REGION OF DURHAM

REGIONAL DEVELOPMENT CHARGE BACKGROUND STUDY SUPPORTING PROPOSED AMENDMENTS TO REGIONAL TRANSIT DEVELOPMENT CHARGE BY-LAW NO. 81-2017

Prepared by:

THE REGIONAL MUNICIPALITY OF DURHAM

AND

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April 13, 2018

1. Introduction

1.1 On December 13, 2017, Regional Council approved Regional Transit Development Charge By-law No. 81-2017 which became effective on January 1, 2018 and applies to residential and non-residential development. Regional Council will consider a new Region-wide development charge by-law on June 13, 2018, which contains policy changes (discussed in section 6 of the March 27, 2018 Region-wide Development Charge Background Study). Amendments are required to the Regional Transit Development Charge By-law No. 81-2017, to maintain consistency with the new Region-wide development charge by-law.

1.2 The purpose of this Background Study is to set out the proposed amendments to Regional Transit Development Charge By-law No. 81-2017 of the Regional Municipality of Durham, necessary to align this by-law with the new Region-wide development charges by-law, scheduled for approval by Regional council on June 13, 2018.

1.3 The proposed amendments have no effect on the development charge quantum currently imposed by the Region for Regional Transit Services. Moreover, all other aspects of the 2017 Regional Transit Development Charge Background Study and By-Law remain unchanged.

1.4 An additional Development Charge Background Study is being released concurrently with this Development Charge Background Study to amend GO Transit Development Charge By-law No. 86-2001.

2.0 Recommended Changes to Transit Development Charge By-law No. 81-2017

2.1 The recommend changes to Regional Transit Service Development Charge By-law No. 81-2017 include the following:

I. Broadening the exemption for secondary units to include additional units that are built separate from the primary residence, but on the same site;
II. Broadening the eligibility for the industrial expansion exemption to include building expansions that are not attached to the existing building but are on the same site and to reset the existing square footage of the building to the date of the development charge by-law;
III. Broadening the eligibility for redevelopment charge credit to include all uses including schools, places of worship and government buildings which currently do not qualify;

IV. Changes to a number of definitions such as bedroom, farm building, apartment and institutional use; and
V. A new definition for air supported structure and building or structure.

3.0 Recommended Amendments and Implementation

3.1 The proposed amendments to By-law No. 81-2017 are presented in Appendix A.

3.2 Appendix B includes the existing Regional Transit Development Charge By-law No. 81-2017.

3.3 Figure 1 shows the timing of the necessary actions to amend By-law No. 81-2017.

FIGURE 1

SCHEDULE OF DATES FOR THE REGION OF DURHAM 2018 TRANSIT DEVELOPMENT CHARGE BY-LAW AMENDMENT PROCESS

1.	Background study and proposed by-law available to public	April 13, 2018
2.	Public Meeting Ad placed in newspapers	By April 18, 2018
3.	Public Meeting of Council	May 9, 2018
4.	Final Date for Public Comment	May 21, 2018 5:00 pm
5.	Consideration of Final Amending By-law	June 13, 2018
6.	Newspaper and other notice given of by-law passage	By 20 days after passage of by-law
7.	Last day for by-law appeal	40 days after passage of by-law
8.	Region makes available pamphlet (where by-law not appealed)	By 60 days after in-force date

APPENDIX A
PROPOSED 2018 AMENDMENTS TO REGIONAL TRANSIT DEVELOPMENT CHARGE BY-LAW NO. 81-2017

THE REGIONAL MUNICIPALITY OF DURHAM

BY-LAW NO. ___-2018

a by-law to amend By-law No. 81-2017

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. 81-2017;

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. 81-2017;

AND WHEREAS the Council of The Regional Municipality of Durham has given notice and held a public meeting on the 9th day of May, 2018, in accordance with the Act;

AND WHEREAS the Council of The Regional Municipality of Durham has permitted any person who attended the public meeting to make representations in respect of the proposed amendment;

AND WHEREAS the Council of The Regional Municipality of Durham has determined that a further public meeting is not necessary pursuant to Section 12(3) of the Act;

