



**CARRUTHERS CREEK SANITARY
SEWERAGE SERVICE
AREA SPECIFIC DEVELOPMENT CHARGE
BY-LAW AND STUDY**

REGIONAL MUNICIPALITY OF DURHAM

Consolidated Version

July 2018

JUN 20 2018

By-law Number 29-2018

~~CYBANDEL~~
DEPUTY CLERK

of The Regional Municipality of Durham

Being a new area specific by-law regarding development charges for sanitary sewerage works for the Carruthers Creek Development Area

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 the Council of The Regional Municipality of Durham has given notice and held a public meeting on April 11, 2018, in accordance with section 12(l) 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;
 - (b) "Area Municipality" means a lower-tier municipality that forms part of the Region;
 - (c) "Carruthers Creek Development Area" means the area within the Region generally as described in Schedule A and shown on Schedule B;
 - (d) "Council" means the Council of The Regional Municipality of Durham;
 - (e) "Development" includes redevelopment;
 - (f) "Development Charges" means a development charge imposed pursuant to this by-law in accordance with the Act in regard to sanitary sewerage services;
 - (g) "Local Board" means a local board as defined in the Municipal Affairs Act, other than a board defined in section 1(1) of the Education Act;
 - (h) "Mixed-Use" means a building or structure containing both Non-Residential and Residential uses;
 - (i) "Net Hectares of Land" means the area of any parcel of land in the Carruthers Creek Development Area in hectares net of the area designated by the Toronto and Region Conservation Authority as floodplain and/or fill regulated area, and net of any area existing or required by the Ontario Hydro Electric Power Commission for its high voltage transmission line corridor;

- (j) "Non-Residential" means the use of lands, buildings or structures for other than a Residential use;
 - (k) "Region" means The Regional Municipality of Durham;
 - (l) "Residential" means the use of lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals;
 - (m) "Residential Unit" means a residential building or structure or a room or suite of rooms within a residential building or structure 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) "Service" means the service designated in section 7 of this by-law.
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 section 8 of this by-law where:
- (a) the lands are located in the area described in section 4(l); and
 - (b) the development of the lands requires any of the approvals set out in section 5(1).

Lands Affected

4. (1) Subject to section 4(2), this by-law applies to all lands within the Carruthers Creek Sanitary Sewerage Development Area.
- (2) This by-law shall not apply to lands that are owned by and used for the purposes of:
- (i) the Region or a Local Board thereof;
 - (ii) a board as defined in section 1(1) of the *Education Act*;
 - (iii) an Area Municipality or a Local Board thereof in the Region.

Approvals for Development

5. (1) Development Charges shall be imposed upon all lands in the Carruthers Creek Sanitary Sewerage Development Area that are developed for Residential uses or Non-Residential uses if the Development requires;
- (i) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;

- (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*;
 - (vii) the issuing of a permit under the *Building Code Act, 1992*;
- (2) Council has determined that the Development of the land to which this by-law applies increases the need for the service designated in section 7.

Multiple Approvals

6. (1) The Development Charges shall not be imposed on land subject to this by-law more than once even though two or more of the actions described in section 5(1) are required before the land can be developed.
- (2) Notwithstanding section 6(1), if two or more of the actions described in section 5 occur at different times, additional Development Charges shall be imposed, if the subsequent action has the effect of increasing the need for the service designated in Section 7.

Designation of Service

7. (1) For the purposes of this by-law, the service for which Development Charges are imposed under Part II of this by-law is the Carruthers Creek sanitary sewerage service.
- (2) The components of the service designated in section 7(1) are described on Schedule "C".

Amount of Development Charges

8. (1) Subject to the provisions of this by-law, a Development Charge of \$15,903 per hectare shall be imposed upon Residential uses and Non-Residential uses of lands, buildings or structures in the Carruthers Creek Development Area.
- (2) The Development Charges described in section 8(1) shall be calculated in the case of Residential and Non-Residential Development, based upon the number of Net Hectares of Land related to the Development.

Exemptions

9. (1) In this section,
- (i) "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;
 - (ii) "other residential building" means a residential building not in another class of residential building described in this subsection.
 - (iii) "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;
 - (iv) "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:

- (i) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
 - (ii) the enlargement of an existing dwelling unit;
 - (iii) the creation of one or two additional dwelling units in an existing single detached dwelling;
 - (iv) 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:
- (i) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

Part III

Administration

Payment of Development Charge

10. Development Charges with respect to any Non-Residential, Residential or Mixed-Use Development, adjusted in accordance with section 14 of this by-law to the date of payment, are payable in full on the earlier of:
- (a) the date of entering into a subdivision agreement under Section 51 of the *Planning Act*, or
 - (b) the issuing of a permit under the *Building Code Act, 1992* in relation to such Development.

Payment by Money

11. Payment of the Development Charges shall be by cash or by certified cheque.

No Refunds Arising out of Credits

12. Notwithstanding anything in this by-law to the contrary, whenever a credit is allowed against the Development Charges otherwise payable pursuant to this by-law and such credit(s) exceeds the amount of the Development Charges payable pursuant to this bylaw, no further credit(s) shall be allowed and no refund shall be payable.

Front-Ending Agreement

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

Indexing

14. The Development Charges imposed by this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2019, 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

15. The following schedules to this by-law form an integral part thereof:
- Schedule A — Description of Carruthers Creek Sanitary Sewerage Development Area
 - Schedule B — Map Showing Boundary of Carruthers Creek Sanitary Sewerage Development Area
 - Schedule C — Components of Service Designated in Section 7

Date By-law in Force

16. This by-law shall come into force on July 1, 2018.

Date By-law Expires

17. This by-law will expire on August 31, 2019, unless it is repealed at an earlier date by a subsequent by-law.

Repeal

18. By-law No. 17-2013 is hereby repealed effective on the date this by-law comes into force.

Registration

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

Severability

20. 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

21. This By-law may be cited as the Regional Municipality of Durham Carruthers Creek Development Area Sanitary Sewerage Development Charges By-law, 2018.

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


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


R. Walton, Regional Clerk

Schedule "A"

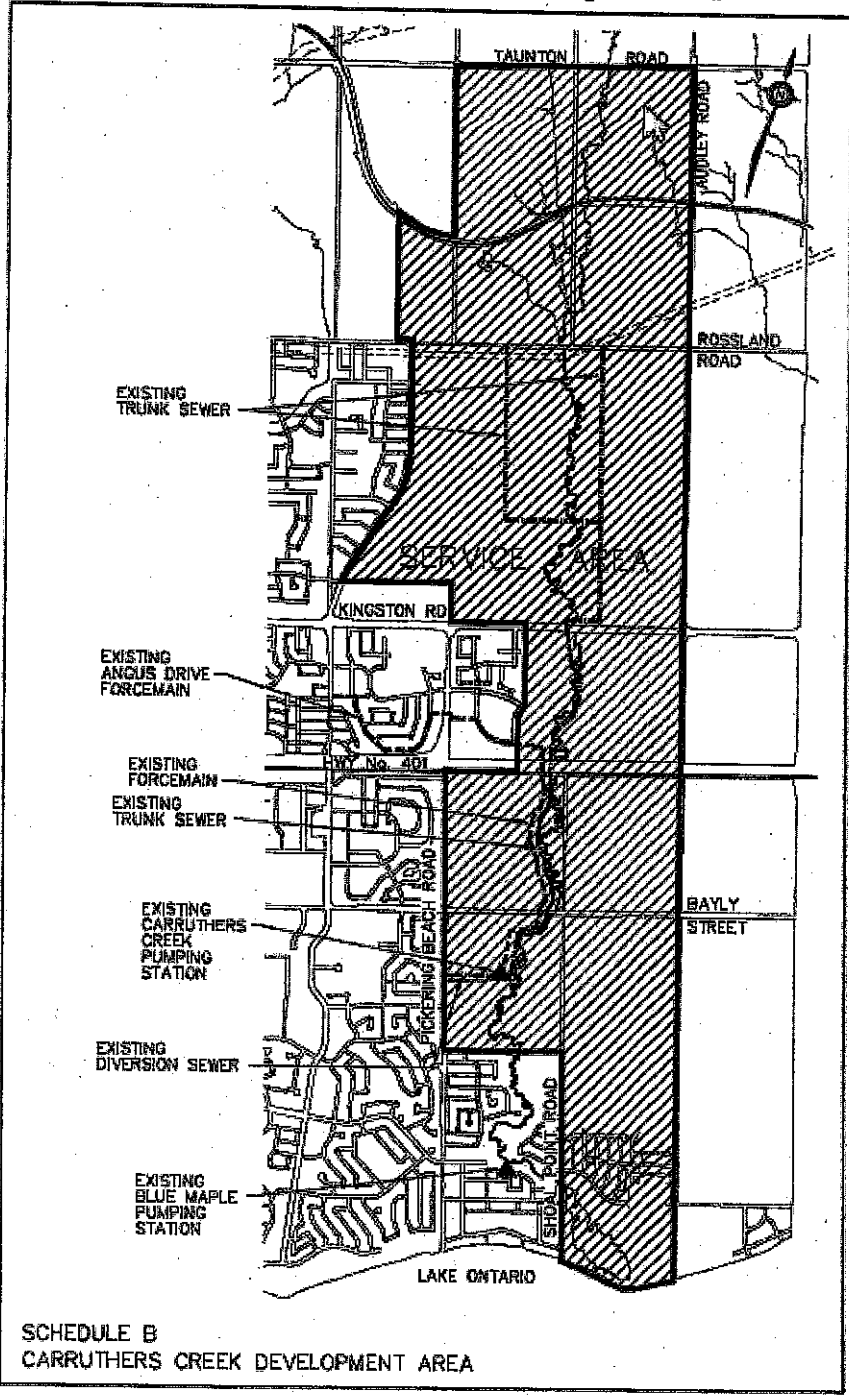
Description of Carruthers Creek Sanitary Sewerage Development Area

The Carruthers Creek Development Area is the area, generally, bounded by Lake Ontario to the south, Audley Road to the east, Taunton Road to the north, and Pickering Beach Road, Harwood Avenue and Salem Road to the west, all in the Town of Ajax, and as more specifically shown on the map attached as Schedule B.

