

By-law Number 31-2018
of The Regional Municipality of Durham

Being a by-law to amend GO Transit Development Charges By-law No. 86-2001.

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 No. 86-2001;

And Whereas in accordance with the Act, a development charge background study has been completed in support of the proposed amendments to By-law No. 86-2001;

And Whereas the Council of The Regional Municipality of Durham has given notice and held a public meeting on the 9th day of May, 2018, 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 amendment;

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. The definition of “apartment” found in section 1.(c) of By-law No. 86-2001 is hereby deleted and replaced with the following definition:

(c) “apartment” means a dwelling unit in an apartment building or a single storey dwelling unit located within or above a residential garage or a commercial use;

2. The definition of “bedroom” found in section 1.(e) of By-law No. 86-2001 is hereby deleted and replaced with the following definition:

(e) “bedroom” means a habitable room, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom or a kitchen;

3. The definition of “residential use” found in section 1.(t) of By-law No. 86-2001 is hereby amended to add the word “apartment” to the definition such that it reads:

(t) “residential use” means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include, but is not limited to, a single detached dwelling, a semi-detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;

4. Section 1 of By-law No. 86-2001 is hereby amended by adding a definition of agricultural use and renumbering the remaining definitions accordingly. The definition of “agricultural use” to be added is as follows:

“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;

5. Section 1 of By-law No. 86-2001 is hereby amended by adding a definition of “farm building” and renumbering the remaining definitions accordingly. The definition of “farm building” to be added is as follows:

“farm building” means a building or structure used, in connection with a bona fide agricultural use and includes barns, silos, and similar structures, and includes a dwelling located on the same lot as the agricultural use or on a lot directly abutting the agricultural use, which is used exclusively for the housing of temporary or seasonal persons employed exclusively for the farming of that agricultural use, but otherwise excludes a building or structure used, or designed or intended for use for residential or commercial uses;

6. Section 1 of By-law No. 86-2001 is hereby amended by adding a definition of housing services use and renumbering the remaining definitions accordingly. The definition of “housing services use” to be added is as follows:

“housing services use”/ “housing services” means social housing which is rental housing provided by Durham Region Local Housing Corporation (DRLHC) or by a non-profit housing provider that receives ongoing subsidy from the Region of Durham and Affordable Housing which are rental units provided by private or non-profit housing providers that receive capital funding through a federal and / or provincial government affordable housing program;

7. Section 5.2 of By-law No. 86-2001 is hereby deleted

8. Section 7 of By-law No. 86-2001 is hereby amended by adding section 7.(3) which reads:

It is hereby declared by Council that all development of land within the area to which this By-law applies will increase the need for services.

9. Section 7 of By-law No. 86-2001 is hereby amended by adding section 7.(4) which reads:

The development charges under this By-law applicable to a development shall apply without regard to the services required or used by a particular development.

10. Section 9.(2) of By-law No. 86-2001 is hereby amended by deleting subsection (c) and replacing it as follows:

(c) the creation of one or two additional dwelling units within an existing single detached dwelling or on the same lot as an existing single detached dwelling;

11. Section 9.(2) of By-law No. 86-2001 is hereby amended by deleting subsection (d) and replacing it as follows:

(d) the creation of one additional dwelling unit within a semi-detached dwelling, a row dwelling, or any other residential building, or on the same lot as an existing semi-detached dwelling, a row dwelling, or any other residential building; or

12. Section 9.(2) of By-law No. 86-2001 is hereby amended by adding subsection (e) which reads:

(e) “the creation of a garden suite”.

13. Section 9(2) of By-law No. 86-2001 is hereby amended by adding subsection (f) which reads:

(f) “farm buildings”.

14. Section 9.(2) of By-law No. 86-2001 is hereby amended by adding reference to 9.(5) so that it reads:

“Subject to subsections 9.(3), 9.(4) and 9.(5), development charges shall”

15. Section 9.(3) of By-law No. 86-2001 is hereby renumbered to Section 9.(4) and is amended by replacing the word “in” with “within” and adding the words “or on the same lot as the existing single detached dwelling”, such that it now reads:

9.(4) Notwithstanding subsection 9.(2)(c), development charges shall be imposed in accordance with section 8 if the total gross floor area of the additional one or two dwelling units within the existing single detached dwelling or on the same lot as the existing single detached dwelling exceeds the gross floor area of the existing dwelling unit.

16. Section 9 of By-law No. 86-2001 is hereby amended by adding a new Section 9.(3) which reads:

9.(3) Notwithstanding 9.(2)(c) and (d), prior to the issuance of a building permit for any additional dwelling unit located on the same lot, but not within a single detached dwelling, semi-detached dwelling, a row dwelling, or any other residential building, the owner shall be required to enter into an agreement with the Region under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands. Such agreement will require that in the event that the lands upon which any additional dwelling unit is located are the subject of an application for consent under section 53 of the *Planning Act*; or for which a by-law is passed under subsection 50(7) of the *Planning Act*, within 10 years of the date of building permit issuance for such additional dwelling unit, the development charges that would have otherwise been payable for such dwelling unit, shall become due and payable.

17. Section 9.(4) of By-law No. 86-2001 is hereby renumbered Section 9.(5).

18. Sections 10.(1), 10.(2), and 10.(3) of By-law No. 86-2001 are hereby deleted and remaining sections be renumbered.

19. Section 11 of By-law No. 86-2001 is hereby amended to add a new section 11.(3) which reads:

“The development charges imposed on a mobile home under section 10 shall be payable at the rate applicable to an apartment of two bedrooms or larger”

20. A new section 15 is added to By-law No. 86-2001 and the remaining sections renumbered accordingly. Section 15 to read as follows:

15. Notwithstanding any of the foregoing, for lands, buildings and structures developed for a housing services use, the Region may defer the timing of the payment of development charges from building permit issuance to a period of time not to exceed eighteen months from the date of first building permit issuance, to be at the discretion of the Commissioner of Finance, if the owner enters into an agreement with the Region and the applicable area municipality under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense, with the intention that the provisions shall bind and run with title to the lands.

21. This By-law shall come into force on July 1, 2018.

This By-law Read and Passed this 13th day of June, 2018.

G. L. O'Connor, Regional Chair and CEO

R. Walton, Regional Clerk