

**BY-LAW NUMBER 16-2013**

**OF**

**THE REGIONAL MUNICIPALITY OF DURHAM**

**being a by-law regarding development charges**

**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*;

**AND WHEREAS** a development charge background study has been completed in support of the imposition of development charges;

**AND WHEREAS** the Council of The Regional Municipality of Durham has given notice and held a public meeting on April 3, 2013, in accordance with section 12(1) of the *Development Charges Act, 1997*;

**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 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) "apartment building" means a residential building, or the residential portion of a mixed-use building, other than a triplex, semi-detached duplex, semi-detached triplex, townhouse or stacked townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;
  - (d) "apartment" means a dwelling unit in an apartment building;
  - (e) "area municipality" means a lower-tier municipality that forms part of the Region;
  - (f) "bedroom" means any room used, or designed or intended for use, as sleeping quarters;
  - (g) "commercial accessory building or structure" means a building or structure that complies with all of the following criteria:

- (i) is not essential to,
- (ii) is naturally and normally incidental to or subordinate in purpose to,
- (iii) is exclusively devoted to,
- (iv) is detached from, and
- (v) is situated on the same property as,

a principal commercial use. Commercial accessory building or structure shall include, but shall not be limited to, the separate storage of refuse or the storage of mechanical equipment related to the operation or maintenance of the principal use, building, structure or site. Commercial accessory building or structure shall not include any building or structure, whether in whole or in part, falling within the definition of "commercial use" in this by-law."

- (h) "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;
- (i) "Council" means the Council of the Regional Municipality of Durham;
- (j) "development" includes redevelopment;
- (k) "development charges" means charges imposed pursuant to this By-law in accordance with the Act, except in sections 20 and 21 where "development charges" means charges with respect to water supply services, sanitary sewer services and regional road services;
- (l) "duplex" means a building comprising, by horizontal division, two dwelling units;
- (m) "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;
- (n) "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;
- (o) "farm building" means a building or structure used, or designed or intended for use in connection with a bona fide agricultural use and includes barns, silos, and similar structures but excludes a building or

structure used, or designed or intended for use for residential or commercial uses;

- (p) “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;
- (q) “gross floor area” means (except for the purposes of sections 9 and 17), 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 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;
- (r) “industrial use” means lands, buildings or structures used or designed or intended for use for manufacturing, producing, processing, fabricating or assembly of raw goods, research or development in connection therewith, and includes office uses, warehousing or bulk storage of goods and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or similar use;
- (s) “institutional use” means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose, and includes office uses where such uses are accessory to an institutional use;
- (t) “large office building” means a building primarily used for offices that comprises a total gross floor area exceeding 25,000 square feet;
- (u) “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*;
- (v) “medium density multiples” includes plexes, townhouses, stacked townhouses and all other residential uses that are not included in the definition of “apartment building”, “apartment”, “garden suites”, “mobile homes”, “retirement residence units”, “single detached”, “single detached dwelling” or “semi-detached dwelling”;
- (w) “mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of at least two of commercial, industrial, institutional or residential uses;
- (x) “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;
- (y) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use, and includes commercial, industrial and institutional uses;
- (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 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, 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) “region-wide charges” means the development charges imposed in regard to the region-wide services;
- (ee) “region-wide services” means services in regard to regional roads, regional police, emergency medical services, health and social services, long term care, and development related studies;
- (ff) “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 building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;
- (gg) “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 mini warehouses and secure document storage;
- (hh) “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;
- (ii) “retirement residence unit” means a unit within a retirement residence;
- (jj) “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;
- (kk) “Seaton Community” means the lands shown on Schedule “F”, which may generally be described as being bounded: to the south by the Canadian Pacific Railway right-of-way; to the west by West Duffins Creek; to the north by Provincial Highway No. 7; and to the east by Sideline 16 and the boundary between the City of Pickering and the Town of Ajax, and excludes the lands comprising the Hamlet communities of Whitevale, Green River and Brougham;

