The Corporation of the City of Guelph

By-law Number (2024) – 20866

A by-law for the imposition of Development Charges and to repeal By-law Number (2019) – 20372, as amended.

WHEREAS the City of Guelph will experience growth through development and re-development;

AND WHEREAS development and redevelopment require the provision of physical and other services by the City of Guelph;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for, or burden on, municipal services does not place an undue financial burden on the City of Guelph, its taxpayers, or its ratepayers;

AND WHEREAS subsection 2(1) of the Development Charges Act, 1997 (the "Act") provides that the 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 the development and redevelopment of land;

AND WHEREAS a development charges background study has been completed in accordance with the Act;

AND WHEREAS the Council of the Corporation of the City of Guelph has given notice of and held public meetings on the 17th day of October, 2023 in accordance with the Act and the regulations thereto;

The Council of the Corporation of the City of Guelph enacts as follows:

1. **INTERPRETATION**

   In this By-law, the following items shall have the corresponding meanings:

   "Accessory Use" means a use that is naturally and normally incidental, subordinate in purpose or floor area, or both, to the principal use in a Building, but is not an Ancillary Dwelling;

   "Act" means the *Development Charges Act, 1997,* S.O. 1997, c. 27, as amended, or any successor thereto;

   "Additional Residential Dwelling Unit" means a Dwelling Unit that is self-contained, subordinate to and located within the same Building or on the same Lot as a primary Dwelling Unit;

   "Affordable Residential Unit" has the meaning ascribed to this term in the Act and its regulations;

   "Ancillary" means a use, Building that is incidental and/or subordinate to a main use, and is located on the same Lot as a main use;

   "Apartment Building" means a Building consisting of three (3) or more Dwelling Units, where access to each unit is obtained through a common entrance or entrances from the street level and subsequently through a common hall or halls, includes Triplex and Fourplex dwellings, and "Apartment" means a Dwelling Unit in an Apartment Building;

   "Attainable Residential Unit" has the meaning ascribed to this term in the Act and its regulations;

"Bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;

"Board of Education" has the same meaning as "board" as set out in the *Education Act*, RSO 1990, c E.2, as amended, or any successor thereof;

"Building" means any structure or building as defined in the *Building Code* (O. Reg. 332/12 made under the *Building Code Act*, as amended, or any successor thereof) but does not include a vehicle;

"Building Code Act" means the *Building Code Act, 1992*, S.O. 1992, c 23, as amended, or any successor thereto;

"Cannabis" means:

(a) a cannabis plant;

(b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;

(c) any substance or mixture of substances that contains or has on it any part of such a plant; and

(d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

"Cannabis Plant" means a plant that belongs to the genus Cannabis;

"Cannabis Production Facilities" means a Building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of Cannabis where a license, permit or authorization has been issued under applicable federal law and does not include such Buildings as a greenhouse and agricultural Building associated with the use. It includes but is not limited to a Building or part thereof solely designed, used, or intended to be used for retail sales of Cannabis;

"Capital Costs" means the eligible inclusions as set out in Subsection 5(3) of the Act;

"City" means The Corporation of the City of Guelph or the geographic area of the municipality, as the context requires;

"Class" means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Act;

"Computer Establishment" means a Building used or designed or intended for use as a computer establishment as this term is defined in the Zoning By-law;

"Council" means the Council of The Corporation of the City of Guelph;

"Development" means the construction, erection, or placing of one (1) or more Buildings on land or the making of an addition or alteration to a

Building that has the effect of increasing the size or usability thereof or any development requiring any of the actions described in section 3.4(a), and includes Redevelopment;

"Development Charge" means a charge imposed with respect to this By-law;

"Dwelling Unit" means a room or group of rooms occupied or designed to be occupied exclusively as an independent and separate self-contained housekeeping unit including a house;

"Duplex Dwelling" means a Building that is used for the purpose of two principal Dwelling Units functioning independently and configured in such a manner that the Dwelling Units are divided horizontally from one another, each of which has an independent entrance either directly to the outside or through a common vestibule, and does not include an attached Additional Residential Dwelling Unit;

