BRACEBRIDGE
The Heart of Muskoka

BY-LAW NO. 2024-034

A BY-LAW OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE TO IMPOSE DEVELOPMENT CHARGES

WHEREAS, Section 8 of the Municipal Act, S.O. 2001, (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS, Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 11 of the Municipal Act provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS the Town of Bracebridge will experience growth through Development and re-development;

AND WHEREAS Development and re-Development requires the expansion of certain physical and social services by the Town of Bracebridge;

AND WHEREAS the Council of The Corporation of the Town of Bracebridge (hereinafter referred to as "Council") desires to ensure that the Capital Cost of meeting growth-related demands does not place an excessive financial burden on the Town of Bracebridge or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net Capital Cost attributable to providing the current level of municipal Services;

AND WHEREAS Subsection 2 (1) of the *Development Charges Act, 1997, S.O. 1997, c.27*, as amended, provides that the Council of a municipality may pass by-laws for the imposition of Development Charges against land for increased Capital Costs required because of the need for Services arising from Development and re-Development of such lands in the area to which the by-law applies;

AND WHEREAS the Development of land for Residential Uses will increase the need for the Services designated in Schedule "A" attached hereto;

AND WHEREAS Council had before it a report entitled the "2024 Development Charges Background Study" submitted by Hemson Consulting Ltd., dated March 21, 2024 (hereinafter referred to as the "Study");

AND WHEREAS Council has permitted the use of the Study by motions 24-GC-076/077 and has considered the comments of the public at a public meeting duly called on April 11, 2024 to consider the enactment of a By-law under the *Development Charges Act, S.O. 1997, c.27*;

AND WHEREAS Council expressed its intent, by motions 24-GC-076/077, to undertake the capital works identified in the Study;

AND WHEREAS Council expressed its intent, by motions 24-GC-076/077, to recover the committed excess capacity identified in the Study through future Development Charges;

AND WHEREAS Council has determined by motion 24-GC-107 that no additional public meeting is required;

AND WHEREAS by motion 24-GC-107 Council deems it expedient to enact a new by-law with respect to Development Charges;

AND WHEREAS 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 March 21, 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 Council will give consideration to incorporating the Asset Management Plan outlined in the Study within the Town of Bracebridge's ongoing practices and Asset Management Plan;

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

1. DEFINITIONS

In this By-law:

1.1. **Act** means the *Development Charges Act, 1997, S.O. 1997, c.27,* as amended from time to time.

1.2. **Attainable Housing** means Development meeting the criteria set forth in Schedule "C-1" of this By-law.

1.3. **Apartment Unit** means a Dwelling Unit in a Residential Building containing four or more Dwelling Units, where the Dwelling Units are connected by an internal corridor and any Dwelling Unit in a mixed-use building.

1.4. **Bedroom (BR)** includes any habitable room or other definable space within a building or structure which can be used as sleeping quarters which includes a den, study or other similar space but does not include a kitchen, bathroom, living room or dining room.

1.5. **Board of Education** is a board defined in subsection 1 (1) of the *Education Act, R.S.O. 1990, c.E2.*

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 the By-law is defined as a non-Residential Use.

1.7. **Capital Cost** means costs incurred or proposed to be incurred by a municipality or a Local Board or commission thereof directly or under an agreement:

1.7.1. to acquire land or an interest in land;

1.7.2. to improve lands and infrastructure;

1.7.3. to acquire, construct or improve buildings and structures;

1.7.4. to acquire, construct or improve facilities including:

1.7.4.1. rolling stock, furniture and equipment; and,

1.7.4.2. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, 1998, R.S.O. 1990, c.P.44*; and,

1.7.5. to undertake studies in connection with any of the matters in Sections 1.8.1 through 1.8.4, required for the provision of Services designated.

1.8. **Council** means the elected or appointed members of Council of The Corporation of the Town of Bracebridge.

1.9. **Development** includes redevelopment and conversion of one principal use to another.

1.10. **Development Charge** means a charge imposed with respect to this By-law.