Schedule "B"

Map Showing Boundary of Carruthers Creek Sanitary Sewerage Development Area

**Schedule 'B' Boundary of Carruthers Creek
Sanitary Sewerage Development Area**



Schedule "C"

Components of Service Designated in Section 7

1. Angus Drive Forcemain (Construction)
2. Truck Sanitary Sewer and Forcemain (Design Only)
3. Carruthers Sanitary Sewage Pumping Station (Design Only)
4. Blue Maple Pumping Station (Expansion)
5. Letter of Credit Fees (Design)
6. Letter of Credit Fees (Construction)
7. Truck Sanitary Sewer and Forcemain (Construction)
8. Diversion Sewer @ Emperor Street (Construction)
9. Carruthers Sanitary Sewage Pumping Station (Construction)
10. Letter of Credit Fees (Construction)



REPORT #2018-COW-109

**FINAL RECOMMENDATIONS REGARDING
CARRUTHERS CREEK SANITARY SEWERAGE
SERVICE AREA SPECIFIC DEVELOPMENT
CHARGE**

REGIONAL MUNICIPALITY OF DURHAM

June 13, 2018

- EE) That the Acting Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials; and
- FF) That a copy of Report #2018-COW-108 of the Acting Commissioner of Finance be forwarded to the area municipalities.

30. Final Recommendations Regarding Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge (2018-COW-109)

[CARRIED]

- A) That Pursuant to Section 10(1) of the Development Charges Act, 1997, the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge Background Study dated March 27, 2018 be adopted including the forecast of anticipated development, the underlying capital forecast and the calculations contained in the Background Study and that the approval of the capital forecast in the Background Study indicate Regional Council's intention to ensure that such an increase in need for service will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;
- B) That a Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge in the amount of \$15,903 per net hectare for both residential and non-residential uses be imposed effective July 1, 2018;
- C) That the Development Charge policies for the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge as contained in the proposed by-law included in the Background Study (Attachment #2 to Report #2018-COW-109) be approved;
- D) That the Director of Legal Services be instructed to prepare the requisite Development Charge By-law for presentation to Regional Council and passage;
- E) That the Director of Legal Services be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;
- F) That the Acting Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials; and
- G) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997.



The Regional Municipality of Durham Report

To: Committee of the Whole
From: Acting Commissioner of Finance
Report: #2018-COW-109
Date: June 6, 2018

Subject:

Final Recommendations Regarding Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge

Recommendation:

That the Committee of the Whole recommends to Regional Council:

- A) That Pursuant to Section 10(1) of the Development Charges Act, 1997, the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge Background Study dated March 27, 2018 be adopted including the forecast of anticipated development, the underlying capital forecast and the calculations contained in the Background Study and that the approval of the capital forecast in the Background Study indicate Regional Council's intention to ensure that such an increase in need for service will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;
- B) That a Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge in the amount of \$15,903 per net hectare for both residential and non-residential uses be imposed effective July 1, 2018;
- C) That the Development Charge policies for the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge as contained in the proposed by-law included in the Background Study (Attachment #2) be approved;
- D) That the Regional Solicitor be instructed to prepare the requisite Development Charge By-law for presentation to Regional Council and passage;
- E) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;

-
- F) That the Acting Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials; and
 - G) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997.
-

1. Introduction

The purpose of this report is to provide final recommendations regarding the proposed Sanitary Sewerage Service Area Specific Development Charge for the Carruthers Creek Area. These recommendations will form the basis for the by-law to be implemented on July 1, 2018 which replaces the existing Area Specific Development Charge By-law #17-2013.

The Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge Background Study contained the proposed by-law and provided information regarding the proposed development charge policies for review by Regional Council and the public. The background study was made available to Regional Council and the public (free of charge) beginning on March 27, 2018 as indicated in the public notices placed in the Toronto Star on March 17 and 19, 2018 and three times in the local Metroland newspapers throughout the Region over the time period March 15 to March 29, 2018.

An overview of the key recommendations contained in the proposed development charge by-law and background study is provided in Report #2018-COW-64: Public Meetings Regarding Proposed Development Charge By-laws and Background Studies.

2. Proposed Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge By-Law

2.1 Overview of Public Input Regarding Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge

Public notices regarding the proposed by-law, availability of the background study and the invitation for public submissions were placed as noted above and concurrently with the notices for the proposed Regional Development Charge By-law.

Letters were also sent to all signatories of the Carruthers Creek Front-ending Agreements on March 20, 2018 advising them of the expiry date of the front-ending agreements on August 31, 2019 and advising that staff were considering a recommendation that the sanitary sewerage area specific development charge by-law for the Carruthers Creek Area would also expire on August 31, 2019. The letter outlined the public process and the opportunities to provide comment at the April 11, 2018 Public Meeting. No delegation appeared at the April 11, 2018 Public Meeting to speak to this matter and no reply was received to the March 20, 2018 letter.

No verbal submissions were made at the public meeting of Council held to consider the proposed Sanitary Sewerage Service Area Specific Development Charge By-law and Background Study on April 11, 2018. A resident in Ajax inquired as to whether the

Carruthers Creek Area Specific Development Charge would apply to his property. Staff responded that the Carruthers Creek Area Specific Development Charge would not apply as his property is outside the Carruthers Creek Service Area.

A letter was received on May 18, 2018 by a law firm representing Runnymede Development Corporation Limited (Attachment #1) requesting that the Carruthers Creek Sanitary Sewerage Area Specific Development Charge By-law not have an expiry date of August 31, 2019 and that the existing front-ending agreements be extended in order to provide additional time to allow a full recovery of costs.

Runnymede and a number of other developers upfronted the cost to provide sanitary sewerage services to the Carruthers Creek Service Area in the Town of Ajax (in the late 90's) in order to advance the development of their lands.

The Region executed two front-ending agreements with these landowners in 1997 (and subsequently an area specific development charge by-law) which required the Region to collect payments from benefitting landowners in the Carruthers Creek Service Area who did not provide any upfront funds and subsequently distribute these funds to Runnymede and the other landowners who upfronted the costs of the sanitary sewerage services. The developers entered into these agreements knowing that they had a sunset clause of August 31, 2019 and that there was a risk that depending on the pace of development, they may not recover their entire costs by the sunset clause.

The letter from the law firm representing Runnymede is requesting that the Region extend the date of the agreements and the development charge by-law beyond August 31, 2019, to enable the Region to continue to collect payments from other benefitting landowners for the purpose of re-imbursing Runnymede and other landowners.

There is no obligation on the Region to extend the agreements beyond August 31, 2019. Extending the agreements could require the Region to have all the signatories of the original agreements to execute an amended agreement. As well, if the Region was to extend the front-ending agreements and development charge by-law beyond August 31, 2019, the Region would have to notify all landowners in the Carruthers Creek Service Area (with undeveloped lands) to advise that the agreements that are set to expire on August 31, 2019 are being extended. As these agreements are set to expire on August 31, 2019, the sanitary sewerage area specific development charge for the Carruthers Creek Area will no longer apply on these lands, which may promote the development of the residential and non-residential lands within this service area. For these reasons, it is recommended that the front-ending agreements and development charge by-law expire on August 31, 2019.

2.2 Final Recommendations

No changes are proposed from the recommendations contained in the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge Background Study.

Those recommendations will increase the rate of the Carruthers Creek Sanitary Sewerage Service Area Specific Development charges to \$15,903 (from the current rate

of \$15,560) per net hectare.

3. Further Considerations by Regional Council Per DCA, 1997

3.1 Formal Consideration of Need for Further Public Meeting

If the proposed by-law is changed then Regional Council is required under the provisions of the DCA, 1997 to consider whether a further public meeting is required. An additional public meeting would require public notices to be placed providing at least twenty days notice of such a public meeting.

