive a credit, equivalent to:
- 52.1. in the case of a residential building, the number of dwelling units demolished/destroyed multiplied by the applicable development charge in place at the time the development charge is payable; and/or
 - 52.2. in the case of a non-residential building, the gross floor area of the building demolished/destroyed multiplied by the applicable development charge in place at the time the development charge is payable.
53. The exception described in Section 52 is limited and only applies if the owner obtains a building permit to re-build within 60 months of the date of demolition or destruction.

Redevelopment

54. 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 60 months prior to the date of payment of development charges in regards 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, the development charges payable with respect to such redevelopment shall be reduced by an amount calculated under Sections 26 to 50 with respect to the development 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.
55. "Redevelopment" includes conversions from one principle use to another.
56. Despite the provisions of Section 54, development charges are not payable when there is a conversion of an existing building from one principle use to another and the building is not being enlarged.

E. SERVICES IN LIEU

57. Subject to an agreement pursuant to section 38 of the Act, the Town may, on a case by case basis, by agreement, permit an owner to provide services in lieu of the payment of all or part of a development charge.
58. It shall be and is hereby established that it shall be the policy that where an owner is permitted to provide services in lieu, the maximum amount of the credit available shall be the amount of the development charge payable by the owner for the particular service provided.

F. DEVELOPMENT CHARGE SCHEDULE INDEXING

59. The amount of the development charges payable pursuant to this by-law shall be adjusted annually on January 1st each and every year, without amendment to this by-law, commencing on January 1, 2026, in accordance with the regulations.

G. PAYMENT TIMING

60. The total amount of development charges shall be calculated and be payable pursuant to this by-law, in accordance with Section 26, Section 26.1, and Section 26.2 of the Act.
61. Where Section 26.1 and Section 26.2 of the Act do not apply, the whole of the Development Charge imposed hereunder shall be calculated and paid in full on the date a building permit under the Building Code Act, 1992, S.O. 1992, c.23 is issued in respect of the building or structure for the use to which the Development Charge hereunder applies.
62. For the purposes of Section 61, the term "building permit" includes "foundation permit" or any other permit issued under the Building Code Act.

H. REFUNDS AND CREDITS

General

- 63.** In the event that the Town is required pursuant to the Act to make a refund, the refund shall be paid to the registered owner of the land on the date on which the refund is paid.
- 64.** Where the Town is required to pay interest on a refund by the Act, interest shall be paid at the minimum rate calculated in accordance with Section 11(2) of the regulations.
- 65.** In accordance with section 41(2) of the Act, any and all credits given by the Town pursuant to By-law 99-122 or any other development charge by-law shall be deemed to have been given under this by-law.
- 66.** Where an owner proposes to change the nature of the use of a parcel on which development charges have partially been paid, and the new use requires the payment of development charges, the owner shall be given a credit against development charges payable with respect to the new use in an amount equal to the lesser of:
- 66.1. the amount of charges previously paid; or
 - 66.2. the amounts payable for the new use.

Revocation or Expiry of Building Permits

- 67.** The person paying the development charges may, within two (2) years of the date of payment of the development charges, apply for a refund where:
- 67.1. Gravenhurst development charges have been paid at the time a building permit was issued;
 - 67.2. no construction or other development has occurred; and
 - 67.3. the building permit has been revoked or has expired,
- 68.** Where the person applying for the refund is not the registered owner of the lands to which the building permit applied, the application shall include the consent of said registered owner.
- 69.** Upon receipt of a valid application, the Town Treasurer may issue a refund in the amount of ninety (90) percent of the Gravenhurst development charges actually paid where interest is not payable on any such refund.
- 70.** A credit equal to the amount of Gravenhurst development charges originally paid shall, subject to Section 72, be assigned to the property in question, where:
- 70.1. Gravenhurst development charges have been paid at the time a building permit was issued; and
 - 70.2. ownership of the property has changed since the building permit was issued; and
 - 70.3. no construction or other development has occurred; and
 - 70.4. the building permit has been revoked or has expired; and
 - 70.5. a refund has not been applied for or issued under Section 66.
 - 70.6. Interest is not payable on any such credit.

