



The Regional Municipality of Durham
Report to: Regional Council
From: R.J. Clapp, Commissioner of Finance
Report No.: 2013-F-45
Date: May 15, 2013

SUBJECT:

Proposed Amendments to Regional GO Transit Development Charges By-law No. 86-2001

RECOMMENDATIONS:

That, subject to discussion during the public meeting of Regional Council on May 15, 2013 to consider the proposed amendments to the Regional GO Transit Development Charge By-law No. 86-2001, Regional Council recommend that:

1. Pursuant to Section 10(1) of the Development Charges Act, 1997, the Regional GO Transit Development Charges Background Study dated April 30, 2013 be adopted;
 2. Effective July 1, 2013, Regional GO Transit Development Charge By-law No. 86-2001 be amended, in order to be consistent with the recently Council approved Region-wide development charge by-law (approved on April 24, 2013), as set out in the amending by-law (Attachment #2);
 3. Also to ensure consistency in the application of the by-laws, a transition period be provided such that the Regional GO Transit development charge portion of all semi-detached residential units with draft plan approval as of July 1, 2013 be charged the medium density residential development charge rate, rather than the low density rate, provided that the developer signs a subdivision agreement with the Region and pays the Sanitary Sewerage, Water Supply and Regional Roads development charges in full at the signing of the subdivision agreement for all semi-detached lots contained within the subject M-Plan before June 30, 2016;
 4. The Regional Solicitor be instructed to finalize the proposed Regional GO Transit Development Charges by-law amendment for presentation to Regional Council and passage;
 5. The Regional Solicitor be instructed to revise further development agreements and any by-law(s) related thereto to reflect any changes required to implement the foregoing recommendations and that such revised by-law(s) be presented to Council for passage; and
 6. The Regional Clerk be instructed to follow the notification process pursuant to the Development Charges Act, 1997.
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REPORT:**1.0 BACKGROUND**

- On December 5, 2001, Regional Council approved Regional GO Transit Development Charge By-law No. 86-2001 which became effective on December 5, 2001 and imposes a development charge on residential development only. Subsequently, Regional Council passed a new Region-wide development charge by-law on April 24, 2013, which contains policy changes that need to be reflected in Regional GO Transit Development Charge By-law No. 86-2001, in order to maintain consistency.
- On March 26, 2013, Regional Council authorized the necessary public process to consider amendments to Regional GO Transit Development Charge By-law No. 86-2001 to align this by-law with the new Region-wide development charge by-law (Report #2013-F-28).

2.0 RECOMMENDED AMENDMENTS

- The recommended changes to Regional GO Transit Development Charge By-law No. 86-2001, proposed to be implemented on July 1, 2013, include the following in order to align with the new Region-wide development charge by-law:
 - I. Clarification that the 10-year time frame for the redevelopment charge credit is 10 years from the date the first demolition permit is issued and that the credit would not apply if the building being demolished would be exempt from development charges under the current by-law;
 - II. Changes to a number of definitions including medium density multiples, semi-detached units, duplex and triplex; and
 - III. Move semi-detached units into the category with single detached units.
- A transition policy was approved by Regional Council as part of the Region-wide development charge by-law to allow all semi-detached residential units with draft plan approval as of July 1, 2013 to be charged the medium density residential development charge rate, rather than the low density rate, provided that the developer signs a subdivision agreement with the Region prior to June 30, 2016 and the hard services are paid in full for the semi-detached lots with the signing of the agreement. It is recommended that this same transition policy be adopted for the Regional GO Transit development charges.

3.0 PUBLIC PROCESS

- The notice of the public meeting was advertised in the Toronto Star on April 22 and 23, 2013 (Attachment #1) and three times in the local Metroland newspapers throughout the Region over the time period April 18 to May 2, 2013. The proposed by-law amendment was made available to the Public at no cost as of April 30, 2013 from the Regional Clerk and was also posted on the Regional website.
- The purpose of the May 15, 2013 public meeting of Council is to fulfill the statutory requirement to solicit input from the public and provide the necessary background information on the proposed new development charge amendment and by-law. The final by-law is scheduled for discussion in accordance with the Council approved timetable, which permits the public and stakeholders to provide input up to 5:00 p.m. on May 8, 2013 or to make representations at the May 15, 2013 public meeting. Any decision by Regional Council regarding the proposed by-law will be made during the May 15th Regional Council meeting.

4.0 NEXT STEPS

- Staff have prepared this report to be considered during the May 15, 2013 Regional Council meeting subsequent to the Public Meeting portion of the same meeting. While it has been Regional Council's practice to provide time for additional public input subsequent to a public meeting regarding a Development Charge matter, this is not a requirement of the Development Charges Act.
- In addition, the public input received on these matters was considered during the recent review process for the Region-wide development charge by-law that was approved by Regional Council on April 24, 2013. Therefore, it is appropriate and within the requirements of the Development Charges Act for Council to approve the amending by-law on the same date as the public meeting.

