

By-law Number 52-2021
of The Regional Municipality of Durham

Being a by-law to amend By-law No. 38-2019.

Whereas section 19 of the *Development Charges Act, 1997*, S.O. 1997, c.27 (the “Act”) provides for amendments to development charge by-laws;

And Whereas the Council of The Regional Municipality of Durham requires certain amendments to By-law 38-2019;

And Whereas in accordance with the *Act*, a development charge background study has been completed in support of the proposed amendment to By-law 38-2019;

And Whereas the Council of The Regional Municipality of Durham has given notice and held a public meeting on the 27th day of October 2021 in accordance with the *Act*;

And Whereas the Council of The Regional Municipality of Durham has permitted any person who attended the public meeting to make representations in respect of the proposed amendments;

And Whereas the Council of The Regional Municipality of Durham has determined that a further public meeting is not necessary pursuant to Section 12(3) of the *Act*;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Section 1 of By-law 38-2019 is hereby amended by adding the following definitions and renumbering the remaining definitions:
 - (x) “institutional development”, for the purposes of section 19(a) of the by-law, means development of a building or structure intended for use,
 - (a) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - (b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
 - (c) by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
 - (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - (e) as a hospice to provide end of life care.

- (gg) non-profit housing development, for the purpose of section 19(b) means development of a building or structure intended for use as residential premises by,
- (a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (b) 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 object is to provide housing; or
 - (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.
- (qq) “rental housing” for the purpose of section 19(a) of the by-law, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

2. Section 9 of By-law 38-2019 is hereby deleted and replaced with the following:

Exemptions

9(1) In this section, “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.

9(2) Development charges shall not be imposed in respect to:

- (a) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
- (b) the enlargement of an existing dwelling unit;
- (c) the creation of additional dwelling units in accordance with the following table:

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
Existing single detached residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Existing semi-detached or row residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.

other parts, attached to other buildings.		
Existing rental residential buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None
An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

(d) the creation of a second dwelling unit in accordance with the following table:

Description of Class of Proposed New Residential Buildings	Restrictions
Proposed new residential detached buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
Proposed new semi-detached or row residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

3. Section 16 of By-law 38-2019 is hereby deleted and replaced with the following:

Timing of Payment of Development Charges

17. Development charges, determined in accordance with section 20 and adjusted in accordance with section 23 of this by-law, are payable in full on the date

on which a building permit is issued with respect to each dwelling unit, building or structure.

4. Section 17 (1) of By-law 38-2019 is hereby amended as follows:

Delete "21" after section and replace with "23".

5. Section 18 (1) of By-law 38-2019 is hereby amended as follows:

Delete "21" after section and replace with "23".

6. Section 18 (3) of By-law 38-2019 is hereby amended as follows:

Delete "21" after section and replace with "23".

7. By-law 38-2019 is hereby amended by inserting a new Section 19 as follows and renumbering the remainder of the sections:

19. Notwithstanding sections 16, 17 and 18, where development charges become payable after January 1, 2020 for development of:

- (a) rental housing that is not non-profit housing development and institutional development, development charges shall be paid in equal annual instalments beginning on the earlier of the date of issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date;
- (b) Non-profit housing development, development charges shall be paid in equal annual instalments beginning on the earlier of the date of issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following twenty anniversaries of that date;

8. By-law 38-2019 is hereby amended by inserting a new Section 20 as follows and renumbering the remainder of the sections:

Determining Amount Payable

20. The development charges payable will be the development charge shown in the applicable Schedules to this by-law to be payable, with indexing under section 23, and, where applicable, with interest under section 25 of this by-law as of

- (1) for those developments to which section 19 applies,
 - (a) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* was made, provided the first building permit is issued within two years of the date that application was approved;
 - (b) if clause (a) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made, provided the first building permit is issued within two years of the date that amendment comes into force and effect; or
 - (c) if neither clause (a) nor clause (b) applies, the day the development charge would be payable in accordance with sections 16, 17 and 18 of this by-law; and
- (2) for those developments to which section 19 does not apply,

- (a) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* was made, provided the date the development charge is payable is within two years of the date that application was approved;
- (b) if clause (a) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made, provided the date the development charge is payable is within two years of the date that amendment comes into force and effect; or
- (c) if neither clause (a) nor clause (b) applies, the day the development charge would be payable in accordance with sections 16, 17 and 18 of this by-law.

9. By-law 38-2019 is hereby amended by inserting a new Section 25 as follows and renumbering the remainder of the sections:

Installment Interest

25. Development charges payable by instalment pursuant to section 20 of this by-law shall bear interest in accordance with the Region of Durham Development Charge Interest Rate Policy, as amended from time to time.

10. The Schedules to By-law 38-2019 are hereby deleted and replaced with the Schedules to this by-law.

11. Section 27 of By-law 38-2019 is hereby deleted and replaced as follows:

27. This By-law shall come into force on January 1, 2022.

12. Section 29 of By-law 38-2019 is hereby deleted and renumbering the remainder of the sections.

This By-law Read and Passed on the 22 day of December, 2021.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

Schedule "B"

**Residential Development Charges per Dwelling Unit
\$ per Dwelling Unit**

Service Category	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage			
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	5,738	4,533	2,640
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	2,405	1,900	1,106
(iii) Regional Attribution Sanitary Sewerage Development Charges	2,395	1,892	1,102
Subtotal – Sanitary Sewerage	10,538	8,325	4,848
Water Supply			
(i) Seaton Landowners Constructed Water Supply Development Charges	2,381	1,881	1,095
(ii) Regional Seaton-Specific Water Supply Development Charges	5,718	4,518	2,630
(iii) Regional Attribution Water Supply Development Charges	4,064	3,210	1,869
Subtotal – Water Supply	12,163	9,609	5,594
Total Development Charges	<u>\$22,701</u>	<u>\$17,934</u>	<u>\$10,442</u>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 23 of this By-law.

Schedule "C"

**Institutional Development Charges
\$ per Square Foot of Gross Floor Area**

Service Category	Institutional Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	0.58
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.24
(iii) Regional Attribution Sanitary Sewerage Development Charges	0.55
Subtotal – Sanitary Sewerage	1.37
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.08
(ii) Regional Seaton-Specific Water Supply Development Charges	0.20
(iii) Regional Attribution Water Supply Development Charges	0.44
Subtotal – Water Supply	0.72
Total Development Charges	<u>\$2.09</u>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 23 of this By-law.

Schedule "D"

**Non-Institutional Non-Residential Development Charges
\$ per Square Foot of Gross Floor Area**

Service Category	Non-Institutional Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	1.66
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.70
(iii) Regional Attribution Sanitary Sewerage Development Charges	1.60
Subtotal – Sanitary Sewerage	3.96
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.24
(ii) Regional Seaton-Specific Water Supply Development Charges	0.56
(iii) Regional Attribution Water Supply Development Charges	1.26
Subtotal – Water Supply	2.06
Total Development Charges	<u>\$6.02</u>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 23 of this By-law.

Schedule "E"

**Prestige Employment Land Area Development Charges
\$ per Net Hectare**

Service Category	Prestige Employment Land Area Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	80,709
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	33,858
(iii) Regional Attribution Sanitary Sewerage Development Charges	76,632
Subtotal – Sanitary Sewerage	191,199
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	11,793
(ii) Regional Seaton-Specific Water Supply Development Charges	27,319
(iii) Regional Attribution Water Supply Development Charges	60,559
Subtotal – Water Supply	99,671
Total Development Charges	<u>\$290,870</u>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 23 of this By-law.