71. In the event that the amount of the credit under Section 70 exceeds the Gravenhurst development charges otherwise payable at the time another building permit is issued, the excess shall be retained by Gravenhurst.
72. The credit in Section 70 shall be valid for ten (10) years commencing on the date of payment of the development charges and may only be applied to the Gravenhurst development charges payable pursuant to this or a successor by-law.

I. LOCAL SERVICE INSTALLATION

73. Nothing in this by-law shall prevent or be deemed to prevent Gravenhurst from requiring any person, at his or her own expense, to install such local services within or in the vicinity of a plan of subdivision or otherwise, as Gravenhurst may require, or that any person install, at his or her own expense, storm drainage facilities and/or site access facilities including road widenings.

J. RESERVE FUNDS

74. It is hereby acknowledged that pursuant to section 35 of the Act, the monies collected by Gravenhurst pursuant to this by-law may only be used for the capital costs detailed in the Development Charges Study.
75. Monies received from payment of development charges shall be maintained in a separate reserve fund or funds for each of the services listed in Schedule "A", and shall be used only to meet the growth-related net capital costs for which the development charges were levied under this by-law.
76. The amounts contained in the reserve funds established under this section shall be invested in accordance with *Municipal Act, 2001*. Any income received from investment of the development charge reserve fund or funds shall be credited to the development charge reserve fund or funds in relation to which the investment income applies.
77. It is further acknowledged that pursuant to Section 36 of the Act, Gravenhurst may, subject to replacement in the amounts plus interest as required by the said section, use these funds collected pursuant to this by-law for other works. Any determination to use funds collected pursuant to this by-law in any manner other than that prescribed in Sections 74 to 76 herein shall be made by resolution of Gravenhurst Town Council confirmed by the confirming by-law.
78. The Town Treasurer shall, in each year on or before May 1 of each and every year furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in the regulations of the Act.

K. COLLECTIONS

79. Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall after certification in accordance with Section 32 of the Act, be added to the tax roll and shall be collected as taxes.
80. Where any unpaid development charges are collected as taxes under Section 79, the monies so collected shall be credited to development charge reserve fund or funds.

L. APPROVAL OF SERVICE STANDARDS

81. For the purposes of Section 3 of O.Reg. 82/98, the service standards and capital spending plan in the report dated September 20th, 2024, by Hemson Consulting Ltd., Gravenhurst's most recent capital budget and forecast and Gravenhurst Town Council's previous approvals of capital projects shall be and are hereby approved.

M. GENERAL

82. This by-law shall, subject to law, be administered by the Town Treasurer.

83. The following schedules to this by-law form an integral part of this by-law:

83.1. Schedule "A" – Designated Services

83.2. Schedule "B" – Schedules of Residential and Non-Residential Development Charges. Schedule B is comprised of schedules B-1 to B-6.

83.3. Schedule "C" – Allocation of Residential and Non-Residential Charge by Designated Services and Development Charges by Unit Type and Year of Phase-In. Schedule C is comprised of schedules C-1 and C-2.

84. The by-law shall come into force and take effect on January 1, 2025.

85. By-law No. 2019-91 shall be and is hereby repealed on January 1, 2025.

86. Unless otherwise repealed, this by-law shall expire ten (10) years from the date described in Section 84.

87. In the event that any provision of this by-law is found to be ultra vires, such provision shall be severed and the remainder of this by-law shall remain in full force and effect.

N. SHORT TITLE

88. This by-law may be cited as the Development Charges By-law.

READ AND PASSED this 19th day of November, 2024.

