



The Regional Municipality of Durham

Transit Development Charges By-law

By-law Number 39-2022

Office Consolidation – July 2023

As Amended by By-laws

By-law Number: Date Passed:

44-2023

June 14, 2023

By-law Number 39-2022
of The Regional Municipality of Durham

being a by-law regarding development charges for transit services

Whereas section 2(1) of the *Development Charges Act, 1997*, provides that council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies if the development requires one or more of the approvals identified in section 2(2) of the *Development Charges Act, 1997*;

Whereas a development charge background study has been completed in support of the imposition of development charges;

Whereas the Council of The Regional Municipality of Durham has given notice and held a public meeting on April 27, 2022, in accordance with section 12(1) of the *Development Charges Act, 1997*;

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 development charges;

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

Part I

Interpretation

Definitions

1. In this By-law,
 - (a) “Act” means the Development Charges Act, 1997, or a successor statute;
 - (b) “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;
 - (c) “air-supported structure” means a structure consisting of a pliable membrane that achieves and maintains its shape and is supported by internal air pressure;
 - (d) “apartment building” means a residential building, or the residential portion of a mixed-use building, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade but does not include a triplex, semi-detached duplex, semi-detached triplex, townhouse. Despite the foregoing, an “apartment building” includes “stacked townhouses”;

- (e) “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;
- (f) “area municipality” means a lower-tier municipality that forms part of the Region;
- (g) “bedroom” means a habitable room, of at least seven square meters (7 m²) where a built-in closet is not provided, or at least six square meters (6 m²) where a built-in closet is provided, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom or a kitchen;

(By-law 44-2023)

- (h) “building or structure” means a permanent enclosed structure and includes an air-supported structure;
- (i) “commercial use” means land, buildings or structures used, or designed or intended for use for either or both of office and retail uses as defined in this by-law;
- (j) “Council” means the Council of the Regional Municipality of Durham;
- (k) **“detached dwelling” and “detached” means a residential building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units on that parcel of land, where no portion of the building is attached to any building on another parcel of land;**

(By-law 44-2023)

- (l) “development” includes redevelopment;
- (m) “development charges” means charges in regard to transit services imposed pursuant to this By-law in accordance with the Act;
- (n) “duplex” means a building comprising, by horizontal division, two dwelling units on one parcel of land;

(By-law 44-2023)

- (o) “dwelling unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (p) “existing industrial building” means a building used for or in connection with,
 - (i) manufacturing, producing, processing, storing or distributing something,
 - (ii) research or development in connection with manufacturing, producing or processing something,

(iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,

(iv) office or administrative purposes, if they are,

1. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
2. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

(q) “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;

~~(k) “garden suite” means a one-unit detached, temporary residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable;~~

(By-law 44-2023)

(r) “gross floor area” means (except for the purpose of section 12), in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or pliable membrane in the case of an air supported structure, or from the centre line of a common wall separating a non-residential and a residential use, and, for the purposes of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;

(By-law 44-2023)

~~(l) “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;~~

(By-law 44-2023)

(s) “institutional development”, for the purposes of section 17 of the by-law, means development of a building or structure intended for use,

- (i) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- (ii) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
- (iii) by any of the following post-secondary institutions for the objects of the institution:
 1. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 2. a college or university federated or affiliated with a university described in subclause (i), or
 3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- (iv) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (v) as a hospice to provide end of life care.

(By-law 44-2023)

- (t) “local board” means a local board as defined in the Municipal Affairs Act, other than a board defined in subsection 1(1) of the Education Act;
- (u) “medium density multiples” includes plexes, townhouses and all other residential uses that are not included in the definition of “apartment building”, “apartment”, “mobile homes”, “retirement residence units”, “detached”, “detached dwelling” or “semi-detached dwelling”,

(By-law 44-2023)

- (v) “mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (w) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent or temporary residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (x) non-profit housing development, means development of a building or structure intended for use as residential premises and developed by:
 - (i) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) 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

(iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act

(By-law 44-2023)

- (y) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use;
- (z) “office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a non-profit organization and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker, mortgage company, medical clinic, contractor, builder, land developer;
- (aa) “place of worship” means a building or structure or part thereof that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act;
- (bb) “plex” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- (cc) “Region” means the Regional Municipality of Durham;
- (dd) “rental housing” for the purpose of section 17 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;