- (ll) “semi-detached duplex” means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
  - (mm) “semi-detached dwelling” means a building divided vertically (above or below ground) into and comprising 2 dwelling units;
  - (nn) “semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;
  - (oo) “serviced” means the particular service is connected to or available to be connected to the lands, buildings or structures, or, as a result of the development, will be connected to or will be available to be connected to the lands, buildings or structures, or the lands to be developed are in an area designated for the particular service in the Region’s Official Plan;
  - (pp) “services” means the services designated in section 7 of this by-law;
  - (qq) “single detached dwelling” and “single detached” means a building comprising 1 dwelling unit;
  - (rr) “stacked townhouse” means a building, other than a plex, townhouse or apartment building, 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;
  - (ss) “townhouse” means a building, other than a plex, stacked townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit separated vertically from the other by a party wall and each dwelling unit having a separate entrance to grade;
  - (tt) “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 deemed to be a reference to any successor statute or section.

## **PART II**

### **APPLICATION OF BY-LAW — RULES**

#### **Circumstances Where Development Charges are Payable**

3. Development charges shall be payable in the amounts set out in sections 8, 12, 13 and 14 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 subsections 4(2) and 4(3), 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.
- (3) Development charges imposed under this by-law in regard to water supply and sanitary sewerage services do not apply to the development of lands

located within the Seaton Community. For greater certainty, the balance of the development charges imposed under this by-law apply to the development of lands located within the Seaton Community.

### **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, 1998*; or
  - (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
- (2) Council has determined that the development of the land to which this by-law applies increases the need for the services designated in section 7.
6. (1) No more than one development charge for each service designated in section 7 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.
- (2) Notwithstanding subsection 6(1), 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**

7. (1) The categories of services for which development charges are imposed under this by-law are as follows:
  - (a) water supply;
  - (b) sanitary sewerage;
  - (c) regional roads;
  - (d) long term care;
  - (e) regional police;
  - (f) emergency medical services;
  - (g) health and social services; and
  - (h) development related studies.

- (2) The components of the services designated in subsection 7(1) are described on Schedule "A".

### **Amount of Charge**

#### **Residential**

8. 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. The development charges payable shall comprise the following:
- (a) Region-wide Charges
    - (i) a development charge with respect to each of the region-wide services according to the type of residential use;
  - (b) Regional Water Supply and Sanitary Sewer Charges
    - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the type of residential use;
    - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the type of residential use.

#### **Exemptions**

9. (1) In this section,
- (a) "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;
  - (b) "other residential building" means a residential building not in another class of residential building described in this subsection;
  - (c) "semi-detached or row dwelling" means a residential building consisting of one dwelling unit having one or two vertical walls, but no other parts, attached to another structure;
  - (d) "single detached dwelling" means a residential building consisting of one dwelling unit and not attached to another structure.
- (2) Subject to subsections 9(3) and 9(4), 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 one or two additional dwelling units in an existing single detached dwelling;
  - (d) the creation of one additional dwelling unit in a semi-detached dwelling, a row dwelling, or any other residential building.
- (3) 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 in the existing single detached dwelling exceeds the gross floor area of the existing dwelling unit.

- (4) Notwithstanding subsection 9(2)(d), development charges shall be imposed in accordance with section 8 if the additional dwelling unit has a gross floor area greater than:
  - (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
  - (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

### **Garden Suite**

10. (1) The development charges imposed upon a garden suite under section 8 shall be payable at the rate applicable to a one-bedroom apartment.
- (2) The development charges paid in regard to a garden suite shall be refunded in full to the then current owner thereof, upon request, if the garden suite is demolished or removed within ten years of the issuance of the building permit relating thereto.
- (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 refund claimed under this section.

