

BEFORE THE COUNCIL OF THE CITY OF GUELPH

Complaint Pursuant to section 20(1) of the *Development Charges Act, 1997*

**BRIEF OF DOCUMENTS SUBMITTED ON BEHALF OF
CITY OF GUELPH STAFF IN RESPONSE TO THE COMPLAINT OF
300 WATER ST. INC. RESPECTING DEVELOPMENT CHARGES FOR
SIX (6) RESIDENTIAL UNITS**

COMPLAINT HEARING MAY 29, 2024

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300 WATER STREET INC. DEVELOPMENT CHARGE COMPLAINT

Timeline of Key Events

Date	Event
March 3, 2019	Corporation of the City of Guelph By-law (2019)-20372 comes into force
December 13, 2021	Amendments to DC By-law per Corporation of the City of Guelph By-law (2021)-20643 come into force
November 28, 2022	<i>Development Charges Act, 1997</i> amended by Bill 23 to introduce definition of “rental housing development” and prescribe mandatory DC rate reductions.
August 15, 2023	Owner’s consultant, Van Harten Land Surveyors – Engineers applies to the Committee of Adjustment to sever 300 Water Street into six parcels to “establish the necessary legal parcel fabric to facilitate the future conveyance of the dwelling units that are to be constructed on the new land parcels”.
September 20, 2023	Committee of Adjustment approves owner’s application.
October 26, 2023	Email from Justin Black to Shanna O’Dwyer and attached October 23, 2023 letter seeking rental housing reduction for six street townhouse units.
October 31, 2023	Responding letter from A. Thornton to J. Black expressing City’s position on eligibility of six street townhouse units for rental housing exemption.
November 28, 2023	Further correspondence from A. Thornton to J. Black confirming staff position.
January 9, 2024	Development charges paid by owner in advance of building permit issuance.
January 16, 2024	Council passes Corporation of the City of Guelph By-law (2024)-20866, confirming intention not to expand exemptions for rental housing beyond purpose-built rentals of indefinite duration.
May 22, 2024	Severances registered, six separate lots created.
May 23, 2024	300 Water Street address retired: new addresses created being 312-322 Water Street and 11 Denver Road.

Development Charges Act, 1997

S.O. 1997, CHAPTER 27

PART I DEFINITIONS

Definitions

1 In this Act,

“area municipality” means a lower-tier municipality; (“municipalité de secteur”)

“development” includes redevelopment; (“aménagement”)

“development charge by-law” means a by-law made under section 2; (“règlement de redevances d’aménagement”)

“front-ending agreement” means an agreement under section 44; (“accord initial”)

“local board” means a local board as defined in section 1 of the *Municipal Affairs Act* other than a board as defined in subsection 1 (1) of the *Education Act*. (“conseil local”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“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; (“aménagement de logements locatifs”)

“waste diversion services” means services related to waste management, but not including,

- (a) landfill sites and services, and
- (b) facilities and services for the incineration of waste. (“services de réacheminement des déchets”)

Complaint to council of municipality

20 (1) A person required to pay a development charge, or the person’s agent, may complain to the council of the municipality imposing the development charge that,

- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge by-law. 1997, c. 27, s. 20 (1).

Time limit

(2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable. 1997, c. 27, s. 20 (2).

Form of complaint

(3) The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant and the reasons for the complaint. 1997, c. 27, s. 20 (3).

Hearing

(4) The council shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing. 1997, c. 27, s. 20 (4).

Notice of hearing

(5) The clerk of the municipality shall mail a notice of the hearing to the complainant at least 14 days before the hearing. 1997, c. 27, s. 20 (5).

Council's powers

(6) After hearing the evidence and submissions of the complainant, the council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint. 1997, c. 27, s. 20 (6).

Notice of decision and time for appeal

21 (1) The clerk of the municipality shall mail to the complainant a notice of the council's decision, and of the last day for appealing the decision, which shall be the day that is 40 days after the day the decision is made. 1997, c. 27, s. 21 (1).

Requirements of notice

(2) The notice required under this section must be mailed not later than 20 days after the day the council's decision is made. 1997, c. 27, s. 21 (2).

COLLECTION OF DEVELOPMENT CHARGES

When development charge is payable

26 (1) A development charge is payable for a development upon a building permit being issued for the development unless the development charge by-law provides otherwise under subsection (2). 1997, c. 27, s. 26 (1).

Multiple building permits

(1.1) If a development consists of one building that requires more than one building permit, the development charge for the development is payable upon the first building permit being issued.

Certain types of development, when charge payable

26.1 (1) Despite section 26, a development charge in respect of any part of a development that consists of a type of development set out in subsection (2) is payable in accordance with this section. 2019, c. 9, Sched. 3, s. 8 (1).

Same

(2) The types of development referred to in subsection (1) are the following:

1. Rental housing development.
2. Institutional development.
3. REPEALED: 2022, c. 21, Sched. 3, s. 7 (1).
- 4., 5. REPEALED: 2019, c. 15, Sched. 10, s. 1 (1).

Annual instalments

(3) A development charge referred to in subsection (1) shall be paid in equal annual instalments 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. 2022, c. 21, Sched. 3, s. 7 (2).

Amount of charge

(4) The amount of a development charge referred to in subsection (1) is the amount of the development charge determined in accordance with section 26.2, regardless of whether the by-law under which the amount of the development charge would be determined is no longer in effect on the date an instalment is payable. 2019, c. 9, Sched. 3, s. 8 (1).

Notice of occupation

(5) A person required to pay a development charge referred to in subsection (1) shall, unless the occupation of the building in respect of which the development charge is required is authorized by a permit under the *Building Code Act, 1992*, notify the municipality within five business days of the building first being occupied. 2019, c. 9, Sched. 3, s. 8 (1).

Failure to provide notice

(6) If a person described in subsection (5) fails to comply with that subsection, the development charge, including any interest payable in accordance with subsection (7), is payable immediately. 2019, c. 9, Sched. 3, s. 8 (1).

Interest

(7) A municipality may charge interest on the instalments required by subsection (3) from the date the development charge would have been payable in accordance with section 26 to the date the instalment is paid, at a rate not exceeding the maximum interest rate determined in accordance with section 26.3. 2019, c. 9, Sched. 3, s. 8 (1); 2022, c. 21, Sched. 3, s. 7 (3).

Unpaid amounts added to taxes

(8) Section 32 applies to instalments required by subsection (3) and interest charged in accordance with subsection (7), with necessary modifications. 2019, c. 9, Sched. 3, s. 8 (1).

Change in type of development

(9) If any part of a development to which this section applies is changed so that it no longer consists of a type of development set out in subsection (2), the development charge, including any interest payable, but excluding any instalments already paid in accordance with subsection (3), is payable immediately. 2019, c. 9, Sched. 3, s. 8 (1).

Transition, date charge payable

(10) This section does not apply to a development charge that becomes payable before the day subsection 8 (1) of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force.

When amount of development charge is determined

26.2 (1) Subject to subsection (1.1), the total amount of a development charge is the amount of the development charge that would be determined under the by-law 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* or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development that is the subject of the development charge;
 - (b) if clause (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 development charge; or
 - (c) if neither clause (a) nor clause (b) applies,
- (i) in the case of a development charge in respect of a development to which section 26.1 applies, the day the development charge would be payable in accordance with section 26 if section 26.1 did not apply, or
 - (ii) in the case of a development charge in respect of a development to which section 26.1 does not apply, the day the development charge is payable in accordance with section 26. 2019, c. 9, Sched. 3, s. 8 (1); 2022, c. 21, Sched. 3, s. 8 (1).

Discount, rental housing development

(1.1) In the case of rental housing development, the amount determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2019)-20372, as amended by By-law Number (2021)-20643

A by-law for the imposition of
Development Charges and to repeal
By-law Number (2014) – 19692

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 or its taxpayers;

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 development of the area to which the by-law applies;

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

AND WHEREAS Council has given notice of and held public meetings on the 21st day of January, 2019 in accordance with the Act and the regulations made under it;

And Whereas the City has undertaken a study pursuant to the Act which has provided updated Schedules to By-law (2019)-20372;

And Whereas the Council of the City of Guelph ("Council") has before it a report entitled "City of Guelph 2021 Development Charge Update Study" prepared by Watson & Associates Economists Ltd., dated September 17, 2021 (the "update study")

And Whereas the update study and proposed amending by-law were made available to the public on September 17, 2021 and Council gave notice to the public pursuant to section 12 of the Act;

And Whereas Council, on October 20, 2021 held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

This document represents a consolidation of By-laws (2019)-20372 and (2021)-20643, the originals, as filed with the City Clerk, are at all times to be regarded as binding and any differences here in are to be overruled by said originals.

NOW THEREFORE 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:

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

"Accessory Use" means where used to describe a building, or structure where the building, or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use in a building, or structure, but is not an Ancillary Dwelling;

"Ancillary Dwelling," means a residential Building that would be ancillary to a Single Detached dwelling, Semi-Detached Dwelling, or Row Dwelling and includes an accessory dwelling.

"Apartment" see the definition of "Dwelling Unit";

"Back-to-Back Townhouse Dwelling" see the definition of "Dwelling Unit";

"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 thereto) 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.

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“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 costs incurred or proposed to be incurred by the City or a Local Board thereof directly or by others on behalf of, and as authorized by, the City or Local Board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
 - (i) furniture and equipment other than computer equipment,
 - (ii) materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, c. P.44, as amended, or any successor thereto, and
 - (iii) rolling stock with an estimated useful life of seven years or more, and
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the development charge background study,

required for the provision of Services designated in this By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

“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 Development Charges Act.