"Existing Industrial Building" means a Building used for or in connection with,

(a) manufacturing, producing, processing, storing or distributing something;

(b) research or development in connection with manufacturing, producing or processing something if the research or development is at the site where the manufacturing, production or processing takes place;

(c) retail sales by a manufacturer, producer or processor of something they manufactured, if the retail sales are at the site where the manufacturing, production or processing takes place;

(d) storage by a manufacturer, producer or processor of something they manufactured, if the storage is at the site where the manufacturing, production, or processing takes place;

(e) office or administrative purposes, if they are,

(i) carried out with respect to manufacturing, producing, processing, storage or the distributing of something; and
(ii) in or attached to the Building used for that manufacturing, producing, or processing, storage or distribution; provided that: (A) such Industrial Building or Buildings existed on a lot in the City of Guelph on March 1, 1998, or are industrial Building or Buildings constructed and occupied pursuant to site plan approval under section 41 of the Planning Act subsequent to March 1, 1998, for which full Development Charges were paid; and (B) an Existing Industrial Building shall not include a Retail Warehouse;

"Fourplex dwelling" means a Building consisting of four (4) Dwelling Units functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal entry vestibule and which share common facilities such as common amenity area, parking and driveways;

"Grade" means the average level of finished ground adjoining a Building at all exterior walls;

"Gross Floor Area" means:

(a) in the case of a Non-Residential Use Building, the total area of all Building floors above or below Grade measured between the outside surfaces of the exterior walls, and includes the floor area of a Mezzanine; or

(b) in the case of a mixed-use Building including both Residential Uses and Non-Residential Uses, the total area of the non-residential portion thereof including all Building floors above or below Grade measured between the outside surfaces of the exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing a Non-Residential Use and a Residential Use, and includes the floor area of a Mezzanine;

"Hospice" means a Building or portion of a mixed-use Building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

"Industrial Building" means lands, Buildings, or portions thereof, used, designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly ("manufacturing") of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public (if the retail sales are at the site where the manufacturing takes place) where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club or Retail Warehouse and does not include self-storage or mini-storage facilities;

"Institutional Development" means development of a Building deemed institutional as defined in the Act and/or the regulations thereunder;

"Interest Rate" means the annual rate of interest as set out in section 26.3 of the Act;

"Live/Work Unit" means a Building or part of a Building which contains both a Dwelling Unit and a Non-Residential Use which share a common wall or floor, and allows for direct access between the Dwelling Unit and Non-Residential Use;

"Local Board" has the same definition as "local board" as defined in the Act;

"Local Services" mean those services, facilities or things which are under the jurisdiction of the City that are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

"Lodging House" means a Residential Use Building that is used or designed to provide five (5) or more Lodging Units, which may share common areas of the Building but do not function as a single housekeeping unit, for hire or gain directly or indirectly to persons;

"Lodging Unit" means a room or suite of rooms in a Building designed or intended to be used for sleeping and living accommodation which is not

normally accessible to all residents of the Building, and which does not have the exclusive use of both a kitchen and a bathroom, and does not include an Apartment, Accessory Apartment, or a room or suite of rooms within a Special Care/Special Dwelling;

"Lot" means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act or successor thereto which meets the minimum lot area requirements under the Zoning By-law;

"Mezzanine" means a storey that forms a partial level of a Building, such as a balcony;

"Multiple Dwelling" shall mean a Residential Use Building other than a Single Detached Unit, Semi-Detached Unit, Apartment Building, Stacked Townhouse and Special Care/Special Dwelling/Lodging Unit;

"Non-profit Housing Development" means development of a Building intended for use as residential premises as defined under the Act;

"Non-Residential Use" means land or Buildings of any kind whatsoever used or designed or intended for a use other than a Residential Use;

"Owner" means the owner of land or a person who has made application for an approval for the Development of land for which a Development Charge may be imposed;

"Parking Structure" means a Building intended primarily for the temporary parking of vehicles as an Accessory Use to a Non-Residential Use or a Building intended to provide parking as a commercial enterprise;

