THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW 2024-34

Being a by-law to impose Development Charges

WHEREAS The District Municipality of Muskoka will experience growth through development and redevelopment;

AND WHEREAS in order to accommodate such development and re-development, the construction, improvement and expansion of certain services is required;

AND WHEREAS pursuant to Section 2 (1) of the Development Charges Act, 1997, S.O. 1997, c. 27 as amended, Muskoka District 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 Muskoka District Council has completed a Development Charges Background Study (the "Study"), and given notice in accordance with the Development Charges Act, 1997 of its development charges proposal and held a public meeting on August 8, 2024;

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

AND WHEREAS Muskoka District Council on August 8, 2024, and on September 16, 2024, determined that no further public meetings were required under Section 12 of the Development Charges Act; 1997;

AND WHEREAS Muskoka District Council on October 21, 2024, determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, including any capital costs, will be met by updating the capital budget and forecast for the District Municipality of Muskoka, where appropriate;

AND WHEREAS Muskoka District Council on October 21, 2024, determined that the future excess capacity identified in the Study, shall be paid for by the development charges contemplated in the 2024 DC Background Study, or other similar charges;

AND WHEREAS Muskoka District Council has given consideration of the use the Development Charge By-law to reflect the needs of different 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 July 18, 2024, as amended 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 Muskoka District Council will give consideration to incorporating the Asset Management Plan outlined in the Study within the District Municipality of Muskoka's ongoing practices and Corporate Asset Management Plan;

NOW THEREFORE the Council of The District Municipality of Muskoka ENACTS AS FOLLOWS:

A. DEFINITIONS

1. (1) In this by-law:

(a) "Act" means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended;

(b) "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 necessarily limited to, bunkies and sleeping cabins with no bathroom or kitchen facilities;

(c) “affordable residential unit” means a dwelling unit that meets the criteria set out in subsection 4.1 of the Act;

(d) “attainable residential unit” means a dwelling unit that meets the criteria set out in subsection 4.1 of the Act;

(e) "cannabis production facilities" 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 the by- law is defined as a non-residential use;

(f) "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:

(i) tourist commercial resorts, hotels and motels;
(ii) lodging or group homes and bed and breakfasts;
(iii) retirement homes, old age homes and nursing homes;
(iv) school dormitories not otherwise exempt; and
(v) sleeping cabins part of a commercial operation of a camp or similar business.

(g) "commercial accommodation unit" means any suite, room, apartment or other enclosed space within a commercial accommodation premises:

(i) that is leased, rented, assigned or otherwise granted to one or more occupants or for any period of time; and
(ii) the occupant(s) to whom the suite, room, apartment or other enclosed space is leased, rented, assigned or otherwise granted to have a reasonable expectation of privacy;

(h) "development" means any and all buildings or structures that require a permit of any kind under the Building Code;

(i) "duplex dwelling" means a residential building containing two (2) separate, primary dwelling units that is not a semi-detached residential development;

(j) "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;

(k) "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 cannabis production facilities and those buildings or structures used for residential purposes;

(l) "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;

(m) "high density multiple unit residential development" means:

- (i) all residential development that does not qualify as either single detached residential development, semi-detached residential development, or low density multiple residential development; and
- (ii) in the case of a mixed use development, any portion of the residential component thereof that does not qualify as single detached residential development, semi-detached residential development, or low density multiple residential development;

(n) "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;

(o) “inclusionary zoning residential unit” means a dwelling unit that is an affordable housing unit 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.

(p) “institutional” 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(1) of the Retirement Homes Act, 2010;
- (iii) by any institution of the following post-secondary institutions for the objects of the institution:

(1) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
(2) a college or university federated or affiliated with a university described in subclause (i); or
(3) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute 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;

(q) "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;

(r) "low density multiple unit residential development" means:

(i) townhouses or row homes;
(ii) duplexes, triplexes, quadraplexes and larger similar developments where the residential units are not connected by an internal corridor;

(s) "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;

(t) "mixed use building or structure" means any building or structure that is comprised of both residential and non-residential portions;

(u) "Muskoka" means "The District Municipality of Muskoka" as the context requires;

(v) “non-profit housing” means development of a building or structure intended for use as residential premises by:

(i) 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;
(ii) 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
(iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act;