NOW THEREFORE, THE COUNCIL OF THE REGIONAL MUNICIPALITY OF DURHAM HEREBY ENACTS AS FOLLOWS:

1. The definition of "apartment" found in section 1.(d) of By-law No. 81-2017 is hereby deleted and replaced with the following definition:

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

2. The definition of "bedroom" found in section 1.(f) of By-law No. 81-2017 is hereby deleted and replaced with the following definition:

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

3. The definition of "gross floor area" found in section 1.(p) of By-law No. 81-2017 is hereby amended by adding the words "or pliable membrane in the case of an air supported structure" to the definition such that it reads:

   (p) "gross floor area" means (except for the purposes of sections 9 and 15), in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or pliable membrane in the case of an air supported structure, or from the centre line of a common wall separating a

non-residential and a residential use, and, for the purposes of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;

4. The definition of "residential use" found in section 1.(z) of By-law No. 81-2017 is hereby amended to add the word "apartment" to the definition such that it reads:

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

5. The definition of “retail use” found in section 1(aa) of By-law No. 81-2017 is hereby amended by deleting the words “self-storage mini warehouses” and adding the words “self-storage facilities” to the definition such that it reads:

   (aa) “retail use” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services for consumption or use and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include, but not be limited to, food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres, automotive dealers, automotive repair shops, gasoline service stations, government owned retail facilities, private daycare, private schools, private lodging, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, medical clinics, funeral homes, motels, hotels, rooming houses, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, self-storage facilities and secure document storage;

6. The definition of farm building found in section 1.(n) of By-law No. 81-2017 is hereby deleted and replaced with the following definition:

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

7. Section 1 of By-law No. 81-2017 is hereby amended by adding a definition of “air-supported structure” and renumbering the definitions accordingly. The definition of “air-supported structure” to be added is as follows:

"air-supported structure" means a structure consisting of a pliable membrane that achieves and maintains its shape and is supported by internal air pressure;

8. Section 1 of By-law No. 81-2017 is hereby amended by adding the following definition of "building and structure" and renumbering the definitions accordingly. The definition of "building and structure" to be added is as follows:

   "building or structure: means a permanent enclosed structure and includes an air-supported structure;

9. Section 1 of By-law No. 81-2017 is hereby amended by adding the following definition of "housing services use"/ "housing services" and renumbering the definitions accordingly. The definition of "housing services use"/ "housing services" to be added is as follows:

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

10. Section 5.2 of By-law No. 81-2017 is hereby deleted.

11. Section 7 of By-law No. 81-2017 is hereby amended by adding section 7.(3) which reads:

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

12. Section 7 of By-law No. 81-2017 is hereby amended by adding section 7.(4) which reads:

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

13. Section 9.(2) of By-law No. 81-2017 is hereby amended by deleting subsection (c) and replacing it as follows:

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

14. Section 9.(2) of By-law No. 81-2017 is hereby amended by deleting subsection (d) and replacing it as follows:

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

15. Section 9.(2) of By-law No. 81-2017 is hereby amended by adding subsection (e) which reads:

(e) “the creation of a garden suite”.

16. Section 9.(2) of By-law No. 81-2017 is hereby amended by adding reference to 9.(5) so that it reads:

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

17. Section 9.(3) of By-law No. 81-2017 is hereby renumbered Section 9.(4) and is amended by replacing the word “in” with “within” and adding the words “or on the same lot as the existing single detached dwelling”, such that it now reads:

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

18. Section 9 of By-law No. 81-2017 is hereby amended by adding a new Section 9.(3) which reads:

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

19. Section 9.(4) of By-law No. 81-2017 is hereby renumbered Section 9.(5).

20. Sections 10.(1), 10.(2), and 10.(3) of By-law No. 81-2017 are hereby deleted and the remaining sections be renumbered.