1.11. **Duplex** means any Residential Building containing two (2) separate Dwelling Units that is not a Semi-Detached Residential Development:

1.11.1. With one Unit located above the other Unit; and

1.11.2. the Dwelling Units are not connected by an interior corridor.

1.12. **Dwelling Unit** means one or more habitable rooms designed or intended for use as an independent and separate Unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building. This does not include the Dwelling Unit commonly referred to as Garden Suite.

1.13. **Existing** means the number, use and size that existed as of the date this By-law came into force and effect.

1.14. **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.

1.15. **Garden Suite** means a 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.

1.16. **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.

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, shipping and warehousing.

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

1.19. **Mixed Use Building or Structure** means any building or structure that includes both residential and non-Residential Uses.

1.20. **Mobile home** means any Dwelling Unit designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a Park Model Trailer, travel trailer or a tent trailer.

1.21. **Multiples** means a Residential Building containing more than two Dwelling Units and includes triplex, fourplex, townhouse or row house.

1.22. **Non-Residential Use** means a building or structure of any kind whatsoever used, designed or intended to be used for any use other than a Residential Use.

1.23. **Non-Profit Housing Development** means the Development of a building or structure intended for use as a residential premises and developed by;

1.23.1. 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,

1.23.2. 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

1.23.3. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act 2022, c. 21, Sched. 3, s. 4.

1.24. **Owner** means the Owner of land or a person who has made application for an approval for the Development of land for which a Development Charge is imposed.

1.25. **Park Model Trailer** means any structure that is designed to be mobile and meets the following criteria:

1.25.1. built on a single chassis mounted on wheels;

1.25.2. designed to facilitate relocation from time to time;

1.25.3. designed to provide a permanent or Seasonal residence for one or more persons;

1.25.4. designed as living quarters and may be connected to those utilities necessary for installed fixtures and appliances; and

1.25.5. 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.

1.26. **Regulation** means Ontario Regulation (O. Reg.) 82/98.

1.27. **Residential Building** means a building, occupied or capable of being occupied, as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses, but shall include Units in a resort setting.

1.28. **Residential Use** means the use of a building or structure or portion thereof for one or more Dwelling Units.

1.29. **Seasonal** means the time during any given year which shall exclude the time frame between December 1 and no earlier than March 31 for the purposes of this By-law.

1.30. **Services** means those Services, facilities, accommodations and things shown on Schedule "A" to this by-law.

1.31. **Servicing Agreement** means an agreement to provide municipal Services by the Town to specified lands within the municipality.

1.32. **Services In Lieu** means those Services specified in a Servicing Agreement made under section 22 of this by-law.

1.33. **Semi-Detached Residential Development** means a Residential Building consisting of two (2) separate Dwelling Units:

1.33.1. having one vertical wall, but no other parts, attached to another building or structure; and

1.33.2. the Dwelling Units are not connected by an interior corridor.

1.34. **Single-Detached Residential Unit** means a Residential Building consisting of one Dwelling Unit and not attached to another building or structure.

1.35. **Town** means The Corporation of the Town of Bracebridge.

1.36. **Unit** includes a Dwelling Unit and an Apartment Unit.

1.37. **Woodland Retreat** means a building occupied on a temporary basis and used for recreational resource based activities other than hunting, which provides Seasonal or temporary accommodation in a remote location where municipal or community services are usually not available.

2. SHORT TITLE

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

3. ADMINISTRATION

3.1. Council hereby determines that the Development of land, buildings or structures for Residential and Non-Residential Uses will require the provision, enlargement, or expansion of the Services on Schedule "A" hereto.

3.2. Council hereby imposes the Development Charges shown on Schedules "B-1" and "B-2" to defray the Growth-Related Net Capital Cost of providing, enlarging, or expanding the Services shown on Schedule "A".