(w) "non-residential" means lands, buildings or structures, or part thereof, used, designed or intended to be used for any use other than residential use;

(x) "park model trailer" means any structure that is designed to be mobile and meets the following criteria:

(i) built on a single chassis mounted on wheels;

(ii) designed to facilitate relocation from time to time;
(iii) designed to provide a permanent or seasonal residence for one or more persons, but not including a travel trailer or a tent trailer;
(iv) designed as living quarters and may be connected to those utilities necessary for installed fixtures and appliances; and
(v) has a gross floor area, including lofts, not exceeding 50 m^2 (538.21 ft^2) when in the set up mode and having a width greater than 2.6 m (8.53 ft.) when in the transit mode.

(y) "regulations" means the regulations to the Act;

(z) “rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

(aa) "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;

(ab) "secondary dwelling unit" means a dwelling unit, whether contained within a single detached dwelling, a semi-detached dwelling or a townhouse/row house dwelling, or ancillary to a single detached dwelling, a semi-detached dwelling or a townhouse/row house 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:

(i) Is secondary to the primary dwelling unit and smaller in gross floor area than the primary dwelling unit;
(ii) Cannot be conveyed as a separate parcel from the primary dwelling unit;
(iii) Is not located in the Waterfront Designation of the Official Plan for the Muskoka District Area; and
(iv) Is not a Duplex, Garden Suite, Commercial Accommodation Unit, Mobile Home or Park Model Trailer as defined in this By-law.

(ac)"semi-detached residential dwelling unit" means a residential building consisting of two (2) separate primary dwelling units:

(i) having one vertical wall or one horizontal wall, but no other parts, attached to another building or structure; and
(ii) the dwelling units are not connected by an interior corridor;

(ad) "single detached residential dwelling unit" means a residential building consisting of one primary dwelling unit and not attached to another building or structure;

(ae) "sleeping area" means a habitable room or other definable space within a building or structure that is:

(i) capable of being used as a sleeping area for one or more individuals which includes a den, study or other similar space; but
(ii) does not include a living room or kitchen;

(af) "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.

(ag) "townhouse or row dwelling" means a residential building divided predominantly vertically into three or more attached dwelling units, each of which has a separate entrance from the outside.

(2)

(a) For the purposes of this by-law each of the following shall be deemed to be a separate unit:

(i) each single detached residential development;
(ii) each unit within a semi-detached residential development;
(iii) each suite, apartment or unit within a duplex, triplex, quadraplex or larger similar development;
(iv) each suite, apartment, unit, room or sleeping area within a high density multiple unit residential development or a commercial accommodation premises;
(v) each park model trailer, mobile home, or garden suite.

(b) In determining whether or not a suite, apartment, unit, room, sleeping area or other enclosed space is a unit within the meaning of section 1 (2)(a) the presence or absence of specific features such as kitchens, cooking facilities or other features is not relevant.

(3) 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.

(4) In this by-law, the word "development" includes re-development.

(5) The term "high density multiple unit residential development" includes, but is not limited to:

(i) apartment dwelling units; and
(ii) suites, apartments, units, rooms or sleeping areas within premises described in (i) inclusive.

(6) 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

(1) This by-law shall apply to all lands within the boundaries of The District Municipality of Muskoka.

(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.

2. The services for which development charges shall be payable, shall be those described in Schedule "A" hereto.

3. A Development Charge shall include:

(1) a charge in respect of Services Related to a Highway, Ambulance Services, Services Related to Long-term Care, Waste Diversion Services, and Transit Services;

(2) The Water and Wastewater Development Charges shall be and are hereby imposed upon all lands located within the Urban Service Area (USA), where municipal water and wastewater services are or will be provided. The boundaries of the USAs shall be determined by and be the same as the boundaries of any lands designated as Urban Centres or Special Policy Areas as set out in the Official Plan for the Muskoka District Area and updated and amended from time to time, in accordance with the provisions of the Planning Act; and

(3) The Rural Area Septage Development Charge shall be and is hereby imposed upon all lands within the boundaries of The District Municipality of Muskoka not described in section 3 (2) as it relates to the provision of wastewater services.

4. For the purposes of section 3 (2), where only a portion of a parcel is located within any such boundary, the whole of such parcel shall be deemed to be within the said boundary.

