

**A By-law to provide for the payment of
Development Charges and to
repeal By-law 0342-2009**

WHEREAS section 2 of the *Development Charges Act, 1997* 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 from development;

AND WHEREAS a development charge background study as required by section 10 of the Act, has been completed within one year prior to the enactment of this By-law;

AND WHEREAS the Council of The Corporation of the City of Mississauga has given notice of and held a public meeting on the 14th day of May, 2014, in accordance with the provisions of the Act and the regulations thereto and has heard all persons who requested to be heard;

AND WHEREAS the Development Charges Background Study was made available to the public on April 29, 2014 in accordance with section 12 of the Act;

AND WHEREAS the Council of The Corporation of the City of Mississauga resolved on June 25, 2014 that it is the intention of Council to ensure that increases in the need for services attributable to development identified in the By-law will be met;

AND WHEREAS at its meeting held on June 25, 2014, Council expressed its intention that infrastructure related to post 2023 development shall be paid for by development charges;

AND WHEREAS Council has indicated its intent that the future excess capacity identified in the Development Charges Background Study, dated April 29, 2014, shall be paid for by development charges;

NOW THEREFORE, the Council of The Corporation of the City of Mississauga **ENACTS AS FOLLOWS:**

PART I – DEFINITIONS

1. In this By-law, the following terms shall have the corresponding meaning:

“accessory use” means a use of a building or structure that is naturally and normally incidental, subordinate and exclusively devoted to the principal use of a building or structure which is located on the same lands;

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

“agricultural use” means lands, buildings, or structures designed or intended for or in connection with or for the purpose of a bona fide farming operation, including animal husbandry, dairy, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market operation, including land, farm buildings and buildings accessory thereto, which are exclusively for farming purposes, but not include a residential or commercial use or a Medical Marihuana Operation;

“apartment unit” means:

- (1) a dwelling unit in a duplex dwelling, or triplex dwelling, as the terms are defined in the Zoning By-law, as amended;
- (2) a dwelling unit in a residential building where such dwelling unit is served by a principal entrance common to three (3) or more other dwelling units or, a dwelling unit in a mixed use building; or
- (3) a special care/special needs dwelling that exceeds 65 m² or 700 square feet in size.

“Assessment Act” means the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, or any successor thereto;

“Board of Education” has the same meaning as “board” set out in the *Education Act*, R.S.O. 1990, c. E.2, as amended, or any successor thereto;

“Building By-law” means the City’s Building By-law 0251-2013, as amended, or any successor thereto;

“Building Code Act, 1992” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any successor thereto and all regulations thereto, including the Ontario Building Code, as amended;

“building or structure” means a building or structure consisting of a wall, roof and floor or any of them or a structural system serving the function thereof, including an air supported structure, mezzanine or exterior storage tank, industrial tent, but does not include:

- (1) A free-standing roof-like structure constructed on lands used for a gas bar or a service station; or
- (2) An exterior storage tank where such storage tank constitutes an accessory use.

“capital costs” means the costs incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of, and authorized by, the City or a local board,

- (1) to acquire land or an interest in land, including a leasehold interest,
- (2) to improve land,
- (3) to acquire, lease, construct or improve buildings and structures,
- (4) to acquire, lease, construct or improve facilities including,
 - (a) rolling stock with an estimated useful life of seven (7) years or more,
 - (b) furniture and equipment, other than computer equipment, and
 - (c) 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,
- (5) to undertake studies in connection with any of the matters referred to in paragraphs (1) to (4) above, and
- (6) interest on money borrowed to pay for costs described in paragraphs (1) to (4) above,

required for the provision of services designated in a development charge by-law within or outside the City;

“**City**” means The Corporation of the City of Mississauga;

“**commercial parking garage**” means a building or structure, or any part thereof, whose principal use is the parking of motor vehicles for remuneration. For the purposes of this definition, the principal use of a building or structure, or any part thereof, shall be deemed to be the parking of motor vehicles for remuneration when:

- (1) motor vehicles are parked in a building or structure and the users thereof are required to pay a fee for the parking of said motor vehicles; and
- (2) the users of said motor vehicles are neither owners, tenants nor occupants of the building or structure in which the parking is located, nor are said users, guests, invitees, employees or customers of the aforementioned owners, tenants or occupants.