- Accordingly, if no changes to the proposed by-law amendments are made, or if changes are made but are considered minor in nature and Regional Council determines that a second public meeting is not required prior to the passage of the by-law amendment, then Regional Council could immediately pass the amending by-law presented in Attachment #2.

R.J. Clapp, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

G.H. Cubitt, M.S.W.
Chief Administrative Officer

Attachments:

1. Regional Transit and GO Transit Development Charge Amendment Public Notice
2. Regional GO Transit Amending By-law



**REGIONAL MUNICIPALITY OF DURHAM
NOTICE OF PUBLIC MEETINGS
REGARDING REGIONAL AND GO
TRANSIT DEVELOPMENT CHARGES**

On May 15, 2013 the Council of the Region of Durham will hold two public meetings, pursuant to Section 12 of the Development Charges Act, 1997. The first public meeting will be held to explain the proposed amendments to Regional Transit Development Charge By-law No. 47-2012 and the second public meeting will address amendments to GO Transit Development Charge By-law No. 86-2001. These meetings will cover the related underlying background studies and obtain public input on these proposed by-laws and studies. The proposed amendments are designed to make these two by-laws consistent with the new Region-wide development charges by-law, which Regional Council is scheduled to pass on April 24, 2013.

All interested parties are invited to attend the two Public Meetings of Council and any person who attends the meetings may make representations relating to the proposed by-law amendments. The meetings are to be held:

Wednesday, May 15, 2013
10:00 a.m.
The Regional Council Chambers
605 Rossland Road East
Whitby, Ontario

In order that sufficient information is made available to the public, copies of the proposed by-law amendments and the background studies are being made available as of April 30, 2013 from the Office of the Regional Clerk – Director of Legislative Services at 605 Rossland Road East, Level 1, P.O. Box 623, Whitby, ON, L1N 6A3, 905-668-4113 (ext 2054). The information will also be posted on the Regional website at www.durham.ca on April 30, 2013.

Interested persons may express their comments in writing addressed to the Regional Clerk – Director of Legislative Services at the above address no later than 5:00 p.m. on May 8, 2013. As well, interested parties may express their comments at the May 15, 2013 Public Meeting. All submissions received in writing and those opinions expressed at the Public Meeting will be considered prior to Council's decision, which is anticipated to be addressed during the regular Regional Council meeting of May 15, 2013.

Further information may be obtained by contacting Mary Simpson, Director of Financial Planning and Purchasing, Regional Finance Department at 905-668-4113 (ext. 2301).

Deb Bowen, A.M.C.T.
Regional Clerk – Director of Legislative Services

THE REGIONAL MUNICIPALITY OF DURHAM

BY-LAW NO. -2013

a by-law to amend 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 15th day of May, 2013, 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 "duplex" found in section 1(i) of By-law No. 86-2001 is hereby amended by deleting the words "each of which has a separate entrance to grade" following the words "two dwelling units". Therefore, Section 1(i) of By-law No. 86-2001 is hereby amended to read as follows:
 - (i) "duplex" means a building comprising, by horizontal division, two dwelling units;
2. The definition of "low density multiples" found in section 1(n) of By-law No. 86-2001 be replaced with "medium density multiples" and be amended to read as follows:
 - (n) "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";
3. The definition of "semi-detached dwelling" found in section 1(v) of By-law No. 86-2001 is hereby amended by adding the words "above or below ground" following the word "vertically". Therefore, Section 1(v) of By-law No. 86-2001 is hereby amended to read as follows:

- (v) "semi-detached dwelling" means a building divided vertically (above or below ground) into and comprising 2 dwelling units;
4. The definition of "triplex" found in section 1(bb) of By-law No. 86-2001 is hereby amended by deleting the words "each of which has a separate entrance to grade" following the words "3 dwelling units". Therefore, Section 1(bb) of By-law No. 86-2001 is hereby amended to read as follows:
- (bb) "triplex" means a building comprising 3 dwelling units;
5. Section 5(1) (f) be amended to read as follows:
- (f) the approval of a description under section 9 of the *Condominium Act, 1998*, or
6. Section 12 of By-law 86-2001 is hereby amended by renumbering 12 (2) to 12 (4) and adding the following after Section 12 (1):
- (2) The ten year period referred to in subsection 12(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.
7. Schedule "B" of By-law 86-2001 be amended to replace the category name "LOW DENSITY MULTIPLES" with "MEDIUM DENSITY MULTIPLES" and replace "SINGLE DETACHED" with "SINGLE DETACHED AND SEMI-DETACHED".
8. This By-law shall come into force on July 1, 2013.

BY-LAW read and passed this 15th day of May, 2013

Roger Anderson, Regional Chair and CEO

D. Bowen, Regional Clerk