Given that the final recommendations do not vary from the proposed Regional Development Charge by-law, if these recommendations are accepted and no change is made, a further public meeting would not be required.

3.2 Direction to Regional Staff To Prepare Necessary Notices, Satisfy Reporting Requirements and Provide Information

In order to implement the recommended Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge, various administrative tasks must be undertaken by the Regional Solicitor, Regional Clerk and Regional Treasurer.

4. Conclusion

It is recommended that the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge by-law be approved as proposed in the Background Study.

This report has been reviewed by staff of the Planning & Economic Development, Works and Corporate Services - Legal departments who concur with the recommendations.

5. Attachments

Attachment #1 Written Correspondence and Staff Response
Attachment #2: Proposed Development Charge By-law

Respectfully submitted,

Original Signed By

M.E. Simpson, CPA, CMA, MA
Acting Commissioner of Finance and Treasurer

Recommended for Presentation to Committee

Original Signed By

G.H. Cubitt, MSW
Chief Administrative Officer



DLA Piper (Canada) LLP
Suite 6000, 1 First Canadian Place
PO Box 367, 100 King St W
Toronto ON M5X 1E2
www.dlapiper.com

Chris Barnett
chris.barnett@dlapiper.com
T 416.365.3502
F 416.777.7407

May 18, 2018

FILE NUMBER: 46165-00002

DELIVERED BY E-MAIL

Ralph Walton, Regional Clerk
Director of Legislative Services
Regional Municipality of Durham
605 Rossland Road East
Level 1
P.O. Box 623
Whitby, ON L1N 6A3

Dear Mr. Walton:

Re: Area Specific Development Charges - Sanitary Sewage - Carruthers Creek Area

We act on behalf of Runnymede Development Corporation Limited ("RDCL") a party to both Front Ending Agreements for the Carruthers Creek Development Area. RDCL is the primary funder of the services that were installed pursuant to the Front Ending Agreements. It was responsible for 72% of the funding under Agreement #1 and 92% under Agreement #2. As a result, it is the most affected party in terms of the front ended amounts that have yet to be repaid.

We have reviewed the staff report dated April 11, 2018 (report number 2018-COW-64) and note that the staff recommendation is only to extend the Area Specific Development Charge By-law for sanitary sewage services until the Front Ending Agreements expire on August 31, 2019. By its calculation, RDCL continues to be approximately \$2 million for the services that it installed pursuant to the Front Ending Agreements.

RDCL is extremely concerned that, in the absence of an area specific development charge by-law and an extension of the Front Ending Agreements, it will have expended a significant amount of money as part of an agreement with the Region, with the risk that it may not be able to be reimbursed in full for the funds it expended.

Not extending the agreement and by-law will be a disincentive to landowners in the Region to enter into front ending financing agreements with the Region in the future, if there is a risk that payment will not ultimately be made in full for the amounts expended.

We therefore request that the Area Specific Development Charge By-law not have an expiry date of August 31, 2019 and that the existing Front Ending Agreements be extended in order to allow for a full compensation pursuant to those agreements to take place. RDCL would be pleased to meet with staff in



order to discuss next steps to ensure that the agreements can be negotiated well in advance of their expiry date.

Sincerely,
DLA Piper (Canada) LLP
Per:

A handwritten signature in black ink, appearing to read 'CB', written over the printed name 'Chris Barnett'.

Chris Barnett

CMB/sxo

Cc: Runnymede Development Corporation Limited
Kevin Ryan

CAN: 27389189.1



May 25, 2018

Chris Barnett
DLA Piper (Canada) LLP
Suite 6000, 1 First Canadian Place
PO Box 367, 100 King Street West
Toronto, Ontario
M5X 1E2

Dear Mr. Barnett:

RE: Response to Comments Related to the 2018 Carruthers Creek
Sanitary Sewerage Area Specific Development Charge Background
Study

The Regional
Municipality
of Durham

Finance Department

605 ROSSLAND RD. E.
PO BOX 623
WHITBY ON L1N 6A3
CANADA
905-668-7711
1-800-372-1102
Fax: 905-666-6207

www.durham.ca

Thank you for your letter dated May 18, 2018 regarding the 2018 Carruthers Creek Sanitary Sewerage Area Specific Development Charge Background Study concerning the request that the Carruthers Creek Sanitary Sewerage Area Specific Development Charge By-law not have an expiry date of August 31, 2019 and that the existing front ending agreements be extended in order to provide for additional time to allow a full recovery of costs.

Letters were sent to all signatories of the Carruthers Creek Front-ending Agreements on March 20, 2018 advising of the expiry date of the front-ending agreements on August 31, 2019 and advising that staff were considering a recommendation that the sanitary sewerage area specific development charge by-law for the Carruthers Creek Area would expire on August 31, 2019. The letter outlined the public process and the opportunities to provide comment at the April 11, 2018 Public Meeting. No delegation appeared at the April 11, 2018 Public Meeting to speak to this matter and no reply was received to the March 20, 2018 letter.

The Region executed two front-ending agreements with your client and a number of landowners in 1997 which required the Region to collect payments from benefitting landowners in the Carruthers Creek Service Area who did not provide any upfront funds and subsequently distribute these funds to Runnymede and the other landowners who upfronted the costs of the sanitary sewerage services. These agreements were executed by all parties with the understanding of the sunset clause of August 31, 2019 and that there was a risk that depending on the pace of development, they may not recover their entire costs by the sunset clause.

Extending the agreements could require the Region to have all the signatories of the original agreements to execute an amended agreement and require the Region to notify all landowners in the Carruthers Creek Service Area (with undeveloped lands) to advise that the agreements that are set to expire on August 31, 2019 are being extended.

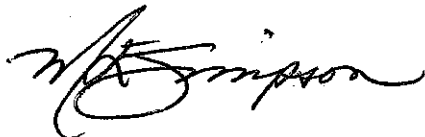


100% Post Consumer

Staff will be not be recommending that the agreements and development charge by-law be extended beyond August 31, 2019. Staff will continue to collect the charges from benefitting non-contributing landowners and forward these funds to Runnymede and the other landowners up until August 31, 2019.

Please be advised that the final recommendations regarding the Carruthers Creek Sanitary Sewerage Area Specific Development Charge By-law will be considered by Committee of the Whole on June 6, 2018 and Regional Council on June 13, 2018. Your letter and our staff response will be provided to Regional Council as part of that report.

If you have any questions or comments, please call me at 905-668-4113 ext 2300.



Mary E. Simpson, CPA, CMA, MA
Acting Commissioner of Finance

cc: R. Walton, Regional Clerk / Director of Legislative Services
S. Siopis, Commissioner of Works
B. Bridgeman, Commissioner of Planning and Economic Development
K. Ryan, Senior Solicitor
J. Presta, Director of Environmental Services
P. Gillespie, Manager of Development Approvals
S. Tsenis, Manager, Corporate Asset Management
A. Wismer, Economist
M. MacDonald, Economist
G. Asselin, Economist

BY-LAW NUMBER • - 2018

OF

THE REGIONAL MUNICIPALITY OF DURHAM

being a new area specific by-law regarding development charges for sanitary sewerage works for the Carruthers Creek Development Area

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*;

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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*;
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 - (m) “Residential Unit” means a residential building or structure or a room or suite of rooms within a residential building or structure 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;
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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 section 8 of this by-law where:
- (a) the lands are located in the area described in section 4(l); and

- (b) the development of the lands requires any of the approvals set out in section 5(1).

Lands Affected

- 4. (1) Subject to section 4(2), this by-law applies to all lands within the Carruthers Creek Sanitary Sewerage Development Area.
- (2) This by-law shall not apply to lands that are owned by and used for the purposes of:
 - (i) the Region or a Local Board thereof;
 - (ii) a board as defined in section 1(1) of the *Education Act*;
 - (iii) an Area Municipality or a Local Board thereof in the Region.

Approvals for Development

- 5. (1) Development Charges shall be imposed upon all lands in the Carruthers Creek Sanitary Sewerage Development Area that are developed for Residential uses or Non-Residential uses if the Development requires;
 - (i) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*;
 - (vii) the issuing of a permit under the *Building Code Act, 1992*;
- (2) Council has determined that the Development of the land to which this by-law applies increases the need for the service designated in section 7.

Multiple Approvals

6. (1) The Development Charges shall not be imposed on land subject to this by-law more than once even though two or more of the actions described in section 5(1) are required before the land can be developed.
- (2) Notwithstanding section 6(1), if two or more of the actions described in section 5 occur at different times, additional Development Charges shall be imposed, if the subsequent action has the effect of increasing the need for the service designated in Section 7.

Designation of Service

7. (1) For the purposes of this by-law, the service for which Development Charges are imposed under Part II of this by-law is the Carruthers Creek sanitary sewerage service.
- (2) The components of the service designated in section 7(1) are described on Schedule "C".

Amount of Development Charges

8. (1) Subject to the provisions of this by-law, a Development Charge of \$15,903 per hectare shall be imposed upon Residential uses and Non-Residential uses of lands, buildings or structures in the Carruthers Creek Development Area.
- (2) The Development Charges described in section 8(1) shall be calculated in the case of Residential and Non-Residential Development, based upon the number of Net Hectares of Land related to the Development.