“Computer Establishment” means a building or structure 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 or structures on land or the making of an addition or alteration to a building or structure 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;

- (a) “Ancillary Dwelling” means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling.
- (b) “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, and “Apartment” means a Dwelling Unit in an Apartment Building;
- (c) “Garden Suite” means a Dwelling Unit which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing Dwelling Unit, such Garden Suite is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services;
- (d) “Link Dwelling” means two (2) Single Detached Dwellings sharing a common foundation wall below ground level, but does not include a Semi-Detached Dwelling;
- (e) “Semi-Detached Dwelling” means a Building that is divided vertically into two (2) separate Dwelling Units;
- (f) “Single Detached Dwelling” means a free-standing, separate, detached Building consisting of one (1) Dwelling Unit;
- (g) “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;

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- (i) "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;
- (ii) "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;
- (iii) "On-Street Townhouse" means a Townhouse where each Dwelling Unit is located on a separate lot and has legal frontage on a public street;

"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 or structure 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;

"Garden Suite" see the definition of "Dwelling Unit";

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“Grade” means the average level of finished ground adjoining a Building or structure 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 or between the outside surfaces of 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 structures, 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 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:

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- (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 (1), 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;

“Interest rate” means the annual rate of interest calculated as per the City’s Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time;

“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, Chap. P.13;

“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 appear to 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 Planning Act;

“Mezzanine” means a storey that forms a partial level of a building, such as a balcony

“Multiple Attached Dwelling” shall mean a 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 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, or any successor legislation

“Non-Residential Use” means land, Buildings or structures 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 or structure 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

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Non-Residential Use and including any development or redevelopment requiring any of the actions described in section 3.4(a);

“Rental Housing Development” means the residential housing development of a building or structure 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 Use” means land, Buildings or structures of any kind whatsoever used or designed or intended for use as living accommodations for one or more individuals, but does not include land, Buildings, or structures 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” see the definition of “Dwelling Unit”

“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;

“Single Detached Unit” see the definition of Dwelling Unit

“Site” means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more Lots consolidated under one identical ownership;

“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;

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- 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 or Structure 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” see the definition of “Dwelling Unit”;

“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 Related Purposes” means those objects and purposes set out in section 3 of *An Act to incorporate the University of Guelph*, S.O. 1964, c. 120, as amended, or any successor thereto;

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

2. DESIGNATION OF SERVICES

2.1 The two (2) categories of Services for which Development Charges are imposed under this By-law are as follows:

- i. Water Services;
- ii. Wastewater Services;
- iii. Stormwater Services;
- iv. Services Related to a Highway;
- v. Public Works;
- vi. Fire Protection Services;
- vii. Policing Services;
- viii. Transit Services;
- ix. Library Services;
- x. Parks and Recreation Services;
- xi. Growth Studies;
- xii. Ambulance Services;
- xiii. Provincial Offences Act Services;

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- xiv. Health Services;
- xv. Municipal Parking; and
- xvi. Waste Diversion Services.

2.2 The 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; or
- (c) a municipality, or a Local Board of the County of Wellington.

Approvals for Development

- 3.4 (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

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- (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) Despite section 3.4(a) of this By-law, Development Charges shall not be imposed on Development that requires one of the actions described in section 3.4(a) if the only effect of the action is to:
 - (i) permit the enlargement of an existing Dwelling Unit;
 - (ii) permit the creation of up to two (2) additional Dwelling Units as Prescribed under section 2(3) of the Act, subject to the Prescribed restrictions, in Prescribed classes of existing residential buildings; or
 - (iii) permit the creation of a second dwelling, subject to the Prescribed restrictions, in Prescribed classes of new residential buildings; or
 - (iv) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential 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 small 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>
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that have one or two vertical walks, 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 small 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>

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Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling, or row dwelling	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>

- (c) 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(a) are required for the Development.
- (d) Despite section 3.4(c), if two (2) or more of the actions described in section 3.4(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 land, buildings or structures for University Related Purposes within the University defined area as set out in Schedule C;

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- (b) land, buildings or structures outside the defined area as set out in Schedule C, which are now owned directly or indirectly by the University or on behalf of the University or which may be acquired by the University and which are developed or occupied for University Related Purposes, provided that, where only a part of such land, buildings or structures 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;
- (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,

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

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, for the Residential Uses, including any Dwelling Unit(s) accessory to a Non-Residential Use and, in the case of a mixed use building or structure, on the Residential Uses in the mixed use building or structure, including the residential component of a Live/Work Unit, according to the type of residential 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 Charge shall be as set out in the "Non-Residential" column of Schedule B 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 or structure 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 Charge 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;

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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 or structure was demolished, destroyed or rendered uninhabitable; or
 - (b) if the former building or structure 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.

Time of Payment of Development Charges

- 3.11 Development Charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the Development.
- 3.12 Notwithstanding section 3.11, development charges for rental housing and institutional developments (where not otherwise exempt) are due and payable in 6 equal annual payments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.
- 3.13 Notwithstanding section 3.11, development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.
- 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 of building permit issuance, the development charges under sections 3.6 and 3.7 shall be calculated on the rates set out in Schedules "B-1" and "B-2" on the date of the planning application, including interest. Where both planning applications

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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 as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.

- 3.15 Despite section 3.11 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 3.11 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 3.13 (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 section 3.11, Council may agree in accordance with the Act to allow a person to perform work that relates to a

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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. SCHEDULES

The following schedules shall form part of this By-law:

- | | |
|----------------|--|
| Schedule A - | Components of Services/Class of Services Designated in Section 2.1 |
| Schedule B-1 - | Residential and Non-Residential Development Charges |
| Schedule B-2 - | Residential and Non-Residential Parking Development Charges |
| Schedule C - | University of Guelph "Defined Areas" |

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.

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- 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, 2019**.

10. DATE BY-LAW EXPIRES

This By-law will expire at 12:01 A.M. on **March 2, 2024** unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

By-law Number (2014)-19692 is hereby repealed as of the date and time of this By-law coming into effect.

12. DATE BY-LAW AMENDED

This By-law, as amended, shall come into force and effect at 12:01 AM on December 13, 2021.

PASSED this 11th day of February, 2019

- MAYOR

- CITY CLERK

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COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN SUBSECTION 2.1

Urban Area D.C.-Eligible Services

Water Services

- Treatment Plants and Storage
- Distribution Systems

Wastewater Services

- Treatment Plant
- Sewers

Stormwater Services

- Stormwater Drainage and Control Services

City-Wide D.C.-Eligible Services

Services Related to a Highway

- Roads and Related Infrastructure
- Bridges and Culverts
- Sidewalks
- Traffic Signals
- Streetlights

Fire Protection Services

- Fire Stations
- Fire Vehicles
- Small Equipment and Gear

Policing Services

- Policing Detachments
- Small Equipment and Gear

By-law Number (2019)-20372**SCHEDULE "A"**
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1

Transit Services

- Transit Vehicles
- Transit Facilities
- Other Transit Infrastructure

Library Services

- Library Facilities
- Library Vehicles
- Library Collection Materials

Parks and Recreation Services

- Recreation Facilities
- Parkland Development, Amenities, Amenity Buildings, Trails
- Parks and Recreation Vehicles and Equipment

Ambulance Services

- Ambulance Facilities
- Vehicle Equipment

Provincial Offences Act Services

- Facility Space

Health Services

- Facility Space

Waste Diversion

- Facility Space
- Vehicle Equipment

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By-law Number (2019)-20372

**SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1**

City-Wide D.C.-Eligible Classes

Growth Studies

- Water Services
- Wastewater Services
- Stormwater Services
- Services Related to a Highway
- Fire Protection Services
- Policing Services
- Transit Services
- Library Services
- Parks and Recreation Services
- Ambulance Services
- Provincial Offences Act Services
- Health Services
- Waste Diversion Services

Public Works

Facilities

- Services Related to a Highway
- Water Services
- Wastewater Services
- Stormwater Services
- Transit Services
- Parks and Recreation Services
- Fire Protection Services
- Ambulance Services
- Policing Services
- Waste Diversion Services

Vehicles and Equipment

- Services Related to a Highway

By-law Number (2019)-20372**SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1**

City-Wide D.C. Services - In force until September 18, 2022

Parking Services

Parking Spaces

Parking Meters and Equipment

Parking Studies

**Schedule of B-1 to By-law Number (2019)-20372
Schedule of Development Charges
(2018 \$)**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2+ Bedrooms/Stacked Townhouse	Apartments - Bachelor and 1 Bedroom/Stacked Townhouse	Multiple Attached Dwelling	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Classes:						
Services Related to a Highway	5,699	3,163	2,261	4,199	1,881	2.59
Fire Protection Services	316	175	125	233	104	0.15
Policing Services	662	367	263	488	219	0.30
Transit Services	2,750	1,526	1,091	2,026	908	1.32
Public Works, Facilities and Fleet	535	297	212	395	177	0.24
Parks and Recreation Services	8,813	4,891	3,497	6,494	2,910	0.47
Library Services	837	464	332	617	276	0.05
Growth Studies	779	432	309	574	257	0.38
Public Health	301	167	119	222	99	0.03
Provincial Offences Act	7	4	3	6	2	0.00
Ambulance	111	62	44	82	37	0.05
Waste Diversion	550	305	218	405	182	0.13
Total Municipal Wide Services/Classes	21,361	11,853	8,474	15,741	7,052	5.71
Urban Services						
Stormwater Drainage and Control Services	225	125	89	166	74	0.10
Wastewater Services	6,516	3,616	2,585	4,801	2,151	2.95
Water Services	6,893	3,825	2,735	5,079	2,276	3.12
Total Urban Services	13,634	7,566	5,409	10,046	4,501	6.17
GRAND TOTAL MUNICIPAL WIDE	21,361	11,853	8,474	15,741	7,052	5.71
GRAND TOTAL URBAN SERVICED AREA	34,995	19,419	13,883	25,787	11,553	11.88

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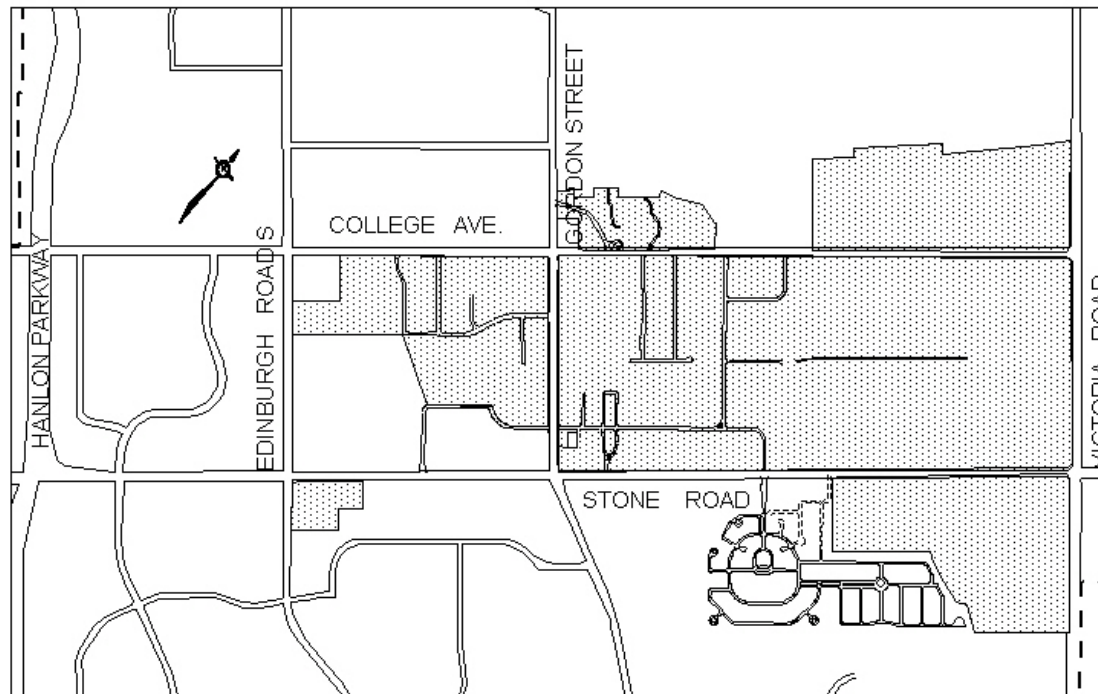
**Schedule B-2 to By-law Number (2019)-20372
Schedule of Development Charges – Parking Services
Effective to September 18, 2022
(2018 \$)**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2+ Bedrooms/Stacked Townhouse	Apartments - Bachelor and 1 Bedroom/Stacked Townhouse	Multiple Attached Dwelling	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services - Municipal Parking						
Municipal parking spaces	1,233	684	489	908	407	0.60
Grand Total Municipal Wide Services - Municipal Parking	1,233	684	489	908	407	0.60