Mayor

Clerk

SCHEDULE "A" TO BY-LAW NO. 2024-XX

Designated Services

The following shall and are hereby designated as services for which development charges shall be payable:

Service
Library
Fire Protection
Parks & Recreation
Services Related to a Highway: <ul style="list-style-type: none">• Public Works• Roads & Related
Development-Related Studies
Storm Water Drainage and Control

SCHEDULE "B" TO BY-LAW NO. 2024-XX

Schedules of Residential and Non-Residential Development Charges

SCHEDULE "B-1"			
SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2025			
		CHARGE TYPE	Effective January 1, 2025
			CHARGE
(a)	Single Detached Dwelling, Duplex, and Semi-Detached Dwelling	for each unit	
			\$7,308
(b)	Low Density Multiple Unit Residential Development	for each unit	
	(i) Townhouses and Row Housing		\$6,472
	(ii) Triplexes, Quadraplexes and Other Multiples	for each unit, suite or apartment within the	
			\$6,472
(c)	High Density Multiple Unit Residential Development	for each unit, suite, apartment or sleeping area within the development	
	(i) Buildings, Suites, Apartments or Units containing 2 or more sleeping areas		\$5,830
	(ii) Buildings, Suites, Apartments or Units containing less than 2 sleeping areas	for each unit, suite, apartment or sleeping area within the development	
			\$3,265
(d)	Other Residential Development		
	(i) Garden Suites	for each garden suite	
			\$3,265
	(ii) Residential Buildings Within Hunt Camps	for each residential building within hunt	
			\$3,265
	(iii) Mobile Homes and Park Model Trailers	for each mobile home or park model trailer	
			\$5,830

SCHEDULE "B-2"			
SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2026			
		CHARGE TYPE	Effective January 1, 2026
			CHARGE
(a)	Single Detached Dwelling, Duplex, and Semi-Detached Dwelling	for each unit	
			\$8,849
(b)	Low Density Multiple Unit Residential Development	for each unit	
	(i) Townhouses and Row Housing		\$7,753
	(ii) Triplexes, Quadraplexes and Other Multiples	for each unit, suite or apartment within the	
			\$7,753
(c)	High Density Multiple Unit Residential Development	for each unit, suite, apartment or sleeping area within the development	
	(i) Buildings, Suites, Apartments or Units containing 2 or more sleeping areas		\$6,816
	(ii) Buildings, Suites, Apartments or Units containing less than 2 sleeping areas	for each unit, suite, apartment or sleeping area within the development	
			\$4,301
(d)	Other Residential Development		
	(i) Garden Suites	for each garden suite	
			\$4,301
	(ii) Residential Buildings Within Hunt Camps	for each residential building within hunt	
			\$4,301
	(iii) Mobile Homes and Park Model Trailers	for each mobile home or park model trailer	
			\$6,816

SCHEDULE "B-3"			
SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2027			
		CHARGE TYPE	Effective January 1, 2027
			CHARGE
(a)	Single Detached Dwelling, Duplex, and Semi-Detached Dwelling	for each unit	
			\$10,389
(b)	Low Density Multiple Unit Residential Development	for each unit	
	i) Townhouses and Row Housing		\$9,034
	(ii) Triplexes, Quadraplexes and Other Multiples	for each unit, suite or apartment within the	
			\$9,034
(c)	High Density Multiple Unit Residential Development	for each unit, suite, apartment or sleeping area within the development	
	(i) Buildings, Suites, Apartments or Units containing 2 or more sleeping areas		\$7,801
	(ii) Buildings, Suites, Apartments or Units containing less than 2 sleeping areas	for each unit, suite, apartment or sleeping area within the development	
			\$5,337
(d)	Other Residential Development		
	(i) Garden Suites	for each garden suite	
			\$5,337
	(ii) Residential Buildings Within Hunt Camps	for each residential building within hunt	
			\$5,337
	(iii) Mobile Homes and Park Model Trailers	for each mobile home or park model trailer	
			\$7,801

SCHEDULE "B-4"			
SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2025			
		CHARGE TYPE	Effective January 1, 2025
			CHARGE
A.	RATES APPLICABLE TO COMMERCIAL ACCOMMODATION PREMISES		
(a)	Single Detached Dwelling, Duplex, and Semi-Detached Dwelling	for each unit	
		\$7,308	
(b)	Low Density Multiple Unit Residential Development	for each unit	
(i)	Townhouses and Row Housing	\$6,472	
(ii)	Triplexes, Quadraplexes and Other Multiples	for each unit, suite or apartment within the development	
		\$6,472	
(c)	High Density Multiple Unit Residential Development	for each unit, suite, apartment or sleeping area within the development	
(i)	Buildings, Suites, Apartments or Units containing 2 or more sleeping areas	\$5,830	
(ii)	Buildings, Suites, Apartments or Units containing less than 2 sleeping areas	for each unit, suite, apartment or sleeping area within the development	
		\$3,265	
B.	GENERAL NON-RESIDENTIAL RATE	CHARGE TYPE	Effective January 1, 2025
		rate per square metre	
		\$0.00	