21. Section 14.(2)(d) of By-law No. 81-2017 is hereby amended by deleting the words “or loading” and adding “excluding parking spaces for display of motor vehicles for sale or lease or parking spaces associated with the servicing of motor vehicles” such that the definition reads:

    (d) any part of a building or structure used for the parking of motor vehicles, excluding parking spaces for display of motor vehicles for sale or lease or parking spaces associated with the servicing of motor vehicles;

22. Section 15.(2) of By-law No. 81-2017 is hereby deleted and replaced as follows:

    For the purposes of subsection 15.(1) the following provisions apply:

    a. the gross floor area of an existing industrial building shall be calculated as it existed as of July 1, 2018;

    b. subject to 15.(2)(c) below, the enlargement need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land as the existing industrial building;

    c. in the event that the enlargement is in the form of a standalone building or structure located on the same parcel of land as per 15(2)(b) above, prior to the issuance of a building permit for the standalone building or structure, the owner shall be required to enter into an agreement with the Region under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands. Such agreement will require that in the event that the lands upon which any standalone building or structure is located are the subject of an application for consent under section 53 of the Planning Act; or for which a by-law is passed under subsection 50(7) of the Planning Act, within 10 years of building permit issuance for such standalone building or structure, that the development charges that would have otherwise been payable for such standalone building or structure, shall become due and payable.

23. Section 16.(1)a. and b. of By-law No. 81-2017 are deleted and hereby replaced as follows:

    (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 section 13 of this by-law that would have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use;

(c) in the case of a non-residential building or structure that would have been exempt from the payment of development charges under the current Regional Development Charge By-law, the amount of the reduction in the applicable development charge will equal the applicable development charge under section 13 of this by-law that, had the building or structure not been exempt, could have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use; and

(d) in the case of a mixed-use building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under sections 8 or 13 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;

24. A new section 19 is added to By-law No. 81-2017 and the remaining sections renumbered accordingly. Section 19 to read as follows:

19. Notwithstanding any of the foregoing, for lands, buildings and structures developed for a housing services use, the Region may defer the timing of payment of development charges from building permit issuance to occupancy, or another agreed upon date, if the owner enters into an agreement with the Region and the applicable area municipality under section 27 of the Act, respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

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

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

Gerri Lynn O'Connor, Regional Chair and CEO

R. Walton, Regional Clerk/

Director of Legislative Services

APPENDIX B
REGIONAL TRANSIT DEVELOPMENT CHARGE BY-LAW NO. 81-2017

Authority: Report# 2017-COW-262

BY-LAW NUMBER 81-2017

OF

THE REGIONAL MUNICIPALITY OF DURHAM

being a by-law regarding development charges for transit services

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

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 October 11, 2017, 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 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;

(h) “Council” means the Council of the Regional Municipality of Durham;

(i) “development” includes redevelopment;

(j) “development charges” means charges in regard to transit services imposed pursuant to this By-law in accordance with the Act;

(k) “duplex” means a building comprising, by horizontal division, two dwelling units;

(l) “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;

(m) “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,

(A) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

(B) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

(n) "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;

(o) "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;

(p) "gross floor area" means (except for the purposes of sections 9 and 15), 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;

(q) "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*;

(r) "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";

(s) "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;

(t) "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;

(u) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use;

(v) “office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a non-profit organization and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker, mortgage company, medical clinic, contractor, builder, land developer;

(w) “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;

(x) “plex” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;

(y) “Region” means the Regional Municipality of Durham;

(z) “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;

(aa) “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;

(bb) “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;

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

(dd) “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;

(ee) “semi-detached duplex” means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;

(ff) “semi-detached dwelling” means a building divided vertically (above or below ground) into and comprising 2 dwelling units;

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

(hh) “service” means the service designated in section 7 of this by-law;

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

(jj) “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;

(kk) “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;

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

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

PART II

APPLICATION OF BY-LAW — RULES

Circumstances Where Development Charges are Payable

3. Development charges shall be payable in the amounts set out in sections 8 and 13 of this by-law where:

   (a) the lands are located in the area described in subsection 4(1); and

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

Area to Which By-law Applies

4. (1) Subject to subsection 4(2), this by-law applies to all lands in the Region.