(By-law 44-2023)

- (ee) "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 any building or structure containing dwelling units, and include but not limited to, a 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;

(By-law 44-2023)

- (ff) “retail use” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services for consumption or use and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include, but not be limited to, food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres, automotive dealers, automotive repair shops, gasoline service stations, government owned retail facilities, private daycare, private

schools, private lodging, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, medical clinics, funeral homes, motels, hotels, rooming houses, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, self-storage facilities and secure document storage;

(gg) “retirement residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;

(hh) “retirement residence unit” means a unit within a retirement residence;

(ii) “rooming house” means a detached building or structure which comprises rooms that are rented for lodging and where the rooms do not have both culinary and sanitary facilities for the exclusive use of individual occupants;

(jj) “semi-detached building” means a building on two parcels of land, divided vertically (above or below ground) along the common lot line of the two parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;

(By-law 44-2023)

(kk) “semi-detached dwelling” means the portion of a semi-detached building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;

(By-law 44-2023)

(ll) “semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;

(mm) “service” means the service designated in section 6 of this by-law;

~~(nn) “single detached dwelling” and “single detached” means a building comprising 1 dwelling unit;~~

(By-law 44-2023)

(nn) “stacked townhouse” means a building, other than a plex, a detached dwelling or townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;

(By-law 44-2023)

(oo) “townhouse building” means a residential building, on at least 3 parcels of land divided vertically (above or below ground) along the common lot line between each of the parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;

(By-law 44-2023)

(pp) **“townhouse dwelling” means the portion of a townhouse building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;**

(By-law 44-2023)

(qq) “triplex” means a building comprising 3 dwelling units.

2. In this by-law where reference is made to a statute or a section of a statute such reference is also deemed to be a reference to any successor statute or section.

Part II

Application of the by-law — Rules

Circumstances Where Development Charges are Payable

3. (1) Development charges shall be payable in the amounts set out in sections 7 and 10 of this by-law where:
 - a. the lands are located in the area described in subsection 4(1); and
 - b. the development of the lands requires any of the approvals set out in subsection 5(1).

Area to Which By-law Applies

4. (1) Subject to subsection 4(2), this by-law applies to all lands in the Region.
(2) This by-law shall not apply to lands that are owned by and used for the purposes of:
 - (a) the Region or a local board thereof;
 - (b) a board as defined in subsection 1(1) of the Education Act; and
 - (c) an area municipality or a local board thereof in the Region.

Approvals for Development

5. (1) Development charges shall be imposed upon all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
 - (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;
 - (b) the approval of a minor variance under section 45 of the Planning Act;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (d) the approval of a plan of subdivision under section 51 of the Planning Act;
 - (e) a consent under section 53 of the Planning Act;

- (f) the approval of a description under section 9 of the Condominium Act; or
- (g) the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.

- (2) No more than one development charge for the service designated in section 6 shall be imposed on land to which this by-law applies even though two or more of the actions described in subsection 5(1) are required before the land can be developed.
- (3) Notwithstanding subsection 5(2), if two or more of the actions described in subsection 5(1) occur at different times, additional development charges shall be imposed, if the subsequent action has the effect of increasing the need for services.

Designation of Services

- 6. (1) The category of service for which development charges are imposed under this by-law is transit.
- (2) The components of the service designated in subsection 6(1) are described on Schedule "A".
- (3) 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.
- (4) 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.

Amount of Development Charges

1. Residential

- 7. (1) The development charges described in Schedule "B" to this by-law shall be imposed upon residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, upon the residential uses in the mixed use building or structure, according to the type of residential unit.

Exemptions

- ~~8. (1) For the purpose of section 8, "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.~~
- ~~(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 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.

