

By-law Number 22-2021

of The Regional Municipality of Durham

Being a by-law to amend Regional Transit Development Charges By-law No. 81-2017.

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 81-2017;

And Whereas in accordance with the *Act*, a development charge background study has been completed in support of the proposed amendment to By-law 81-2017;

And Whereas the Council of The Regional Municipality of Durham has given notice and held a public meeting on the 26th day of May 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 81-2017 is hereby amended by adding the following definitions and renumbering the remaining definitions accordingly:
 - (t) “institutional development”, for the purposes of section 18(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.
 - (y) non-profit housing development, for the purpose of section 18(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.
- (ee) “rental housing” for the purpose of section 18(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 81-2017 is hereby deleted and replaced with the following:

Exemptions

9(1) For the purpose of section 9, “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 other parts, attached to other buildings.	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.
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	One	The gross floor area of the additional dwelling unit must be less than or equal to

building described in this table.		the gross floor area of the smallest dwelling unit already in the building.
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(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.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>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.</p>
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.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>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.</p>
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.	<p>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.</p> <p>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.</p>

3. Section 10 of By-law 81-2017 is hereby deleted.

4. Section 16 of By-law 81-2017 is hereby deleted and replaced with the following:

Timing of Payment of Development Charges

16. Development charges, determined in accordance with section 19 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.

5. Section 18 of By-law 81-2017 is hereby deleted and replaced with the following:

18. Notwithstanding section 16, 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;

6. Section 19 of By-law 81-2017 is hereby deleted and replaced with the following:

Determining Amount Payable

19. 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 24 of this by-law as of

- (a) for those developments to which section 18 applies,
 - (i) 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;
 - (ii) if clause (i) 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
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with section 16 of this by-law; and
- (b) for those developments to which section 18 does not apply,
 - (i) 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;
 - (ii) if clause (i) 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
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with section 16 of this by-law.

7. Section 24 of By-law 81-2017 is hereby added and the remainder of the sections renumbered, as follows:

Installment Interest

24. Development charges payable by instalment pursuant to section 18 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.

9. Schedules B and C of By-law 81-2017 are hereby amended by deleting reference to section 21 of this By-law and replacing it with reference to section 23 of this By-law.

10. This By-law shall come into force on July 1, 2021.

This By-law Read and Passed on the 23rd day of June, 2021.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

Schedule A

DESIGNATED REGIONAL SERVICE AND SERVICE COMPONENTS THEREUNDER

<u>CATEGORY OF REGIONAL SERVICE</u>	<u>SERVICE COMPONENTS</u>
Transit	<ul style="list-style-type: none">• Conventional and specialized buses and non-revenue vehicles expansion and related equipment (e.g. fareboxes, radio's, Presto, etc.)• New facilities, transit hubs, control centres, lands, buildings and related equipment• On road amenities (e.g. hard surface stops and shelters)• System improvements• Studies

SCHEDULE "B"

RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE

JANUARY 1, 2018 — \$ PER DWELLING UNIT BY TYPE

APARTMENTS

SERVICE CATEGORY	SINGLE DETACHED & SEMI- DETACHED DWELLINGS	MEDIUM DENSITY MULTIPLES	TWO BEDROOMS & LARGER	ONE BEDROOM & SMALLER
Regional Transit	\$1,143	\$919	\$664	\$431

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

SCHEDULE "C"

NON-RESIDENTIAL USE DEVELOPMENT CHARGES

EFFECTIVE JANUARY 1, 2018

\$ PER SQUARE FOOT OF GROSS FLOOR AREA

SERVICE CATEGORY	Non-Residential Use
Regional Transit	\$0.54

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