5. 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

6. Subject to section 2 (3) of the Act and section 8 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" and "B-2" as adjusted in accordance with section F from time to time for any and all development requiring any one or more of the following:

(a) the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the Planning Act, as amended;

(b) the approval of a minor variance under section 45 of the Planning Act;

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

(d) the approval of a plan of subdivision under section 50 of the Planning Act;

(e) a consent under section 53 of the Planning Act;

(f) the approval of a description under section 50 of the Condominium Act; or

(g) the issuing of permit under the Building Code Act, in relation to a building or structure.

Phasing

7. The development charges are not being phased in and will take effect on the date as contained in section 43.

Exemptions

8. Subject to section 9 herein, the following types of development shall be exempt from payment of development charges:

(a) the development of a non-residential farm building or structure;

(b) the development of a cemetery and burial sites exempt from taxation under section 3 of the Assessment Act, R.S.0. 1990, c. A.31, as amended;

(c) development described in sections 2(3) of the Act related to an enlargement of an existing dwelling unit;

(d) buildings or structures owned and occupied by and used for the purposes of a municipality;

(e) 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;

(f) 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;

(g) 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; and

(h) long term care homes as defined herein.

(i) the category of exempt development described in section 4.2 of the Act, namely that development charges shall not be imposed with respect to non-profit housing development.

(j) the category of exempt development described in section 4.3 of the Act, namely that development charges shall not be imposed with respect to inclusionary zoning residential unit development.

(k) affordable residential units and attainable residential units will be exempt from development charges in accordance with section 4.1 of the Act.

9. For the purpose of sections 8 (d), (e), (f), (g) and (h) 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

10.

(1) Notwithstanding any other provisions of this by-law, but subject to sections 11, 12, and 13, a person proposing to erect a temporary building may request deferral of payment of development charges provided that:

(i) prior to the issuance of the building permit for the temporary building, the owner shall provide to Muskoka securities in the form of cash or a letter of credit acceptable to the District Treasurer in the full amount of the development charges otherwise payable pursuant to this by-law; and

(ii) within two (2) years of the date the building permit is issued, the owner shall demolish or remove the temporary building from the lands.

(2) Upon satisfactory evidence that section 10 (1)(ii) has been complied with, Muskoka shall return to the owner the securities provided pursuant to section 10 (1)(i), without interest.

(3) In the event that the owner does not demolish or remove the temporary building in accordance with section 10 (1)(ii) and provide satisfactory evidence in accordance with section 10 (2), the temporary building shall be deemed conclusively not to be a temporary building for the purposes of this by-law and Muskoka shall, without prior notification to the owner, transfer the cash or draw upon the letter(s) of credit provided pursuant to section 10 (1)(i) and transfer the amount so drawn into the appropriate development charges reserve funds.

11.

(1) Notwithstanding section 10, development charges with respect to garden suites are required to be paid in full at the time that a building permit is issued.

(2) If a garden suite is demolished or removed within ten (10) years of the date of issuance of the building permit relating thereto, the owner may make application to Muskoka for a refund.

(3) On receipt of evidence to the satisfaction of Muskoka, which establishes that a garden suite has been removed or demolished in accordance with section

11 (2), the development charges paid in regard to that garden suite shall be refunded in full, but without interest, to the then current owner thereof.

12.

(1) Notwithstanding section 10, 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 18.

(2) If a mobile home is demolished or removed within ten (10) years of the issuance of the building permit relating thereto, the owner may make application to Muskoka for a refund.

(3) On receipt of evidence to the satisfaction of Muskoka, which establishes that a mobile home has been removed or demolished in accordance with section 12(2), the development charges paid in regard to that mobile home may be refunded in full, but without interest, if:

(i) that applicant establishes to the satisfaction of Muskoka 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

(ii) a development charge was paid with respect to the mobile home in accordance with section 12 (1).

13.

(1) Notwithstanding section 10, development charges with respect to park model trailers are required to be paid in full at the time that a building permit is issued.

(2) If a park model trailer is demolished or removed within three (3) years of the issuance of the building permit relating thereto, the owner may make application to Muskoka for a refund.

(3) On receipt of evidence to the satisfaction of Muskoka, which establishes that a park model trailer has been removed or demolished in accordance with section 13 (2), the development charges paid in regard to that park model trailer may be refunded in full, but without interest if:

(i) that applicant establishes to the satisfaction of Muskoka 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

(ii) a development charge was paid with respect to the park model trailer in accordance with section 13 (1).

