

By-law Number 2026-***

of The Regional Municipality of Durham

Being a by-law regarding the imposition of a transit station charge to contribute towards the design and construction of four new GO Transit stations, known as Thornton's Corners, Central Oshawa, Courtice, and Bowmanville, along the GO Lakeshore East Extension.

Whereas Section 3(1) of the *GO Transit Station Funding Act, 2023*, provides that council of a municipality may, by by-law, impose a transit station charge against land to pay for costs related to the construction of a GO Transit station that the municipality has agreed to pay.

And Whereas a transit station charge background study, dated X, has been prepared in support of the imposition of a transit station charge for the new GO Transit stations.

And Whereas the Council of the Regional Municipality of Durham has given notice and completed public consultation in accordance with section 6 of the *GO Transit Station Funding Act, 2023*.

And Whereas at its meeting held on X, Council of the Regional Municipality of Durham approved the background study and adopted the recommendations in Report #2026-COW-X.

And Whereas Metrolinx, on behalf of the Province of Ontario, will own and control the GO Transit stations, ancillary infrastructure, and rail corridor.

And Whereas Metrolinx will be responsible for the design and construction of the GO Transit stations, including obtaining all permits and consulting with the Region of Durham throughout the process.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Interpretation

Definitions

1.1 In this by-law,

- (a) "Act" means the *GO Transit Station Funding Act, 2023*, S.O. 2023, c.17, Sch 2, as amended;
- (b) "affordable residential unit" means a residential unit as defined in subsection 4.1(1) of the *Development Charges Act, 1997*, as amended;
- (c) "area municipality" means a city, municipality, town, or township in the Region, including the Town of Ajax, Township of Brock, Municipality of Clarington, City of Oshawa, City of Pickering, Township of Scugog, Township of Uxbridge, and the Town of Whitby;
- (d) "Council" means the Council of The Regional Municipality of Durham;
- (e) "development" includes new development, and redevelopment;
- (f) "gross floor area" means the total floor area of each floor above 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 dividing the building from another building, 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;
- (g) "high-density residential use" means lands, buildings or structures used, or designed or intended for high-density residential use, that is four (4) or more storeys above grade, and consists of four (4) or more dwelling units;
- (h) "industrial or employment uses" means lands, buildings or structures used or designed or intended for use for industrial or employment uses and not for retail or residential use, including but not limited to manufacturing, producing, processing, fabricating or assembly of raw goods, research or development in connection therewith, and includes office uses, warehousing or bulk storage of goods and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or similar use;
- (i) "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*;
- (j) "low and medium-density residential uses" means lands, buildings or structures used, or designed or intended for residential use that is not high-density residential use;

- (k) “mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of at least two uses;
- (l) “non-residential use” means industrial or employment and retail uses;
- (m) “non-profit housing development” means a development of a building or structure intended for use as defined in subsection 4.2(1) of the *Development Charges Act, 1997*, as amended;
- (n) “office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker, mortgage company, medical clinic, builder, land developer;
- (o) “place of worship” means a building, structure, or part thereof that is used primarily for worship and is exempt from taxation under section 3(1) 3 of the *Assessment Act*;
- (p) “post-secondary institution” means
 - (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 subparagraph (i).
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
- (q) “Region” means The Regional Municipality of Durham;
- (r) “rental housing development” means development of a building or structure with four or more residential units, all of which are intended for use as rented residential premises;
- (s) “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 any building or structure containing dwelling units and a residential dwelling unit accessory to a non-residential use;

- (t) “retail uses” 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; and office uses.

1.2 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.

2. Designation of Charges

2.1 The transit station charge is imposed under this by-law to recover the following costs:

- (a) costs related to the design and construction of the GO Transit stations, including the design and construction of any works required to service or provide access to the GO Transit stations;
- (b) costs incurred by the Region in respect of acquiring land or interests in land required for the GO Transit stations;
- (c) costs incurred by the Region in respect of preparing the background study required under clause 6 (1) (a) of the Act in respect of the transit station charge; and
- (d) interest, financing charges or other similar costs incurred by the Region in respect of financing the costs described in subsections (a) to (c) above.