Exemptions

9. (1) In this section,
 - (i) "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;
 - (ii) "other residential building" means a residential building not in another class of residential building described in this subsection.
 - (iii) "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;

- (iv) “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:
 - (i) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
 - (ii) the enlargement of an existing dwelling unit;
 - (iii) the creation of one or two additional dwelling units in an existing single detached dwelling;
 - (iv) 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:
 - (i) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

PART III

ADMINISTRATION

Payment of Development Charge

- 10. Development Charges with respect to any Non-Residential, Residential or Mixed-Use Development, adjusted in accordance with section 14 of this by-law to the date of payment, are payable in full on the earlier of:
 - (a) the date of entering into a subdivision agreement under Section 51 of the *Planning Act*, or
 - (b) the issuing of a permit under the *Building Code Act, 1992* in relation to such Development.

Payment by Money

11. Payment of the Development Charges shall be by cash or by certified cheque.

No Refunds Arising out of Credits

12. Notwithstanding anything in this by-law to the contrary, whenever a credit is allowed against the Development Charges otherwise payable pursuant to this by-law and such credit(s) exceeds the amount of the Development Charges payable pursuant to this by-law, no further credit(s) shall be allowed and no refund shall be payable.

Front-Ending Agreement

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

Indexing

14. The Development Charges imposed by this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2019, 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

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

Schedule A	—	Description of Carruthers Creek Sanitary Sewerage Development Area
Schedule B	—	Map Showing Boundary of Carruthers Creek Sanitary Sewerage Development Area
Schedule C	—	Components of Service Designated in Section 7

Date By-law in Force

16. This by-law shall come into force on July 1, 2018.

Date By-law Expires

17. This by-law will expire on August 31, 2019, unless it is repealed at an earlier date by a subsequent by-law.

Repeal

18. By-law No. 17-2013 is hereby repealed effective on the date this by-law comes into force.

Registration

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

Severability

20. 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

21. This By-law may be cited as the Regional Municipality of Durham Carruthers Creek Development Area Sanitary Sewerage Development Charges By-law, 2018.

BY-LAW passed this 13th day of June, 2018.

Gerri Lynn O'Connor, Regional Chair
and CEO

Ralph Walton, Regional Clerk /
Director of Legislative Services

SCHEDULE "A"

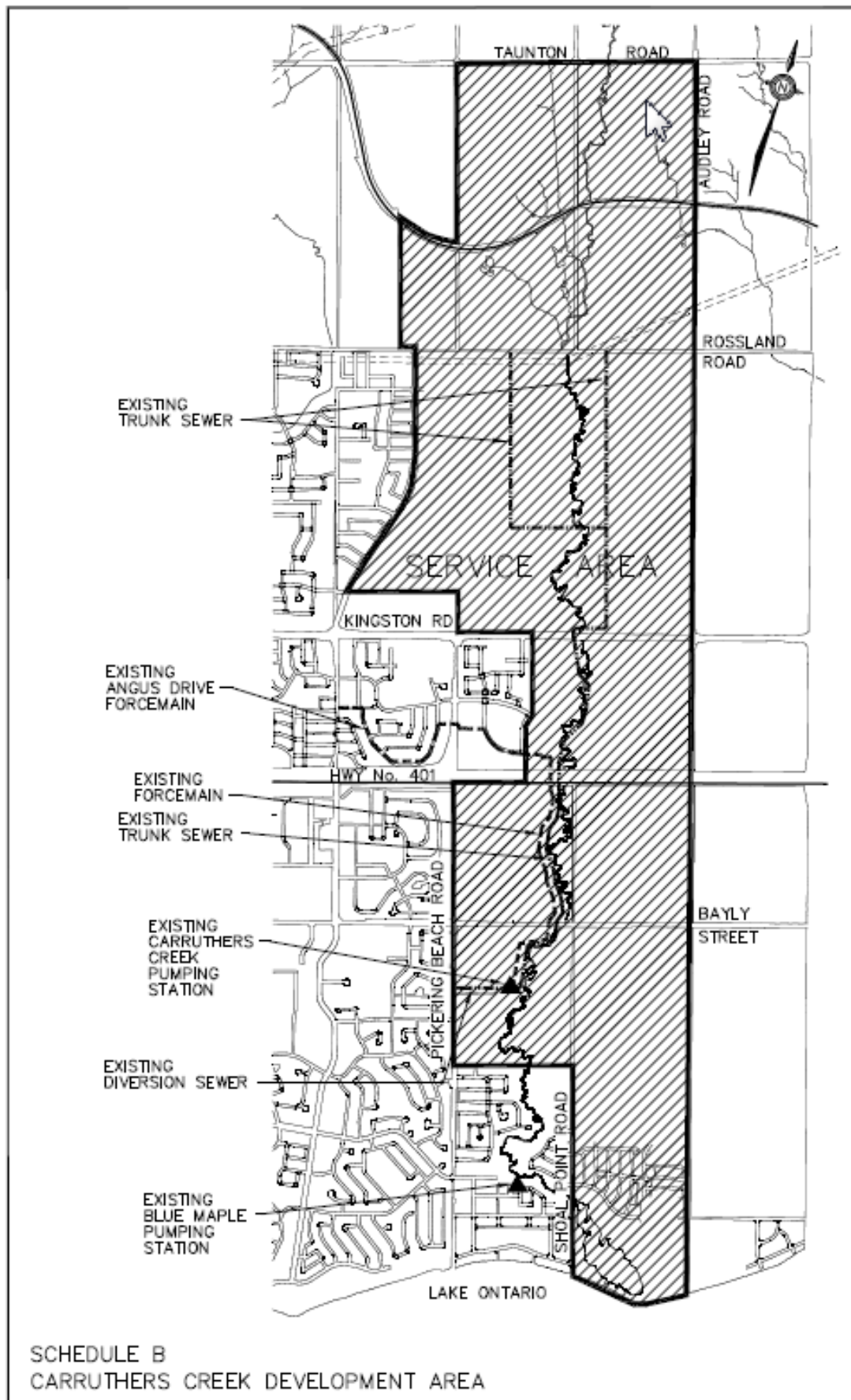
DESCRIPTION OF CARRUTHERS CREEK SANITARY SEWERAGE DEVELOPMENT AREA

The Carruthers Creek Development Area is the area, generally, bounded by Lake Ontario to the south, Audley Road to the east, Taunton Road to the north, and Pickering Beach Road, Harwood Avenue and Salem Road to the west, all in the Town of Ajax, and as more specifically shown on the map attached as Schedule B.

SCHEDULE "B"

MAP SHOWING BOUNDARY OF CARRUTHERS CREEK SANITARY SEWERAGE
DEVELOPMENT AREA

Schedule 'B' Boundary of Carruthers Creek
Sanitary Sewerage Development Area



SCHEDULE "C"

COMPONENTS OF SERVICE DESIGNATED IN SECTION 7

1. Angus Drive Forcemain (Construction)
2. Truck Sanitary Sewer and Forcemain (Design Only)
3. Carruthers Sanitary Sewage Pumping Station (Design Only)
4. Blue Maple Pumping Station (Expansion)
5. Letter of Credit Fees (Design)
6. Letter of Credit Fees (Construction)
7. Truck Sanitary Sewer and Forcemain (Construction)
8. Diversion Sewer @ Emperor Street (Construction)
9. Carruthers Sanitary Sewage Pumping Station (Construction)
10. Letter of Credit Fees (Construction)

2018 DEVELOPMENT CHARGE REVIEW

**CARRUTHERS CREEK SANITARY SEWERAGE SERVICE
AREA SPECIFIC DEVELOPMENT CHARGE
BACKGROUND STUDY
AND PROPOSED BY-LAW**

REGIONAL MUNICIPALITY OF DURHAM

MARCH 27, 2018

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APPENDICES:

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1. Introduction

The Carruthers Creek Sanitary Sewerage Area Specific Development Charge is complementary to two Front-end Servicing Agreements entered into in January 1997 between the Regional Municipality of Durham (Region) and the following front-ending developers:

O'Shanter Development Company Ltd.
Runnymede Development Corporation Limited
Shoal Point Developments Limited
John Boddy Developments Ltd.
Nugget Construction Co. Limited
Ambercove Developments Inc.
Aurafield Developments Ltd.
Hampstock Developments Inc.
Markborough Properties Inc.

The Front-end Agreements were an outgrowth of a Servicing Agreement (the 1988 Servicing Agreement) between the Region and Runnymede Development Corporation Limited, the Roster Construction Company Limited, Siret Investments Limited and Shoal Point Developments Limited dated September 14, 1988 for the construction of Carruthers Creek Sanitary Sewerage Services and Carruthers Creek Water Supply Services in the Town of Ajax.