"Place of Worship" means that part of a Building that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, c A.31, as amended, or any successor thereto;

"*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or any successor thereto;

"Prescribed" means prescribed pursuant to the regulations made under the Act;

"Redevelopment" means the construction, erection or placing of one or more Buildings on land where all or part of a Building has previously been demolished on such land, or changing the use of a Building from a Residential Use to a Non-Residential Use or from a Non-Residential Use to a Residential Use, or changing a Building from one form of Residential Use to another form of Residential Use or from one form of Non-Residential Use to another form of Non-Residential Use and including any development or redevelopment requiring any of the actions described in subsection 3.4(a) of this By-law;

"Rental Housing Development" means the residential housing development of a Building on a Lot with four or more Dwelling Units all of which are intended for use as rented residential premises;

"Research Establishment means land, Building or Buildings which is/are used for scientific research, tests or investigations, data collection and

manipulation or technical development of information, products or devices for scientific application;

"Residential" or "Residential Use" means land or Buildings of any kind whatsoever used or designed or intended for use as living accommodations for one or more individuals, but does not include land or Buildings used or designed or intended for use as Short Term Accommodation;

"Retail Warehouse" means a Building used exclusively for the storage and/or distribution of goods destined for a retail or commercial market, and also includes self-storage facilities;

"Row Dwelling" means a Dwelling Unit within a Building containing three or more attached Dwelling Units in a single row, each of which Dwelling Unit has an independent entrance from the outside and is vertically separated from any abutting Dwelling Unit;

"Semi Detached Unit" means a Building that is divided vertically into two (2) separate Dwelling Units;

"Service" means a service designated in section 2.1, and "Services" shall have a corresponding meaning;

"Short Term Accommodation" means a Building used or designed or intended for use as a hotel or bed and breakfast as these terms are defined in the Zoning By-Law, and shall be classified as a Non-Residential Use;

"Single Detached Unit" means a free-standing, separate, detached Building consisting of one (1) Dwelling Unit;

"Special Care/Special Dwelling" means a Residential Use Building containing two (2) or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:

a. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory Buildings;
b. Which may or may not have exclusive sanitary and/or culinary facilities;
c. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
d. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels, and includes, but is not limited to, retirement houses, nursing homes, group homes (including correctional group homes) and hospices;

"Stacked Townhouse" means one (1) Building containing two (2) Townhouses divided horizontally; one atop the other; in a Building that is divided vertically into three (3) or more separate Dwelling Units;

"Townhouse" means a Dwelling Unit that is within a Building that is divided vertically into three (3) or more separate Dwelling Units and includes a Row Dwelling;

(a) "Back-to-Back Townhouse Dwelling" means a Building where each Dwelling Unit is divided vertically by common walls, including a common rear wall and common side wall, and has an independent entrance to the Dwelling Unit from the outside accessed through the front yard, side yard or exterior side yard and does not have a rear yard;

(b) "Cluster Townhouse" means a Townhouse situated on a Lot in such a way that at least one (1) Dwelling Unit does not have legal frontage on a public street;

(c) "On-Street Townhouse" means a Townhouse where each Dwelling Unit has legal frontage on a public street;

"Triplex dwelling" means a Building consisting of 3 Dwelling Units functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal entry vestibule and which share common facilities such as common amenity area, parking and driveways;

"University" means the University of Guelph established by *An Act to Incorporate the University of Guelph*, S.O, 1964, c. 120, as amended, or any successor thereto;

"University Land" means land vested in or leased to a publicly-assisted University which is intended to be occupied and used by the university; and

"Zoning By-Law" means City of Guelph By-law Number (1995)-14864, as amended, or any successor thereto.

2. DESIGNATION OF SERVICES/CLASS OF SERVICES

2.1 The categories of Services for which Development Charges are imposed under this By-law and related By-laws which provide the Schedule of Charges, are as follows:

i. Water Services;
ii. Wastewater Services;
iii. Stormwater Services;
iv. Services Related to a Highway;
v. Public Works (Facilities and Fleet);
vi. Fire Protection Services;
vii. Policing Services;
viii. Transit Services;
ix. Library Services;
x. Parks and Recreation Services;
xi. Ambulance Services;
xii. Public Health Services;
xiii. Long-Term Care Services;
xiv. Waste Diversion Services; and
xv. Any other eligible Services set out in the Act or amendments thereto.