4. (2) This by-law shall not apply to lands that are owned by and used for the purposes of:

(a) the Region or a local board thereof;

(b) a board as defined in subsection 1(1) of the *Education Act*; and

(c) an area municipality or a local board thereof in the Region.

Approvals for Development

5. (1) Development charges shall be imposed upon all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,

(a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;

(b) the approval of a minor variance under section 45 of the *Planning Act*;

(c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;

(d) the approval of a plan of subdivision under section 51 of the *Planning Act*;

(e) a consent under section 53 of the *Planning Act*;

(f) the approval of a description under section 9 of the *Condominium Act*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

5. (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.

6. (1) No more than one development charge for the 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.

6. (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 category of service for which development charges are imposed under this by-law is transit.

7. (2) The components of the service designated in subsection 7(1) are described on Schedule “A”.

Amount of Development Charges

Residential

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

Exemptions

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.

9. (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.

9. (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.

9. (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.

10. (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.

10. (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.

11. (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.

11. (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

12. 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 Uses

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

Exemptions

14. (1) Notwithstanding section 13 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.

14. (2) Notwithstanding the provision of this by-law, development charges shall not be imposed in regard to:

(a) agricultural uses and farm buildings;
(b) places of worship;
(c) public hospitals receiving aid under *the Public Hospitals Act* R.S.O. 1990, c. P.40, excluding such buildings or structures or parts thereof used, designed or intended for use primarily for or in connection with a commercial purpose;
(d) any part of a building or structure used for the parking 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

15. (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.

15. (2) For the purposes of subsection 15(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 14(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.

15. (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

16. (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, or in the case of a mixed- use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under section 8 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

b. in the case of a non-residential building or structure or, in the case of a mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under section 13 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use;

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

16. (2) The ten year period referred to in subsection 16(1) of this by-law shall be calculated from the date of the issuance of the first demolition permit.

16. (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.

16. (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

17. Development charges, adjusted in accordance with section 21 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.

18. Notwithstanding section 17, 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.

Payment by Services

19. Notwithstanding the payments required under section 16, 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

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

Indexing

21. 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, 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

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

Schedule "A"	—	Components of Service Designated in section 7
Schedule "B"	—	Residential Development Charges
Schedule "C"	—	Non-Residential Development Charges

Date By-law in Force

23. This by-law shall come into force on January 1, 2018.

Date By-law Expires

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

Registration

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

Severability

26. 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

27. This By-law may be cited as the Regional Municipality of Durham Transit Development Charges By-law, 2017.

BY-LAW read and passed this 13th day of December 2017.

_____ _____

Roger Anderson, Regional Chair & CEO Ralph Walton, Regional Clerk

SCHEDULE "A"

DESIGNATED REGIONAL SERVICE AND SERVICE COMPONENTS THEREUNDER

CATEGORY OF REGIONAL SERVICE	**SERVICE COMPONENTS**
Transit	• Conventional and specialized buses and non-revenue vehicles expansion and related equipment (e.g. fareboxes, radio's, Presto, etc.) • New facilities, transit hubs, control centres, lands, buildings and related equipment • On road amenities (e.g. hard surface stops and shelters) • System improvements • Studies

SCHEDULE "B"

RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2018 — $ PER DWELLING UNIT BY TYPE

			APARTMENTS	
SERVICE CATEGORY	**SINGLE DETACHED & SEMI-DETACHED DWELLINGS**	**MEDIUM DENSITY MULTIPLES**	**TWO BEDROOMS & LARGER**	**ONE BEDROOM & SMALLER**
Regional Transit	$1,143	$919	$664	$431

NOTE: The development charges described above shall be adjusted annually pursuant to section 21 of this By-law.

SCHEDULE "C"

NON-RESIDENTIAL USE DEVELOPMENT CHARGES
EFFECTIVE JANUARY 1, 2018
$ PER SQUARE FOOT OF GROSS FLOOR AREA

SERVICE CATEGORY	Non-Residential Use
Regional Transit	$0.54

NOTE: The development charges described above shall be adjusted annually pursuant to section 21 of this By-law.