2.2 The transit station charge imposed under this by-law shall apply towards the costs identified in section 2.1 for the new GO Transit stations and shall be imposed in accordance with the rules set out in section 3.

3. Application of By-law Rules

Circumstances Where the Transit Station Charge is Payable

- 3.1 Subject to sections 3.6 to 3.7, a transit station charge shall be payable in the amounts set out in sections 3.8 to 3.10 where:
- (a) the lands are located in a transit station charge area as described in section 3.2 or 3.3 of this by-law; and
 - (b) the development of the land 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* applies;
 - (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 9 of the *Condominium Act, 1998*; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Areas to Which the By-law Applies

- 3.2 This by-law applies to the following lands in the City of Oshawa:
- (a) Thornton's Corners Transit Station Charge Area
 - (i) Zone 1: Protected Major Transit Station Area illustrated in Schedule "A" (Thornton's Corners Transit Station Charge Area Map); and
 - (ii) Zone 2: north of Highway 401, the area generally bounded by Park Road to the east, King Street West to the north, and Thornton Road South on the west, including a portion of the industrial area south of the CPKC rail track, except for the area described in section 3.2(a)(i) as illustrated in Schedule "A" (Thornton's Corners Transit Station Charge Area Map).

- (b) Central Oshawa Transit Station Charge Area
 - (i) Zone 1: Protected Major Transit Station Area illustrated in Schedule “B” (Central Oshawa Transit Station Charge Area Map); and
 - (ii) Zone 2: the area generally bounded by Bruce Street to the north, Wilson Road to the east, the CN railway to the south, and the Central Oshawa Major Transit Station Area boundary to the west, except for the area described in section 3.2(b)(i) illustrated in Schedule “B”.

3.3 This by-law applies to the following lands in the Municipality of Clarington:

- (a) Courtice Transit Station Charge Area
 - (i) Zone 1: Protected Major Transit Station Area illustrated in Schedule “C” (Courtice Transit Station Charge Area Map); and
 - (ii) Zone 2: the area north of Lake Ontario in Courtice, generally bounded by Highway 418 to the east, Bloor Street to the north, and the area west of Trulls Road, except for the area described in section 3.3(a)(i) as illustrated in Schedule “C”.
- (b) Bowmanville Transit Station Charge Area
 - (i) Zone 1: Protected Major Transit Station Area illustrated in Schedule “D” (Bowmanville Transit Station Charge Area Map); and
 - (ii) Zone 2: the area north of Baseline Road, generally bound by the natural boundary of the Bowmanville Creek Conservation Area to the east, the future alignment of Longworth Avenue to the north, and Maple Grove Road to the west, except for the area described in section 3.3(b)(i), as illustrated in Schedule “D”.

3.4 If there is a conflict between the descriptions above in sections 3.2 and 3.3 and Schedules “A” to “D”, the boundaries of the transit station charge area maps as shown in the Schedules shall govern.

Exemptions

3.5 This by-law shall not apply to lands that are owned by, and used for, the purpose of:

- (a) the Region or a local board thereof;
- (b) an area municipality or a local board thereof in the Region; and

- (c) a board as defined in subsection 1(1) of the *Education Act*.