D. CALCULATION OF DEVELOPMENT CHARGES PAYABLE

General

14.

(1) For the purposes of calculating the development charges payable, all development shall be categorized as either:

(i) Residential or commercial accommodation;
(ii) non-residential; or
(iii) mixed use.

(2) Without limiting the generality of the foregoing, non-residential development includes commercial, institutional, industrial development and cannabis production facilities.

(3)

(i) 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.
(ii) Notwithstanding section 14 (3)(i), 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.

(4) 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.

(5) For the purposes of section 14 (4), 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 charges detailed in Schedule B-1 hereto.

(6) Subject to section 32 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 will be recognized as a credit against any development charges payable under this by- law. The amount of credit cannot exceed the amount payable under this by-law.

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

15.

(1) The development charges payable with respect to development that is solely residential development, shall be calculated in accordance with this section 15.

(2) The residential development shall be categorized as:

(i) single detached residential development or semi-detached residential development; or
(ii) low density multiple unit residential development; or
(iii) high density multiple unit residential development; or
(iv) per occupant charge.

(3) In the case of single detached residential development, 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 Schedule "B-1".

(4) In the case of semi-detached residential development, the development charges shall be calculated on the basis of the number of dwelling units for which a building permit is applied for multiplied by the rates set for such development in Schedule "B-1".

(5) 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 Schedule "B-1".

(6)

(a) 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:

(i) the number of suites, units or apartments with two or more sleeping areas within the development multiplied by the rates set forth in Schedule "B-1"; plus
(ii) the number of suites, units or apartments within the development containing less than two sleeping areas multiplied by the rates set forth in Schedule "B-1".

(b) 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 15 (6)(a), 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 Schedule "B-1".

(c) In the case of high density multiple unit residential development that is not and is not proposed to be separated into units, suites, apartments, rooms or sleeping areas, the development charges payable shall be calculated in accordance with section 15 (7).

(d) In the case of high density multiple unit residential development that is a combination of one or more of the developments described in sections 15 (6)(a), (b) and (c), sections 15 (6)(a), (b) and (c) 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.

(7) In the case of residential development that does not fit within any of the categories described in sections 15 (2) (i), (ii) or (iii) defined herein, development charges shall be payable as follows:

(i) the maximum number of persons for which the building or structure has been designed to accommodate (the occupancy levels) as detailed in the building permit application multiplied by the rates set forth in Schedule "B-1" titled "Per Occupant Charge".

(8) For the purposes of this section and section 19 (2), 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.

(9) Notwithstanding the provisions of this by-law, development charges for rental housing developments will be reduced based on the number of bedrooms in each unit as follows:

(a) Three or more bedrooms – 25% reduction;

(b) Two bedrooms – 20% reduction; and

(c) All other bedroom quantities – 15% reduction.

16.

(1) It is hereby acknowledged that pursuant to subsections 2(3), 2(3.1), and 2(3.2) of the Act, development charges are not payable with respect to the following conditions:

(a) an enlargement to an existing dwelling unit;

(b) 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;

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

(d) one residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of 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

(e) 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.

(2) Where additional units, over and above the number of units referenced in section 16 (1) are created and added to an existing residential building, development charges shall be applied in accordance with section 15 with respect to those additional units.

(3) Notwithstanding anything to the contrary, the exemptions described in section 16 (1) do not apply to the conversion of residential premises or the enlargement and conversion of residential premises to commercial accommodation premises.

(4) It is hereby acknowledged that pursuant to subsections 2(3.2) of the Act, development charges are not payable with respect to the following conditions:

(a) 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;

(b) 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

(c) one residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of 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.

17. Notwithstanding anything to the contrary, the development charges payable with respect to a garden suite shall be calculated as follows:

number of garden suites or secondary suites multiplied by the rate set forth in Schedule "B-1" titled " High Density Multiples with ≥ 2 Sleeping Areas "

18. The development charges payable with respect to mobile homes, park model trailers, and individual buildings within Hunt Camps shall be calculated as follows:

number of mobile homes and individual buildings multiplied by the rate set forth Schedule "B-1" titled " High Density Multiples with < 2 Sleeping Areas ".

Rules applicable to the calculation of non-residential development charges

19.