2.2 The current components of the Services/Class of Services designated in section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development Charges shall be payable in the amounts set out in this By-law where:

(a) the lands are located in the area described in section 3.2; and

(b) the Development requires any of the approvals set out in section 3.4(a).

Area to Which By-law Applies:

3.2 Subject to section 3.3, this By-law applies to all lands in the City.

3.3. This By-law shall not apply to lands that are owned by and used for the purposes of:

(a) the City or a Local Board thereof;

(b) a Board of Education;

(c) a municipality, or a Local Board of the County of Wellington; or

(d) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the *Development Charges Act, 1997* if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development:

3.4.1 (a) Development Charges shall be imposed in accordance with this By-law on all Development which requires:

(i) the passing of a Zoning By-Law or of an amendment to a Zoning By-Law 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,* SO 1998, c 19, as amended, or any successor thereto; or
(vii) the issuing of a permit under the *Building Code Act* in relation to a Building.

Rules with Respect to Exemptions for Intensification of Existing Housing or New Housing

3.4.2 (a) Notwithstanding the provisions of this By-law, Development Charges shall not be imposed with respect to:

(i) an enlargement to an existing Dwelling Unit;

(ii) the creation of additional Dwelling Units equal to the greater of one or 1% of the existing Dwelling Units in an existing Rental Housing Development containing four or more Dwelling Units or a prescribed Ancillary structure to the existing Residential Building;

(b) Notwithstanding the provisions of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in existing residential Dwelling Units:

(i) A second residential Dwelling Unit in an existing detached house, Semi-detached Unit or Rowhouse on a parcel of land on which Residential Use, other than an Ancillary Residential Use, is permitted, if all Buildings Ancillary to the existing detached house, Semi-detached house or Rowhouse cumulatively contain no more than one Dwelling Unit;

(i) A third residential Dwelling Unit in an existing detached house, Semi-detached house or Rowhouse on a parcel of land on which Residential Use, other than an Ancillary Residential Use, is permitted, if no Building Ancillary to the existing detached house, semi-detached house or rowhouse contains any residential Dwelling Units;

(i) One Residential Unit in a Building Ancillary to an existing detached house, Semi-detached House or Rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential Dwelling Units and no other Building ancillary to the existing detached house, semi-detached house or rowhouse contains any residential Dwelling Units;

(c) Notwithstanding the provisions of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in new residential Buildings:

(i) A second residential Dwelling Unit in a new 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 Ancillary to the new detached house, Semi-detached house or Rowhouse cumulatively will contain no more than one residential Dwelling Unit;

(ii) A third residential Dwelling Unit in a new 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 Ancillary to the new detached house, Semi-detached house or Rowhouse contains any Residential Units;

(iii) One Residential Dwelling Unit in a Building Ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban Residential land, if the new detached house, Semi-detached house or Rowhouse contains no more than two Residential Dwelling Units and no other Building Ancillary to the new detached house, Semi-detached house or Rowhouse contains any Residential Dwelling Units;

(d) No more than one (1) Development Charge for each Service shall be imposed upon any Development to which this By-law applies even though two (2) or more of the actions described in section 3.4.1(a) are required for the Development;

(e) Despite section 3.4.2(c), if two (2) or more of the actions described in section 3.4.1(a) occur at different times, additional Development Charges shall be imposed if the subsequent action has the effect of increasing the need for Services;

Exemptions:

3.5.1 Notwithstanding the provisions of this By-law, Development Charges shall not be imposed with respect to:

(a) Development of University Land or Buildings;

(b) University Land if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the University, provided that, where only a part of such land, Buildings are so developed, then only that part shall be exempt from the Development Charges specified under this By-law;

(c) Development for a Place of Worship or for the purposes of a cemetery or burial site exempt from taxation under the *Assessment Act*;