Excluded Development

- 3.6 A transit station charge shall not be imposed on the development of a building or structure for any of the following uses:
- (a) long-term care home within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*;
 - (b) retirement homes within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
 - (c) post-secondary institutions, for the objects of the institution:
 - (d) memorial homes, clubhouses, or athletic grounds by an Ontario branch of the Royal Canadian Legion;
 - (e) hospices to provide end-of-life care;
 - (f) non-profit housing development;
 - (g) places of worship;
 - (h) public hospitals receiving aid under the *Public Hospitals Act*, excluding such buildings, structures, or parts thereof used, designed, or intended for use primarily for or in connection with a commercial purpose;
 - (i) 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;
 - (j) free standing roof-like structures and canopies that do not have exterior walls;
 - (k) residential units that are required to be included in a development or redevelopment (“inclusionary zoning units”) pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of the *Planning Act*;
 - (l) affordable residential units that have been secured as affordable residential pursuant to section 4.1 (9) of the *Development Charges Act, 1997*; and
 - (m) a building or structure, or any part thereof, containing office uses of approximately 464.5 square metres (5,000 square feet) of gross floor area or greater.

- 3.7 A transit station charge shall not be imposed for development at an existing residential unit where the development:
- (a) is the enlargement of an existing residential unit;
 - (b) adds one additional residential unit in an existing rental residential building containing four or more residential units but less than 100 residential units;
 - (c) adds more than one residential unit but less than 1 per cent of the existing residential units in an existing rental residential building containing 100 or more residential units;
 - (d) adds a second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (e) adds a third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units; and
 - (f) adds one residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

Amount of Charge

Residential

- 3.8 Subject to section 3.17, the transit station charges at the applicable rate described in Schedule "E" to this by-law at the time of the first building permit issuance for the development 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 and location of the development within Zone 1 or Zone 2 of the transit station charge area.

- 3.9 For residential uses, where the transit station charge is paid upon occupancy pursuant to section 4.1, the applicable rate of the transit station charge is determined on
- (a) 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 in respect of the development that is the subject of the transit station charge;
 - (b) if subsection (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made in respect of the development that is the subject of the transit station charge; or
 - (c) if neither subsection (a) nor (b) applies, the day the transit station charge would be payable in accordance with section 3.7.

Non-Residential

- 3.10 Subject to section 3.17, the transit station charges at the applicable rate described in Schedule "F" to this by-law at the time of the building permit issuance for the development 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 type of non-residential use and location of the development within Zone 1 or Zone 2 of the benefitting area.

Location of Development

- 3.11 For development partially contained in Zone 1 and Zone 2, the transit station charge shall be determined for the development by applying the percentage of lands contained within each of Zone 1 and Zone 2 to the gross floor area of the development.
- 3.12 For development partially contained outside the transit station charge area, the transit station charge shall be determined for the development by applying the percentage of lands contained within the transit station charge area to the gross floor area of the development.

Reduction of Transit Station Charge for Redevelopment

- 3.13 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 five years prior to the date of payment of the transit station charge 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 transit station charge otherwise payable with respect to

such redevelopment shall be reduced by the amount of the transit station charge previously paid, if any, for the development, provided that such amount shall not exceed, in total, the amount of the transit station charge otherwise payable with respect to the redevelopment.

- 3.14 The five year period referred to in section 3.14 of this by-law shall be calculated from the date of the issuance of the first demolition permit.
- 3.15 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 transit station charge claimed under this section.

Indexing

- 3.16 The transit station charge imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July following the passing of this by-law, and on each successive July 1 in accordance with the Statistics Canada's Consumer Price Index, Table 18-10-0004-01, for the most recently available annual period ending March 31.

Interest

- 3.17 Interest may be charged on any transit station charge not paid when payable in accordance with the Transit Station Charge Interest Rate Policy, as amended from time to time, and in accordance with the Act.

4. Administration

Timing of Payment of Transit Station Charge – Residential

- 4.1 The transit station charge, determined in accordance with sections 3.8 to 3.10 of this by-law, in respect of any part of a development that consists of residential uses, except for a rental housing development,
- (a) shall be paid in full on the earlier of,
 - (i) the day a permit is issued under the *Building Code Act, 1992* authorizing occupation of the building; and
 - (ii) the day the building is first occupied; and
 - (b) shall be secured prior to the date on which a building permit is issued, by an instrument, in a form acceptable to the Region pursuant to applicable policies, as amended from time to time.