### **Mobile Home**

11. (1) The development charges imposed upon a mobile home under section 8 shall be payable at the rate applicable to an apartment of two bedrooms or larger.
- (2) The development charges paid in regard to a mobile home shall be refunded in full to the then current owner thereof, upon request, if the mobile home is removed within ten years of the issuance of the building permit relating thereto.
- (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 refund claimed under this section.

### **Retirement Residence Unit**

- 11.1 (1) The development charges imposed on a retirement residence unit under section 8 shall be payable at the rate applicable to an apartment of one bedroom and smaller.

### **Non-Residential**

#### ***Commercial***

12. (1) The development charges described in Schedule "C" to this by-law shall be imposed upon commercial uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the commercial uses in the mixed use building or structure. The development charges payable shall comprise the following:
  - (a) Regional Road Charges
    - (i) a development charge with respect to regional road services according to the gross floor area of the commercial use;



- (b) Regional Water Supply and Sanitary Sewer Charges
  - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the commercial use;
  - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the commercial use.
- (2) Notwithstanding subsection 12(1), the total development charges payable for a large office building during the period July 1, 2013 to June 30, 2015 shall be \$4.73 per square foot of gross floor area, adjusted in accordance with section 24 of this by-law to the date of payment. The development charge of \$4.73 per square foot of gross floor area comprises the following:
  - (i) water supply - \$0.70 per square foot;
  - (ii) sanitary sewerage - \$1.95 per square foot;
  - (iii) regional roads - \$2.08 per square foot.
- (3) Notwithstanding subsection 12(1), the total development charges payable for a large office building shall be the total development charges payable for commercial development pursuant to Schedule "C", adjusted in accordance with section 24 of this by-law to the date of payment, multiplied by the percentage applicable to the period set out below:
  - (i) 50% - July 1, 2015 to June 30, 2016;
  - (ii) 75% - July 1, 2016 to June 30, 2017;
  - (iii) 100% - July 1, 2017 to June 30, 2018.  
(no discount)
- (4) Subject to subsections 12(5) and 12(6) of this by-law, the development charges imposed on commercial accessory buildings or structures shall be payable at the rate applicable to industrial development under Schedule "E".
- (5) The application of development charges at the industrial rate in regard to commercial accessory buildings or structures shall be limited to an aggregate of 7,000 square feet of gross floor area of all such buildings or structures on the same site.
- (6) Development charges at the rate applicable to commercial development under Schedule "C" shall be imposed upon the gross floor area of commercial accessory buildings or structures in excess of 7,000 square feet on the same site.

***Institutional***

- 13. The development charges described in Schedule "D" to this by-law shall be imposed upon institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the institutional uses in the mixed use building or structure. The development charges payable shall comprise the following:
  - (a) Regional Road Charges

- (i) a development charge with respect to regional road services according to the gross floor area of the institutional use;
- (b) Regional Water Supply and Sanitary Sewer Charges
  - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the institutional use;
  - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the institutional use.

### ***Industrial***

14. The development charges described in Schedule “E” to this by-law shall be imposed upon industrial uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the industrial uses in the mixed use building or structure. The development charges payable shall comprise the following:
- (a) Regional Road Charges
    - (i) a development charge with respect to regional road services according to the gross floor area of the industrial use;
  - (b) Regional Water Supply and Sanitary Sewer Charges
    - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the industrial use;
    - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the industrial use.

### **Phasing**

15. (1) The development charges imposed under section 14 shall be phased and shall be payable in the amounts applicable at the date of payment as set out in the applicable column of Schedule “E”. For greater certainty, the columns contained in Schedule “E” apply to the following periods:
- (i) Column I - July 1, 2013 to June 30, 2014
  - (i) Column II - July 1, 2014 to June 30, 2015
  - (ii) Column III - July 1, 2015 to June 30, 2016
  - (iii) Column IV - July 1, 2016 to June 30, 2018
- (2) The development charges described in Columns II, III, and IV of Schedule “E” shall be adjusted annually in accordance with section 24 of this by-law to the date of payment.