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**By-law Number (2019)-
SCHEDULE C**

**UNIVERSITY OF GUELPH
"DEFINED AREAS"**



 **DEFINED AREA**

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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

Cam Guthrie, Mayor

Stephen O'Brien, City Clerk

By-law Number (2024) – 20866**SCHEDULE A
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1 OF THE ACT**City-Wide D.C.-Eligible Services

- Water Services:
 - Treatment Plants and Storage
 - Distribution Systems
- Wastewater Services:
 - Treatment Plants
 - Sewers
- Stormwater Services:
 - Drainage and Control Services
- Services Related to a Highway:
 - Roads and Related Infrastructure
 - Bridges and Culverts
 - Sidewalks
 - Traffic Signals
 - Streetlights
- Public Works:
 - Facilities
 - Vehicles and Equipment
- Fire Protection Services:
 - Fire Facilities
 - Fire Vehicles, Equipment, and Gear
- Policing Services:
 - Police Facilities
 - Police Vehicles, Equipment, and Gear
- Transit Services:
 - Transit Facilities
 - Transit Vehicles and Equipment
- Library Services:
 - Library Facilities
 - Library Vehicles
 - Library Collection Materials

- Parks and Recreation Services:
 - Recreation Facilities
 - Parkland Development, Amenities, Buildings, and Trails
 - Parks and Recreation Vehicles and Equipment
- Ambulance Services:
 - Ambulance Facilities
 - Ambulance Vehicles and Equipment
- Public Health Services:
 - Public Health Facilities
- Long-Term Care Services:
 - Long-Term Care Facilities
 - Long-Term Care Vehicles and Equipment
- Waste Diversion Services:
 - Waste Diversion Facilities
 - Waste Diversion Vehicles and Equipment

By-law Number (2024) – 20866**SCHEDULE B
INDIVIDUAL SERVICE CHARGES AS PROVIDED IN SUPPORTING BY-LAWS**

The schedule of charges for individual services are provided in separate supporting Development Charge By-laws, which shall be applied in accordance with the provisions of this By-law.

The Corporation of the City of Guelph

By-law Number (2024) - 20867

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Parks and Recreation Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Parks and Recreation Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20867

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – PARKS AND RECREATION SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Parks and Recreation Services	\$12,912	\$9,298	\$7,730	\$5,664	\$4,176	\$0.78

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20868

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Transit Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Transit Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20868

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – TRANSIT SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Transit Services	\$3,155	\$2,272	\$1,889	\$1,384	\$1,020	\$1.55

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20869

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Library Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Library Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20869

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – LIBRARY SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Library Services	\$1,591	\$1,146	\$952	\$698	\$515	\$0.10

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20870

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Long-Term Care Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Long-Term Care Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20870

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – LONG-TERM CARE SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Long-term Care Services	\$95	\$68	\$57	\$42	\$31	\$0.01

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20871

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Public Health Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Public Health Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20871

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – PUBLIC HEALTH SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Public Health Services	\$391	\$282	\$234	\$172	\$126	\$0.05

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20872

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Ambulance Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Ambulance Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20872

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – AMBULANCE SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Ambulance Services	\$407	\$293	\$244	\$179	\$132	\$0.05

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20873

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Waste Diversion.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Waste Diversion

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20873

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – WASTE DIVERSION SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Waste Diversion Services	\$986	\$710	\$590	\$433	\$319	\$0.15

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20874

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Services Related to a Highway.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Services Related to a Highway

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20874

SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – SERVICES RELATED TO A HIGHWAY

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Services Related to a Highway	\$19,685	\$14,175	\$11,784	\$8,636	\$6,367	\$10.04

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20875

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Public Works.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Public Works

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20875

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – PUBLIC WORKS**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Public Works	\$1,993	\$1,435	\$1,193	\$874	\$645	\$1.01

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20876

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Fire Protection.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Fire Protection

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20876

SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – FIRE PROTECTION SERVICES

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Fire Protection Services	263	189	157	115	85	0.13

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20877

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Policing Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Policing Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20877

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – POLICING SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Policing Services	\$1,449	\$1,043	\$867	\$636	\$469	\$0.74

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20878

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Stormwater Drainage and Control Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Stormwater Drainage and Control Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024) – 20878

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – STORMWATER SERVICES**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL ³
	Single and Semi-Detached Dwelling	Multiples ¹	Apartments ² - 2 Bedrooms +	Apartments ² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Stormwater Services	757	545	453	332	245	0.39

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20879

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Wastewater Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Wastewater Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20879

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – WASTEWATER SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Wastewater Services	\$9,211	\$6,633	\$5,514	\$4,041	\$2,979	\$4.70

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential

The Corporation of the City of Guelph

By-law Number (2024) - 20880

A by-law for the imposition of Development Charges for By-law Number (2024) – 20866.

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 or its taxpayers;

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. **PURPOSE**

The contents of this by-law provide the supporting Development Charges for By-law (2024) – 20866 for the Service Category designated in 2.

2. **DESIGNATION OF SERVICE/CLASS OF SERVICE**

The service category for which Development Charges are imposed under this By-law are as follows:

- i. Water Services.

3. **DATE BY-LAW IN FORCE**

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

4. **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.

Passed this 16th day of January, 2024.

Schedules:

Schedule A: Schedule of Development Charges – Water Services

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk

By-law Number (2024)-20880

**SCHEDULE A
SCHEDULE OF DEVELOPMENT CHARGES – WATER SERVICES**

Municipal Wide Services / Class of Service	Single and Semi-Detached Dwelling	Multiples¹	Apartments² - 2 Bedrooms +	Apartments² - Studio and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential³ (per sq.ft. of Gross Floor Area)
Water Services	\$11,918	\$8,582	\$7,135	\$5,228	\$3,855	\$6.08

¹ Multiples include Townhomes, Row Dwellings, and Duplex Dwellings

² Apartments also include Triplex Dwellings, Fourplex Dwellings, Stacked Townhomes, and Additional Residential Dwelling Units

³ Non-Residential Developments include Institutional, Commercial, Industrial, Short-Term Accommodations, and any structure not considered Residential



August 15, 2023

32675-23

Jeff.Buisman@vanharten.com

Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mr. Juan da Silva

Dear Mr. da Silva:

Re: Severance Applications & Sketch
Previous Files: OPA1707 & ZBA1712
300 Water Street
Part of Lot 1, Concession 4, Division 'G'
PIN 71247-0309
Geographic Township of Guelph
City of Guelph

Please find enclosed six applications for severances on the above-mentioned property. Included with this submission are copies of the sketch, completed application forms, PIN Report and Map, required deeds and Preliminary Site Designs from GM BluePlan. Payment of \$16,200.00 to the City of Guelph for the application fees will follow shortly.

Proposal:

The subject property at 300 Water Street (PIN 71247-0309) is vacant and six severances are proposed for low residential purposes. A total of six 'On-Street Townhouse' units are proposed along Water Street and a single-detached dwelling is proposed for the Retained Parcel along Denver Road.

This application is consistent with planning approvals (OPA and ZBA) granted on this property for one (1) single detached dwelling and six (6) townhouse dwellings by Guelph City Council based on the recommendations in City staff report IDE-2020-12 dated February 10, 2020. The submitted consent applications will simply establish the necessary legal parcel fabric to facilitate the future conveyance of the dwelling units that are to be constructed on the new land parcels.



Below is a description of the six severance and retained parcel proposals, including one request for an easement:

- 1) **Severance #1** will have a frontage of 24.5m along Water Street, depth of 7.6m and 26.2m, for an area of 412m² where a townhouse unit is proposed.
- 2) **Severance #2** will have a frontage of 6.9m along Water Street, depth of 26.2m and 28.0m, for an area of 191m² where a townhouse unit is proposed.
- 3) **Severance #3** will have a frontage of 6.9m along Water Street, depth of 28.0m, for an area of 193m² where a townhouse unit is proposed.
- 4) **Severance #4** will have a frontage of 6.9m along Water Street, depth of 28.0m, for an area of 193m² where a townhouse unit is proposed.
- 5) **Severance #5** will have a frontage of 6.9m along Water Street, depth of 28.0m, for an area of 193m² where a townhouse unit is proposed.
- 6) **Severance #6** will have a frontage of 11.4m along Water Street, frontage of 28.0m along Denver Road, for an area of 331m² where a townhouse unit is proposed.
- 7) **Easement** proposed on the Severed Parcel #6 for the sanitary sewer, in favour of the Retained Parcel. The easement will have a width of 3.0m, depth of 28.0m, for an area of 84m².
- 8) **Retained Parcel** will have a frontage of 39.3m along Denver Road, for an area of 548m² where a single-detached dwelling is proposed.

The property is split into three zoning areas in the Old and New Zoning By-laws.

The Severed Parcel #1 is zoned Residential RL.3-6 in the New zoning and R.3B-24 in the Old zoning. Both permit On-Street Townhouse dwellings with special provisions for the rear yard to be a minimum of 3.8m.

Severed Parcels #2 to #6 are zoned Residential RL.3-7 in the New zoning and R.3B-25 in the Old zoning. Both zonings permit On-Street Townhouse dwellings with special provisions for Storm Gallery Protection.

The Retained Parcel is zoned Residential RL.2-17 in the New zoning and R.1C-32 in the Old zoning. Both permit a single-detached dwelling with special provisions for the rear yard to be a minimum of 3.5m.

The sketch shows conceptual house footprints that fully conform to and comply with the New and Old Zoning By-law requirements. Parcel fabric has been configured to adhere to the applicable site specific zoning, and all zoning requirements are met.

The proposed severances also fully comply with the Low Density Residential land use designation approved on this property by Council in February 2020.

We further note that Report IDE-2020-12 contained a detailed list of conditions required to be addressed to the satisfaction of the City prior to building permits being issued, and/or prior to construction or grading occurring on the subject property. Accordingly, we do not anticipate that any 'new' or 'additional' conditions need be imposed as part of this application, other than conditions dealing specifically with the legal parcel fabric that is proposed.