Timing of Payment of Transit Station Charge – Rental Housing Developments

- 4.2 The transit station charge, determined in accordance with sections 3.8 to 3.10 of this by-law, for a rental housing development shall be paid in equal annual instalments, with interest where applicable pursuant to the Region of Durham Transit Station Charge Interest Rate Policy, as amended from time to time and in accordance with the Act, beginning on the earlier of the date of the 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.

Timing of Payment of Transit Station Charge – Non-Residential Uses

- 4.3 The transit station charge applicable to the development of non-residential uses and determined in accordance with section 3.10 of this by-law, is payable in full on the date on which a building permit is issued for the development.

Timing of Payment of Transit Station Charge – General

- 4.4 If a development consists of one building that requires more than one building permit, the transit station charge for the development is payable upon the first issuance of a building permit.
- 4.5 If a development consists of two or more phases that will not be constructed concurrently and are anticipated to be completed in different years, each phase of the development is deemed to be a separate development for the purposes of the transit station charge.

Early Payment Agreements

- 4.6 The Region may enter into an agreement with a person who is required to pay a transit station charge providing for all or any part of a charge to be paid before it would otherwise be payable, in accordance with the Act.

Review of Transit Station Charge

- 4.7 This by-law may be amended from time to time as a result of a reassessment of the transit station charge or for such other purposes as may be determined by Council.

Schedules

- 4.8 The following schedules to this by-law form an integral part thereof:
- (a) Schedule “A” – Thornton’s Corners Transit Station Charge Area
 - (b) Schedule “B” – Central Oshawa Transit Station Charge Area

- (c) Schedule “C” – Courtice Station Transit Station Charge Area
- (d) Schedule “D” – Bowmanville Transit Station Charge Area
- (e) Schedule “E” – Residential Transit Station Charge
- (f) Schedule “F” – Non-Residential Transit Station Charge

Date By-law in Force

4.9 This by-law shall come into force on the day the Province provides consent to this by-law.

Registration

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

Severability

4.11 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

4.12 This by-law may be cited as the Transit Station Charge By-law, 2026.

This By-law Read and Passed on the -----th day of -----, 2026.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedules

A – Thornton’s Corners Transit Station Charge Area

B – Central Oshawa Transit Station Charge Area

C – Courtice Transit Station Charge Area

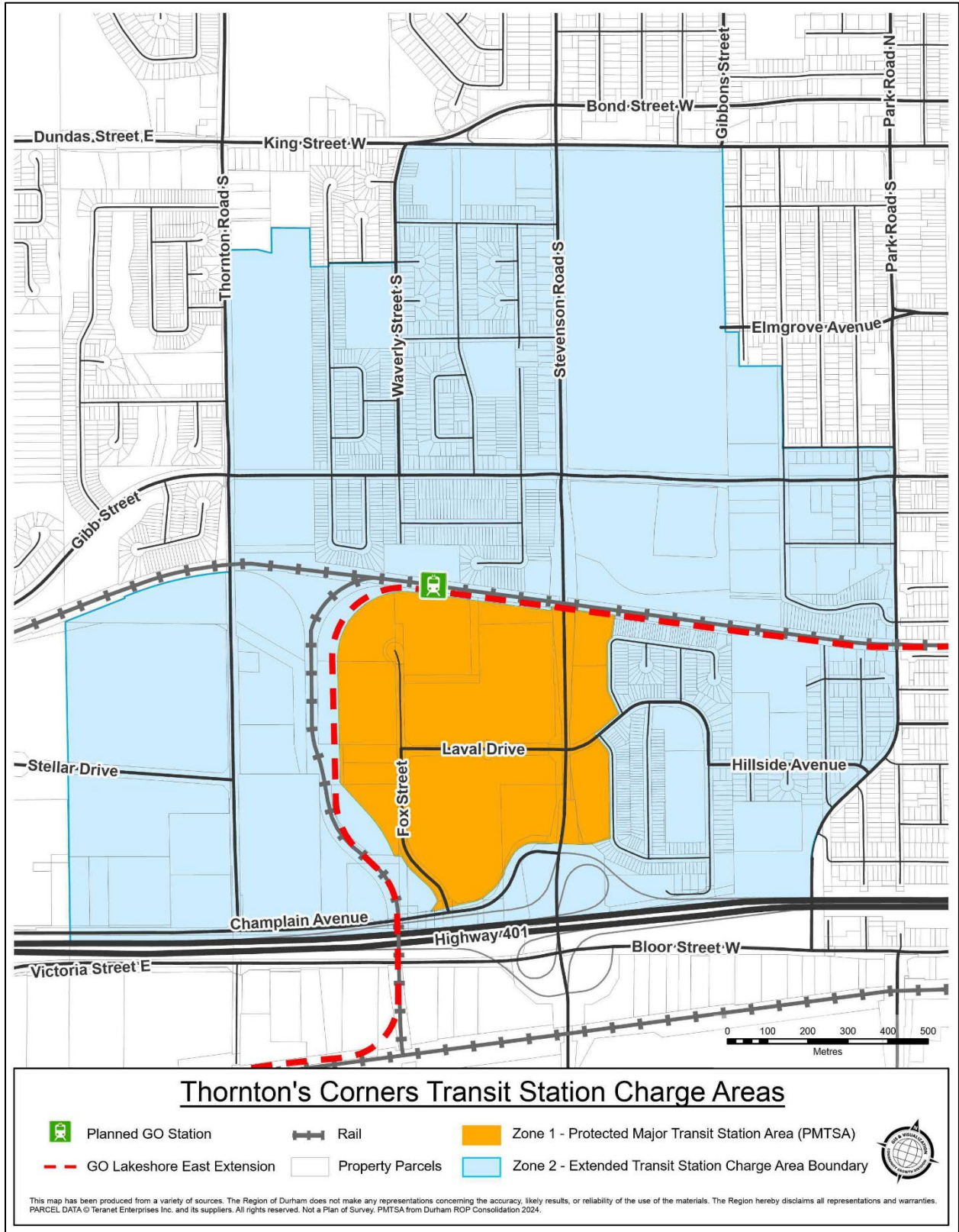
D – Bowmanville Transit Station Charge Area