### **Exemptions**

16. (1) Notwithstanding sections 12, 13 and 14 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 provisions 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 or loading of motor vehicles;
  - (e) free standing roof-like structures and canopies that do not have exterior walls.

### **Exemption for Enlargement of Existing Industrial Building**

17. (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 17(1) the following provisions apply:
- (a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement of such building for which an exemption under subsection 17(1) was sought;
  - (b) the enlargement of the gross floor area of the existing industrial building must be attached to such building;
  - (c) the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing or parking facility, but must share a common wall with such building.
- (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**

18. (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 ten 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 8 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 sections 12, 13 or 14 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; and
  - (c) 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 8, 12, 13 or 14 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;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

- (2) The ten year period referred to in subsection 18(1) of this by-law shall be calculated from the date of the issuance of the first demolition permit.
- (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.
- (4) 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.

### **PART III**

#### **ADMINISTRATION**

#### **Timing of Payment of Development Charges**

19. Development charges, adjusted in accordance with section 24 of this by-law to the date of payment, are payable in full on the date on which a building permit is issued with respect to each dwelling unit, building or structure.
20. (1) Notwithstanding section 19, development charges, adjusted in accordance with section 24 to the date of payment, with respect to water supply services, sanitary sewer services and regional road services shall be payable, with respect to an approval of a residential plan of subdivision under section 51 of the Planning Act, immediately upon the owner

entering into the subdivision agreement with the Region, on the basis of the proposed number and type of dwelling units in the plan of subdivision.

- (2) Notwithstanding section 20(1), development charges applicable to a high density or condominium block in a residential plan of subdivision are payable in accordance with section 19.
- (3) Notwithstanding subsection 20(1), where an owner elects to enter into an agreement with the Region pursuant to section 27 of the Act, development charges with respect to water supply services, sanitary sewer services and regional road services may be payable as follows:
  - (a) upon the execution of the subdivision agreement, 50% of the development charges otherwise payable under subsection 20(1), adjusted in accordance with section 24 to the date of payment; and
  - (b) on the first anniversary date of the execution of the subdivision agreement, 50% of the development charges otherwise payable under subsection 20(1), adjusted in accordance with section 24 to the date of payment;

provided, however, in regard to any lot on the plan of subdivision, any balance of the development charges owing during the one year period following execution of the subdivision agreement shall become payable, after adjustment in accordance with section 24 to the date of payment, on the date a building permit is issued in regard to such lot.

- (4) The balance of the development charges outstanding at any time that are payable in accordance with subsection 20(3) shall be secured by a letter of credit, in a form acceptable to the Region, in an amount which is equal to 55% of the development charges as determined under section 8. The payment of the outstanding balance under subsection 20(3) may be made by way of a draw by the Region on the letter of credit.
  - (5) Notwithstanding section 19 and subsection 20(3), 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.
21. (1) If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 20(1) or 20(3), the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under subsection 20(1) or 20(3), and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were greater at the time that payments were made pursuant to subsection 20(1) or 20(3) than for the type of dwelling unit used to calculate the payment under subsection 20(1) or 20(3), an additional payment to the Region is required, which payment, in regard to such different unit types, shall be the difference between the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits, and the development charges previously collected in regard thereto, adjusted in accordance with section 24 of this by-law to the date of issuance of the building permit or permits.
- (2) If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 20(1) or 20(3), the total number of dwelling units of a particular type for which building permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under subsection 20(1) or 20(3), and there has been no change in the

zoning affecting such lot, an additional payment to the Region is required, which payment shall be calculated on the basis of the number of additional dwelling units at the rate prevailing as at the date of issuance of the building permit or permits for such dwelling units.