The original Servicing Agreement contained an "endeavour to collect" clause whereby the Region undertook to ensure that any landowners who benefitted from the works constructed under the Servicing Agreement would pay their fair share. Subsequent to the execution of the Servicing Agreement the Development Charges Act of 1989 came into force and established a legal framework for setting up Front-ending Agreements to ensure that benefitting landowners paid their pro-rata share. The Region and the Front-ending Developers incorporated the Sanitary Sewerage Works contained in the parent Servicing Agreement into two offspring Front-ending Agreements.

However, one requirement of the Development Charges Act is that any benefitting party who makes a payment under the Front-ending Agreement(s) is entitled to an offsetting development charge credit. In order to insulate the Sanitary Sewerage component of the Region-wide development charge it was considered necessary to establish this Carruthers Creek Sanitary Sewerage Area Specific Development Charge to ensure that the credit and the area specific development charge were dove-tailed.

No payments should ever be required under this Area Specific Development Charge as the actual payments are collected under the authority of the Front-ending Agreements. This Area Specific Development Charge exists for the sole purpose of ensuring that the Front-ending Agreements comply with the Development Charges Act, 1997 in terms of:

- ss 44(2) requiring the Services to be in a Development Charge By-law; and
- ss 55(1) requiring a Development Charge Credit for the non-reimbursable share of the cost.

This Background Study includes all information necessary to conform to the requirements of the current Development Charges Act and Ontario Regulation 82/98 made thereunder.

2. Service Area

The Service Area is the area which will receive a benefit from the installation of the Carruthers Creek Sanitary Sewerage Services. The Service Area corresponds with the “Benefitting Area” contained in the two Front-ending Agreements and is presented in Appendix A.

A list of the lands within the benefiting area identified by reference number and roll number is contained in Appendix B.

The study identified all floodplain and fill regulated areas, based on the Carruthers Creek floodplain and fill regulation mapping from the Toronto and Regional Conservation Authority. The net developable area for each property was estimated by deducting the floodplain/fill regulated area and any area existing or required by the Ontario Hydro Electric Power Commission for its high voltage transmission line corridor from the gross site area. For the purposes of this study, the net developable area means the total net area allowable for development, including parks, schools and roads.

3. Carruthers Creek Sanitary Sewerage Services – Net Capital Costs

The "Carruthers Creek Sanitary Sewerage Services" included for the calculation of the Area Specific Development Charge and the Front-ending Agreements are outlined in Appendix C. The works have all been completed and final costs, net of grants, are known. The summary tables in Appendix C also provide details with respect to the updated net capital cost, which total **\$15,921,753 (in 2018\$)**.

4. Proposed Apportionment of Costs Shares

The apportionment of cost shares, on a developable area basis, will remain unchanged from that of the existing by-law for the purposes of this study. The estimated sewage flows between residential and non-residential development are very close and can be attributed equally, on a land area basis, between the two broad uses.

A portion (69.0%) of the service area has already developed. However, since the work is complete, the costs known, and the service area has not been expanded, it is unnecessary to split the costs between existing development and growth, as it will not affect the calculation of the quantum.

5. Area Specific Development Charge Quantum

The area specific development charge for the Carruthers Creek Sanitary Sewerage Services, based on a total net developable area of 1001.2 ha is:

	<u>Current Charge</u>	<u>Proposed Charge</u>
Per Net Developable Hectare	\$ 15,560	\$ 15,903
Per Net Developable Acre	\$ 6,297	\$ 6,436

The development charge quantum is based on the prior costs to service this area (estimated at \$15.9 million in 2018\$) divided by the total developable land area (1,001.2 hectares). The average cost approach is used to equally spread the costs over all developable lands.

6. Indexing

Indexing of the development charge is permitted by the Development Charges Act. It is recommended that indexing be incorporated into the Area Specific Development Charge, to ensure that property owners who develop, pay for the actual value of the services received. In accordance with the Act, indexing will be based on the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-007, on an annual basis. The adjustment will next occur on July 1, 2019 and be based on data for the most currently available 12 month period ending March 31.

7. Credits for Previous Payments

Front-end payments toward the construction of Carruthers Creek Sanitary Sewerage Services have been received from a number of landowners. A portion of the contribution is the pro rata share for each developer's land, which is referred to in the Front-ending Agreements as "non-reimbursable share". Any front-end payment, in effect, a prepayment of the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge and the "non-reimbursable share" is eligible for credit. In most cases, the landowners have contributed more than their non-reimbursable share of the cost of the services

and are entitled to a rebate of the surplus contribution as funds are collected from non-participating landowners.

The following outlines the estimated contributions by each landowner and the estimated amount of the credit to be applied, based on their non-reimbursable share, as of December 31, 2017:

<u>Landowner</u>	<u>Non-Reimbursable Share Remaining Credit (\$)</u>
John Boddy Developments Limited	\$416,741.05
Markborough Properties Inc.	91,753.59
O'Shanter Development Company Ltd.	93,783.91
Runnymede Development Corporation Limited	2,406,856.95
Shoal Point Developments Limited	<u>128,460.66</u>
TOTAL	<u>\$3,137,596.16</u>

8. Timing of Collection

Development Charges are payable in full with respect to any non-residential, residential or mixed-use development on the earlier of:

- i) the date of entering into a subdivision agreement; or
- ii) the issuing of a permit.

9. Long Term Capital and Operating Costs and Asset Management

Long Term Capital and Operating Costs

The Capital Costs for both residential and non-residential development are fully incorporated in the Carruthers Creek Sanitary Sewerage Service Area Specific Development Charge and will be fully recovered from this Area Specific Development Charge revenue stream.

Operating costs for the Carruthers Creek Pumping Station are estimated to be \$201,425 per annum. The operating costs for the sanitary sewer and forcemain will be comparable to the operating costs calculated for the Region-wide Sanitary Sewerage Service System. The benchmark cost for maintenance operations is \$2.88 per metre of sanitary sewer (or forcemain) per annum. There are approximately 7,400 metres of sanitary sewer or forcemain in the Service Area for the works constructed under the Area Specific Development Charge. The maintenance operation cost of the sewer will therefore be \$21,325 (rounded) per annum. The total annual maintenance operation cost including the pumping station and sanitary sewer is estimated to be \$222,750.

Asset Management

The D.C.A. requires that a D.C. Background Study include an asset management plan. Moreover, s.s. 10(3) requires that the asset management plan deal with the assets whose capital costs are to be funded by the D.C. by-law, and that the asset management plan demonstrate that the assets are financially sustainable over their full lifecycle. As noted in s. 3 of the D.C. Background Study, the assets underlying the capital costs included in the Carruthers Creek Sanitary Sewerage Services D.C. By-Law have been completed and are currently in operation within the municipality. Moreover, the Region annually updates its Asset Management Plan, and the plan is adopted by Regional Council.

The Region's 2017 Asset Management Plan includes Sanitary Sewerage Services, for which the works contained in the Carruthers Creek Sewerage Services D.C. By-Law comprise part of asset inventory. The Region's 2017 Asset Management Plan was adopted by Regional Council on June 14, 2017 including the following resolution:

"That the Committee of the Whole recommend to Regional Council that:

- A) That the 2017 Regional Municipality of Durham Asset Management, initiating the capital planning process that will inform upcoming Development Charges Background Studies and 2018 financial planning be endorsed; and
- B) That the best practice of allocating funds to address the critical rehabilitation and replacement needs of Regional infrastructure systems continue as part of the Region of Durham's 2018 Business Planning and Budget deliberations"

Moreover, the Region's 2017 Asset Management Plan states that "The Region's asset management plan and related financial and business planning reports are focused on long-term financial planning and continuous improvement. A goal is to ensure assets continue to provide adequate support to service delivery requirements in a financially sustainable manner and with tolerable risk mitigated through effective strategies and prudent, informed life-cycle decision making".

On the basis of the Region's 2017 Asset Management Plan which focuses on long-term financial planning and service delivery in a financially sustainable manner, the inclusion of the Carruthers Creek Sanitary Sewerage Services therein and Regional Council's approval of the Asset Management Plan, the assets identified within the Carruthers Creek Sanitary Sewerage Services D.C. By-Law are deemed to be financially sustainable over their full life cycle.

10. Expiry Date of Front-Ending Agreements / Development Charge By-law

The Front-End Agreements entered into in January 1997 expire on August 31, 2019. Therefore, it is recommended that the renewal of the Carruthers Creek sanitary sewerage area specific development charge by-law also expire on August 31, 2019. Letters have been sent to the landowners who entered into these 1997 agreements to advise of the future expiry date of both the agreements and development charge by-law.

11. Miscellaneous Issues

There are several matters which must be covered in this Background Study to comply with the Act. They include:

- Benefit to Existing Development
- Excess Capacity
- Grants
- Service Levels
- Post Period Benefit
- Consider the use of more than one Development Charge By-law

Benefit to Existing Development

There is no benefit to existing development. Since the quantum is calculated on an area basis within a defined geographical Service Area without any pre-existing development, benefit to existing development is not applicable.

Excess Capacity

There is no excess capacity either at the beginning or the end of the period under consideration. The Development Charge quantum was calculated on the basis of an area without services and without any development at the beginning of the period and with full services and with full development at the end of the period. Thus the concept of excess capacity does not apply.