There is a very high demand for housing and intensification within Guelph. This application serves to help achieve the objectives of meeting this demand.



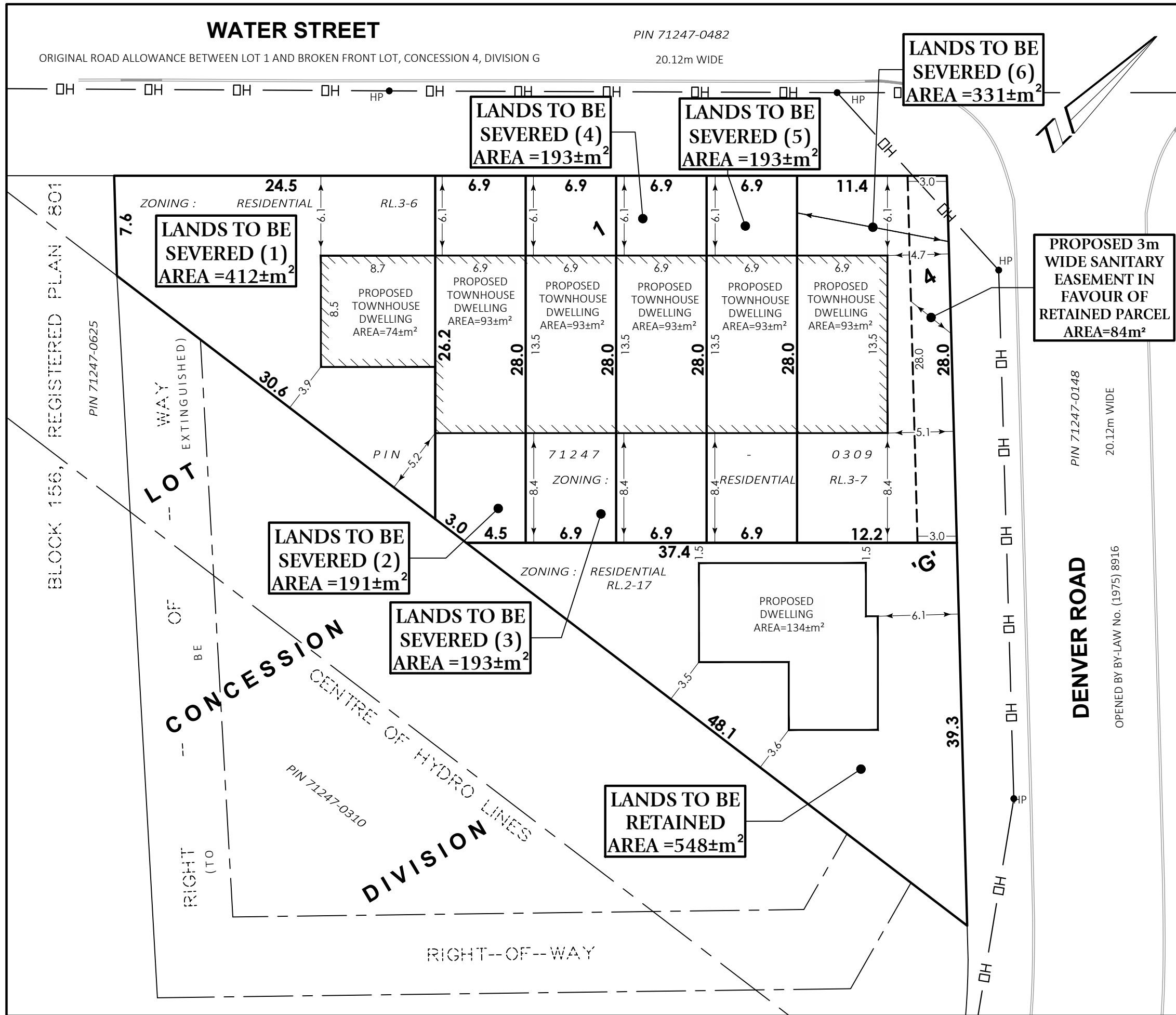
Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

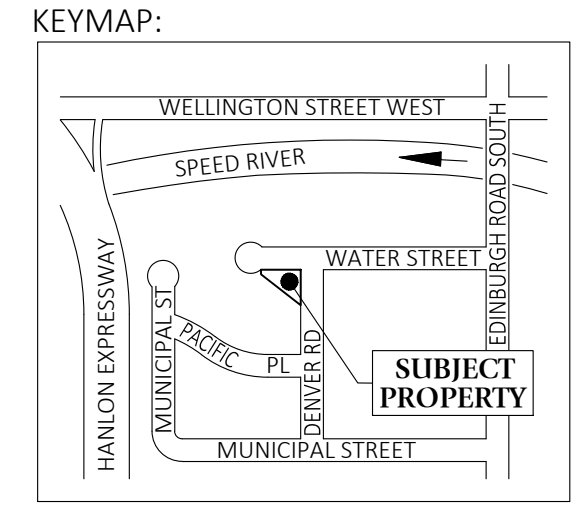
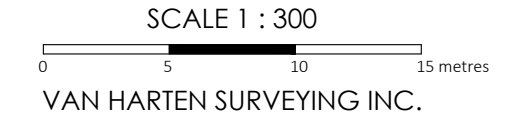
A handwritten signature in black ink, appearing to read "Jeffrey E. Buisman".

Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Zachary Fischer
cc Joe Rider
cc Chris Corosky, Van Harten Surveying



SEVERANCE SKETCH
PART OF LOT 1, CONCESSION 4, DIVISION 'G'
GEOGRAPHIC TOWNSHIP OF GUELPH
CITY OF GUELPH
COUNTY OF WELLINGTON



- NOTES:
1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
 2. SUBJECT LANDS ARE ZONED PROPOSED RESIDENTIAL RL.3-6, RL.3-7 & RL.2-17.
 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF LOW DENSITY RESIDENTIAL.
 4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.

SURVEYOR'S CERTIFICATE:
THIS SKETCH WAS PREPARED
ON THE 23rd DAY OF AUGUST, 2023

Jeff Buisman
JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR

Van Harten
LAND SURVEYORS - ENGINEERS

Kitchener/Waterloo Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: AN	CHECKED BY: JB	PROJECT No. 32675-23
Aug 23, 2023-4:04:21 PM G:\GUELPH\DivG\CON4\ACAD\SEV PLOT 1 (MEZCON) UTM 2010.dwg		
© 2023 THIS SKETCH IS PROTECTED BY COPYRIGHT		

DECISION

Committee of Adjustment Application Number B-13/23

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land:

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, a parcel with frontage on Water Street of 24.5 metres, and an area of 412 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 29, 2023, project number 32675-23, labelled as Lands to be Severed 1, be **approved**, subject to the following conditions:

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
 - a. verification and confirmation of high groundwater levels on site;
 - b. in situ permeameter testing in support of the clear stone infiltration gallery;
 - c. stormwater management plan that demonstrates maintenance of pre- to post-development;
 - d. recharge and runoff volumes;
 - e. grading, drainage and erosion and sediment control plans; educational signage; and
 - f. a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.

DECISION

Committee of Adjustment

Application Number B-13/23

7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.
10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
 - a. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
 - b. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence."
 - c. "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."
 - d. "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."

DECISION

Committee of Adjustment

Application Number B-13/23

11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.
14. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, A grading and drainage plan for the severed and retained lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
15. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, A stormwater management Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
16. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a servicing plan, showing the lateral service connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager/City Engineer.
17. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
19. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer
20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.

DECISION

Committee of Adjustment

Application Number B-13/23

21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
23. That prior to Certificate of Official, a hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
25. That the related applicable consent files (files B-13/23, B-14/23, B-15/23, B-16/23, B-17/23 and B-18/23) receive final certification of the Secretary-Treasurer and be registered on title.
26. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
27. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
28. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
29. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
30. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

DECISION


**Committee of Adjustment
Application Number B-13/23**

Reason:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Important: Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of two (2) years from the giving of the Notice of Decision to fulfill all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused. Deadline to fulfill conditions: September 20, 2025.

DocuSigned by:

98C91C0F873E4DE...
J. Smith

ABSENT
L. Cline

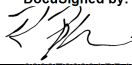
DocuSigned by:


BA5C54A30C81438...
J. Goodfellow

Members of the Committee of Adjustment concurring in the decision:

DocuSigned by:

91FBD7E501224D0...
K. Hamilton

DocuSigned by:

0963E8886ABB437...
R. Pyke

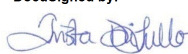
DocuSigned by:

6D7AA297310242E...
G. Sayer

DocuSigned by:

84B7E8BE950E4E7...
R. Speers

I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on September 14, 2023

Dated: September 20, 2023

Signed: 
3235DAAD3011412...

The last day on which a Notice of Appeal to the Ontario Land Tribunal may be filed is October 10, 2023

Committee of Adjustment
T 519-822-1260 x2524
E cofa@guelph.ca
guelph.ca/cofa

From: [Justin Black](#)
To: [Shanna O'Dwyer](#)
Cc: [Vithiya Suthagar](#); [Zachary Fischer](#); [Andrew Arklie](#); [William Thompson](#); [Filing 19](#)
Subject: Re: 300 Water Street project 19452
Date: Thursday, October 26, 2023 3:46:22 PM
Attachments: [image002.png](#)
[Outlook-A screensh.png](#)
[Letter_re_DC rental development Oct 23 2023.pdf](#)

Good afternoon Shanna,

Our clients have forwarded your below email to our office for a response. Our office has spent considerable time on the recent amendments to the Development Charges Act and just recently went through similar correspondences with the City of Waterloo and the Region of Waterloo (to which both ended up agreeing with us).

Respectfully, we have not been able to locate any legal basis for your conclusion that a certain ownership structure is a requirement to meet the definition of "rental housing development" in the Development Charges Act (and further the Guelph DC Bylaw). Can you please elaborate on this position and direct our office to the legislative support for your below conclusions?

Although not directly related to 300 Water St, we note that, for the same reasoning, the fact a development is a condominium does not negate the ability for the rental housing development charges deduction to apply.

I have attached the letter from our office that our client provided to Vithiya for reference. Please let me know if you would like to discuss or if you would like our office to engage the City Solicitor on this matter.

Thank you,
Justin

Justin Black
Lawyer

T: 519-505-0618



<!--[if !vml]--> <!--[endif]-->

CONFIDENTIALITY NOTICE: This e-mail and any attachments may be confidential and protected by legal privilege. If you are not the intended recipient of this e-mail, please immediately contact and inform the sender by return e-mail or by telephone at (519) 505-0618 and delete all copies of this e-mail and any accompanying document(s).