E – Residential Uses Transit Station Charge

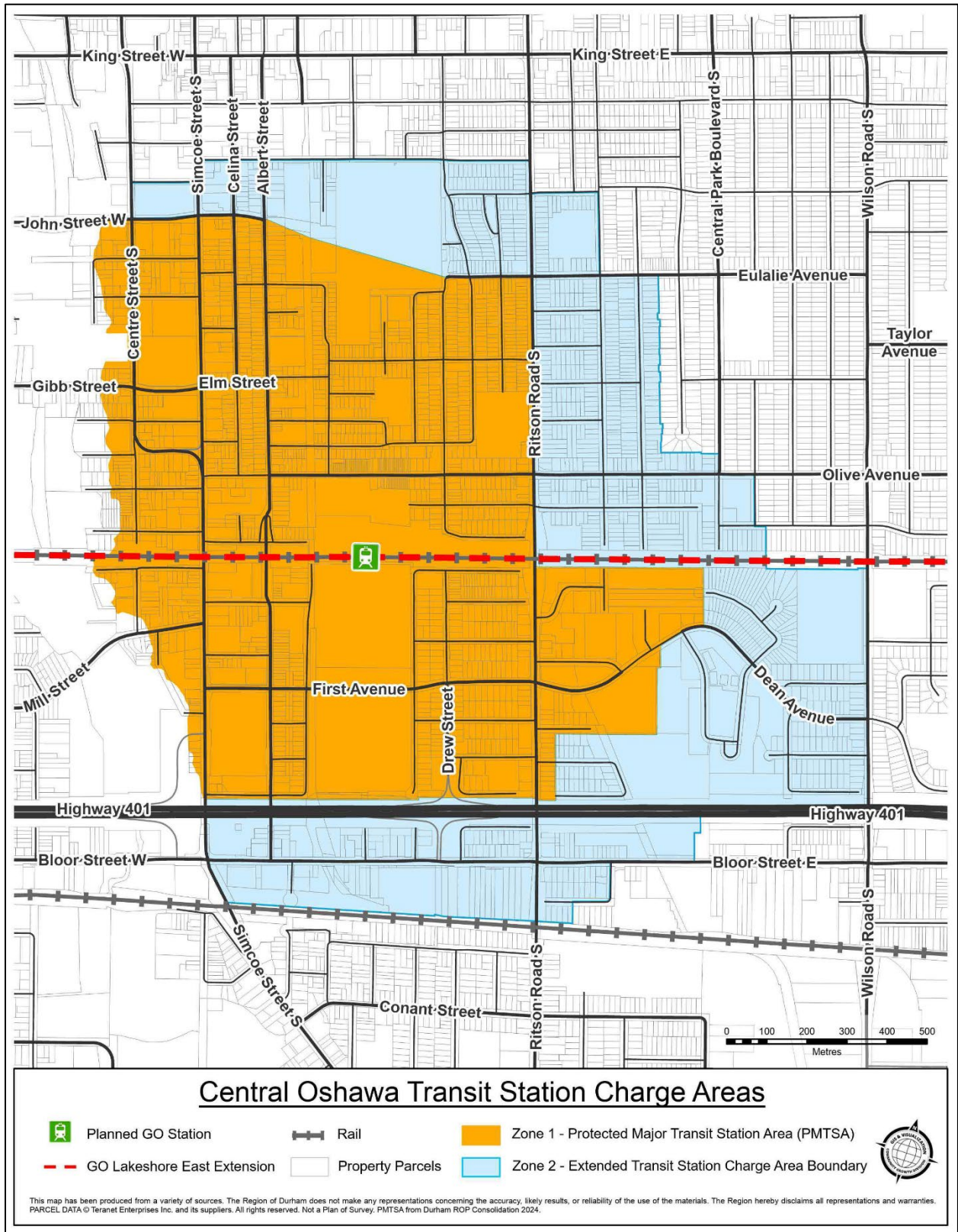
F – Non-Residential Uses Transit Station Charge