Grants

There was a grant in the approximate amount of \$5,172,000, from the Canada Ontario Infrastructure Works program toward the construction of the services. This grant was netted out of the cost of the services prior to the calculation of the DC quantum.

Service Levels

Service levels are in accordance with the Region's Design Specifications for Regional Services and are consistent with the level of service provided elsewhere in the Region as well as internally consistent within the service area.

Post Period Benefit

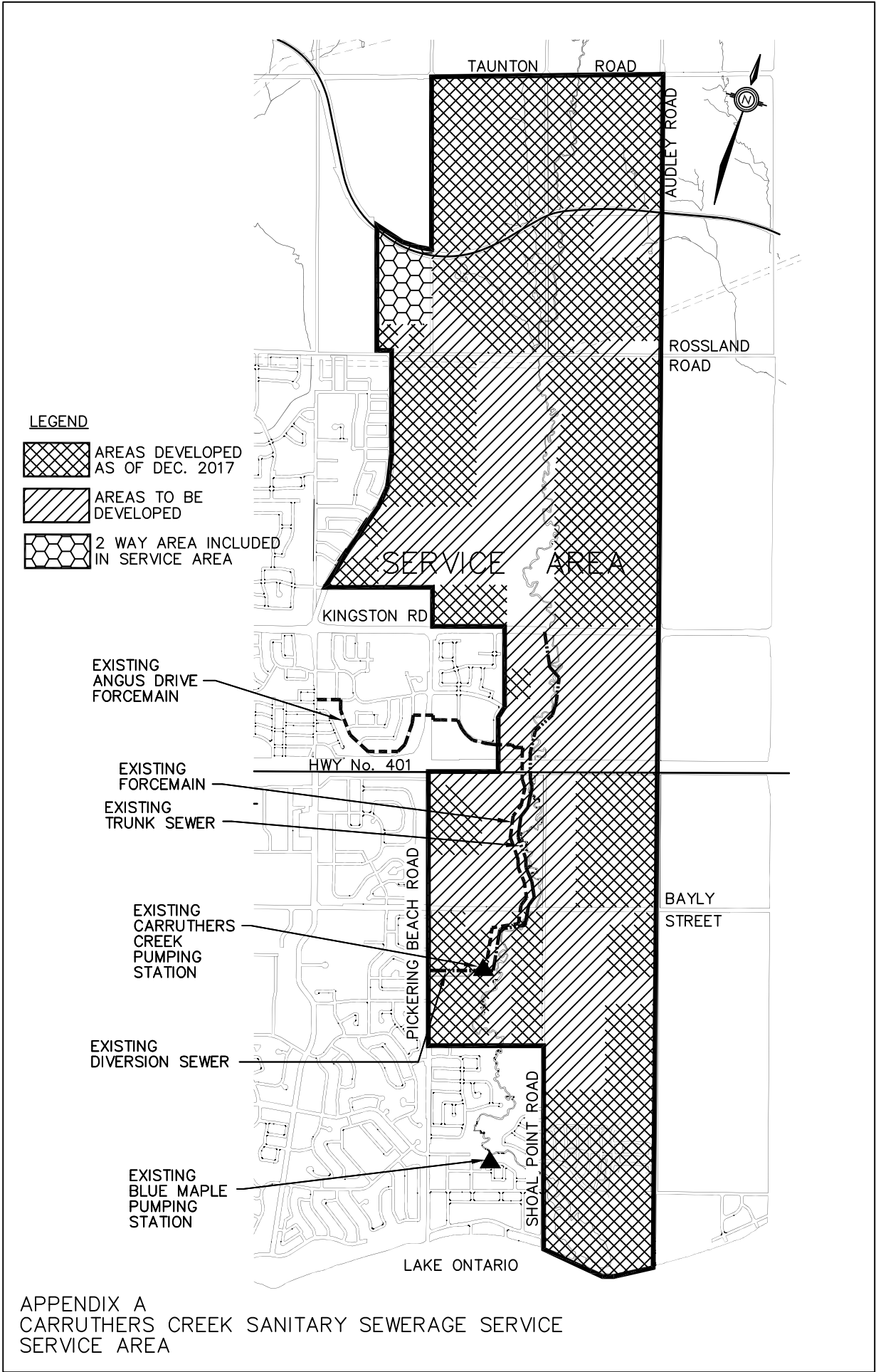
There is no post period benefit since the period envisions the complete build-out of the benefitting area which will consume all available service capacity as there was no oversizing of services done.

Consider the Use of More than One Development Charge By-law

Section 10 of the D.C.A. requires that a development charges background study consider the use of more than one development charge by-law to reflect the different needs for services in different areas. The Carruthers Creek Sanitary Sewerage Services D.C. By-Law is an area-specific D.C. by-law reflecting differences in service provision from sanitary sewerage services contained in the Region-wide D.C. By-Law. For development within the Carruthers Creek Sanitary Sewerage Services benefitting area, s. 4 of the D.C. Background Study identifies that the apportionment of costs are provided on a land area basis, reflective of the underlying service demands. In recognition of the consistency in service demands throughout the benefitting area, recovery of the capital costs on a uniform basis administered through one area specific development charge by-law is appropriate.

