

**THE CORPORATION OF THE TOWN OF PERTH
BY-LAW NO. 4839**

**BEING A BY-LAW OF THE CORPORATION OF THE TOWN OF PERTH
WITH RESPECT TO DEVELOPMENT CHARGES**

Whereas Section 2(1) of the *Development Charges Act, 1997, S.O. 1997, c. 27* (hereinafter called the Act) enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality for increased capital costs required because of the increased need for services arising from development in the area to which the by-law applies;

And whereas the Council of the Town of Perth, at its meeting of October 22, 2019, approved a report entitled Town of Perth 2019 Development Charges Background Study;

And whereas the Council has given Notice in accordance with Section 12 of the Development Charges Act, 1997 of its development charges proposal and held a public meeting on September 24, 2019;

And whereas the Council has heard all persons who applied to be heard in objection to, or in support of, the development charges proposal at such public meeting and provided a subsequent period for written communications to be made;

And whereas the Council, in adopting the Town of Perth Development Charges Background Study on October 22, 2019, directed that development charges be imposed on land under development or redevelopment within the geographical limits of the municipality as hereinafter provided.

Now, therefore, the Council of the Corporation of the Town of Perth enacts as follows:

1. DEFINITIONS

In this by-law,

- (1) "Act" means the *Development Charges Act, 1997, S.O. 1997, c. 27, as amended*;
- (2) "agricultural use" means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit or for a commercial use, used or designed or intended for use for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, greenhouses, horticulture, market gardening, pasturage, poultry keeping, and equestrian facilities;
- (3) "apartment dwelling" means a dwelling consisting of four or more dwelling units, which units have a common entrance from street level and common halls and /or stairs, elevators, and yards;
- (4) "bedroom" means any room used or designed or intended for use as sleeping quarters including but not limited to, a den, a study, a family room, or other similar use;
- (5) "cannabis" means:
 - (a) a cannabis plant;
 - (b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - (c) any substance or mixture of substances that contains or has on it any part of such a plant; and
 - (d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- (6) "cannabis plant" means a plant that belongs to the genus *Cannabis*;
- (7) "cannabis production facility" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law;
- (8) "capital costs" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or under an agreement,
 - (a) to acquire land or an interest in land,

- (b) to improve land,
 - (c) to acquire, construct or improve buildings and structures,
 - (d) to acquire, construct or improve facilities including:
 - (i) rolling stock, furniture and equipment with an estimated useful life of seven years or more,
 - (ii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, 1984, S. 0, 1984, c. 57,*
 - (iii) furniture and equipment, other than computer equipment,
 - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), required for the provision of services designated in this by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related;
- (9) “commercial” means any use permitted in a commercial zone other than a Residential Use as described by the Zoning By-law of the municipality and any amendments thereto.;
- (10) “Council” means the Council of the Corporation of the Town of Perth;
- (11) “development” includes redevelopment;
- (12) “development charge” means a charge imposed pursuant to this by-law adjusted in accordance with Section 13;
- (13) “dwelling unit” means a room or group of rooms in a dwelling used or intended to be used as a single independent and separate housekeeping unit containing a kitchen and sanitary facilities for its exclusive use, and has a private entrance from outside the dwelling or from a common hallway or stairway inside the dwelling, but does not include a room or suite of rooms in a hotel or motel;
- (14) “East Area” refers to all lands abutting or easterly of Garden Avenue and lying between the Dufferin Road (Hwy 7) Corridor and the North Street (Lanark County Rd / 10) Corridor.
- (15) “grade” means the average level of finished ground adjoining a building at all exterior walls;
- (16) “gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls;

- (17) “hospital” means land, buildings, or structures used, or designed or intended for use as defined in the *Public Hospitals Act, R.S.O. 1990, c. P.40, as amended*;
- (18) “industrial” means any building used for or in connection with,
- (a) manufacturing, producing, processing, storing, or distributing something and includes a greenhouse;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) retail sales by a manufacturer, producer or processor of something manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place; and
 - (d) office for administrative purposes, if carried out with respect to manufacturing, producing, processing, storage, or distribution and in or attached to the building or structure used for that manufacturing, producing, storage, or distribution.

Industrial does not include cannabis production facilities.