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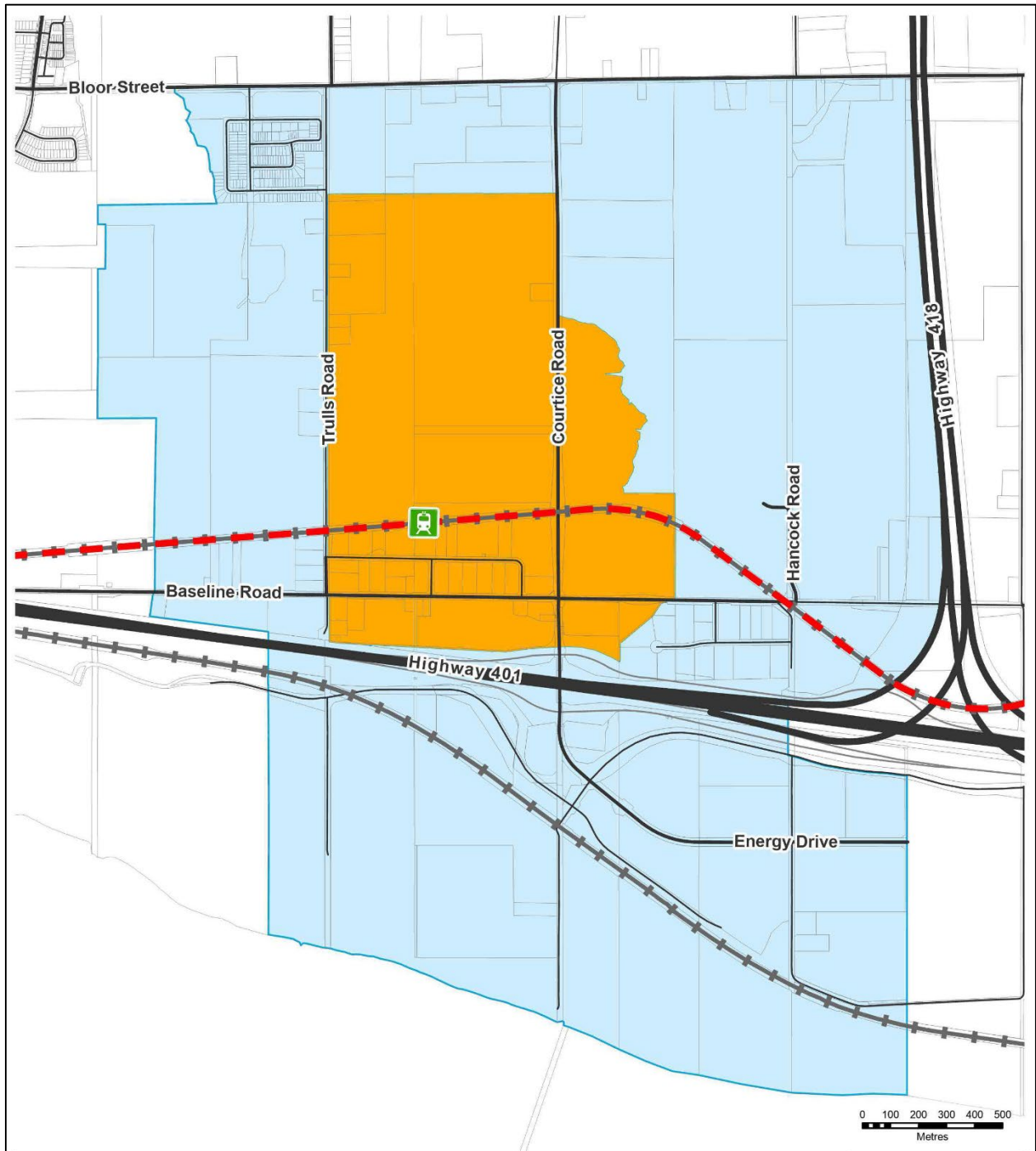
Schedule A – Thornton’s Corners Transit Station Charge Area