3.3. The Director of Finance/Treasurer of the Town shall administer this By-law.

4. APPLICABLE LANDS

4.1. This By-law applies to all lands in the geographic boundaries of the Town whether or not the land or use thereof is exempt from taxation under the *Assessment Act, R.S.O. 1990, c.A.31.*

4.2. This by-law shall not apply to land that is owned by and used for the purposes of:

4.2.1. a Board of Education;

4.2.2. any municipality or Local Board thereof;

4.2.3. a hospital under the *Public Hospitals Act, R.S.O. 1990 c.P.40.*

4.3. For the purpose of Section 4.2, 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.

5. DEVELOPMENT CHARGES IMPOSED

5.1. Development Charges shall be imposed on all lands, buildings and structures that are developed for residential and non-Residential Uses if the Development requires:

5.1.1. the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act, R.S.O. 1990 c.P.13* (hereinafter referred to as Planning Act);

5.1.2. the approval of a minor variance under Section 45 of the Planning Act;

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

5.1.4. the approval of a plan of subdivision under Section 51 of the Planning Act;

5.1.5. a consent under Section 53 of the Planning Act;

5.1.6. the approval of a description under Section 50 of the *Condominium Act, 1998, S.O. 1998 c.19*; or

5.1.7. the issuing of a permit under the *Building Code Act, 1992, S.O. 1992, c.23* in relation to a building or structure.

5.2. No more than one Development Charge for each service designated in Schedule "A" shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more actions described in Section 5.1 are required before the lands, buildings or structures can be developed.

5.3. Despite Section 5.2, if two or more of the actions described in Section 7 occur at different times, additional Development Charges shall be imposed if the subsequent action has the effect of increasing the need for Services unless the action relates to the exemptions as outlined in Section 6.

6. EXEMPTIONS

6.1. Notwithstanding the provisions of this by-law, Development Charges shall not be imposed with respect to:

6.1.1. Buildings used for a publicly-funded college or university including residences for students enrolled in such college or university;

6.1.2. A place of worship or buildings for the purposes of a churchyard or cemetery;

6.1.3. Non-residential Farm Buildings constructed for bona fide farm uses;

6.1.4. Development that occurs within the Downtown Business Improvement Area depicted in Schedule "D";

6.1.5. Industrial Development;

6.1.6. Intensification of Existing Housing Units in accordance with sections 2(3), 2(3.1), 2(3.2) and 2(3.2) of the Act and any amendments thereof;

6.1.7. Conversions of Existing non-residential use buildings for residential use up to a maximum of four new residential Dwelling Units within the building.

6.1.8. Affordable Residential Unit as defined by the Act, as amended; and

6.1.9. Non-Profit Housing Development.

7. REPLACEMENT DWELLING UNITS

7.1. No Development Charge shall be imposed for the replacement of an Existing Dwelling Unit or Dwelling Units which have been demolished or destroyed provided that the replacement structure or structures are erected within five (5) years of demolition or destruction and provided that any additional Dwelling Unit created in excess of those demolished or destroyed shall be subject to Development Charges.

8. ATTAINABLE HOUSING POLICIES

8.1. The purpose of this Section is to encourage the Development of Attainable Housing in Bracebridge. In administering the provisions of these Section, regard shall be had for the said purposes as set out below:

8.1.1. Applications for deferral and potential forgiveness shall be evaluated in sequence in order of receipt.

8.1.2. An application under Section 8.1 of this by-law shall be deemed to have been received by the Town on the date that the application is delivered to the Planning and Development Department and deemed complete by Department officials.

8.1.3. Applications for potential forgiveness under this Section may only be granted if the criteria in this Section have been met.

8.1.4. It is acknowledged that for the purpose of this Section, the determination as to whether or not a person has built Attainable Housing cannot be made until the housing has:

8.1.4.1. Been transferred from builder to Owner; and/or

8.1.4.2. Been appraised by an accredited Professional Appraiser CRA/AACI.

8.1.4.3. Given a valuation using an alternative method as deemed appropriate by the Director of Finance/Treasurer.

8.1.5. Where a person is proposing to develop five or more Attainable Housing Units, the person may, prior to applying for building permits, apply to defer payment of the Development Charges applicable to each of the proposed Attainable Housing Units until such times as the individual housing Units are completed. Any such applications shall include sufficient detail so that a determination as to whether or not the proposed Units qualify as Attainable Housing as defined in this Section and in Schedule C-1. In the event that a request does not contain the required information, the request shall be rejected.