(1) 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.

(2)

(i) 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 Schedule "B-2".

(ii) Section 15 (8) of the by-law shall apply to this section.

(3) 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 Schedule "B-3"; and

(4) 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 Schedule "B-2" and "B-3" shall be applied to each portion.

(5) In the case of commercial accommodation premises that do not fit within any of the categories described in sections 19 (2) (i) or (ii) defined herein, development charges shall be payable as follows:

(i) the maximum number of persons for which the building or structure has been designed to accommodate (the occupancy levels) as detailed in the building permit application multiplied by the rates set forth in Schedule "B-2" titled "Per Occupant Charge" hereto.

20.

(1) 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.

(2) 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:

(i) 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

(ii) 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:

1. determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
2. divide the amount determined under paragraph 1 by the amount of the enlargement.

21. 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:

(i) 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;
(ii) loading facilities above or below grade; and
(iii) 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

22.

(1) In the case of a mixed use development, development charges shall be calculated in accordance with this section 22.

(2) The development charges payable with respect to mixed use developments shall be the sum of:

(i) for the residential portion, an amount calculated in accordance with sections 15 to 18 inclusive; plus
(ii) for the non-residential portion, an amount calculated in accordance with sections 19 to 21 inclusive.

(3) 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.

(4) 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.

Expansion or Enlargements

23. 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

24.

(1) 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 a building equivalent in gross floor area and/or the type, number and size of dwelling units and not be subject to the development charges under this by-law with respect to the development being replaced, provided that any additional floor area or dwelling units created in excess of those demolished shall be subject to the development charges.

(2) The exception described in section 24 (1) is limited only and applies only if the owner obtains a building permit to re-build within 60 months of the date of demolition or destruction.

Redevelopment

25.

(1) 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 15 and 19 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.

(2) "Redevelopment" includes conversions from one principle use to another.

E. SERVICES IN LIEU

26. Subject to an agreement pursuant to section 38 of the Act, Muskoka 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.

27. 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

28. 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, 2025, in accordance with the regulations.

G. TIMING OF CALCULATION AND PAYMENT

29.

(1) Development charges under this by-law are payable prior to issuance of a building permit, unless an agreement under the Act and sections 41 and 42 for alternative timing of payment has been executed.

(2) For the purposes of section 29 (1), the term "building permit" includes "foundation permit" or any other permit issued under the Building Code Act.

(3) Notwithstanding section 29 (1), 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 partial or full occupancy, and each subsequent installment, including interest as provided in the District's Development Charges Interest Rate Policy, payable on the anniversary date each year thereafter.

(4) Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 18 months of building permit issuance, the Development Charges under sections 29 (1) and 29 (3) shall be calculated based on the rates that were in effect on the date the planning application was made, including interest as provided in the District's Development Charges Interest Rate Policy. Where both planning applications apply, Development Charges under sections 29 (1) and 29 (3) shall be calculated based on the rates, including interest as provided in the District's Development Charges Interest Rate Policy, that were in effect on the date of the later planning application.

H. REFUNDS AND CREDITS

General

30.

(1) In the event that Muskoka 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.

(2) Where Muskoka 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.

31. In accordance with section 41 (2) of the Act, any and all credits given by Muskoka pursuant to By-law 91-98, 99-67 or any other development charge type of by-law shall be deemed to have been given under this by-law.

32. 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:

    (i) the amount of charges previously paid; or
    (ii) the amounts payable for the new use.

Port Severn

33. It is hereby acknowledged that lands within the community of Port Severn have paid a variety of local improvement charges with respect to water and wastewater services. Notwithstanding anything to the contrary, each land owner shall be entitled to a credit for the water and wastewater service development charges payable pursuant to this by-law calculated on the basis of the following:

    an amount equal to the development charges applicable to one (1) unit of the type of development for which the owner is applying for a building permit for each Equivalent Residential Unit (ERU) that the owner has paid a local improvement for.

Revocation or Expiry of Building Permits

34.(1) Where:

    (i) Muskoka development charges have been paid at the time a building permit was issued; and
    (ii) construction has not been completed and the structure is not yet occupied; and
    (iii) the building permit has been revoked or has expired.

    the person who originally paid the development charges may, within 36 months of the date of payment of the development charges, apply for a refund.

(2) 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.