----- Forwarded message -----

From: Shanna O'Dwyer <Shanna.Odwyer@guelph.ca>
Date: Thu, Oct 26, 2023 at 9:42 AM
Subject: RE: 300 Water Street project

To: Zachary.fischer@mezcon.ca <Zachary.fischer@mezcon.ca>
Cc: Vithiya Suthagar <Vithiya.Suthagar@guelph.ca>

Good morning Mr. Fischer,

The difference between your proposed development and a rental housing development is the ownership structure. In the case of 300 Water Street, the zoning is specific for on-street townhouses (multiple driveways, separate servicing) that requires each townhouse unit to be on a separate lot. Since they are serviced individually, they are able to be freehold ownership. The owners can then decide to occupy or rent each unit and they can be individually bought and sold.

To provide a further example, if you purchased six single family homes on the same street and planned to rent them out, this would also not be a rental housing development.

In an apartment building, the rental exemption turns on the units not being condos – i.e., that the ownership is not severable on a unit basis.

Thanks,
Shanna

Shanna O'Dwyer, CPA, CA, MA
Manager, Financial Strategy and Long-Term Planning
Finance
City of Guelph
519-822-1260 extension 2300
TTY 519-826-9771
Mobile 226-332-4431
shanna.odwyer@guelph.ca

My work hours may not match yours, and I do not expect you to respond outside your working hours.

From: Zachary Fischer <Zachary.fischer@mezcon.ca>
Sent: Monday, October 23, 2023 1:15 PM
To: Vithiya Suthagar <Vithiya.Suthagar@guelph.ca>
Cc: Justin Black <jblack@rcllp.ca>; Andrew Arklie <andrew.arklie@sprucelivinginc.com>
Subject: Re: FW: 26 Forest - DC's

Hi Vithiya,

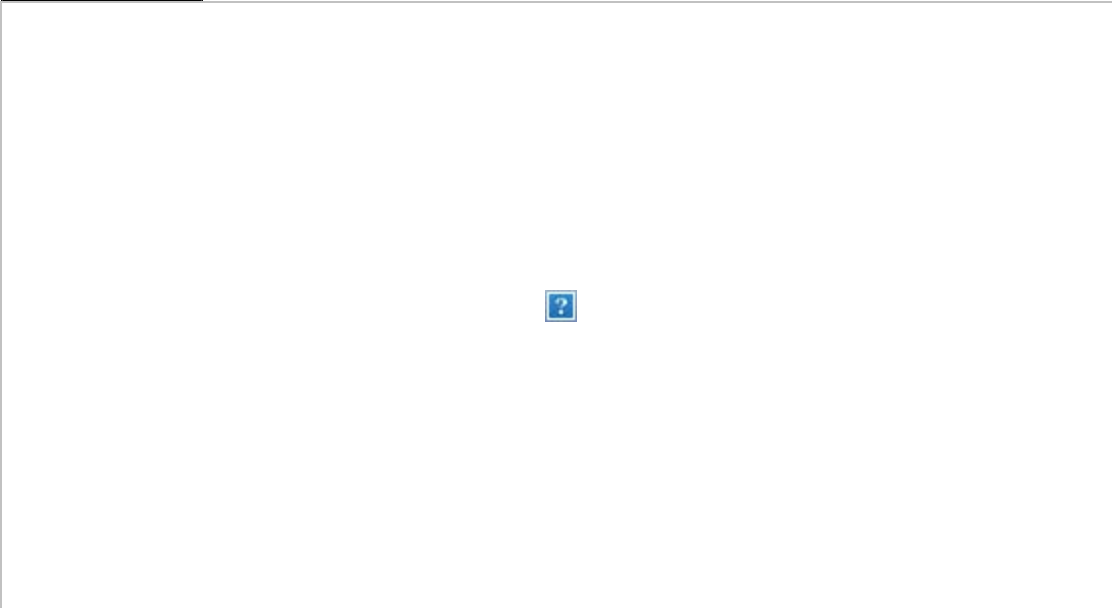
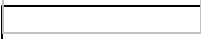
Are you able to provide details as to how your team had determined this?

Please see attached email and corresponding letter as to why we believe the DC's exemption should be applied to this project.

Thanks and look forward to your reply

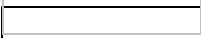
Thanks,
Zachary Fischer

Mezcon Construction Ltd.
T: 519-780-1441 C: 519-835-4266
70 Preston St. Guelph On. N1H 3C4
www.mezcon.ca



Thanks,
Zachary Fischer

Mezcon Construction Ltd.
T: 519-780-1441 C: 519-835-4266
70 Preston St. Guelph On. N1H 3C4
www.mezcon.ca



On Wed, Oct 18, 2023 at 3:02 PM Vithiya Suthagar <Vithiya.Suthagar@guelph.ca> wrote:

Hi Zachary,

Apologies for my delayed response for your below question.

I have discussed about your 300 Water Street project with my co-workers and have

concluded that the project will not get DC rental rate reduction.

As per the Development Charges Act, '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.

However this particular development is 6 separate buildings. Usually the rental discount is given for apartments with 4 or more units which are intended to use for rental purposes. In that case, its more than 4 residential units in a building.

Please let me know if you have any questions.

Thanks

Vithiya Suthagar, CPA, CGA
Accounting Analyst
Corporate Services, **Finance**
City of Guelph
519-822-1260 extension 3816
vithiya.suthagar@guelph.ca

guelph.ca
[@cityofguelph](https://www.facebook.com/cityofguelph)

From: Zachary Fischer <Zachary.fischer@mezcon.ca>
Sent: Friday, September 15, 2023 9:02 AM
To: Vithiya Suthagar <Vithiya.Suthagar@guelph.ca>
Subject: Re: FW: 26 Forest - DC's

Thank you - I am building 6 townhouses at 300 Water st. that I intend to keep as rentals. They are all four bedroom units, so I assume it would be 38k less 25%. What documentation do you require to show that they are rentals?

Thanks,
Zachary Fischer

Mezcon Construction Ltd.
T: 519-780-1441 C: 519-835-4266
70 Preston St. Guelph On. N1H 3C4
www.mezcon.ca



On Thu, Sep 14, 2023 at 9:09 AM Vithiya Suthagar <Vithiya.Suthagar@guelph.ca> wrote:

Hi Zachary,

It depends on what type of town house it is. For stacked townhomes it will be \$29,388 and \$21,820 respectively for 2+ bedrooms and 1 bedroom.

For regular townhomes, it will be \$38,092.

Thanks

Vithiya Suthagar, CPA, CGA
Accounting Analyst
Corporate Services, **Finance**
City of Guelph
519-822-1260 extension 3816
vithiya.suthagar@guelph.ca

guelph.ca
[@cityofguelph](https://www.facebook.com/cityofguelph)

From: Zachary Fischer <Zachary.fischer@mezcon.ca>
Sent: Thursday, September 14, 2023 9:01 AM
To: Vithiya Suthagar <Vithiya.Suthagar@guelph.ca>
Subject: Re: FW: 26 Forest - DC's

Thank you - What is the total DC fee for townhouses?

Thanks,
Zachary Fischer

Mezcon Construction Ltd.
T: 519-780-1441 C: 519-835-4266
70 Preston St. Guelph On. N1H 3C4
www.mezcon.ca



On Wed, Sep 13, 2023 at 5:13 PM Vithiya Suthagar <Vithiya.Suthagar@guelph.ca> wrote:

Hi Zachary,

Please see below,

Error! Filename not specified.

We provide receipt after the payment is received.

Thanks

Vithiya Suthagar, CPA, CGA
Accounting Analyst
Corporate Services, **Finance**
City of Guelph
519-822-1260 extension 3816
vithiya.suthagar@guelph.ca

guelph.ca
[@cityofguelph](https://www.facebook.com/cityofguelph)

From: Zachary Fischer <Zachary.fischer@mezcon.ca>
Sent: Wednesday, September 13, 2023 4:52 PM
To: Vithiya Suthagar <Vithiya.Suthagar@guelph.ca>
Subject: Re: FW: 26 Forest - DC's

Hi Vithiya,

Could you please cite where that is stated in bill 23 along with how a property is deemed a rental?

Do you provide any sort of invoice or paperwork to issue the payment?

Thanks,
Zachary Fischer

Mezcon Construction Ltd.
T: 519-780-1441 C: 519-835-4266
70 Preston St. Guelph On. N1H 3C4
www.mezcon.ca



On Wed, Sep 13, 2023 at 10:17 AM Vithiya Suthagar
<Vithiya.Suthagar@guelph.ca> wrote:

Hi Zachary,

As you can see in the preliminary letter, lot C is exempt from DCs due to the demolition of the existing property.

However for the single detached in lot B, you will have to pay \$50,680 using our current DC rate.

Bill 23 reduction of 25% for 3 or more bedrooms are only for rental housing developments, not for single detached houses.

Thanks

Vithiya Suthagar, CPA, CGA
Accounting Analyst
Corporate Services, **Finance**
City of Guelph
519-822-1260 extension 3816
vithiya.suthagar@guelph.ca

guelph.ca
[@cityofguelph](https://www.facebook.com/cityofguelph)

From: Zachary Fischer <Zachary.fischer@mezcon.ca>
Sent: Wednesday, September 13, 2023 9:11 AM
To: Vithiya Suthagar <Vithiya.Suthagar@guelph.ca>
Subject: 26 Forest - DC's

[EXTERNAL EMAIL] Do not click links or attachments unless you recognize the sender and know the content is safe.

Hi Vithiya,

I hope you are doing well!

I am looking to get the amounts for the DC's for the attached two projects? Are you able to provide this information?

Please note, both dwellings are 4 bedrooms and Bill 23 notes a 30% reduction in the DC's. Lot C is the retained lot and there should not have any DC's as this is replacing the existing dwelling.

Please let me know if you require any additional information from my end on this?

Thanks,
Zachary Fischer

Mezcon Construction Ltd.
T: 519-780-1441 C: 519-835-4266
70 Preston St. Guelph On. N1H 3C4
www.mezcon.ca



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Justin Black

Lawyer

T: 519-505-0618

Email: jblack@rcllp.ca

October 19, 2023

Spruce Holding Co. Inc. & Mezcon Construction Ltd.

Via Email to Zachary.fischer@mezcon.ca & andrew.arklie@sprucelivinginc.com

File No. 19452

Re: Assessment of Applicable Development Charges for Residential Townhouse Rental Portion of the development located at 300 Water St, Guelph, ON

Background:

We have been asked to provide an assessment of whether the townhouse portion of the proposed development located at 300 Water St, Guelph, ON meets the requirements to receive the discount for development charges payable as per ss.26.2(1.1)1. of the *Development Charges Act, 1997, S.O. 1997, c. 27* (the “DC Act”).