- (19) “non-residential use” means land, buildings, or structures or portions thereof used, or designed or intended for a use other than a residential use;
- (20) “North Area” refers to lands designated as “Area North of Highway #7” in Schedule “C” of this by-law.
- (21) “other multiple” means any residential dwelling which is not a single-detached dwelling, a semi-detached dwelling, or an apartment dwelling;
- (22) “place of worship” means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O. 1990, c. A.31, as amended*;
- (23) “residential use” means land or buildings or structures or part thereof of any kind whatsoever used, designed or intended to be used as a residence for one or more individuals but does not include a hotel or motel;
- (24) “semi-detached dwelling” means the whole of a dwelling divided vertically both above grade and below grade into two separate dwelling units;
- (25) “single-detached dwelling” means a dwelling containing only a dwelling unit, or a dwelling unit and an accessory apartment, and not attached to another structure.

- (26) "West Area" refers to all lands extending westerly from the plane created by extending a line from the mid-point of the County Road 511 and Dufferin Road (Hwy 7) intersection to the southerly limit of Peter Street where it intersects the Tay River.

2. SCHEDULE OF DEVELOPMENT CHARGES

- (1) Subject to the provisions of this by-law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedule "B", which relate to the services set out in Schedule "A".
- (2) Notwithstanding subsection (1), for the lands designated as "Area North of Highway #7" in Schedule "C" of this by-law, development charges shall be imposed, calculated, and collected in accordance with the base rates set out in Schedule "B", which relate to the Area-Specific Services set out in Schedule "A".
- (3) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (a) in the case of residential development, or the residential portions of a mixed-use development, based upon the number and type of dwelling units;
 - (b) in the case of non-residential, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development.
- (4) Council hereby determine that the development of land, buildings or structures for residential and non-residential uses will require the provision, enlargement, expansion, or improvement of the services referenced in Schedule "B".
- (5) Council hereby determines that the new development charges detailed in Schedule "B" shall be phased in as per the following:

Area	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Charges Effective November 19, 2019 - December 31, 2019						
General (outside of defined areas)	6,452.80	2,770.61	2,613.85	4,520.33	2,129.42	3.17
North Area	7,022.73	3,015.57	2,844.95	4,920.65	2,317.50	3.67
West Area	7,924.86	3,402.43	3,209.92	5,550.98	2,615.20	3.20
East Area	7,090.15	3,045.35	2,873.05	4,967.00	2,339.75	3.30
Charges Effective Jan. 1, 2020 - July 1, 2020						
General (outside of defined areas)	7,994.90	4,061.31	3,832.43	6,062.17	3,001.71	5.31
North Area	10,134.87	5,224.79	4,930.48	7,741.33	3,849.25	6.41
West Area	7,994.90	4,061.31	3,832.43	6,062.17	3,001.71	5.31
East Area	7,994.90	4,061.31	3,832.43	6,062.17	3,001.71	5.31

3. APPLICABLE LANDS

- (1) Subject to Section 6, this by-law applies to all lands in the Town of Perth, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act, 1990, c.A..31*.
- (2) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to land that is owned by and used for purposes of:
 - (a) the Town of Perth, or any local board thereof;
 - (b) a board of education as defined in subsection 1(1) of the *Education Act*; and
 - (c) the Corporation of the County of Lanark, or any local board thereof.

4. APPLICATION OF CHARGES

- (1) Development charges shall be imposed on all lands, buildings, or structures that are developed for residential or non-residential uses if the development requires:
 - (a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*,
 - (b) the approval of a minor variance under Section 45 of the *Planning Act*,
 - (c) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under Section 51 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, R.S.O. 1990, Chap. C.26, as amended*, or any successor thereof; or
 - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (2) Subsection (2) shall not apply in respect of local services as described in s.s.59(2) (a) and (b) of the Act;

5. MULTIPLE CHARGES

- (1) Where two or more of the actions described in Section 4(1) are required before land to which a development charge applies can be developed,

only one development charge shall be calculated and collected in accordance with the provisions of this by-law.

- (2) Notwithstanding Subsection (1), if two or more of the actions described in Section 4(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule "A", an additional development charge on the additional residential units and/or non-residential gross floor area shall be calculated and collected in accordance with the provisions of this by-law.

