

THE CORPORATION OF THE MUNICIPALITY OF CALLANDER

BY-LAW NO. 2020-1641

Being a By-law to Establish Development Charges

WHEREAS Section 2(1) of the *Development Charges Act, 1997* ("Act") enables the Council of a municipality to pass by-laws to impose Development Charges against lands located in the Municipality to pay for increased capital costs where the development of the land would increase the need for municipal services as designated in the by-law and the development requires one or more of the actions set out in Section 2(2) of the Act; and

WHEREAS The Corporation of the Municipality of Callander has determined that the development of lands within the Municipality will increase the need for municipal services and Council has confirmed its intent to provide the said services; and

WHEREAS the Council has given Notice of its Development Charges proposal in accordance with Section 12(1) of the Act and held a public meeting on December 17, 2019 and is satisfied that no further notice is required.

NOW THEREFORE BE IT HEREBY RESOLVED THAT The Corporation of the Municipality of Callander hereby enacts the following:

1. DEFINITION

1.1 In this By-law:

- 1.2 All words and phrases used in this by-law that have been defined in the Act shall have the same meaning as those words and phrases in the Act;
- 1.3 Where the *Development Charges Act* does not specify a definition, the following definitions shall apply to the extent that they are not in conflict with the definitions in the Act;
- 1.4 **Act** means the *Development Charges Act, 1997* as amended from time to time and includes the Regulations passed under the Act, as amended from time to time.
- 1.5 **Apartment Dwelling** means a building containing three (3) or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements, including units defined as Special Care Dwelling Units.
- 1.6 **Board of Education** means a board of education, public school board, secondary school board, Catholic school board or Protestant school board.
- 1.7 **Building Code Act** means the *Building Code Act*, S.O. 1992, chapter 23, as amended and all Regulations thereto including the *Ontario Building Code, 1997*, as amended.
- 1.8 **Building or Structure** means a structure occupying an area greater than 10 square metres consisting of walls and a roof or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings or an exterior storage tank.
- 1.9 **Building Permit** means a Permit issued in accordance with the *Building Code Act*.
- 1.10 **Commercial Use** means, notwithstanding any other provisions of this By-law, lands, buildings or structures to be developed within a Commercial zone as defined by the Municipalities Zoning By-law.
- 1.11 **Council** means the Council of the Corporation of the Municipality of Callander.
- 1.12 **Development** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the Total Floor Area and includes Redevelopment.
- 1.13 **Development Charge** means a charge imposed pursuant to this By-law.
- 1.14 **Duplex** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 1.15 **Dwelling Unit** means a combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for habitation for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.
- 1.16 **Existing Lot of Record** means a parcel of land which existed prior to the date of passing of this Development Charges By-law.
- 1.17 **Gross Floor Area** means the total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.
- 1.18 **Institutional Use** means, notwithstanding any other provisions of this By-law, lands, buildings or structures to be developed within an Institutional zone as defined by the Municipality's Zoning By-law.

- 1.19 **Multi-Unit** means, for the purposes of this by-law, any combination of two (2) or more dwelling units on a lot which is not defined as a Semi-Detached Dwelling or Apartment.
- 1.20 **Municipality** means The Corporation of the Municipality of Callander.
- 1.21 **Non-Residential Uses** means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential use.
- 1.22 **Owner** means the owner of land or a person who has made application for an approval for the development of land upon which a Development Charge is imposed.
- 1.23 **Redevelopment** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential.
- 1.24 **Residential Uses** means land, buildings or structures or portions thereof used, designed, or intended to be used principally (or primarily) as living accommodation for one or more individuals.
- 1.25 **Semi-Detached Dwelling** means the whole of a building divided vertically into two (2) separate dwelling units.
- 1.26 **Services** means services designated in this By-law including Schedule A to this By-law or in agreement under Section 44 of the Act, or both.
- 1.27 **Single Detached Dwelling** means a detached building containing one (1) dwelling unit only.
- 1.28 **Temporary Building or Structure** means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight (8) months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight (8) months.
- 1.29 **Townhouse Dwelling** means a dwelling unit in a building divided vertically into no less than three (3) and no more than eight (8) dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

2. IMPOSITION OF DEVELOPMENT CHARGES

- 2.1 A Development Charge shall be paid in respect of all development, as provided in this By-law.

3. APPLICATION OF THIS BY-LAW

- 3.1 This By-law shall apply to all lands within The Corporation of the Municipality of Callander.
- 3.2 No land, except land owned by and used for the purposes of a municipality or a board as defined in subsection 1 (1) of the *Education Act*, is exempt from a Development Charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*.
- 3.3 Nothing in this By-law prevents the approval authority or Council, as the case may be, from requiring, as a condition of an agreement under the *Planning Act*, SS. 51 or 53, that the owner at his or her own expense shall install or pay for local services as the approval authority or Council may require.