As per the site plan attached hereto as Appendix 1 (the “Site Plan”), the townhouse portion of the proposed development is comprised of six (6) individual residential units each containing four (4) separate bedrooms within to be completed and retained by the builder as rental residential units (the “Rental Townhomes Development”).

Summary of Findings:

The Rental Townhomes Development meets all of the requirements to receive the deduction set out in ss.26.2(1.1)1. of the DC Act because:

1. All six (6) residential units are part of one (1) building as defined in the Building Code Act;
2. There are six (6) contiguous rental residential units; and
3. Each of the six (6) residential units contains four (4) separate bedrooms.

Analysis of requirements for ss.26.2(1.1)1.:

ss.26.2(1.1)1. of the DC Act sets out that:

Discount, rental housing development

(1.1) In the case of rental housing development, the amount [of development charges payable] determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a **residential unit intended for use as a rented residential premises** with **three or more bedrooms** shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent. 2022, c. 21, Sched. 3, s. 8 (2). [emphasis added]

The DC Act defines “rental housing development” as:

“development of a building or structure with four or more residential units all of which are intended for use as rented residential premises;”

“building or structure” is not defined in the DC Act.

In simple terms, ss.26.2(1.1)1. of the DC Act has the following requirements:

1. The development must have residential units containing three (3) or more bedrooms;
2. The development must have four or more residential units;
3. The four or more residential units must be intended to be used as rented residential premises; and
4. The development must be a building or structure.

Applying the requirements of ss.26.2(1.1)1. to the Rental Townhomes Development, we can conclude, a priori, the following:

1. The Rental Townhomes Development has residential units containing four (4) bedrooms per residential unit;
2. The Rental Townhomes Development has six (6) separate residential units; and
3. The intended use of the Rental Townhomes Development is rental residential premises.

The remaining condition is whether the Rental Townhomes Development meets the definition of “building or structure” to satisfy the requirements of ss.26.2(1.1)1.

Analysis of “building or structure” applicability:

The *Building Code Act, 1992, S.O. 1992, c. 23* defines “building” as the following:

(a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,

(b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,

(c) plumbing not located in a structure,

(c.1) a sewage system, or

(d) structures designated in the building code; (“bâtiment”)

As shown on the Site Plan, the Rental Townhomes Development is a contiguous structure comprised of six (6) residential units whereby each residential unit has separate access onto Water Street but all residential units share at least one party wall with another residential unit within the Rental Townhomes Development. There is no residential unit therein that is a standalone structure as each individual unit requires at least one shared wall with an adjacent unit.

Consequently, the Rental Townhomes Development, as a whole, meets the requirements of part (a) of the definition of “building” within the *Building Code Act*.

Although not required, provisions of the current City of Guelph Development Charges Bylaw (2019)-20372 (as amended by By-law Number (2021)-20643) (the “Guelph DC Bylaw 2019”) and the proposed City of Guelph Development Charges Bylaw 2023 (the “Guelph DC Bylaw 2023”) corroborate the foregoing findings.

Guelph DC Bylaw 2019:

The Guelph DC Bylaw 2019 defines “Rental Housing Development” as:

“the residential housing development of a building or structure with four or more Dwelling Units all of which are intended for use as rented residential premises;”

And defines “Dwelling Unit” as:

“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;”

As part of the definition of Dwelling Unit is a clarification of “Townhouse” which means:

*“(g) “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; (iii) “On-Street Townhouse” means a Townhouse where each Dwelling Unit is located on **a separate lot** and has **legal frontage on a public street;**”*

The definition of “Row Dwelling” is:

*“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;”*

As the emphasized portions of the definitions show, the Rental Townhomes Development meets the definition of both a “On-Street Townhouse” and a “Row Dwelling” as:

1. the Rental Townhomes Development is built up of dwelling units within a building that are divided vertically into separate dwelling units, located on separate lots, and have legal frontage on a public street.

Consequently, as per the *Guelph DC Bylaw 2019*, the Rental Townhomes Development is comprised of one (1) contiguous building and therefore meets the requirements of ss.26.2(1.1)1. of the DC Act.

Guelph DC Bylaw 2023

Although not currently in effect, the Guelph DC Bylaw 2023 expands the relevant provisions and definitions related to rental dwelling units of which the definition of “Building” is included.

““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;”

Further to the conclusions above, the new definition of “Building” reconfirms that the Rental Townhomes Development is a building within the *Building Code Act*, the DC Act, the Guelph DC Bylaw 2019, and the Guelph DC Bylaw 2023.

Yours very truly,

Robson Carpenter LLP



Per:

Justin Black

LEGEND:

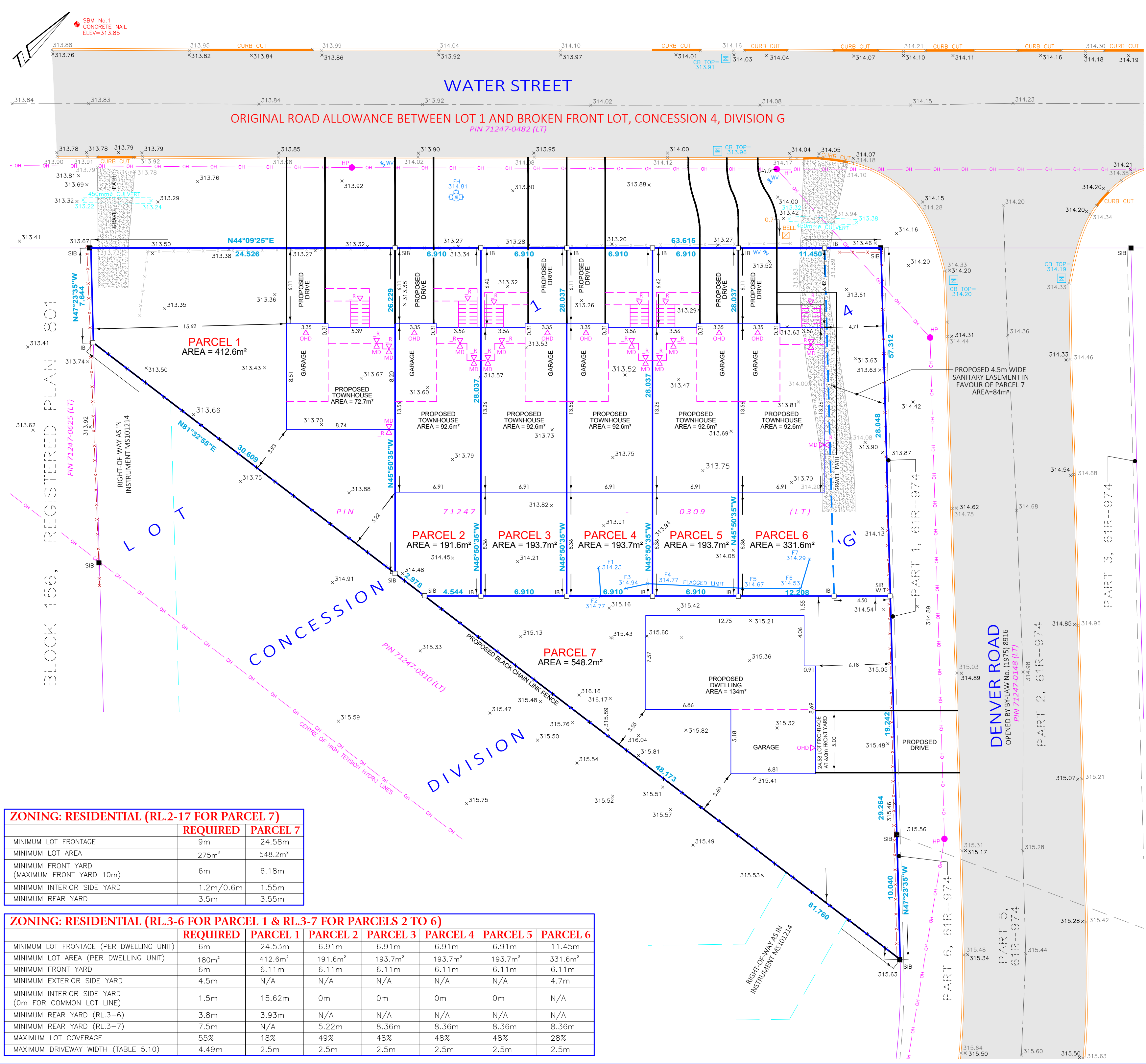
Legend table containing symbols for various survey monuments (SIB, IB, SSIB, CC, OU, 375, VH), elevations (EXISTING, PROPOSED), utility poles (HYDRO, HP, LIGHT), and materials (ASPHALT, BUILDING, GRAVEL, CONCRETE, WATER, FLOWERBED, PAVESTONE, DECK). It also lists symbols for trees and other site features.

BEARING AND COORDINATE NOTE:

- 1. BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.
- 2. DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.999601185.
- 3. COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (CSRS-2010) ADJUSTMENT AND ARE BASED ON GPS OBSERVATIONS FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

CALL BEFORE YOU DIG

THE LOCATION OF SERVICES ON THIS DRAWING ARE ONLY APPROXIMATE AND BASED ON SURFACE FEATURES LOCATED AT THE TIME OF THE TOPOGRAPHIC SURVEY. PRIOR TO ANY CONSTRUCTION IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER TO ENSURE THE EXACT LOCATION OF ALL UTILITIES.