8.1.6. Subject to Section 8.1.5 where it is determined by the Director of Finance/Treasurer that the proposed housing Units meet the criteria in Schedule "C-1", Development Charges Deferral Agreements shall be executed with the Town in a form acceptable to the Director of Corporate Services/Clerk and the Director of Planning and Development, the Development Charges payable shall be as follows:

8.1.6.1. the amount payable at building permit time shall be determined in accordance with Schedule "B-2" less the amount permitted to be deferred in accordance with Schedule "C-2".

8.1.7. A fee for a Development Charge Deferral Agreement may be set by the Town.

8.1.8. The deferral period related to a particular housing Unit shall terminate at the earlier of:

8.1.8.1. When a transfer from builder to Owner has taken place;

8.1.8.2. When Occupancy has been granted by the Chief Building Official; or

8.1.8.3. Eighteen (18) months from the date the deferral agreement is entered into.

8.1.9. In the event that a deferral period terminates on the basis of Section 8.1.8.3. or an Attainable Housing unit does not, at the end of the deferral period, meet the criteria in Schedule "C-1", the amount payable shall be equal to the amount payable for that type of housing Unit according to Schedule "B-2" as of the date of the termination of the deferral period less any amounts paid under this by-law upon issuance of the building permit.

8.1.10. In the event a deferral period expires by virtue of Sections 8.1.8.1 or 8.1.8.2 and the housing Unit meets the criteria in Schedule "C-1", the amount payable shall be determined as follows:

8.1.10.1. the amount payable is according to Schedule "B-2" at the time the Development Charges deferral agreement was entered into multiplied by the applicable percentage according to Schedule "C-2" for the housing unit based on the value indicated by a third-party transfer from builder to Owner, or an appraisal prepared by an accredited Professional Appraiser, or an alternative method as deemed appropriate by the Director of Finance/Treasurer minus any amounts paid under this by-law at the time the building permit was issued;

8.1.10.2. In the event that there is any dispute as to the amount, if any, that is payable at the expiry of the deferral period, the amount payable shall be determined by the Director of Finance/Treasurer whose decision shall be final; and

8.1.10.3. In the event that an amount comes due under a Development Charges Deferral Agreement and the amount is not paid, the amount due may, in the determination of the Director of Finance/Treasurer in accordance with Section 32 of the Act, be placed on the tax roll and collected in the same manner as taxes.

8.1.11. Where a person has constructed a housing Unit and has paid Development Charges in full at the time of the building permit or the person has entered into a Development Charges Deferral Agreement but has built a housing Unit eligible for a greater rebate, the person may apply for the eligible rebate. If the housing Unit qualifies as Affordable Housing on the basis of the criteria in Schedule "C-1" as it read on the date the building permit was issued, a rebate may be made to the Owner of the housing Unit at the time the rebate is paid in an amount equal to the amount of the overpayment calculated as follows:

8.1.11.1. (amount paid at building permit issuance under this by-law) less (amount payable under Schedule "B-2" at the time the building permit was issued) multiplied by (the deferral percentage applicable to the housing Unit that was actually built according to Schedule "C-2").

9. TEMPORARY BUILDINGS

9.1. Notwithstanding any other provisions of this by-law, a person proposing to erect a temporary building may request deferral of payment of Development Charges provided that:

9.1.1. 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 Director of Finance/Treasurer, in the full amount of the Development Charges otherwise payable pursuant to this by-law;

9.1.2. Within two (2) years of the date the building permit is issued, the Owner shall demolish or remove the temporary building from the lands;

9.1.3. Upon satisfactory evidence that Section 9.1.2 has been complied with, the Town shall return to the Owner the securities provided pursuant to Section 9.1.1, without interest; and

9.1.4. In the event that the Owner does not demolish or remove the temporary building in accordance with Section 9.1.2 and provide satisfactory evidence in accordance with Section 9.1.3, 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 9.1.1 and transfer the amount so drawn into the appropriate Development Charge reserve funds.