(d) Development by a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002, S.O. 2002, c.8, Sched. F, as amended, or any successor thereto*;

(e) Development for temporary Non-Residential Uses permitted pursuant to section 39 of the *Planning Act* except that Development Charges shall be imposed in the event that the temporary Building becomes protracted by remaining erected or placed for a continuous period exceeding three years from the date that the Building permit is issued. The development charges required to be paid under this By-law shall become payable on the date the temporary Building becomes protracted;

(f) Development, solely for the purposes of creating or adding an Accessory Use or accessory structure not exceeding 10 square metres of Gross Floor Area;

(g) Development of or by a hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c P.40, as amended, or any successor thereto;

(h) The exempt portion of an enlargement of the Gross Floor Area of an Existing Industrial Building in accordance with section 4 of the Act, subject to section 3.5.2 of this by-law;

(i) Development of a Parking Structure;

3.5.2 For the purposes of the exemption for the enlargement of Existing Industrial Buildings set out in section 3.5.1(h) of this By-law, the following provisions shall apply:

(a) there shall be an exemption from the payment of Development Charges for one or more enlargements of an Existing Industrial Building, up to a maximum of fifty per cent (50%) of the Gross Floor Area before the first enlargement for which an exemption from the

payment of Development Charges was granted pursuant to the Act or under this section of the By-law or any predecessor hereto;

(b) Development Charges shall be imposed in the amounts set out in this By-law with respect to the amount of floor area of an enlargement that results in the Gross Floor Area of the Industrial Building being increased by greater than fifty per cent (50%) of the Gross Floor Area of the Existing Industrial Building; and,

(c) for greater clarity, Research Establishments and Computer Establishments are not industrial uses of land, Buildings under this By-law and do not qualify for the exemption under section 3.5.1(h).

Discounts for Rental Housing Developments (for profit):

3.5.3 The Development Charges payable for Rental Housing Developments, where the Residential Dwelling Units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each Dwelling Unit as follows:

(a) Three or more bedrooms – 25% reduction;

(b) Two bedrooms – 20% reduction; and

(c) All other bedroom quantities – 15% reduction;

provided that such reduced Development Charges shall not apply if the Act is amended to reduce or delete the mandatory discounts for Rental Housing Developments.

Other Exemptions (Upon Proclamation):

3.5.4 Once proclamation of the required amendments to the Act to allow the following exemptions to come into force is received by the Lieutenant Governor, the following shall be exempt from development charges:

(a) Affordable Residential Units; or

(b) Attainable Residential Units.

Amount of Charges:

Residential:

3.6 Where a Development Charge is imposed for Development of a Residential Use, the amount of the Development Charges shall be as set out in the appropriate "Residential" column of Schedule B of the Individual Service Charges By-law, for the Residential Uses, including any Dwelling Unit(s) accessory to a Non-Residential Use and, in the case of a mixed use Building, on the Residential Uses in the mixed use Building, including the Residential component of a Live/Work Unit, according to the type of Residential Dwelling Unit and calculated with respect to each of the Services according to the type of Residential Use.

Non-Residential:

3.7 Where a Development Charge is imposed for Development of a Non-Residential Use the amount of the Development Charges shall be as set

out in the "Non-Residential" column of Schedule B of the Individual Service Charges By-law for the Non-Residential Uses, and in the case of a mixed-use Building, on the non-residential component of the mixed-use Building, including the non-residential component of a Live/Work unit, according to the type and gross floor area of the non-residential component.

Reduction of Development Charges for Redevelopment:

3.8 Despite any other provisions of this By-law, where a Building existing on land within 48 months prior to the date that a Development Charge becomes payable for a Redevelopment on the same land was, or is to be, demolished, in whole or in part, or converted from one principal use to another principal use on the same land, the Development Charges otherwise payable with respect to such Redevelopment shall be reduced by the following amounts:

(a) in the case of a Residential Use Building or in the case of Residential Uses in a mixed-use Building, an amount calculated by multiplying the applicable Development Charge under section 3.6 by the number, according to type, of Dwelling Units that have been or will be destroyed, demolished or converted to another principal use; and

(b) in the case of a Non-Residential Use Building or in the case of the Non-Residential Uses in a mixed-use Building, an amount calculated by multiplying the applicable Development Charge under sections 3.7 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 Charge otherwise payable with respect to the Redevelopment. For greater certainty, any amount of the reductions set out above that exceed the amount of the Development Charge otherwise payable with respect to the Redevelopment shall be reduced to zero and shall not be transferred to any other Development or Redevelopment.