Schedule B – Central Oshawa Transit Station Charge Area



Schedule C – Courtice Transit Station Charge Area



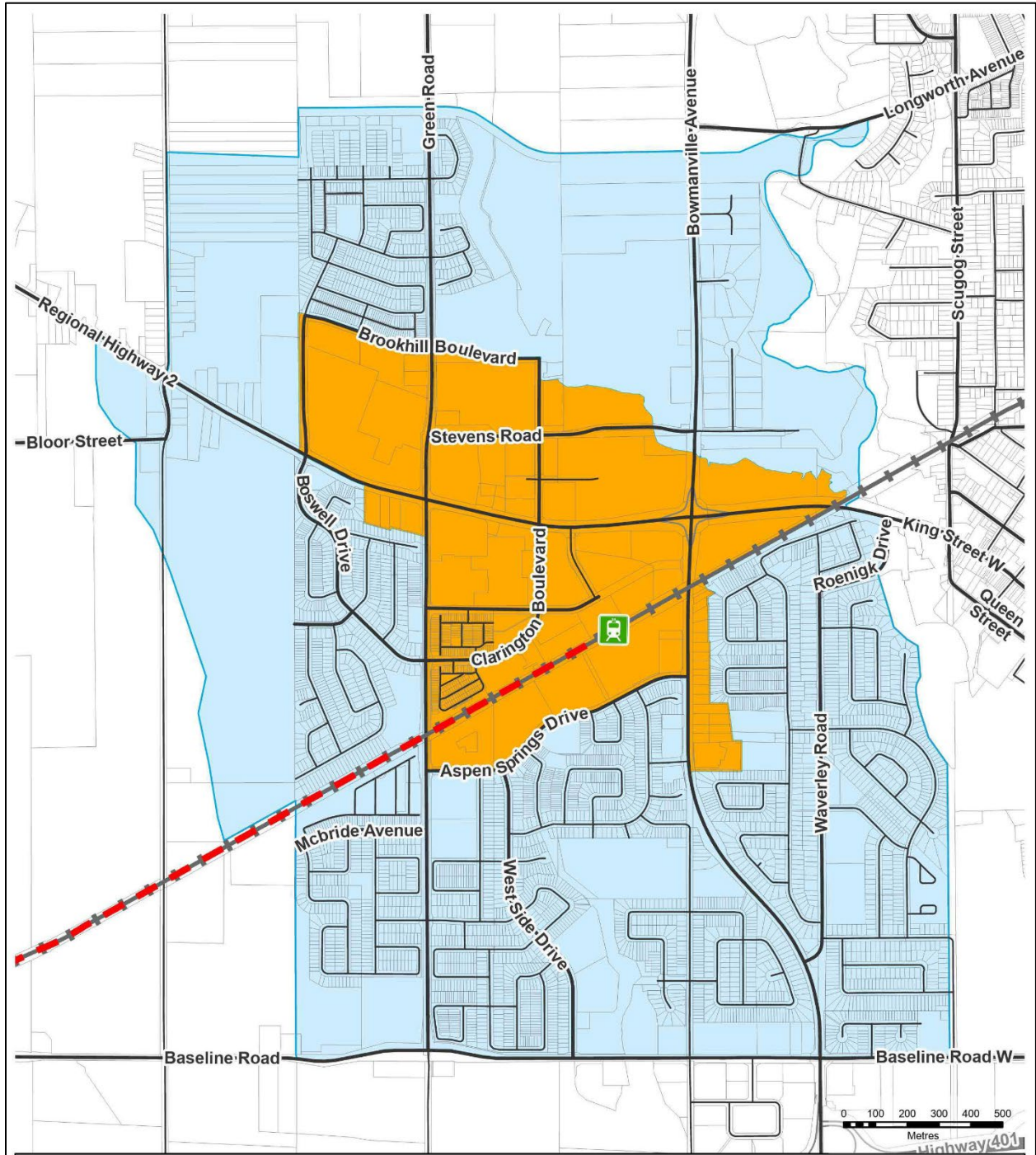
Courtice Transit Station Charge Areas

-  Planned GO Station
-  Rail
-  Zone 1 - Protected Major Transit Station Area (PMTSA)
-  GO Lakeshore East Extension
-  Property Parcels
-  Zone 2 - Extended Transit Station Charge Area Boundary



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Schedule D – Bowmanville Transit Station Charge Area



Bowmanville Transit Station Charge Areas

-  Planned GO Station
-  Rail
-  Zone 1 - Protected Major Transit Station Area (PMTSA)
-  GO Lakeshore East Extension
-  Property Parcels
-  Zone 2 - Extended Transit Station Charge Area Boundary



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Schedule E – Residential Uses – Transit Station Charge

Residential Dwelling type	Transit Station Charge (\$ per Square Foot of Gross Floor Area)
Zone 1 (Protected Major Transit Station Area)	
High-density residential uses	\$10.00
Low and medium-density residential uses	\$12.50
Zone 2	
High density-residential uses	\$7.00
Low and medium-density residential uses	\$8.75

Note: The residential transit station charges above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law

Schedule F – Non-Residential Uses – Transit Station Charge

Non-Residential Use	Transit Station Charge (\$ per Square Foot of Gross Floor Area)
Zone 1 (Protected Major Transit Station Area)	
Retail uses	\$10.00
Industrial or employment uses	\$2.50
Zone 2	
Retail uses	\$7.00
Industrial or employment uses	\$1.75

Note: The non-residential transit station charges above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law