10. MOBILE HOMES

10.1. Notwithstanding Section 9, Development Charges with respect to mobile homes are required to be paid in full at the time that a building permit is issued:

10.1.1. If a mobile home is demolished or removed within three (3) years of the issuance of the building permit relating thereto, the Owner may make application to the Town for a refund;

10.1.2. On receipt of evidence to the satisfaction of the Town, which establishes that a mobile home has been removed or demolished in accordance with Section 10.1.1, the Development Charges paid in regard to that mobile home may be refunded in full, without interest; if:

10.1.2.1. that applicant establishes to the satisfaction of the Town that they are 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

10.1.2.2. a Development Charge was paid with respect to the mobile home in accordance with Section 10.1.

11. PARK MODEL TRAILERS

11.1. Notwithstanding Section 9, Development Charges with respect to Park Model Trailers are required to be paid in full at the time that a building permit is issued:

11.1.1. 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 the Town for a refund;

11.1.2. 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 11.1.1, the Development Charges paid in regard to that Park Model Trailer may be refunded in full, without interest; if:

11.1.2.1. that applicant establishes to the satisfaction of the Town that they are the current Owner of the park model home in question and the Owner or lessee of the parcel of land on which the Park Model Trailer was located; and

11.1.2.2. a Development Charge was paid with respect to the Park Model Trailer in accordance with Section 11.1.

12. CALCULATION OF DEVELOPMENT CHARGES PAYABLE

12.1. For the purposes of calculating the Development Charges payable, all Development shall be categorized as either:

12.1.1. residential; or

12.1.2. non-residential; or

12.1.3. mixed use.

12.2. 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.

12.3. For the purposes of Section 12.1, 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 rates detailed in Schedule "B-2".

12.4. Subject to Section 12.5 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.

12.5. 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:

12.5.1. the amount of charges previously paid, or

12.5.2. the amounts payable for the new use.

13. CALCULATION RULES – RESIDENTIAL

13.1. The Development Charges payable with respect to Development that is solely residential Development, shall be calculated in accordance with this Section.

13.1.1. The residential Development shall be categorized as:

13.1.1.1. Single detached, Duplex and semi-detached;

13.1.1.2. Multiples;

13.1.1.3. Apartments – 2 or more Bedrooms; or

13.1.1.4. Apartments – 1 or less Bedrooms.

13.1.2. 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-2".

13.1.3. In the case of Semi-Detached Residential Development and Duplexes, Development Charges shall be payable as follows:

13.1.3.1. the Single-Detached Residential Unit rate in Schedule "B-2" multiplied by two (2).

13.1.4. In the case of multiples, the Development Charges payable shall be calculated by multiplying the total number of Dwelling Units within the Development by the rates set forth in Schedule "B-2".

13.1.5. The Development Charges payable with respect to mobile homes, Park Model Trailers and individual buildings within Hunt Camps and Woodland Retreats shall be calculated as follows:

13.1.5.1. number of Mobile Homes, Park Model Trailers and individual buildings within Hunt Camps and Woodland Retreats multiplied by the "apartment with 2 or more Bedrooms" rate set forth in Schedule "B-2".

14. CALCULATION RULES – NON-RESIDENTIAL

14.1. The Development Charges payable with respect to Development that is solely non-residential Development, shall be calculated in accordance with this Section.

14.1.1. 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-2".

14.1.2. 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.

15. CALCULATION RULES – MIXED USE DEVELOPMENT

15.1. The rules applicable to the calculation of Development Charges applicable to mixed use Development are as follows:

15.1.1. In the case of a mixed use Development, Development Charges shall be calculated in accordance with this Section; and

15.1.2. The Development Charges payable with respect to mixed use Developments shall be the sum of:

15.1.2.1. for the residential portion, an amount calculated in accordance with Section 13.1.

15.1.2.2. for the non-residential portion, an amount calculated in accordance with Section 14.1.

16. EXPANSIONS OR ENLARGEMENTS

16.1. For the purposes of determining the amounts payable with respect to expansions or enlargements, the unexpanded building shall be the Existing size and number of Units of the building as of the date this By-law came into force and effect.

17. REDEVELOPMENT

17.1. 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 five years 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 13, 14 and 15 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.