- (3) If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 20(1) or 20(3), the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under subsection 20(1) or 20(3), and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were less at the time that payments were made pursuant to subsection 20(1) or 20(3) than for the type of dwelling unit used to calculate the payment under subsection 20(1) or 20(3), a refund in regard to such different unit types shall be paid by the Region, which refund shall be the difference between the development charges previously collected, adjusted in accordance with section 24 of this by-law to the date of issuance of the building permit or permits, and the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.
- (4) If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 20(1) or 20(3), the total number of dwelling units of a particular type for which building permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under subsection 20(1) or 20(3), and there has been no change in the zoning affecting such lot, a refund shall be paid by the Region, which refund shall be calculated on the basis of the number of fewer dwelling units at the rate prevailing as at the date of issuance of the building permit or permits.
- (5) Notwithstanding subsections 21(3) and 21(4), a refund shall not exceed the amount of the development charges paid under section 20.

### **Payment by Services**

22. Notwithstanding the payments required under sections 19 and 20, the Region may, by agreement pursuant to section 38 of the Act, permit an owner to provide services in lieu of the payment of all or any portion of a development charge. The Region shall give the owner who performed the work a credit towards the development charge in accordance with the agreement subject to the requirements of the Act.

### **Front-Ending Agreements**

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

### **Indexing**

24. 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, 2014, and on each successive July 1<sup>st</sup> date in accordance with the Statistics Canada Quarterly, *Construction Price Statistics*, catalogue number 62-207, for the most recently available annual period ending March 31.

### **Schedules**

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

Schedule "A" - Components of Services Designated in section 7

- Schedule "B" - Residential Development Charges
- Schedule "C" - Commercial Development Charges
- Schedule "D" - Institutional Development Charges
- Schedule "E" - Industrial Development Charges
- Schedule "F" - Map of Seaton Community

**Date By-law in Force**

26. This by-law shall come into force on July 1, 2013.

**Date By-law Expires**

27. 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.

**Repeal**

28. By-law No. 44-2008 is hereby repealed effective on the date this by-law comes into force.

**Registration**

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

**Severability**

30. 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**

31. This By-law may be cited as the Regional Municipality of Durham Development Charges By-law, 2013

BY-LAW read and passed this 24<sup>th</sup> day of April, 2013.

Original Signed By:

R. Anderson, Regional Chair and CEO

D. Bowen, Regional Clerk

**SCHEDULE "A"**

**DESIGNATED REGIONAL SERVICES AND  
SERVICE COMPONENTS THEREUNDER**

<u>CATEGORY OF REGIONAL SERVICES</u>	<u>SERVICE COMPONENTS</u>
1. Regional Road	<ul style="list-style-type: none"><li>• Regional Road Construction/Improvements/Urbanization</li><li>• Improvements to Highway Interchanges/Grade Separations</li><li>• Intersection and Corridor Improvements</li><li>• Traffic Signals and Systems</li><li>• Property Acquisition</li><li>• Maintenance Facilities</li><li>• Capital Equipment</li><li>• Landscaping</li><li>• Studies</li><li>• Environmental Assessment</li></ul>
2. Regional Police	<ul style="list-style-type: none"><li>• Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest</li><li>• Costs to Improve Land</li><li>• Costs to Acquire, Lease, Construct or Improve Buildings and Structures</li><li>• Costs to Acquire, Lease, Construct or Improve Facilities</li><li>• Vehicles and Equipment</li></ul>
3. Long Term Care	<ul style="list-style-type: none"><li>• Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest</li><li>• Costs to Improve Land</li><li>• Costs to Acquire, Lease, Construct or Improve Buildings and Structures</li><li>• Costs to Acquire, Lease, Construct or Improve Facilities</li></ul>
4. Water Supply	<ul style="list-style-type: none"><li>• Watermains</li><li>• Pumping Stations</li><li>• Reservoirs</li><li>• Feeder mains</li><li>• Water Supply Plants and Municipal Wells</li><li>• Capital Equipment</li><li>• Studies</li><li>• Environmental Assessment</li><li>• Water Use Efficiency Strategy</li><li>• Well Interference</li></ul>
5. Sanitary Sewerage	<ul style="list-style-type: none"><li>• Sewage Pumping Stations and Forcemains</li><li>• Trunk and Sanitary Sewers</li><li>• Water Pollution Control Plants</li><li>• Sludge Storage and Disposal Facilities</li><li>• Capital Equipment</li><li>• Studies</li><li>• Environmental Assessment</li><li>• Water Use Efficiency</li></ul>
6. Emergency Medical Services	<ul style="list-style-type: none"><li>• Land Ambulances and Equipment Stations and Land</li></ul>