APPENDIX A

Benefitting Area and Services



APPENDIX B

Benefitting Land Area



**APPENDIX B: Carruthers Creek Sanitary Sewerage Service
PROPERTIES WITHIN THE BENEFITTING AREA**

Revised: January 22, 2018

Reference Number	Assessment Roll Number	Gross Site Area (Ha)	Net Developable Area (Ha)	Area (Ha) Developed as of Dec. 2017	Future Net Developable Area (Ha.) as of Dec. 2017	Proposed/Designated Landuse
1	18 05 010 010 13300 0000	0.809	0.809		0.809	Living Area
2	18 05 010 010 13310 0000	37.657	37.657	37.657	0.000	Living Area
3	18 05 010 010 13500 0000	42.955	22.209	22.209	0.000	Living Area
4	18 05 010 010 14000 0000	1.619	1.619	1.619	0.000	Living Area
5	18 05 010 010 14010 0000	39.066	39.066	39.066	0.000	Living Area
6	18 05 010 010 14500 0000	35.873	35.873	35.873	0.000	Living Area
7	18 05 010 010 14600 0000	4.047	4.047	4.047	0.000	Living Area
8	18 05 010 010 18900 0000	16.188	16.188			Living Area
9	18 05 010 010 19000 0000	24.282	22.441	58.848	9.437	Living Area
10	18 05 010 010 19100 0000	35.614	29.656			Living Area
11	18 05 010 010 19200 0000	35.573	27.868			Employment Area
12	18 05 010 010 19300 0000	20.235	20.235	32.238	22.668	Employment Area
13	18 05 010 010 19400 0000	6.803	6.803			Employment Area
14	18 05 010 010 19410 0000	1.259	1.259	0.180	1.079	Employment Area
15	18 05 010 010 19500 0000	8.644	8.644	8.644	0.000	Living Area
16	18 05 010 010 19600 0000	0.809	0.809	0.809	0.000	Living Area
17	18 05 010 010 19700 0000	4.047	4.047	4.047	0.000	Living Area
18	18 05 010 010 20000 0000	22.530	22.530	22.530	0.000	Employment Area
19	18 05 010 010 20100 0000	1.441	1.441		1.441	Employment Area
20	18 05 010 010 20200 0000	1.473	1.473	1.473	0.000	Employment Area
21	18 05 010 010 20300 0000	0.138	0.138		0.138	Employment Area
22	18 05 010 010 20400 0000	0.842	0.842		0.842	Employment Area
26A	18 05 020 015 01100 0000	43.825	43.825	43.825	0.000	Living Area
26B	18 05 020 015 01100 0000	30.263	30.263	9.116	21.147	Employment Area
27	18 05 020 015 01300 0000	19.082	17.548	17.548	0.000	Employment Area
28	18 05 020 015 01400 0000	29.349	28.179	18.513	9.666	Employment Area
30	18 05 020 015 10110 0000	5.961	5.961	3.100	2.861	Employment Area
31A	18 05 020 015 10200 0000	43.549	33.974	33.974	0.000	Living Area
31B	19 05 020 015 10200 0000	37.954	19.956		19.956	Employment Area
33A	18 05 020 015 20300 0000	75.998	59.917	1.087	58.830	Employment Area
33B	18 05 020 015 20300 0000	5.595	1.747		1.747	Living Area
34	18 05 020 015 30600 0000	0.401	0.401		0.401	Living Area
35	18 05 020 015 30700 0000	0.243	0.243		0.243	Living Area
36A	18 05 020 015 30800 0000	57.518	57.518	46.987	15.863	Employment Area
36B	19 05 020 015 30800 0000	5.332	5.332			Living Area
37	18 05 020 015 31300 0000	0.927	0.927	0.927	0.000	Living Area
40	18 05 020 015 31600 0000	31.704	31.704	11.583	20.121	Employment Area
42	18 05 020 015 39300 0000	28.337	28.127		28.127	Employment Area
43	18 05 020 015 39400 0000	8.402	7.406		7.406	Employment Area
44	18 05 020 015 39500 0000	7.596	1.860		1.860	Employment Area
45	18 05 020 015 39510 0000	7.689	0.000		0.000	Employment Area
46	18 05 020 015 39600 0000	20.757	0.000		0.000	Employment Area
47	18 05 020 015 39700 0000	0.801	0.000		0.000	Employment Area
48A	18 05 020 015 39800 0000	14.756	5.027	5.027	0.000	Living Area
48B	18 05 020 015 39800 0000	6.474	3.272	3.272	0.000	Employment Area
49	18 05 020 015 39801 0000	2.865	1.862		1.862	Employment Area
50	18 05 020 015 40610 0000	2.489	1.395	1.395	0.000	Living Area
51	18 05 030 014 42100 0000	39.041	39.041	58.536	0.000	Employment Area
52	18 05 030 014 42200 0000	19.494	19.494			Employment Area
53	18 05 030 014 42600 0000	19.337	14.156	1.000	13.156	Employment Area
54	18 05 030 014 42700 0000	19.454	2.906	0.150	2.756	Employment Area
55	18 05 030 014 42800 0000	20.235	9.690	1.432	8.258	Employment Area
56	18 05 030 014 42810 0000	0.340	0.340		0.340	Living Area
57	18 05 030 014 42900 0000	0.340	0.340		0.340	Living Area
58	18 05 030 014 43000 0000	0.049	0.049		0.049	Living Area
59	18 05 030 014 43100 0000	0.255	0.255		0.255	Living Area
60	18 05 030 014 43200 0000	18.564	17.247	12.023	5.224	Employment Area
61	18 05 030 014 43600 0000	0.166	0.166		0.166	Employment Area
62	18 05 030 014 43700 0000	0.113	0.113		0.113	Employment Area
63	18 05 030 014 43800 0000	0.611	0.611	0.611	0.000	Living Area
64	18 05 030 014 43900 0000	3.238	2.129	1.924	0.205	Living Area
65	18 05 030 014 44000 0000	4.047	2.633	0.360	2.273	Living Area
66	18 05 030 014 44100 0000	4.047	2.458	0.360	2.098	Living Area
67	18 05 030 014 44200 0000	3.768	1.934	0.350	1.584	Living Area
68	18 05 030 014 44300 0000	0.142	0.142		0.142	Living Area
69	18 05 030 014 44301 0000	0.004	0.004		0.004	Living Area
70	18 05 030 014 44400 0000	0.121	0.121		0.121	Living Area
71	18 05 030 014 44500 0000	2.983	1.305	0.350	0.955	Living Area
72	18 05 040 018 01100 0000	0.405	0.405		0.405	Employment Area
73	18 05 040 018 01200 0000	0.283	0.283		0.283	Employment Area
74A	18 05 040 018 01315 0000	2.639	2.639	2.268	0.371	Employment Area
74B	18 05 040 018 01300 0000	29.458	28.826	27.319	1.507	Living Area
75	18 05 040 018 01310 0000	7.353	7.353	5.301	2.052	Employment Area
76	18 05 040 018 01400 0000	0.332	0.332		0.332	Employment Area
77	18 05 040 018 01500 0000	6.382	6.382		6.382	Employment Area
78	18 05 040 018 01600 0000	4.278	4.100		4.100	Employment Area
79	18 05 040 018 01610 0000	2.028	2.028		2.028	Employment Area
80	18 05 040 018 01700 0000	36.192	21.348	2.148	19.200	Living Area
81	18 05 040 018 01800 0000	11.332	6.037	2.030	4.007	Living Area
82	18 05 040 018 02000 0000	20.259	11.430	11.430	0.000	Living Area
83	18 05 040 018 02100 0000	20.130	0.180		0.180	Living Area
84	18 05 040 018 02200 0000	1.457	1.125	0.270	0.855	Living Area
85	18 05 040 018 02300 0000	0.340	0.340	0.340	0.000	Living Area
86	18 05 040 018 02400 0000	0.445	0.445	0.445	0.000	Living Area
87	18 05 040 018 02500 0000	3.149	2.699	2.699	0.000	Living Area
88	18 05 040 018 02600 0000	22.963	17.490	26.589	0.000	Living Area
89	18 05 040 018 02520 0000	10.474	9.099			Living Area
90	18 05 040 018 02700 0000	0.409	0.409	0.350	0.059	Living Area
91	18 05 040 018 02800 0000	0.409	0.409		0.409	Living Area
92	18 05 040 018 03200 0000	40.065	31.866			Living Area
93	18 05 040 018 03800 0000	20.235	19.122	69.170	0.000	Living Area
94	18 05 050 014 11500 0000	21.085	16.134			Living Area
95	18 05 050 014 11600 0000	7.244	2.048			Living Area
96	18 05 050 014 11700 0000	9.470	1.477	1.477	0.000	Living Area
		1264.934	1001.237	694.526	306.712	

Living Area	498.740	446.369	47.219
Employment Area	502.497	248.157	259.492

Notes:

- 1) D.A. (Approval Date) - Proposed development with draft plan approval
- 2) Net Developable Area=Gross site area-(flood plain/fill regulated area + H.E.P.C. easement) or total net area allowable for development, including new roads, parks, and schools.
- 3) Property owner/description updated as of June 2002.

APPENDIX C

Cost Estimates

Carruthers Creek Sanitary Sewerage Services

APPENDIX C

REGIONAL SANITARY SEWERAGE: CAPITAL COST SUMMARY : CARRUTHERS CREEK			
GROWTH-RELATED RESIDENTIAL and NON-RESIDENTIAL SHARE CARRUTHERS CREEK SANITARY SEWERAGE SERVICE		ACTUAL COST ⁽¹⁾ (Net of Grants) ⁽²⁾ (1996 Base)	COST INDEXED (Net of Grants) ⁽²⁾ (2018)
ITEM No.	DESCRIPTION	\$	\$
	Sanitary Sewerage Works		
1	Angus Drive Forcemain (Construction)	1,151,244	1,738,379
2	Trunk Sanitary Sewer and Forcemain (Design Only)	377,293	569,712
3	Carruthers Sanitary Sewage Pumping Station (Design Only)	528,187	797,562
4	Blue Maple Pumping Station (Expansion)	37,948	57,301
5	Letter of Credit Fees (Design)	47,670	71,982
6	Letter of Credit Fees (Construction)	593,622	896,369
7	Trunk Sanitary Sewer and Forcemain (Construction)	3,386,998	5,114,367
8	Diversion Sewer @ Emperor Street (Construction)	62,898	94,976
9	Carruthers Sanitary Sewage Pumping Station (Construction)	4,201,090	6,343,646
10	Letter of Credit Fees (Construction)	157,258	237,460
	Total	10,544,207	15,921,753

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(1) * Actual Cost is on a 1996 basis.

(2) Net of a Canada Ontario Infrastructure Works grant of \$5,172,000.

APPENDIX D

Proposed By-law

BY-LAW NUMBER • - 2018

OF

THE REGIONAL MUNICIPALITY OF DURHAM

being a new area specific by-law regarding development charges for sanitary sewerage works for the Carruthers Creek Development Area

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 the Council of The Regional Municipality of Durham has given notice and held a public meeting on April 11, 2018, in accordance with section 12(l) 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;
 - (b) “Area Municipality” means a lower-tier municipality that forms part of the Region;
 - (c) “Carruthers Creek Development Area” means the area within the Region generally as described in Schedule A and shown on Schedule B;
 - (d) “Council” means the Council of The Regional Municipality of Durham;
 - (e) “Development” includes redevelopment;

- (f) “Development Charges” means a development charge imposed pursuant to this by-law in accordance with the Act in regard to sanitary sewerage services;
 - (g) “Local Board” means a local board as defined in the Municipal Affairs Act, other than a board defined in section 1(1) of the Education Act;
 - (h) “Mixed-Use” means a building or structure containing both Non-Residential and Residential uses;
 - (i) “Net Hectares of Land” means the area of any parcel of land in the Carruthers Creek Development Area in hectares net of the area designated by the Toronto and Region Conservation Authority as floodplain and/or fill regulated area, and net of any area existing or required by the Ontario Hydro Electric Power Commission for its high voltage transmission line corridor;
 - (j) “Non-Residential” means the use of lands, buildings or structures for other than a Residential use;
 - (k) “Region” means The Regional Municipality of Durham;
 - (l) “Residential” means the use of lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals;
 - (m) “Residential Unit” means a residential building or structure or a room or suite of rooms within a residential building or structure 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) “Service” means the service designated in section 7 of this by-law.
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 section 8 of this by-law where:
- (a) the lands are located in the area described in section 4(l); and

- (b) the development of the lands requires any of the approvals set out in section 5(1).