18. PAYMENT TIMING

18.1. 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.

18.2. 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.

18.3. No building permit shall be issued for any building or structure in respect of which the Development Charge applicable hereunder remains unpaid.

18.4. Notwithstanding Sections 18.1, 18.2 and 18.3 of this by-law, an Owner and the Town may enter into an agreement to provide for the payment in full of a Development Charge before building permit issuance or later than the issuing of a building permit, in accordance with section 27 of the Act.

19. LOCAL SERVICE INSTALLATION

19.1. Nothing in this by-law prevents Council from requiring, as a condition of approval under Section 51 or Section 53 of the Planning Act, that the Owner, at their own expense, install such local Services as Council may require or that the Owner install local connections to municipal Services at the Owner's expense.

20. INDEXING

20.1. The Development Charges set out in Schedule "B-2" to this by-law shall be adjusted annually, as of January 1, 2025 and annually thereafter on January 1, while this by-law is in force, without amendment to this by-law, in accordance with the most recent twelve-month change in the Statistics Canada Non-Residential Building Construction Price Index for Toronto.

21. SERVICES IN LIEU AGREEMENTS

21.1. 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.

21.2. 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.

22. COLLECTION

22.1. Any amount of Development Charge, which remains unpaid after the date specified in Section 18.1 and 18.2 shall be added to the tax roll and collected as unpaid taxes.

22.2. Where any unpaid Development Charges are collected as taxes under Sections 8 and 22.1 above, the money so collected shall be credited to the said reserve funds in the proportions of each service identified in Schedule "A".

23. RESERVE FUNDS

23.1. Monies collected by the Town for the payment of Development Charges shall be used only in accordance with the provisions of Section 35 of the Act.

23.2. Monies received from payment of Development Charges under this by-law 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.

23.3. The Director of Finance/Treasurer of the Town shall, in each year on or before March 31st, furnish to Council a statement in respect of the reserve funds for the prior year established hereunder containing the information required under the Regulations.

23.4. If this by-law is amended or repealed by Council or the Ontario Land Tribunal, the Director of Finance/Treasurer shall determine within 30 days of the amendment or repeal whether any Owner has overpaid in respect of the Development Charge payable hereunder and if such an overpayment has been made, the Director of Finance/Treasurer shall calculate the amount of such overpayment as outlined below:

23.4.1. Any overpayment determined under Section 23.4 above shall be paid to the person who made the payment by their last known address within 30 days of the date of the repeal or amendment of this By-law; and

23.4.2. The refund payable under Section 23.4 above shall be paid with interest calculated from the date upon which the overpayment was collected to the date on which the refund is made. Such interest shall be paid at the Bank of Canada Rate in effect from time to time from the date of enactment of this by-law.

24. GRANTS-IN-LIEU

24.1. Council may consider grants-in-lieu of Development Charges for Development occurring within the Community Improvement Plan (CIP) area.

24.1.1. Grants-in-lieu of Development Charges are funded through non-Development Charges sources.

24.1.2. Council is not obliged to provide grants-in-lieu of Development Charges and the program may be amended or terminated at the discretion of Council.

25. PHASE-IN OF DEVELOPMENT CHARGES AND TRANSITION PROVISIONS

25.1. Development Charges shall be phased in accordance with Schedule "B-2" of the by-law.

26. GENERAL PROVISIONS

26.1. The following schedules to this By-law form an integral part of this By-law:

26.1.1. Schedule "A-1" – Designated Services;

26.1.2. Schedule "B-1" – Allocation of Residential and Non-Residential Charge by Designated Services;

26.1.3. Schedule "B-2" – Residential Development Charges Schedule

26.1.4. Schedule "C-1" – Eligibility Limits for Attainable Housing;

26.1.5. Schedule "C-2" – Percentages of Development Charges to be Deferred for Attainable Housing Units; and

26.1.6. Schedule "D" – Downtown Business Improvement Area.

27. SEVERABILITY

27.1. If any provision or provisions of this By-law is held to be invalid, illegal, un-enforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

28. FORCE AND EFFECT

28.1. This By-law shall come into force and effect on July 4, 2024.

28.2. Unless repealed earlier, or unless the term of the By-law is altered by legislation, this By-law expires ten (10) years from the day it comes into force.