(3) Upon receipt of a valid application, the Muskoka District Treasurer may issue a refund in the amount of ninety (90) percent of the Muskoka development charges actually paid.

(4) Interest is not payable on any such refund.

35.(1) Where:

    (i) Muskoka development charges have been paid at the time a building permit was issued; and
    (ii) ownership of the property has changed since the building permit was issued; and
    (iii) construction has not been completed and the structure is not yet occupied; and

(iv) the building permit has been revoked or has expired; and
(v) a refund has not been applied for or issued under section 34,

a credit equal to the amount of Muskoka development charges originally paid shall, subject to section 35 (4), be assigned to the property in question.

(2) Interest is not payable on any such credit.

(3) In the event that the amount of the credit under section 35 (1) exceeds the Muskoka development charges otherwise payable at the time another building permit is issued, the excess shall be retained by Muskoka.

(4) The credit in section 35 (1) shall be valid for 36 months commencing on the date of payment of the development charges and may only be applied to the Muskoka development charges payable pursuant to this or a successor by-law.

I. LOCAL SERVICE INSTALLATION

36. Nothing in this by-law shall prevent or be deemed to prevent Muskoka 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 Muskoka may require, or that any person install, at his or her own expense, local connections to watermains, sanitary sewers, storm drainage facilities and/or site access facilities including road widenings.

J. RESERVE FUNDS

37.

(1) It is hereby acknowledged that pursuant to section 35 of the Act, the monies collected by Muskoka pursuant to this by-law may only be used for the capital costs detailed in the Development Charges Background Study dated July 18, 2024.

(2) 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.

(3) 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.

(4) It is further acknowledged that pursuant to section 36 of the Act, Muskoka 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 37 (1), (2) and (3) herein

shall be made by resolution of Muskoka District Council confirmed by the confirming by-law.

(5) The District Treasurer shall, in each year on or before September 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

38.

(1) 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.

(2) Where any unpaid development charges are collected as taxes under section 38 (1), the monies so collected shall be credited to development charge reserve fund or funds referred to in section 37 (2).

L. APPROVAL OF SERVICE STANDARDS

39. For the purposes of section 3 of O.Reg. 82/98, the service standards and capital spending plan in the Development Charges Background Study dated July 18, 2024 by Watson & Associates Economists Ltd., Muskoka's most recent capital budget and forecast and Muskoka District Council's previous approvals of capital projects shall be and are hereby approved.

M. GENERAL

40. This by-law shall, subject to law, be administered by the Muskoka District Treasurer.

41. Without limiting the authority of the District to enter into any other agreement, the District is hereby authorized to enter into agreements providing for the payment of all or any part of a development charge before or after it would otherwise by payable, pursuant to section 27 of the Act;

42. Any agreement which the District may enter pursuant to section 27 of the Act shall be to the satisfaction of the District's Commissioner of Finance and Corporate Services and District Solicitor and shall be executed on behalf of the District by the said Commissioner of Finance and Corporate Services and Chief Administrative Officer without need for further by-law or resolution of the Council.

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

Schedule "A"	Designated Municipal Services
Schedule "B-1"	Schedule of Residential Development Charges
Schedule "B-2"	Schedule of Non-Residential Development Charges (Commercial Accommodation Premises)
Schedule "B-3"	Schedule of Non-Residential Development Charges

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

45. By-law 2019-49 shall be and is hereby repealed on January 1, 2025.

46. Unless otherwise repealed, this by-law shall expire five (5) years from the date described in section 44.

47. 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.

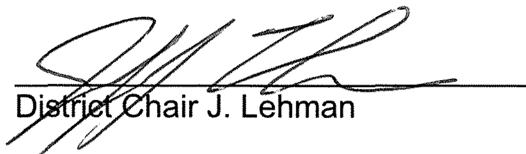
N. SHORT TITLE

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

Enacted and **Passed** this 21st day of October, 2024.