(By-law 44-2023)

8 (1) 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
8.(1) (c)(i) Existing detached, semi-detached or townhouse dwellings, which contain a single dwelling unit, and where there are no other dwelling units in other buildings or structures on the parcel of land	Two	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land

8.(1) (c)(ii) Existing detached, semi-detached or townhouse dwellings, each of which contains a single dwelling unit and where there is no more than one dwelling unit in other buildings or structures on the parcel of land	One	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
8.(1) (c)(iii) Existing detached, semi-detached or townhouse dwellings, each of which contains no more than 2 dwelling units and where there are no other dwelling units in other buildings or structures on the parcel of land	One	This exemption applies only for the creation of a dwelling unit in an ancillary building or structure and no exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
8.(1) (c)(iv) 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	No exemption applies where it would result in a total number of dwelling units where units created under the exemption in this By-law would exceed the greater of one unit or 1% of the units existing in the building prior to the first exemption for an additional dwelling unit.
8.(1) (c)(v) An existing residential building not in another class of residential building described in this table.	One	No exemption applies where a dwelling unit has already been created with an exemption this By-law.

(d) the creation of additional dwelling units in accordance with the following table:

Description of Class of Proposed New Residential Buildings & Number of Units Proposed	Restrictions
8.(1) (d)(i) the second or third dwelling units in a proposed detached, semi-detached or townhouse dwelling where there are no other dwelling units, existing or proposed, in other buildings or structures on the parcel of land	No exemption applies for the creation of first dwelling unit or where a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.13 (d)(iii) one dwelling unit in a proposed new residential building that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or townhouse dwelling which would not contain more than a two dwelling units.	No exemption applies for the creation of a dwelling unit which would result in more than a total of three dwelling units on a parcel of land.

(e) non-profit housing development; and

(f) residential units that are affordable housing units required to be included in a development or redevelopment (“inclusionary zoning

units”) pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) of that Act.

(By-law 44-2023)

Retirement Residence Unit

9. The development charges imposed on a retirement residence unit under section 7 shall be payable at the rate applicable to an apartment of one bedroom and smaller.

Non-Residential Uses

10. The development charges described in Schedule “C” to this by-law shall be imposed upon non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the non-residential uses in the mixed use building or structure, according to the gross floor area of the non-residential use.

Exemptions

11. (1) Notwithstanding section 10 of this by-law, development charges shall not be imposed upon non-residential development if the development does not have the effect of creating gross floor area of non-residential development or of increasing existing gross floor area of non-residential development.

(2) Notwithstanding the provision of this by-law, development charges shall not be imposed in regard to:
 - (a) agricultural uses and farm buildings;
 - (b) places of worship;
 - (c) public hospitals receiving aid under *the Public Hospitals Act* R.S.O. 1990, c. P.40, excluding such buildings or structures or parts thereof used, designed or intended for use primarily for or in connection with a commercial purpose;
 - (d) any part of a building or structure used for the parking of motor vehicles, excluding parking spaces for display of motor vehicles for sale or lease or parking spaces associated with the servicing of motor vehicles;
 - (e) free standing roof-like structures and canopies that do not have exterior walls;
 - (f) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education, but only if the lands are occupied and used by the university.

Exemption for Enlargement of Existing Industrial Building

12. (1) Despite any other provisions of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement shall be calculated as follows:

- (a) if the gross floor area is enlarged by fifty percent or less, the amount of the development charge in respect of the enlargement is zero;
 - (b) if the gross floor area is enlarged by more than fifty percent the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - (i) determine the amount by which the enlargement exceeds fifty percent of the gross floor area before the enlargement; and
 - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.
- (2) For the purposes of subsection 12(1) the following provisions apply:
- (a) the gross floor area of an existing industrial building shall be calculated as it existed as of July 1, 2022;
 - (b) subject to 12(2)(c) below, the enlargement need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land as the existing industrial building;
 - (c) in the event that the enlargement is in the form of a standalone building or structure located on the same parcel of land as per 12(2)(b) above, prior to the issuance of a building permit for the standalone building or structure, 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 standalone building or structure 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 building permit issuance for such standalone building or structure, that the development charges that would have otherwise been payable for such standalone building or structure, shall become due and payable.

(3) 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.

Reduction of Development Charges for Redevelopment

13. (1) Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the land within five years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under section 7 of this by-law that would have been chargeable on the type of dwelling units demolished or to be demolished or converted to another use; and
- (b) in the case of a non-residential building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under section 10 of this by-law that would have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use;
- (c) in the case of a non-residential building or structure that would have been exempt from the payment of development charges under the current Regional Development Charge By-law, the amount of the reduction in the applicable development charge will equal the applicable development charge under section 10 of this by-law that, had the building or structure not been exempt, could have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use; and
- (d) in the case of a mixed-use building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under sections 7 or 10 of this by-law that would have been chargeable either upon the type of dwelling units or the gross floor area of non-residential use in the mixed-use building or structure that is being demolished or to be demolished or converted to another use;
 - (i) provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

(By-law 44-2023)

- (2) The five year period referred to in subsection 13(1) of this by-law shall be calculated from the date of the issuance of the first demolition permit.