3.9 For the purposes of determining the 48-month period referred to in section 3.8, the date that a Building is deemed to be demolished shall be the earlier of:

(a) the date such Building was demolished, destroyed or rendered uninhabitable; or

(b) if the former Building was demolished pursuant to a demolition permit issued before it was destroyed or became uninhabitable, the date the demolition permit was issued.

3.10 The reduction of Development Charges referred to in section 3.8 does not apply where the demolished Building, or any part thereof, when originally constructed was exempt from the payment of Development Charges pursuant to this By-law, or any predecessor thereto.

Mandatory Phase-In of Development Charges

3.11 The amount of the Development Charges described in Schedule B of the Individual Service Charges By-law shall be reduced in accordance with subsection 5(8) of the Act. Therefore, the following percentages of the

charges provided in Schedule B shall be imposed (subject to annual indexing as per section 5 of this by-law):

(a) Year 1 - 80 per cent;

(b) Year 2 – 85 per cent;

(c) Year 3 – 90 per cent;

(d) Year 4 – 95 per cent;

(e) Year 5 through 10 – 100 per cent.

For the purposes of the above phased in Development Charges, Year 1 shall commence on the in-force date of this by-law at 12:01 A.M. on **March 2, 2024,** and shall end at 12:01 A.M. on **March 2, 2025,** at which time Year 2 shall commence. Each successive year thereafter shall commence immediately upon the end of the prior year of this By-law. Notwithstanding the foregoing or any other provision of this By-law, such reduced Development Charges shall not apply if the Act is amended to reduce or delete the mandatory phase-in of Development Charges.

Time of Payment of Development Charges:

3.12 Development Charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the Development;

3.13 Notwithstanding section 3.12 of this By-law Development Charges for Institutional and Rental Housing Developments (where not otherwise exempt) are due and payable in six (6) equal annual instalments commencing with the first installment payable 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, with instalments accruing interest (calculated in accordance with Section 26.3 of the Act as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time). The City may at the time of the first and each subsequent instalment payment require that the Owner enter into or provide such agreements, declarations, documents or things that the City requires to confirm that all of the Dwelling Units in the Rental Housing Development are intended to be used, are being used and/or continue to be intended to be used as rented residential premises;

3.14 Where the Development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years prior to building permit issuance, the Development Charges under sections 3.6 and 3.7 shall be calculated on the rates set out in Schedule B of the Individual Service Charges By-law on the date of the planning application, including interest. Where both planning applications apply, Development Charges under sections 3.6 and 3.7 shall be calculated on the rates in effect on the day of the later planning application, including interest (calculated in accordance with Section 26.3 of the Act);

3.15 Despite sections 3.12 through 3.14, Council from time to time and at any time, may enter into agreements providing for all or any part of a

development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

Transition, Time of Payment:

3.16 (a) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made to the City pursuant to a previous By-law, and:

(i) the type of Dwelling Unit for which the building permit or permits are being issued is different from that used for the calculation and payment under that By-law and;
(ii) there has been no change in the zoning affecting such lot or block; and
(iii) the Development Charges for the type of Dwelling Unit for which the building permit or permits are being issued were lesser at the time that payments were made pursuant to the previous By-law than for the type of Dwelling Unit used to calculate the payment, an additional payment to the City is required for the Services paid for pursuant to the previous By-law, which additional payment, in regard to such different unit types, shall be the difference between the Development Charges for those Services in respect to the type of Dwelling Unit for which the building permit or permits are being issued, calculated as at the date of issuance of the building permit or permits, and the payment for those Services previously collected in regard thereto, adjusted in accordance with section 5 of this By-law.

