

By-law Number 21-2021
of The Regional Municipality of Durham

Being a by-law to amend Residential and Non-residential Development Charges By-law No. 28-2018.

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 28-2018;

And Whereas in accordance with the *Act*, a development charge background study has been completed in support of the proposed amendment to By-law 28-2018;

And Whereas the Council of The Regional Municipality of Durham has given notice and held a public meeting on the 26th day of May 2021 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 amendments;

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. Section 1 of By-law 28-2018 is hereby amended by adding the following definitions and renumbering the remaining definitions accordingly:
 - (x) “institutional development”, for the purposes of section 23(a) of the by-law, means development of a building or structure intended for use,
 - (a) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - (b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
 - (c) by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
 - (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - (e) as a hospice to provide end of life care.
 - (cc) non-profit housing development, for the purpose of section 23(b) means development of a building or structure intended for use as residential premises by,

(a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;

(b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or

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

(kk) “rental housing” for the purpose of section 23(a) of the by-law, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

2. Section 9(1)(i) of By-law 28-2018 is deleted and section 9(2) of By-law 28-2018 is hereby deleted and replaced with the following:

(a) 9(2) The components of the services designated in subsection 9(1) to September 17, 2022 are described on Schedule “A-1”. The components of the services designated in subsection 9(1) from September 18, 2022 are described on Schedule “A-2”.

3. Section 10 of By-law 28-2018 is hereby amended as follows:

(a) Delete “Schedule” and insert “Schedules”; and insert “B-2” following ““B-1” and”

11(1) For the purpose of section 11, “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.

11(2) Development charges shall not be imposed in respect to:

- (a) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
- (b) the enlargement of an existing dwelling unit;
- (c) the creation of additional dwelling units in accordance with the following table:

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
Existing single detached residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Existing semi-detached or row residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.

Existing rental residential buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None
An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

(d) the creation of a second dwelling unit in accordance with the following table:

Description of Class of Proposed New Residential Buildings	Restrictions
Proposed new residential detached buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
Proposed new semi-detached or row residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

5. Section 19 of By-law 28-2018 is hereby deleted and replaced with the following:

19. Development charges, determined in accordance with section 24 and adjusted in accordance with section 26 of this by-law, are payable in full on the date on which a building permit is issued with respect to each dwelling unit, building or structure.

6. Section 20(1) of By-law 28-2018 is hereby amended as follows:

Delete “adjusted” and insert “determined” after “charges”; delete “section 24 to the date” and replace with “sections 24 and 26”; and delete payment and insert “this by-law”.

7. Section 20(3)(a) of By-law 28-2018 is hereby amended as follows:

Delete “24” after “section” and replace with “26”.

8. Section 20(3)(b) of By-law 28-2018 is hereby amended as follows:

Delete “24” after “section” and replace with “26”; and delete “24” after section and replace with “26” before “to the date of payment”.

9. Section 21(1) of By-law 28-2018 is hereby amended as follows:

Delete “24” after “section” and replace with “26”.

10. By-law 28-2018 is hereby amended by inserting a new Section 23 as follows and renumbering the remaining sections:

23. Notwithstanding sections 19 and 20, where development charges become payable after January 1, 2020 for development of:

(a) rental housing that is not non-profit housing development and institutional development, development charges shall be paid in equal annual instalments beginning on the earlier of the date of issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date;

(b) Non-profit housing development, development charges shall be paid in equal annual instalments beginning on the earlier of the date of issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following twenty anniversaries of that date;

11. By-law 28-2018 is hereby amended by inserting a new Section 24 as follows and renumbering the remaining sections:

Determining Amount Payable

24. The development charges payable will be the development charge shown in the applicable Schedules to this by-law to be payable, with indexing under section 26, and, where applicable, with interest under section 27 of this by-law as follows:

(2) for those developments to which section 23 applies,

(a) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* was made, provided the first building permit is issued within two years of the date that application was approved;

(b) if clause (a) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made, provided the first building permit is issued within two years of the date that amendment comes into force and effect; or

(c) if neither clause (a) nor clause (b) applies, the day the development charge would be payable in accordance with sections 19 and 20 of this by-law; and

(3) for those developments to which section 23 does not apply,

(a) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* was made,

provided the date the development charge is payable is within two years of the date that application was approved;

- (b) if clause (a) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made, provided the date the development charge is payable is within two years of the date that amendment is brought into force and effect; or
- (c) if neither clause (a) nor clause (b) applies, the day the development charge would be payable in accordance with sections 19 and 20 of this by-law.

12. By-law 28-2018 is hereby amended by inserting a new Section 27 as follows and renumbering the remaining sections:

Instalment Interest

27. Development charges payable by instalment pursuant to section 24 of this by-law shall bear interest in accordance with the Region of Durham Development Charge Interest Rate Policy, as amended from time to time.

13. Section 28 of By-law 28-2018 is hereby amended as follows:

28. Add “to September 17, 2022” after “Components of Services Designated in section” for Schedule “A-1”; amend “Schedule “B-1” to add “to September 17, 2022” after “Residential Development Charges”; and insert ““Schedule “B-2”- Residential Development Charges from September 18, 2022”.