4. CALCULATION OF DEVELOPMENT CHARGES – GENERAL

- 4.1 Development Charges shall be calculated in accordance with Schedule “B”.

5. INDEXING OF THE DEVELOPMENT CHARGE

- 5.1 Development Charges may be adjusted, without amendment to this By-law, on the first day of January in each year, beginning with January 1, 2020, using the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-007, as prescribed by the Development Charges Act.

6. CALCULATION OF DEVELOPMENT CHARGES – RESIDENTIAL

- 6.1 Development Charges shall apply to each dwelling unit in every development, whether single-use or mixed-use.
- 6.2 No Development Charges are payable in the following cases:
- Where an existing dwelling is enlarged renovated or repaired;
 - Where a maximum of one (1) additional dwelling unit is being created within an existing single detached dwelling;
 - Where a maximum of one (1) additional dwelling unit is being created in a semi-detached or townhouse, provided the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building;

- d. Where a maximum of one (1) additional dwelling unit is being created in any other residential class of building, provided the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building;
- e. Where a dwelling unit that existed and was used on the lands within thirty-six (36) months of the enactment of this By-law is being replaced.

7. CALCULATION OF DEVELOPMENT CHARGES – NON-RESIDENTIAL

- 7.1 Non-residential development shall be exempt from the payment of Development Charges.

8. EXEMPT BUILDINGS

- 8.1 Non-residential buildings used accessory to an agricultural operation shall be exempt from the Development Charge.
- 8.2 Buildings owned and used by the Municipality, or any Board of Education used for school purposes shall be exempt from the Development Charge.
- 8.3 Temporary buildings where the owner has completed an agreement with the Municipality specifying the owner's obligation to remove the building.
- 8.4 Places of worship for religious uses that are exempt from Provincial taxes pursuant to the *Provincial Land Tax Act* RSO 1990, cP32 as amended.

9. REDEVELOPMENT

- 9.1 There will no Development Charges provided that the building permit has been issued for the Development or redevelopment within five years from the date the demolition permit has been issued;

10. PAYMENT OF DEVELOPMENT CHARGES

- 10.1 Except as otherwise provided in this By-law, Development Charges shall be calculated and payable in full in cash, cheque or bank draft in Canadian funds or by credits granted by the Act, on the date that the first building permit is issued.
- 10.2 Except as otherwise provided in this By-law, a building permit shall not be issued until the Development Charge has been paid in full.

11. WRITTEN AGREEMENTS WITH THE MUNICIPALITY

- 11.1 Pursuant to the provisions of the Act, Council may enter into written agreements in regard to all matters authorized by the Act and general law.
- 11.2 The applicable provisions of this By-law may be varied in individual instances by the written agreements, as permitted by the Act.
- 11.3 Council has the power to enter into agreements to reduce or waive Development Charges that are payable under the Act and this By-law.
- 11.4 Agreements may give credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law. The credit shall not exceed the service standard used in the calculation of the Development Charge, and no credit shall be charged to any Development Charges reserve fund prescribed in this by-law or exceed the proportion of the Development Charge related to that service, payable by the owner to the Municipality.
- 11.5 Agreements may provide for all or any part of a Development Charge to be paid before or after it would otherwise be payable.
- 11.6 Front-ending agreements entered into under the provisions of s. 44 of the Act shall be deemed to be agreements under this section.
- 11.7 This By-law shall prevail over any previous agreements between a property owner and the Municipality with respect to the payment of impost fees, lot levies or Development Charges. However, where fees or charges have been paid for services included in this By-law pursuant to an agreement that was registered on the title of the lands prior to the passing of this By-law, the Municipality shall apply that fee as a credit against the applicable Development Charge.

12. ADMINISTRATION

- 12.1 A certified copy of this By-law may be registered on title to any land to which the By-law applies.
- 12.2 This By-law shall be administered by the Chief Building Official and the Treasurer of the Municipality.

13. RESERVE FUNDS

- 13.1 Monies received from payment of Development Charges shall be maintained in a separate reserve fund and shall be used only to meet the growth-related net capital costs for which the Development Charge was levied under this by-law.
- 13.2 Where any Development Charge or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll and shall be collected as taxes. Where any unpaid Development Charges are collected as taxes, the monies so collected shall be credited to the Development Charge reserve fund.
- 13.3 The Treasurer of the Municipality shall, in each year, furnish to Council, a statement in respect of the reserve fund established hereunder for the prior year.

14. REFUNDS

- 14.1 Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Municipal Board or by Council, the Municipality shall forthwith pay the appropriate refund, calculated in accordance with the Act and Regulations passed under the Act.

15. SCHEDULES

- 15.1 The following schedules to this By-law form an integral part of this By-law;
- 15.2 Schedule "A" - Classification of Services;
- 15.3 Schedule "B" - Components of Development Charge;
- 15.4 Schedule "C" – Phasing of Development Charge.