7. Health and Social Services
  - Costs to Acquire Land and Buildings
  - Studies
8. Development Related Studies

**SCHEDULE "B"**

**RESIDENTIAL DEVELOPMENT CHARGES PER DWELLING UNIT  
EFFECTIVE JULY 1, 2013 - \$ PER DWELLING TYPE**

SERVICE CATEGORY	SINGLE DETACHED & SEMI-DETACHED \$	MEDIUM DENSITY MULTIPLES \$	TWO BEDROOM APARTMENT & LARGER \$	ONE BEDROOM APARTMENT & SMALLER \$
<u>Region-Wide Charges</u>				
Regional Roads	7,908	6,354	4,594	2,994
Regional Police	603	485	350	228
Long-Term Care	29	23	17	11
Emergency Medical Services	138	111	80	52
Health & Social Services	93	75	54	35
Development Related Studies	24	19	14	9
Subtotal	8,795	7,067	5,109	3,329
<u>Regional Water Supply &amp; Sanitary Sewer Charges</u>				
Water Supply	7,246	5,822	4,209	2,743
Sanitary Sewerage	8,365	6,721	4,859	3,167
Subtotal	15,611	12,543	9,068	5,910
<b>Total of All Charges</b>	<b><u>24,406</u></b>	<b><u>19,610</u></b>	<b><u>14,177</u></b>	<b><u>9,239</u></b>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 24 of this By-law.

**SCHEDULE "C"**

**COMMERCIAL DEVELOPMENT CHARGES EFFECTIVE JULY 1, 2013  
\$ PER SQUARE FOOT OF GROSS FLOOR AREA**

SERVICE CATEGORY	COMMERCIAL DEVELOPMENT CHARGES
Water Supply	1.87
Sanitary Sewerage	5.22
Regional Roads	5.56
<b>Total of All Charges</b>	<b><u>12.65</u></b>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 24 of this By-law.

**SCHEDULE "D"**

**INSTITUTIONAL DEVELOPMENT CHARGES EFFECTIVE JULY 1, 2013  
\$ PER SQUARE FOOT OF GROSS FLOOR AREA**

SERVICE CATEGORY	INSTITUTIONAL DEVELOPMENT CHARGES
Water Supply	0.70
Sanitary Sewerage	1.45
Regional Roads	5.87
<b>Total of All Charges</b>	<b><u>8.02</u></b>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 24 of this By-law.

**SCHEDULE "E"**

**INDUSTRIAL DEVELOPMENT CHARGES EFFECTIVE JULY 1, 2013  
\$ PER SQUARE FOOT OF GROSS FLOOR AREA**

SERVICE CATEGORY	COLUMN I July 1, 2013 to June 30, 2014	COLUMN II July 1, 2014 to June 30, 2015	COLUMN III July 1, 2015 to June 30, 2016	COLUMN IV July 1, 2016 to June 30, 2018
Water Supply	1.10	1.44	1.77	2.21
Sanitary Sewerage	2.32	3.02	3.71	4.64
Regional Roads	1.67	2.16	2.66	3.33
<b>Total of All Charges</b>	<b><u>5.09</u></b>	<b><u>6.62</u></b>	<b><u>8.14</u></b>	<b><u>10.18</u></b>

NOTE: The development charges described in Columns II, III and IV above shall be adjusted annually on July 1 pursuant to section 24 of this By-law.

# SCHEDULE "F"

## SEATON COMMUNITY