29. REPEAL

29.1. Upon the date this By-law comes into force and effect, By-Law No. 2019-056 is hereby repealed.

READ AND PASSED THIS 12TH DAY OF JUNE 2024.

Mayor, R. Maloney

Director of Corporate Services/Clerk,
L. McDonald

SCHEDULE "A"

Designated Services

The following are Services for which Development Charges shall be payable:

Service
Library
Fire
Parks and Recreation
Services Related to a Highway: • Public Works: Buildings & Fleet • Roads and Related
Development-Related Studies *

**Development-Related Studies will come immediately into force only upon amendment of the Act*

SCHEDULE "B-1"

Allocation of Residential and Non-Residential Charge by Designated Services

Service	Residential Share of Total Charge	Non-Residential Share of Total Charge
Library	6.5%	0.0%
Fire	5.9%	21.5%
Parks and Recreation	65.9%	0.0%
Services Related to a Highway: • Public Works: Buildings & Fleet • Roads and Related	 3.7% 16.5%	 13.4% 59.8%
Development-Related Studies *	1.5%	5.3%

**Development-Related Studies will come immediately into force only upon amendment of the Act*

SCHEDULE "B-2"

Residential and Non-Residential Development Charges

Effective Date	Charge by Unit Type				$/m2
	Single and Semi-Detached	Rows and Other Multiples	Apartments 2BR or More	Apartments 1BR or Less	Non-Residential
July 4 2024	$6,131	$4,905	$4,349	$3,346	$0.00
September 1 2024	$8,050	$6,590	$5,659	$4,345	$3.80
January 1 2026	$9,969	$8,275	$6,969	$5,344	$7.59
January 1 2027	$11,888	$9,960	$8,279	$6,343	$11.39
January 1 2028	$13,807	$11,646	$9,590	$7,342	$15.18
January 1 2029	$15,726	$13,331	$10,900	$8,341	$18.98
January 1 2030	$17,645	$15,016	$12,210	$9,340	$22.77
January 1 2031	$19,564	$16,701	$13,520	$10,339	$26.57

SCHEDULE "C-1"

Eligibility Limits for Attainable Housing

Singles/Semis/Duplexes	i. Building, together with lot, would not have a value greater than that $615,000 per Unit. ii. The premises are for permanent residential occupancy.
Low Density Multiples	i. Building, together with lot, would not have a value of greater than $450,000 per Unit. ii. The premises are for permanent residential occupancy.
High Density Residential (more than 2 sleeping areas)	i. Building, together with lot, would not have a value of greater than $375,000 per Unit. ii. The premises are for permanent residential occupancy.
High Density Residential (less than 2 sleeping areas)	i. Building, together with lot, would not have a value of greater than $375,000 per Unit. ii. The premises are for permanent residential occupancy.

SCHEDULE "C-2"

Percentages of Development Charges to be Deferred for Attainable Housing Units

Housing Form	Value [1]	Percentage of amount otherwise payable and permitted to be deferred
Singles/Semi/Duplex	$570,000 or less	100%
	$570,000 to $615,000	50%
	over $615,000	0%
Low Density Multiples	$415,000 or less	100%
	$415,000 to $450,000	50%
	over $450,000	0%
High Density Residential (2 or more sleeping areas)	$375,000 or less	100%
	Over $375,000	0%
High Density Residential (less than 2 sleeping areas)	$375,000 or less	100%
	Over $375,000	0%

Note 1: The Values identified in this schedule will be applicable to December 31 2029. Prior to January 1 2030, the Town's General Committee will review a staff report showing the impact of indexing the values to present day dollars using the change in the Statistics Canada Non-residential Building Construction Price Index for Toronto. At this time, Town Committee may adjust the values based on the index without amendment to this by-law or seek a more formal review of the values and amend Schedule "C-1" and "C-2" of this by-law.

SCHEDULE "D"

Downtown Business Improvement Area