16. PHASING

- 16.1 In accordance with the rates set out in Schedule "B" hereto, the rates of the By-law shall be phased-in in accordance with the values set out in Schedule "C" hereto. The rates set out in Schedule "C" attached hereto shall be effective the first day of January of each year prescribed. The values in Schedule "B" may be adjusted, without amendment to this By-law, on the first day of January in each year, beginning with January 1, 2020, in accordance with the provisions set out in Section 5 of this By-law.

17. GENERAL

- 17.1 This By-law comes into full force and effect upon the final passing thereof.
- 17.2 Unless repealed earlier, or unless the term of the By-law is extended by legislation, this By-law expires five years from the day it comes into force.
- 17.3 Where in this By-law the context so requires, words in the singular include the plural and words in the plural include the singular, and words importing the masculine gender include feminine and neuter gender.
- 17.4 Any portion of this By-law found to be invalid shall be severed, and the balance of the By-law shall be deemed to be valid and enforceable and shall be construed without reference to the invalid portions.

READ A FIRST TIME THIS 25TH DAY OF FEBRUARY 2020.

READ A SECOND TIME THIS 25TH DAY OF FEBRUARY 2020.

READ A THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF FEBRUARY 2020.


DEPUTY MAYOR, ROBB NOON


MUNICIPAL CLERK, ELAINE GUNNELL

Municipality of Callander
By-law 2020-1641

Schedule “A”
Classification of Services

Transportation Roads Buildings Vehicles
Fire & Emergency Services Buildings Fire Vehicles Fire Suits
Administration Growth Related Studies
Recreation Developed Parkland Community Halls Municipal Trails
Library Services Building Circulation Material Small Equipment
Stormwater Stormwater
Sewer and Water Sewer services Water services



**Municipality of Callander
By-law 2020-1641**

**Schedule "B"
Components of Development Charge**

Rural Area Charge

Service Area	Residential Charge	Percent of Residential Charge	Island Charge	Percent of Island Charge
Transportation	\$3,920.83	42.75%	\$3,920.83	49.68%
Fire & Emergency Services	\$1,327.43	14.34%	-	-
Recreation	\$709.14	7.66%	\$709.14	8.98%
Library Services	\$456.87	4.94%	\$456.87	5.79%
Administration	\$750.00	8.10%	\$750.00	9.50%
Stormwater	\$2,055.94	22.21%	\$2,055.94	26.05%
Total Rural Per Unit	\$9,220.20	100%	\$7,892.78	100%

Urban Area Charge

Service Area	Percentage of Charge	Single/Semi-Detached Charge	Multi-Unit Charge	Apartment Charge
Transportation	27.72%	\$3,920.83	\$3,450.33	\$2,823.00
Fire & Emergency Services	9.39%	\$1,327.43	\$1,168.14	\$955.75
Recreation	5.01%	\$709.14	\$624.04	\$510.58
Library Services	3.23%	\$456.87	\$402.05	\$328.95
Administration	5.30%	\$750.00	\$660.00	\$540.00
Stormwater	14.54%	\$2,055.94	\$1,809.23	\$1,480.28
Sewer Services	25.90%	\$3,663.00	\$3,223.44	\$2,637.36
Water Services	8.92%	\$1,261.00	\$1,109.68	\$907.92
Total Urban Area Per Unit	100%	\$14,143.91	\$12,446.64	\$10,183.62

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Schedule "C"
2020 Phasing of Development Charge

Rural and Island

Year	Percent of Maximum Calculated Charge	Rural	Island
2020	100% of 2019	\$7,499.09	\$5,956.59
2021	+ CPI*	\$7,577.08	\$6,018.54
2022	+ CPI*	\$7,655.88	\$6,081.13
2023	+ CPI*	\$7,735.50	\$6,144.38
2024	+ CPI*	\$7,815.95	\$7,208.28

Single/Semi-Detached

Year	Percent of Maximum Calculated Charge	Single/Semi-Detached
2020	100% of 2019	\$12,073.27
2021	+ CPI*	\$12,198.83
2022	+ CPI*	\$12,325.70
2023	+ CPI*	\$12,453.89
2024	+ CPI*	\$12,583.41

Multi-Units

Year	Percent of Maximum Calculated Charge	Multi-Units
2020	60% of 2019	\$6,374.69
2021	+ CPI*	\$6,440.99
2022	+ CPI*	\$6,507.97
2023	+ CPI*	\$6,575.66
2024	+ CPI*	\$6,644.04

Apartments

Year	Percent of Maximum Calculated Charge	Units
2020	45% of 2019	\$3,911.74
2021	+ CPI*	\$3,952.42
2022	+ CPI*	\$3,993.53
2023	+ CPI*	\$4,035.06
2024	+ CPI*	\$4,077.02

* This By-law permits the Development Charge to be increased annually in accordance with the New Housing Price Index, as prescribed by the Development Charges Act.