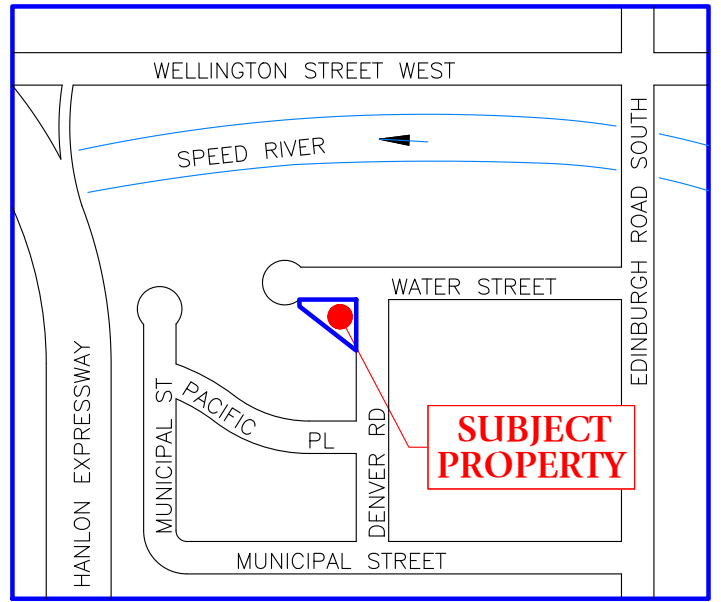
ZONING: RESIDENTIAL (RL.2-17 FOR PARCEL 7)

	REQUIRED	PARCEL 7
MINIMUM LOT FRONTAGE	9m	24.58m
MINIMUM LOT AREA	275m²	548.2m²
MINIMUM FRONT YARD (MAXIMUM FRONT YARD 10m)	6m	6.18m
MINIMUM INTERIOR SIDE YARD	1.2m/0.6m	1.55m
MINIMUM REAR YARD	3.5m	3.55m

ZONING: RESIDENTIAL (RL.3-6 FOR PARCEL 1 & RL.3-7 FOR PARCELS 2 TO 6)

	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4	PARCEL 5	PARCEL 6
MINIMUM LOT FRONTAGE (PER DWELLING UNIT)	6m	24.53m	6.91m	6.91m	6.91m	6.91m	11.45m
MINIMUM LOT AREA (PER DWELLING UNIT)	180m²	412.6m²	191.6m²	193.7m²	193.7m²	193.7m²	331.6m²
MINIMUM FRONT YARD	6m	6.11m	6.11m	6.11m	6.11m	6.11m	6.11m
MINIMUM EXTERIOR SIDE YARD	4.5m	N/A	N/A	N/A	N/A	N/A	4.7m
MINIMUM INTERIOR SIDE YARD (0m FOR COMMON LOT LINE)	1.5m	15.62m	0m	0m	0m	0m	N/A
MINIMUM REAR YARD (RL.3-6)	3.8m	3.93m	N/A	N/A	N/A	N/A	N/A
MINIMUM REAR YARD (RL.3-7)	7.5m	N/A	5.22m	8.36m	8.36m	8.36m	8.36m
MAXIMUM LOT COVERAGE	55%	18%	49%	48%	48%	48%	28%
MAXIMUM DRIVEWAY WIDTH (TABLE 5.10)	4.49m	2.5m	2.5m	2.5m	2.5m	2.5m	2.5m

KEYMAP:



PROPERTY DESCRIPTION:

- PIN 71247-0309 (LT)
- ADDRESS: 300 WATER STREET
- PART OF LOT 1, CONCESSION 4, DIVISION 'G'; AS IN INSTRUMENT MS106819
- TOGETHER WITH INSTRUMENT MS125132
- CITY OF GUELPH

SURVEY INFORMATION:

- BENCHMARK REFERENCE:** ELEVATIONS ARE BASED ON GPS OBSERVATIONS FROM PERMANENT REFERENCE STATIONS IN THE NAD83 (CSRS-2010) COORDINATE SYSTEM, WITH HEIGHTS CONVERTED TO ORTHOMETRIC ELEVATIONS ON THE CGVD28 DATUM (1978 ADJUSTMENT) WITH GEOD MODEL HTV2.0, AS SUPPLIED BY NATURAL RESOURCES CANADA.
- SITE BENCHMARK:** 1. CONCRETE NAIL EAST OF EAST CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 313.85 METRES.
- TOPOGRAPHIC SURVEY DATE:** BASED ON TOPOGRAPHIC SURVEY COMPLETED DECEMBER 2011 FOR VAN HARTEN SURVEYING PROJECT No. 20412-11

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES. THIS SKETCH IS PROTECTED BY COPYRIGHT. ©

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**SITE PLAN FOR:
PART OF LOT 1, CONCESSION 4, DIVISION 'G'
GEOGRAPHIC TOWNSHIP OF GUELPH
CITY OF GUELPH
COUNTY OF WELLINGTON
DRAWING REVISION SCHEDULE**

Table for drawing revisions and project information. Includes fields for No., Revision, Date, and Prepared For: Mezcon Construction Ltd. Project No. 32675-23, Drawing Scale 1:200, and contact information for Van Harten Land Surveyors - Engineers (Kitchener/Waterloo, Guelph, and Orangeville offices).

31 October 2023

VIA EMAIL

Justin Black
Robson Carpenter LLP
99 Stanley Street
Ayr, ON NOB 1E0

Dear Mr. Black:

RE: “Rental Housing Development” under the *Development Charges Act, 1997 (DC Act)*

Your email to Shanna O’Dwyer, Manager, Financial Strategy and Long-Term Planning with The Corporation of the City of Guelph (the “City”) has been referred to me for response.

With respect for your contrary viewpoint, the term “rental housing development” as it currently reads in the DC Act is an exception to the general rule that development must pay for the associated costs of that development as defined in the DC Act and the associated municipal by-law. As an exemption, it must be read purposively and must meet all aspects of the definition. This ensures that it is restricted in its application to the specific form of development for which the province has deemed there is a valid policy reason to shift the financial burden of the development to the pre-existing tax base. In the case of rental housing development, the justification for shifting this burden comes in securing a needed form of housing, namely purpose-built rental.

The City, consistent with the legislative purpose, applies this exemption to units which meet the criteria of being purpose-built for long-term rental tenure or, in the words of the DC, “four or more units all of which are intended for use as rented residential units” (DC Act, section 2). Typically, this form of development will be realized in the form of apartment buildings, for which units are not registered for individual sale, however the exemption could apply to four or more units in a townhouse built-form, provided that they are purpose-built built for rental by a single owner of four or more residential units rather than for individual ownership. Freehold or condominium units, however, are specifically structured for individual ownership. To enjoy exemption from development charges within the DC Act and City by-law, individual freehold units would need to meet a different exemption, such as being built by a non-profit housing corporation for affordable housing.

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If, as you suggest, every individual freehold unit was eligible for rental exemption regardless of tenure simply because it is possible that four or more of the initial owners might choose to rent them, it would functionally obliterate the purpose for which the DC Act exemption was crafted. Each of the units could be immediately and freely sold without any assurance that four or more would remain in rental tenure for any duration or at all, and the financial burden of development charges would be offloaded to the municipality's taxpayers without any reasonable prospect of accomplishing the policy reason for the exemption.

Accordingly, the City will be maintaining its interpretation of the rental housing as requiring indicia that the units are purpose-built for rental tenure with a single owner. The freehold townhouse units which are part of the Mezcon Construction Ltd. development at 300 Water Street, Guelph do not qualify for a rental housing exemption and will be required to pay development charges in accordance with the City by-law and the DC Act.

I trust that this clarifies the reasons for the City's position in this matter.

Yours truly,

A handwritten signature in blue ink, appearing to read "Allison Thornton".

Allison A. Thornton, Associate Solicitor, Land Use Planning and Development
Legal, Realty and Court Services, Corporate Services
Location: City Hall

519-822-1260 Extension **2438**; TTY 519-826-9771
519-822-0705
allison.thornton@guelph.ca

C Shanna O'Dwyer, Vithiya Suthagar

From: [Allison Thornton](#)
To: [Justin Black](#)
Cc: [Filing 19: Kim Mercado](#)
Subject: RE: Your email to Shanna O'Dwyer: 300 Water Street, Guelph DC exemption request 19452
Date: Tuesday, November 28, 2023 6:18:00 PM
Attachments: [image001.png](#)

Good evening Justin

I have obtained instructions on this matter, and on consideration of the development history and principles of statutory interpretation, staff does not believe that this development qualifies as a rental housing development. Further, as the rental housing exemption is one imposed by the statute and not by local policy, staff does not feel that there is a direction from Council in this regard which would support entering into an agreement to extend the favourable DC treatment (and shift those costs to local taxpayers) for a rental housing development to six units build for individual ownership based on an agreement from your client to rent the six units on separate lots for a fixed period of time.

Accordingly, I am confirming the advice your client received from Ms. O'Dwyer that development charges are due in full at the time of building permit.

It is, of course, your client's right to pay this amount under protest under section 20 of the Act and argue to Council that staff's interpretation is incorrect. However this is the decision that has been taken on your client's file.

Yours very truly,

Allison

Allison A. Thornton (she/her)

Associate Solicitor

Corporate Services

Legal, Realty and Court Services

City of Guelph

T 519-822-1260, x. 2438

E allison.thornton@guelph.ca



Staff Report



To	City Council
Service Area	Corporate Services
Date	Tuesday, January 16, 2024
Subject	Adoption of Development Charge Background Study and 2024 Development Charge By-laws

Recommendations

1. That the assumptions contained within the 2023 Development Charge Background Study are adopted as an 'anticipation' with respect to capital grants, subsidies and other contributions.
 2. That the approach of calculating the Development Charge continue to be on a uniform City-wide basis for all services/classes of services.
 3. That the capital project listing set out in Chapter 5 of the Development Charge Background Study dated September 27, 2023, as amended be approved and subject to further annual review during the capital budget and confirmation process.
 4. That the Development Charge Background Study dated September 27, 2023, be approved as amended.
 5. That, in accordance with the Development Charges Act, 1997, as amended, Council determine that no further public meeting is required in respect of the proposed 2024 Development Charges By-laws.
 6. That the Development Charge By-laws, with by-law numbers (2024) – 20866 to (2024) – 20880, as set out in the By-laws section of this meeting agenda be approved.
 7. That a new Development Charge Reserve Fund for Long-Term Care be created and that Appendix A of the General Reserve and Reserve Fund Policy be updated accordingly.
-

Executive Summary

Purpose of Report

The purpose of this report is to seek Council approval of the proposed [2023 Development Charge Background Study \(DCBS\)](#), as amended, and 2024 Development Charge By-laws ("By-laws"). The report will provide Council with an overview of the amendments to the DCBS dated September 27, 2023, and the By-laws presented at the mandatory public meeting on October 17, 2023. A final consolidated report will be prepared and shared on the City's website following Council approval.

Key Findings

Since the draft DCBS was presented to Council on October 17, 2023, staff have worked with Watson & Associates Economists Ltd. (Watson) on final refinements. With the refinements, the updated Development Charge (DC) rate changed from \$69,300 to \$64,813 for a single or semi-detached residential unit and from \$27.44 to \$25.78 per square foot for a non-residential development. This represents a decrease of approximately six per cent from what was presented in October. The refinements include updating the names of road, water and wastewater linear projects to match names included in the capital budget for clarity and consistency.

Additionally, the By-laws have been updated to clarify the City's interpretation of purpose-built rentals for the purposes of the rental housing discount.

Strategic Plan Alignment

DCs are used to support the construction of growth-related infrastructure to promote housing and business development. The DCBS forecasts growth and capital requirements to determine the appropriate development charge rates. The By-laws allow the City to collect DCs.

Future Guelph Theme

City Building

Future Guelph Objectives

City Building: Improve housing supply

Financial Implications

The below table shows the current rate being applied to development before the new By-laws come into effect on March 2, 2024. It also shows the maximum calculated rates presented at the public meeting on October 17, 2023 and the maximum final calculated rates for the development By-laws. Since the province mandates a discount of 20 per cent in the first year of a new DC by-law, the table shows the rates that will come into effect on March 2, 2024.