SCHEDULE "B-5"		
SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2026		
	CHARGE TYPE	Effective January 1, 2026 CHARGE
A. RATES APPLICABLE TO COMMERCIAL ACCOMMODATION PREMISES		
(a) Single Detached Dwelling, Duplex, and Semi-Detached Dwelling	for each unit	\$8,849
(b) Low Density Multiple Unit Residential Development	for each unit	\$7,753
(i) Townhouses and Row Housing	for each unit, suite or apartment within the development	\$7,753
(ii) Triplexes, Quadraplexes and Other Multiples	for each unit, suite, apartment or sleeping area within the development	\$4,301
(c) High Density Multiple Unit Residential Development	for each unit, suite, apartment or sleeping area within the development	\$6,816
(i) Buildings, Suites, Apartments or Units containing 2 or more sleeping areas	for each unit, suite, apartment or sleeping area within the development	\$4,301
(ii) Buildings, Suites, Apartments or Units containing less than 2 sleeping areas	for each unit, suite, apartment or sleeping area within the development	\$4,301
B. GENERAL NON-RESIDENTIAL RATE		Effective January 1, 2026
	CHARGE TYPE	
	rate per square metre	\$0.00

SCHEDULE "B-6"		
SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2027		
	CHARGE TYPE	Effective January 1, 2027 CHARGE
A. RATES APPLICABLE TO COMMERCIAL ACCOMMODATION PREMISES		
(a) Single Detached Dwelling, Duplex, and Semi-Detached Dwelling	for each unit	\$10,389
(b) Low Density Multiple Unit Residential Development	for each unit	\$9,034
(i) Townhouses and Row Housing	for each unit, suite or apartment within the development	\$9,034
(ii) Triplexes, Quadraplexes and Other Multiples	for each unit, suite, apartment or sleeping area within the development	\$5,337
(c) High Density Multiple Unit Residential Development	for each unit, suite, apartment or sleeping area within the development	\$7,801
(i) Buildings, Suites, Apartments or Units containing 2 or more sleeping areas	for each unit, suite, apartment or sleeping area within the development	\$5,337
(ii) Buildings, Suites, Apartments or Units containing less than 2 sleeping areas	for each unit, suite, apartment or sleeping area within the development	\$5,337
B. GENERAL NON-RESIDENTIAL RATE		Effective January 1, 2027
	CHARGE TYPE	
	rate per square metre	\$0.00

SCHEDULE "C-1" TO BY-LAW NO. 2024-XX

Allocation of Residential and Non-Residential Charge by Designated Services

Service	Residential Share of Total Charge	Non-Residential Share of Total Charge
Library	5.6%	0.0%
Fire Protection	16.5%	29.4%
Parks & Recreation	38.3%	0.0%
Services Related to a Highway:		
• Public Works	20.5%	36.5%
• Roads & Related	11.8%	21.0%
Development-Related Studies	5.3%	9.5%
Storm Water Drainage and Control	2.0%	3.6%

Note: The total DC Rates outlined in Schedule B (B1-B6) and Schedule C-2 is comprised of the services and allocations outlined above in Schedule C-1.

SCHEDULE "C-2" TO BY-LAW NO. 2024-XX

Development Charges by Unit Type and Year of Phase-In

Effective Date	Charge by Unit Type				Non-Residential (Charge per Square Metre)
	Singles and Semis	Rows & Other Multiples	Apartments 2+ Bedrooms	Apartments 1 Bedroom or Less	
January 1, 2025	\$7,308	\$6,472	\$5,830	\$3,265	\$0.00
January 1, 2026	\$8,849	\$7,753	\$6,816	\$4,301	\$0.00
January 1, 2027	\$10,389	\$9,034	\$7,801	\$5,337	\$0.00