Lands Affected

- 4. (1) Subject to section 4(2), this by-law applies to all lands within the Carruthers Creek Sanitary Sewerage Development Area.
- (2) This by-law shall not apply to lands that are owned by and used for the purposes of:
 - (i) the Region or a Local Board thereof;
 - (ii) a board as defined in section 1(1) of the *Education Act*;
 - (iii) an Area Municipality or a Local Board thereof in the Region.

Approvals for Development

- 5. (1) Development Charges shall be imposed upon all lands in the Carruthers Creek Sanitary Sewerage Development Area that are developed for Residential uses or Non-Residential uses if the Development requires;
 - (i) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*;
 - (vii) the issuing of a permit under the *Building Code Act, 1992*;
- (2) Council has determined that the Development of the land to which this by-law applies increases the need for the service designated in section 7.

Multiple Approvals

6. (1) The Development Charges shall not be imposed on land subject to this by-law more than once even though two or more of the actions described in section 5(1) are required before the land can be developed.
- (2) Notwithstanding section 6(1), if two or more of the actions described in section 5 occur at different times, additional Development Charges shall be imposed, if the subsequent action has the effect of increasing the need for the service designated in Section 7.

Designation of Service

7. (1) For the purposes of this by-law, the service for which Development Charges are imposed under Part II of this by-law is the Carruthers Creek sanitary sewerage service.
- (2) The components of the service designated in section 7(1) are described on Schedule "C".

Amount of Development Charges

8. (1) Subject to the provisions of this by-law, a Development Charge of \$15,903 per hectare shall be imposed upon Residential uses and Non-Residential uses of lands, buildings or structures in the Carruthers Creek Development Area.
- (2) The Development Charges described in section 8(1) shall be calculated in the case of Residential and Non-Residential Development, based upon the number of Net Hectares of Land related to the Development.

Exemptions

9. (1) In this section,
 - (i) "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;
 - (ii) "other residential building" means a residential building not in another class of residential building described in this subsection.
 - (iii) "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;

- (iv) "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:
 - (i) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
 - (ii) the enlargement of an existing dwelling unit;
 - (iii) the creation of one or two additional dwelling units in an existing single detached dwelling;
 - (iv) 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:
 - (i) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

PART III

ADMINISTRATION

Payment of Development Charge

- 10. Development Charges with respect to any Non-Residential, Residential or Mixed-Use Development, adjusted in accordance with section 14 of this by-law to the date of payment, are payable in full on the earlier of:
 - (a) the date of entering into a subdivision agreement under Section 51 of the *Planning Act*, or
 - (b) the issuing of a permit under the *Building Code Act, 1992* in relation to such Development.

Payment by Money

11. Payment of the Development Charges shall be by cash or by certified cheque.

No Refunds Arising out of Credits

12. Notwithstanding anything in this by-law to the contrary, whenever a credit is allowed against the Development Charges otherwise payable pursuant to this by-law and such credit(s) exceeds the amount of the Development Charges payable pursuant to this bylaw, no further credit(s) shall be allowed and no refund shall be payable.

Front-Ending Agreement

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

Indexing

14. The Development Charges imposed by this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2019, 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

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

- Schedule A — Description of Carruthers Creek Sanitary Sewerage Development Area
- Schedule B — Map Showing Boundary of Carruthers Creek Sanitary Sewerage Development Area
- Schedule C — Components of Service Designated in Section 7

Date By-law in Force

16. This by-law shall come into force on July 1, 2018.

Date By-law Expires

17. This by-law will expire on August 31, 2019, unless it is repealed at an earlier date by a subsequent by-law.

Repeal

18. By-law No. 17-2013 is hereby repealed effective on the date this by-law comes into force.

Registration

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

Severability

20. 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

21. This By-law may be cited as the Regional Municipality of Durham Carruthers Creek Development Area Sanitary Sewerage Development Charges By-law, 2018.

BY-LAW passed this 13th day of June, 2018.

Roger Anderson, Regional Chair

Ralph Walton, Regional Clerk /
Director of Legislative Services

SCHEDULE "A"

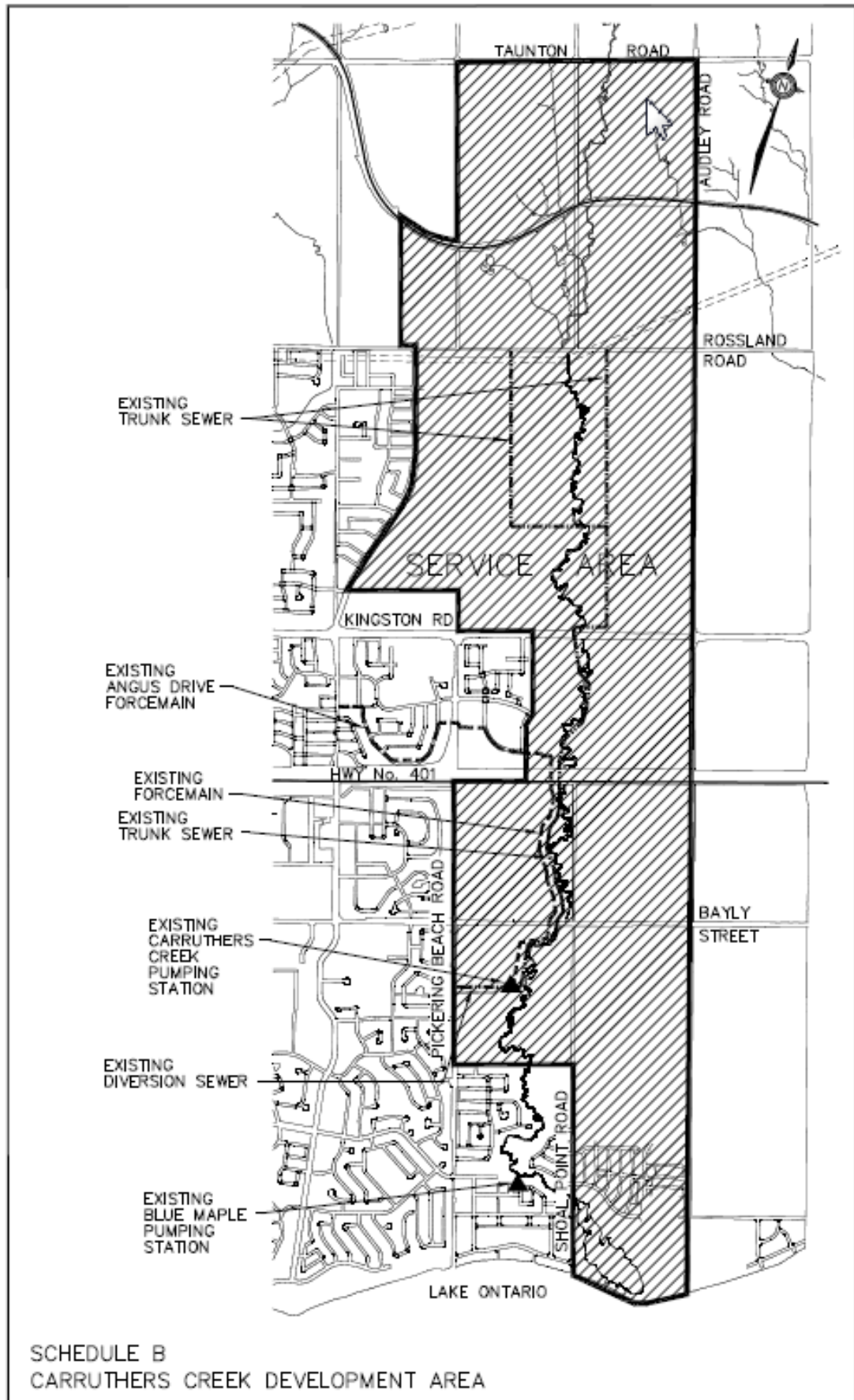
DESCRIPTION OF CARRUTHERS CREEK SANITARY SEWERAGE DEVELOPMENT AREA

The Carruthers Creek Development Area is the area, generally, bounded by Lake Ontario to the south, Audley Road to the east, Taunton Road to the north, and Pickering Beach Road, Harwood Avenue and Salem Road to the west, all in the Town of Ajax, and as more specifically shown on the map attached as Schedule B.

SCHEDULE "B"

MAP SHOWING BOUNDARY OF CARRUTHERS CREEK SANITARY SEWERAGE
DEVELOPMENT AREA

Schedule 'B' Boundary of Carruthers Creek
Sanitary Sewerage Development Area



SCHEDULE “C”

COMPONENTS OF SERVICE DESIGNATED IN SECTION 7

1. Angus Drive Forcemain (Construction)
2. Truck Sanitary Sewer and Forcemain (Design Only)
3. Carruthers Sanitary Sewage Pumping Station (Design Only)
4. Blue Maple Pumping Station (Expansion)
5. Letter of Credit Fees (Design)
6. Letter of Credit Fees (Construction)
7. Truck Sanitary Sewer and Forcemain (Construction)
8. Diversion Sewer @ Emperor Street (Construction)
9. Carruthers Sanitary Sewage Pumping Station (Construction)
10. Letter of Credit Fees (Construction)