Figure 1: Rate Comparison Table

Rate type	Single detached or semi-detached dwelling	Apartment with 2+ bedrooms	Apartment bachelor and 1-bedroom	Multiple unit dwelling	Special care / special dwelling	Non-Residential (per sq. ft. of Gross Floor Area)
Current Rate	\$50,680	\$29,388	\$21,820	\$38,092	\$18,635	\$16.24
Calculated Rate at Public Meeting	\$69,300	\$41,487	\$30,401	\$49,901	\$22,415	\$27.44
Calculated Final Rate	\$64,813	\$38,799	\$28,434	\$46,671	\$20,964	\$25.78

Rate type	Single detached or semi-detached dwelling	Apartment with 2+ bedrooms	Apartment bachelor and 1-bedroom	Multiple unit dwelling	Special care / special dwelling	Non-Residential (per sq. ft. of Gross Floor Area)
Calculated Final Rate after Discount (year 1)	\$51,850	\$31,039	\$22,747	\$37,337	\$16,771	\$20.62

Report

Background

The City's current DC By-law [\(2019\)-20372, as amended by By-law Number \(2021\)-20643](#) will expire on March 2, 2024. Council is required to adopt a new by-law prior to the expiry of the current by-law to ensure the uninterrupted collection of DCs.

On July 19, 2023, staff delivered a [Council Orientation and Education Workshop](#) to provide an overview of what DCs are, how they are regulated, how rates are determined, and their relationship to other planning and budgeting processes. Watson delivered a [Council Presentation](#) on the progress of the DCBS and provided estimated impacts of Bill 23 on DC collections.

On October 17, 2023, staff provided an update on the DCBS, presented the draft 2024 By-laws, and the City held a [mandatory public meeting](#) on the DCBS, as required under the Development Charges Act, 1997.

Development Charge Background Study

Since the mandatory public meeting, staff worked with Watson to finalize the capital program in the DCBS and to incorporate feedback from the public. The refinements include updating the names of road, water and wastewater linear projects to match names included in the capital budget for clarity and consistency. The timing, inclusion/exclusion and costs were refined through this process.

For the full details of the refinements made, please see Attachment-1 Development Charge Background Study Addendum.

Development Charge By-laws

Bill 23 introduced a percentage reduction from the development charges otherwise payable for a "rental housing development", which means "development of a building or structure with four or more residential units all of which are intended for use as residential premises".

Staff worked with external legal counsel to minimize potential misapplication of the reduction from the new legislation by adding clarity to the By-laws. The goal of this reduction (as expressed in the Hansard debates for Bill 23) was to encourage the development of purpose-built residential rental housing. To achieve this goal, the administrative DC By-law now stipulates that a "Rental Housing Development" must

be on a lot (singular). This would eliminate freehold development from qualifying for the rental discount. The rates in the child by-laws were updated according to the changes reported in the DCBS Addendum.

Financial Implications

The below table shows the current rate being applied to development before the new By-laws come into effect on March 2, 2024. It also shows the maximum calculated rates presented at the public meeting on October 17 and the maximum final calculated rates for the DC By-laws. Since the province mandates a discount of 20 per cent in the first year of a new by-law, the table shows the discounted rates that will come into effect on March 2, 2024.

Figure 2: Rate Comparison Table

Rate type	Single detached or semi-detached dwelling	Apartment with 2+ bedrooms	Apartment bachelor and 1-bedroom	Multiple unit dwelling	Special care / special dwelling	Non-Residential (per sq. ft. of Gross Floor Area)
Current Rate	\$50,680	\$29,388	\$21,820	\$38,092	\$18,635	\$16.24
Calculated Rate at Public Meeting	\$69,300	\$41,487	\$30,401	\$49,901	\$22,415	\$27.44
Calculated Final Rate	\$64,813	\$38,799	\$28,434	\$46,671	\$20,964	\$25.78
Calculated Final Rate after Discount (year 1)	\$51,850	\$31,039	\$22,747	\$37,337	\$16,771	\$20.62

As you can see from the rates outlined above, the refinements to the capital programs have resulted in an overall reduction of the DC rates since they were presented in October. The mandatory 20 per cent discount in year one of the new by-laws results in slightly higher rates than current in some categories, and lower rates being charged for others: multiple-unit dwellings and special care dwellings will both have lower rates in year one of the new by-laws than the current rates.

Consultations and Engagement

Staff worked with departments and Watson to make refinements to the capital program, received public feedback and responded to inquiries, and consulted with external legal counsel to minimize risk for the application of the development charge by-laws.

Attachments

Attachment-1 Development Charge Background Study Addendum

Departmental Approval

Shanna O'Dwyer, Manager, Financial Strategy and Long-Term Planning

Report Author

Kevin Yaraskavitch, Senior Corporate Analyst, Financial Strategy

This report was approved by:

Tara Baker

General Manager, Finance and City Treasurer

Corporate Services

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This report was recommended by:

Trevor Lee

Deputy Chief Administrative Officer

Corporate Services

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November 21, 2022

43rd Parliament, 1st Session

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[Next sitting day > \(www.ola.org/en/legislative-business/house-documents/parliament-43/session-1/2022-11-22/hansard\)](http://www.ola.org/en/legislative-business/house-documents/parliament-43/session-1/2022-11-22/hansard)

[Hansard Transcript 2022-Nov-21 \(PDF\) \(www.ola.org/sites/default/files/node-files/hansard/document/pdf/2022/2022-11/21-NOV-2022_L030.pdf\)](http://www.ola.org/sites/default/files/node-files/hansard/document/pdf/2022/2022-11/21-NOV-2022_L030.pdf)

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Monday 21 November 2022 Lundi 21 novembre 2022

[Members' Statements \(www.ola.org#P202_11101\)](http://www.ola.org#P202_11101)

[Health care funding \(www.ola.org#P203_11157\)](http://www.ola.org#P203_11157)

[Children's health care \(www.ola.org#P206_12353\)](http://www.ola.org#P206_12353)

[Canada men's national soccer team \(www.ola.org#P214_14342\)](http://www.ola.org#P214_14342)

[Government accountability \(www.ola.org#P218_15728\)](http://www.ola.org#P218_15728)

[Chambers of commerce awards of excellence \(www.ola.org#P225_17402\)](http://www.ola.org#P225_17402)

[Gender-based violence \(www.ola.org#P231_18847\)](http://www.ola.org#P231_18847)

[Seniors Community Grant Program / Health care funding \(www.ola.org#P237_20525\)](http://www.ola.org#P237_20525)

[Municipal planning \(www.ola.org#P243_22634\)](http://www.ola.org#P243_22634)

[Downtown Chatham Centre project \(www.ola.org#P250_24471\)](http://www.ola.org#P250_24471)

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[Introduction of Visitors \(www.ola.org#P259_27811\)](http://www.ola.org#P259_27811)

[Independent members \(www.ola.org#P284_34722\)](http://www.ola.org#P284_34722)

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[Health care \(www.ola.org#P293_35982\)](http://www.ola.org#P293_35982)

[Housing \(www.ola.org#P312_40131\)](http://www.ola.org#P312_40131)

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[Long-term care \(www.ola.org#P369_53409\)](http://www.ola.org#P369_53409)

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[Immunization \(www.ola.org#P398_62159\)](http://www.ola.org#P398_62159)

As well, since the pandemic began, we've provided municipalities over \$1.2 billion to support our most vulnerable, including encouraging them to create robust rent banks to ensure that our most vulnerable are protected.

We'll continue to work towards it. I just wish that, when we place these measures forward, the member opposite—

The Speaker (Hon. Ted Arnott): Thank you. The supplementary question.

Ms. Bhutla Karpoche: Rent banks are not the answer; rent control is.

My constituent Ben lives at 55 Quebec Avenue and is facing an increase of 11.6%. He's a single dad who already spends 60% of his take-home pay on rent. Now he will be paying an extra \$300 per month on top of that.

Ben lives in a new building that doesn't need any major repairs or upgrades. He doesn't understand why this kind of predatory increase is legal. Can the minister explain to Ben why he's allowing these kinds of predatory rent increases instead of helping Ontarians keep a roof over their head?

Hon. Steve Clark: Having a roof over your head is exactly why the government, in 2018, dealt with this exemption, so that we could have the type of climate that we experienced in 2021.

The fact of the matter is, Speaker, we had the most rental construction in over 30 years, and that's something that helps all tenants in the province. We're going to continue to work with our partners to increase the supply of housing. That's why, in Bill 23, the deepest development charge discounts for purpose-built rental are family and affordable rentals. We want to encourage—we want to keep building upon the success of the rent control exemption by providing further incentive to build that type of rental housing that I think we can all agree we need again right across this province.

Tourism

Mr. Sam Oosterhoff: Many families in the Niagara region rely on tourism directly and indirectly for their jobs and their livelihoods. From tourist attractions on Lundy's Lane to the numerous wineries stretching from Grimsby to Niagara-on-the-Lake to the northern shore of Lake Erie, there are world-class destinations that showcase Niagara's beauty and diversity.

However, while we see that the tourism sector is recovering from the pandemic, some businesses are still struggling, and we know that that's because they were hit first and hardest. So I'm wondering if the Minister of Tourism, Culture and Sport could tell the House a little bit more about what the government is doing to ensure the tourism sector is recovering from COVID, now and going forward?

Hon. Neil Lumsden: Mr. Speaker, I thank the member from Niagara West, who is acutely aware of how vital tourism is for businesses and families. Tourism supports almost 400,000 jobs across our province. Tourism activity has recently reached its highest level since the onset of the pandemic, and our government support is helping Ontario's tourism and the industry re-emerge as an economic powerhouse. We provided \$200 million in targeted funding to address the challenges that affected every segment of tourism.

This year, we're encouraging everyone to explore Ontario and support local tourism with the Ontario Staycation Tax Credit. All signs point to great growth. Domestic and foreign visitors are travelling to Ontario again, thankfully. Attractions, sporting events, festivals and concerts have welcomed back in-person fans and audiences. Hotels and restaurants are filling up again.

I know the industry continues to face challenges, but I'm very confident they will continue to get better—

The Speaker (Hon. Ted Arnott): Thank you. Supplementary question.

Mr. Sam Oosterhoff: My thanks to the minister for that response. I know that we all recognize the vital importance of the tourism sector to our local economy in Niagara and, of course, across the rest of the province.

Restaurants, hotels and small businesses all benefit from tourism dollars, and when those tourism dollars drop, we all feel the impact. Not only is it essential to sustain Niagara's tourism sector, but it's equally important to build upon its historic strength and its reputation moving forward. Could the minister commit to an aggressive strategy to support Niagara's tourism sector today and going forward?