(By-law 44-2023)

- ~~(3) Development charges shall not be reduced under this section where the building or structure that is to be demolished or has been demolished or converted from one principal use to another was, or would have been, exempt from development charges under this by-law.~~

(By-law 44-2023)

- (3) The onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, which establishes that the applicant is entitled to the reduction in the payment of development charges claimed under this section.

(By-law 44-2023)

Reduction for Rental Housing Development

- 14. The development charges set out on Schedule B shall be:**

- (a) **In rental housing development, for dwelling units with 3 or more bedrooms: 75% of the Total of All Charges shown on Schedule B;**
- (b) **In rental housing development, for dwelling units with 2 bedrooms: 80% of the Total of All Charges shown on Schedule B; and**
- (c) **In rental housing development, for all other dwelling units: 85% of the Total of All Charges shown on Schedule B.**

(By-law 44-2023)

Part III

Administration

Timing of Payment of Development Charges

15. Development charges, determined in accordance with section 18 and adjusted in accordance with section 20 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.

(By-law 44-2023)

16. Notwithstanding section 15, Council, from time to time, and at any time, may enter into agreements in accordance with section 27 of the Act which provide for all or any part of a development charge to be paid before or after it would otherwise be payable.

(By-law 44-2023)

Payment by Services

17. **Notwithstanding subsection 15 of this by-law, where development charges become payable after January 1, 2020 for development of 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.**

(By-law 44-2023)

Determining Amount Payable

18. 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 20, and, where applicable, with interest under section 23 of this by-law as of

- (a) for those developments to which section 17 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 15 of this by-law; and

(b) for those developments to which section 17 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 15 of this by-law.

(By-law 44-2023)

Front-Ending Agreements

19. Council, from time to time, and at any time, may enter into front-ending agreements in accordance with the Act.

Indexing

20. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2023, and on each successive July 1st date in accordance with the Statistics Canada Quarterly, *Construction Price Statistics*, catalogue number 62-007, for the most recently available annual period ending March 31.

Schedules

21. The following schedules to this by-law form an integral part thereof:

(i) Schedule "A" — Components of Service Designated in section 6

(ii) Schedule "B" — Residential Development Charges

(iii) Schedule "C" — Non-Residential Development Charges

Date By-law in Force

22. This by-law shall come into force on July 1, 2022.

Interest

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

(By-law 44-2023)

~~Date By-law Expires~~

~~24. This by-law will expire five years from the date it comes into force, unless it is repealed at an earlier date by a subsequent by-law.~~

(By-law 44-2023)

Registration

24. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

Severability

25. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

Short Title

26. This By-law may be cited as the Regional Municipality of Durham Transit Development Charges By-law, 2022.

This By-law Read and Passed on the 29th day of June, 2022.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedule "A"

Designated Regional Service and Service Components Thereunder

Category of Regional Service

Transit

Service Components

- PULSE, Conventional and specialized buses and non-revenue vehicles expansion and related equipment (e.g. fareboxes, radio's, Presto, etc.)
- New facilities, transfer hubs, terminals, lands, buildings and related equipment
- Transit stops (e.g. hard surface pads and shelters)
- System improvements
- Studies

Schedule "B"

Residential Development Charges Effective

July 1, 2022 — \$ per dwelling unit by type

Service Category	Single Detached & Semi-Detached Dwellings	Medium Density Multiples	Apartments	
			Two Bedrooms & Larger	One Bedroom & Smaller
Regional Transit	\$2,184	\$1,720	\$1,221	\$750

Note: The development charges described above shall be adjusted annually pursuant to section 20 of this By-law.

(By-law 44-2023)

Schedule "C"

Non-residential use Development Charges

Effective July 1, 2022

\$ per square foot of gross floor area

Service Category	Non-Residential Use
Regional Transit	\$0.99

Note: The development charges described above shall be adjusted annually pursuant to section 20 of this By-law.

(By-law 44-2023)