6. EXEMPTIONS

- (1) Section 2 of this by-law shall not apply to that category of exempt development described in s.s. 2(3) of the Act, namely:
 - (a) the enlargement of an existing dwelling unit;
 - (b) the creation of one or two additional dwelling units in an existing single-detached dwelling, provided the total gross floor area of the additional one or two units does not exceed the gross floor area of the existing dwelling unit; or
 - (c) the creation of one additional dwelling unit in any other type of existing residential building, provided that:
 - (i) in the case of a semi-detached dwelling, the gross floor area of the additional dwelling unit does not exceed the gross floor area of the existing dwelling unit already contained in the residential dwelling, and
 - (ii) in the case of all other types of existing residential buildings, the gross floor area of the additional dwelling unit does not exceed the gross floor area of the smallest existing dwelling unit already contained in the residential building.
- (2) Section 2 of this by-law shall not apply to that category of exempt development described in s.4 of the Act, and s.1 of O.Reg. 82/98, namely:
 - (a) the enlargement of the gross floor area of an existing industrial building, if the gross floor area is enlarged by 50 percent or less;
 - (b) for the purpose of (a), the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O.Reg. 82/98 under the Act; and
 - (c) notwithstanding subsection (a), if the gross floor area is enlarged by more than 50 per cent, development charges shall be payable and collected and the amount payable shall be calculated in accordance with s.4(3) of the Act.

- (3) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) hospital, health care centre, university, or college lands exempt from taxation under the *Assessment Act*;
 - (b) lands, buildings or structures used or to be used for a place of worship or for the purposes of a churchyard or cemetery exempt from taxation under the *Assessment Act*;
 - (c) industrial buildings;
 - (d) temporary buildings, provided that such buildings are removed within two (2) years of the issuance of the Building Permit; and
 - (e) residential use buildings erected and owned by non-profit housing, provided that these buildings are subject to an agreement with the Town to charge affordable rents for a defined period of time. For greater clarity, affordable rents under the agreement will be evaluated based on market rates, or below, within the County of Lanark.

7. TIMING OF CALCULATION AND PAYMENT

- (1) Development Charges are due and payable in full to the Corporation of the Town of Perth on the date a building permit is issued for any land, buildings, or structures affected by the applicable development charge and a building permit with respect to a building or structure shall be withheld where the applicable development charge has not been paid pursuant to Section 28 of the Act.
- (2) Subject to Section 27 of the Act, Council, at its discretion may, enter into an agreement for payment of development charges in whole or under a payment schedule before or after the date of the issuing of the building permit.
- (3) If the Development Charge or any part thereof imposed by the Town of Perth remains unpaid after the due date, in the absence of an agreement to address the amount unpaid amount per article 2.6.1 (a) or Subsection (2), then the amount unpaid shall be added to the tax roll as taxes as prescribed by in Section 32 of the Act.

8. SERVICE STANDARDS

- (1) The approved service standards for the Town of Perth are those contained in the Development Charges Background Study.

9. SERVICES IN LIEU

- (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute the whole or such part of the development charge

applicable to the owner's development as may be specified in an agreement by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge otherwise applicable to the development, equal to the reasonable cost to the owner of providing the services in lieu, provided such credit shall not exceed the total development charge payable by an owner to the municipality.

10. DEVELOPMENT CHARGE CREDITS

- (1) Where residential space is being converted to non-residential space, the development charge equivalent that would have been payable on the residential space shall be deducted from the charge calculated on the non-residential space being added.
- (2) Where non-residential space is being converted to residential space, the development charge equivalent that would have been payable on the non-residential space shall be deducted from the charge calculated on the residential units being added.
- (3) An owner who has obtained a demolition permit and demolished existing dwelling units or a non-residential building or structure in accordance with the provisions of *the Building Code Act* shall not be subject to the Development Charge with respect to the development being replaced, provided that the building permit for the replacement residential units or non-residential building or structure is issued not more than five (5) years after the date of issuance of the demolition permit and provided that any dwelling units or non-residential gross floor area created in excess of what was demolished shall be subject to the development charge imposed under Section 2.
- (4) No redevelopment credit shall be made in excess of the development charge payable for a redevelopment.

11. BY-LAW REGISTRATION

- (1) A certified copy of this by-law may be registered on title to any land to which this by-law applies.

12. RESERVE FUNDS

- (1) Monies received from payment of development charges shall be maintained in a separate reserve funds, and shall be used only to meet the growth-related net capital costs for which the development charge was levied under this by-law.
- (2) Council directs the Treasurer to divide the reserve fund(s) created hereunder into the separate subaccounts in accordance with the service categories set out in Schedule "A" to which the development charge

payments shall be credited in accordance with the amounts shown, plus interest earned thereon.

- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under Subsection (3), the monies so collected shall be credited to the development charge reserve fund or funds referred to in Subsection (1).
- (5) The Treasurer is hereby directed to prepare an annual financial statement for the development charges reserve fund as prescribed under Section 12 of Ontario Regulation 82/98 and to submit the statement for Council's consideration and within 60 days thereafter, to submit such statement to the Minister of Municipal Affairs and Housing.

13. BY-LAW AMENDMENT OR REPEAL

- (1) Where this by-law or any development charge prescribed thereunder is amended or repealed by order of the Local Planning Appeals Tribunal or by resolution of the Council, the Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under Subsection (1) shall be paid to the registered owner of the land on the date on which the refund is paid.
- (3) Refunds that are required to be paid under Subsection (1) shall be paid with interest to be calculated as follows:
 - (a) interest shall be calculated from the date on which the overpayment was collected to the day on which the refund is paid;
 - (b) interest shall be paid at the Bank of Canada rate in effect on the date of enactment of this by-law.

14. DEVELOPMENT CHARGE SCHEDULE INDEXING

- (1) The development charges referred to in Schedule "B" shall be adjusted annually, without amendment to this by-law, on January 1st of each year, in accordance with Statistics Canada *Table 18-10-0135-01 Building construction price indexes, by type of building*.

15. BY-LAW ADMINISTRATION

- (1) This by-law shall be administered by the Treasurer.

16. SCHEDULES TO THE BY-LAW

- (1) The following schedules to this by-law form an integral part of this by-law:

Schedule "A" – Designated Municipal Services Under this By-law

Schedule "B" – Schedule of Development Charges

Schedule "C" – Map of Area North of Highway #7

17. SEVERABILITY

- (1) If, for any reason, any provision, section, subsection, or paragraph of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all of the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, or amended, in whole or in part or dealt with in any other way.

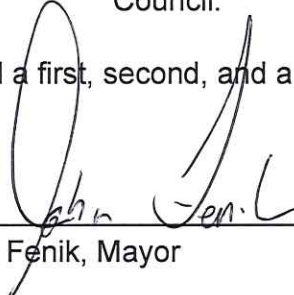
18. SHORT TITLE

- (1) This by-law may be cited as the Development Charge By-law.

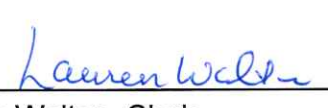
19. DATE BY-LAW EFFECTIVE

- (1) This by-law shall come into force and effect on the date it is passed by Council.

Read a first, second, and a third time and finally passed this 19 day of November, 2019.



John Fenik, Mayor



Lauren Walton, Clerk

(Seal)

SCHEDULE "A" TO BY-LAW 4839
THE CORPORATION OF THE TOWN OF PERTH
Designated Municipal Services Under this By-law

Municipal-wide Services

1. Roads & Related
2. Fire
3. Parks & Recreation
4. Library
5. Admin Studies
6. Stormwater
7. Wastewater
8. Water

Area-specific Services

9. Stormwater – Area North of Highway #7

SCHEDULE "B" TO BY-LAW 4839
THE CORPORATION OF THE TOWN OF PERTH

SCHEDULE OF DEVELOPMENT CHARGES

Area	RESIDENTIAL				NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per sq. ft. of Gross Floor Area)
Charges Effective November 15, 2019 - December 31, 2019						
General (outside of defined areas)	6,462.80	2,770.61	2,613.85	4,520.33	2,129.42	3.17
North Area	7,022.73	3,015.57	2,844.95	4,920.65	2,317.50	3.67
West Area	7,924.86	3,402.43	3,209.92	5,550.98	2,615.20	3.20
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East Area	7,994.90	4,061.31	3,832.43	6,062.17	3,001.71	5.31
Charges Effective July 1, 2020 Onwards						
Municipal-wide	9,537.00	5,352.00	5,051.00	7,604.00	3,874.00	7.45
Area North of Highway #7	13,247.00	7,434.00	7,016.00	10,562.00	5,381.00	9.14

**SCHEDULE "C" TO BY-LAW 4839
THE CORPORATION OF THE TOWN OF PERTH**

Map of Area North of Highway #7