(b) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to a previous By-law, and:

(i) the total number of Dwelling Units of a particular type for which the building permit or permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under the previous By-law; and
(ii) there has been no change in the zoning affecting such lot or block, an additional payment to the City is required for the Services paid for pursuant to the previous By-law, which additional payment shall be calculated on the basis of the number of additional Dwelling Units at the rate for those Services prevailing at the date of issuance of the building permit or permits for such Dwelling Units.

(c) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to a previous By-law, and:

(i) the type of Dwelling Unit for which the building permit or permits are being issued is different than that used for the calculation and payment under the previous By-law and;
(ii) there has been no change in the zoning affecting such lot or block; and

(iii) the payment made for the type of Dwelling Unit for which building permits or permits are being issued were greater at the time that payments were made pursuant to the previous By-law than for the type of Dwelling Unit used to calculate the payment,

a refund shall be paid by the City for the Services paid for pursuant to the previous By-law in regard to such different unit types, which refund shall be the difference between the payment previously collected by the City for the Services, adjusted in accordance with section 5 of this By-law to the date of issuance of the building permit or permits, and the Development Charges for those Services in respect to the type of Dwelling Unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.

(d) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to a previous By-law, and,

(i) the total number of Dwelling Units of a particular type for which the building permit or permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under the previous By-law, and

(ii) there has been no change in the zoning affecting such lot or block,

a refund shall be paid by the City for the Services paid for pursuant to section 3.12 of the previous By-law, which refund shall be calculated on the basis of the number of fewer Dwelling Units at the rate for those Services prevailing at the date of issuance of the building permit or permits for such Dwelling Units.

3.17 Despite sections 3.16 (c) and (d), a refund shall not exceed the amount of the payment actually made to the City for the Services under a previous By-law.

4. **PAYMENT BY SERVICES**

4.1 Despite the payment required under sections 3.12 to 3.15 Council may agree in accordance with the Act to allow a person to perform work that relates to a Service to which this By-law relates, and shall give the person a credit towards the Development Charge in accordance with that agreement;

4.2 The amount of the credit referred to in section 4.1 is the reasonable cost of doing the work as agreed by the City and the person to be given the credit;

4.3 Despite sections 4.1 and 4.2, no credit may be given for any part of the cost of work that relates to an increase in the level of service that exceeds the average level of service as calculated pursuant to the Act;

4.4 Any credit referred to in section 4.1 shall be given at such time, and in relation to such Service or Services as set out in the agreement, and as permitted under the Act;

4.5 Credits referred to in section 4.1 may be transferable by the City, subject to the terms of the agreement and as permitted under the Act.

5. INDEXING

Development Charges pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first anniversary date of this By-law coming into effect and on each anniversary date thereafter, in accordance with the index prescribed in O.Reg. 82/98 made under the Act, as per the Statistics Canada's Non-Residential Building Construction Price Index for the City of Toronto, as may be amended or replaced from time to time, for the most recent available data for the preceding quarter.

6. FRONT-ENDING AGREEMENTS

Council may authorize a front-ending agreement in accordance with the provisions of Part III of the Act, upon such terms as Council may require, in respect of the Development of land.

7. CONFLICTS

7.1 Where the City and an Owner or former Owner have entered into an agreement with respect to a Development Charge or to provide a credit for the performance of work that relates to a Service to which this By-law or a previous By-law relates, for any land or Development within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict;

7.2 Notwithstanding section 7.1, where a Development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in section 3.4(a), an additional Development Charge in respect of the Development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the Development has the effect of increasing the need for Services, unless such agreement provides otherwise.

8. SEVERABILITY

If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

This By-law shall come into effect at 12:01 A.M. on **March 2, 2024**.

10. DATE BY-LAW EXPIRES

This By-law will expire at 12:01 A.M. on **March 2, 2034** unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

By-law Number (2019)-20372, as amended is hereby repealed as of the date and time of this By-law coming into effect.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Components of Services/Class of Services Designated in Section 2.1
Schedule B: Individual Service Charges as provided in Supporting By-laws

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Cam Guthrie, Mayor

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Stephen O'Brien, City Clerk