14. The Schedules to By-law 28-2018 are hereby deleted and replaced with the Schedules to this by-law.

15. Section 29 of By-law 28-2018 is hereby deleted and replaced as follows:

29. This By-law shall come into force on July 1, 2021.

This By-law Read and Passed on the 23rd day of June, 2021.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

Schedule "A-1"

Designated Regional Services and Service Components Thereunder to September 17, 2022

Category of Regional Services	Service Components
1. Regional Road	Regional Road Construction/Improvements/Urbanization Improvements to Highway Interchanges/Grade Separations Intersection and Corridor Improvements Traffic Signals and Systems Property Acquisition Maintenance Facilities Capital Equipment Landscaping Studies Environmental Assessment
Regional Police	Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest Costs to Improve Land Costs to Acquire, Lease, Construct or Improve Buildings and Structures Costs to Acquire, Lease, Construct or Improve Facilities Vehicles and Equipment
Long Term Care	Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest Costs to Improve Land Costs to Acquire, Lease, Construct or Improve Buildings and Structures Costs to Acquire, Lease, Construct or Improve Facilities
Water Supply	Pumping Stations Reservoirs Feeder mains Water Supply Plants and Municipal Wells Capital Equipment Studies Environmental Assessment Water Use Efficiency Strategy Well Interference
Sanitary Sewerage	Sewage Pumping Stations and Forcemains Trunk Sanitary Sewers Water Pollution Control Plants Sludge Storage and Disposal Facilities Capital Equipment Studies Environmental Assessment Water Use Efficiency
Paramedic Services	Land Ambulances and Equipment Stations and Land
Health and Social Services	Costs to Acquire Land and Buildings Studies
Housing Services	Costs to Acquire Land and Buildings or Units Costs to Improve Land Costs for Construction of new Buildings or Units Studies

Schedule "A-2"

Designated Regional Services and Service Components Thereunder from September 18, 2022

Category of Regional Services	Service Components
1. Regional Road	Regional Road Construction/Improvements/Urbanization Improvements to Highway Interchanges/Grade Separations Intersection and Corridor Improvements Traffic Signals and Systems Property Acquisition Maintenance Facilities Capital Equipment Landscaping Studies Environmental Assessment
Regional Police	Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest Costs to Improve Land Costs to Acquire, Lease, Construct or Improve Buildings and Structures Costs to Acquire, Lease, Construct or Improve Facilities Vehicles and Equipment
Long Term Care	Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest Costs to Improve Land Costs to Acquire, Lease, Construct or Improve Buildings and Structures Costs to Acquire, Lease, Construct or Improve Facilities
Water Supply	Pumping Stations Reservoirs Feeder mains Water Supply Plants and Municipal Wells Capital Equipment Studies Environmental Assessment Water Use Efficiency Strategy Well Interference
Sanitary Sewerage	Sewage Pumping Stations and Forcemains Trunk Sanitary Sewers Water Pollution Control Plants Sludge Storage and Disposal Facilities Capital Equipment Studies Environmental Assessment Water Use Efficiency
Paramedic Services	Land Ambulances and Equipment Stations and Land
Health Services	Costs to Acquire Land and Buildings Studies
Housing Services	Costs to Acquire Land and Buildings or Units Costs to Improve Land Costs for Construction of new Buildings or Units Studies

Schedule "B-1"

**Residential Development Charges per Dwelling Unit
Effective July 1, 2018 - to September 17, 2022 \$ per Dwelling Type**

Service Category	Single Detached & Semi-Detached \$	Medium Density Multiples \$	Two Bedroom Apartment & Larger \$	One Bedroom Apartment & Smaller \$
Region-Wide Charges				
Regional Roads	9,257	7,438	5,377	3,505
Regional Police	715	575	416	271
Long-Term Care	238	192	138	90
Paramedic Services	188	151	109	71
Health & Social Services	123	99	72	47
Housing Services	430	346	250	163
Subtotal	10,951	8,801	6,362	4,147
Regional Water Supply & Sanitary Sewer Charges				
Water Supply	9,428	7,575	5,477	3,569
Sanitary Sewerage	9,176	7,373	5,331	3,474
Subtotal	18,604	14,948	10,808	7,043
Total of All Charges	29,555	23,749	17,170	11,190

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 26 of this By-law.

Schedule "B-2"

**Residential Development Charges per Dwelling Unit
Effective from September 18, 2022 \$ per Dwelling Type**

Service Category	Single Detached & Semi-Detached \$	Medium Density Multiples \$	Two Bedroom Apartment & Larger \$	One Bedroom Apartment & Smaller \$
Region-Wide Charges				
Regional Roads	9,257	7,438	5,377	3,505
Regional Police	715	575	416	271
Long-Term Care	238	192	138	90
Paramedic Services	188	151	109	71
Health Services	-	-	-	-
Housing Services	430	346	250	163
Subtotal	10,828	8,702	6,290	4,100
Regional Water Supply & Sanitary Sewer Charges				
Water Supply	9,428	7,575	5,477	3,569
Sanitary Sewerage	9,176	7,373	5,331	3,474
Subtotal	18,604	14,948	10,808	7,043
Total of All Charges	29,432	23,650	17,098	11,143

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 26 of this By-law.

Schedule "C"

**Commercial Development Charges Effective July 1, 2018
\$ per Square Foot of Gross Floor Area**

Service Category	Commercial Development Charges
Water Supply	3.51
Sanitary Sewerage	5.88
Regional Roads	8.54
Total of All Charges	17.93

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 26 of this By-law.

Schedule "D"

**Institutional Development Charges Effective July 1, 2018
\$ per Square Foot of Gross Floor Area**

Service Category	Institutional Development Charges
Water Supply	0.86
Sanitary Sewerage	1.05
Regional Roads	7.18
Total of All Charges	9.09

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 26 of this By-law.

Schedule "E"

**Industrial Development Charges Effective July 1, 2018
\$ per Square Foot of Gross Floor Area**

SERVICE CATEGORY	INDUSTRIAL DEVELOPMENT CHARGES
Water Supply	2.80
Sanitary Sewerage	3.38
Regional Roads	3.24
Total of All Charges	<u>9.42</u>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 26 of this By-law.

Schedule "F"

Seaton Community