THE DISTRICT MUNICIPALITY OF MUSKOKA

Per:



District Chair J. Lehman

District Clerk A. Back

SCHEDULE "A"

Designated Services

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

District-wide

- Services Related to a Highway
- Ambulance Services
- Services Related to Long-term Care
- Waste Diversion Services
- Transit Services

Serviced Areas

- Wastewater Services
- Water Services

Unserviced Areas

- Septage Services

SCHEDULE "B-1"

Schedule of Residential Development Charges

Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Low Density Multiples [A]	High Density Multiples with ≥ 2 Sleeping Areas	High Density Multiples with < 2 Sleeping Areas	Per Occupant Charge
Municipal Wide Services					
Services Related to a Highway	$ 3,221	$ 2,451	$ 2,593	$ 1,699	1,348
Ambulance Services	$ 244	$ 186	$ 196	$ 129	102
Services Related to Long-term Care	$ 263	$ 200	$ 212	$ 139	110
Waste Diversion Services	$ 204	$ 155	$ 164	$ 108	85
Transit Services	$ 8	$ 6	$ 6	$ 4	3
Total Municipal Wide Services	**$ 3,940**	**$ 2,998**	**$ 3,171**	**$ 2,079**	**1,648**
Rural Services					
Septage Services	$ 999	$ 760	$ 804	$ 527	418
Total Rural Services	**$ 999**	**$ 760**	**$ 804**	**$ 527**	**418**
Urban Services					
Wastewater Services	$ 11,950	$ 9,094	$ 9,619	$ 6,303	5,002
Water Services	$ 5,717	$ 4,351	$ 4,602	$ 3,015	2,393
Total Urban Services	**$ 17,667**	**$ 13,445**	**$ 14,221**	**$ 9,318**	**7,395**
GRAND TOTAL RURAL AREA	**$ 4,939**	**$ 3,758**	**$ 3,975**	**$ 2,606**	**2,066**
GRAND TOTAL URBAN AREA	**$ 21,607**	**$ 16,443**	**$ 17,392**	**$ 11,397**	**9,043**

[A] Includes townhouses, row homes, duplexes, triplexes, quadraplexes and other greater multiples

SCHEDULE “B-2”
Schedule of Non-Residential Development Charges
(Commercial Accommodation Premises)

Service	COMMERCIAL ACCOMMODATION				
	Single and Semi-Detached Dwelling	Low Density Multiples [A]	High Density Multiples with ≥ 2 Sleeping Areas	High Density Multiples with < 2 Sleeping Areas	Per Occupant Charge
Municipal Wide Services					
Services Related to a Highway	$ 3,221	$ 2,451	$ 2,593	$ 1,699	1,348
Ambulance Services	$ 244	$ 186	$ 196	$ 129	102
Services Related to Long-term Care	$ 263	$ 200	$ 212	$ 139	110
Waste Diversion Services	$ 204	$ 155	$ 164	$ 108	85
Transit Services	$ 8	$ 6	$ 6	$ 4	3
Total Municipal Wide Services	**$ 3,940**	**$ 2,998**	**$ 3,171**	**$ 2,079**	**1,648**
Rural Services					
Septage Services	$ 999	$ 760	$ 804	$ 527	418
Total Rural Services	**$ 999**	**$ 760**	**$ 804**	**$ 527**	**418**
Urban Services					
Wastewater Services	$ 11,950	$ 9,094	$ 9,619	$ 6,303	5,002
Water Services	$ 5,717	$ 4,351	$ 4,602	$ 3,015	2,393
Total Urban Services	**$ 17,667**	**$ 13,445**	**$ 14,221**	**$ 9,318**	**7,395**
GRAND TOTAL RURAL AREA	**$ 4,939**	**$ 3,758**	**$ 3,975**	**$ 2,606**	**2,066**
GRAND TOTAL URBAN AREA	**$ 21,607**	**$ 16,443**	**$ 17,392**	**$ 11,397**	**9,043**

[A] Includes townhouses, row homes, duplexes, triplexes, quadraplexes and other greater multiples

SCHEDULE “B-3”

Schedule of Non-Residential Development Charges

Service	NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)
Municipal Wide Services	
Services Related to a Highway	$ 1.82
Ambulance Services	$ 0.07
Services Related to Long-term Care	$ -
Waste Diversion Services	$ 0.03
Transit Services	$ -
Total Municipal Wide Services	**$ 1.92**
Rural Services	
Septage Services	$ 0.15
Total Rural Services	**$ 0.15**
Urban Services	
Wastewater Services	$ 6.42
Water Services	$ 3.07
Total Urban Services	**$ 9.49**
GRAND TOTAL RURAL AREA	**$ 2.07**
GRAND TOTAL URBAN AREA	**$ 11.41**