Notwithstanding anything herein contained, in the case where a building or structure, or any part thereof, whose principal use is the parking of motor vehicles for remuneration as defined above, is located in the Downtown Core Character Area as defined in the Mississauga Official Plan (MOP), said building or structure, or any part thereof, shall not for the purposes of this by-law be considered to be a commercial parking garage.

“**complete application**” means an application, including but not limited to all supporting documentation, for a permit to construct or demolish a building or structure made in accordance with the requirements of the City’s Building By-law, as determined by the City’s Chief Building Official or his/her designate;

“**complete building permit**” means the Complete Building class of building permit as set forth in Schedule “A” of the City’s Building By-law;

“**Condominium Act**” means the *Condominium Act, 1998*, S.O. 1998, c.19, as amended or any successor thereto;

“**Council**” means the Council of The Corporation of the City of Mississauga;

“**designated structures permit**” means the Designated Structures class of building permit as set forth in Schedule “A” of the City’s Building By-law;

“**development**” means the construction, erection or placing of one or more buildings or structures on land or making of an addition or alteration to a building or structure that has the effect of increasing the size and usability thereof or both and includes redevelopment, whether or not the land on which the development occurs is already serviced;

“**development charge**” means a charge imposed under this By-law;

“**development agreement**” means an agreement entered into pursuant to the provisions of section 51 of the *Planning Act*;

“**distribution centre**” means a building or structure primarily used for the storage and distribution of goods, wares, merchandise, substances, articles or things, but does not include any storage and distribution of goods connected with any salvage operations or a bulk storage yard or truck terminal;

“**dwelling unit**” means one or more habitable rooms designed, occupied or intended to be occupied as living quarters for a single family or single household and shall, as a minimum standard, contain sanitary facilities, accommodation for sleeping and a kitchen, and for the purposes of this By-law, shall be deemed to include a special care/special needs dwelling but not to include a hotel or motel;

“**established grade**” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“existing industrial building” means a building used for or in connection with,

- (1) manufacturing, producing, processing, storing or distributing something,
- (2) research or development in connection with manufacturing, producing or processing something,
- (3) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
- (4) office or administrative purposes, if they are,
 - (a) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - (b) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

“floor” includes a paved, concrete, wooden, gravel or dirt floor;

“gross floor area” means gross floor area as defined in the regulation;

“hazard lands” means lands that are unsuitable for development due to naturally occurring processes including lands covered by water and shall extend to the furthest landward limit of the flooding or erosion hazard limits as may be determined by the Conservation Authority with jurisdiction over the lands with respect to a development;

“industrial” means lands, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of raw goods, warehousing or bulk storage of goods, distribution centre, truck terminal, research or development in connection with manufacturing, producing or processing of raw goods, storage, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above;

“live/work unit” mean a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall with direct access between the residential and non-residential areas;

“local board” means a local board as defined in section 1 of the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended, or any successor thereto, other than a board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended;

“Medical Marihuana Operation” means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marihuana) as lawfully permitted and authorized under the Government of Canada’s Marihuana for Medical Purposes Regulations SOR/2013-119;

“mezzanine” means the floor area located between the floor and the ceiling of any room or storey, with or without partitions or other visual obstructions;

“Ministry of Training Colleges and Universities Act” means the *Ministry of Training Colleges and Universities Act*, R.S.O. 1990, c. M.19, as amended, or any successor thereto;

“mixed use” means any building or structure containing residential and non-residential uses;

“mobile temporary sales trailer” means a temporary sales pavilion with a gross floor area of less than 120 m² or 1,291 square feet, that is constructed without foundation,

excluding concrete piers or sono tubes, and is used for the principal purpose of promoting the sale of new residential units;

“net developable area” shall be calculated on a net hectare basis, and shall mean for the purpose of calculating the development charge for the Storm Water Management service as set out in Schedule “D”, all lands with respect to a development, exclusive of all lands conveyed or to be conveyed to:

- (1) the City pursuant to sections 42, 51 and 53 of the *Planning Act*, and, all lands conveyed or to be conveyed to the City or any local board thereof; or
- (2) the Regional Municipality of Peel or any local board thereof, save and except for any lands developed for residential use by the Regional Municipality of Peel or any local board thereof, or any corporation owned controlled or operated by the Regional Municipality of Peel; or
- (3) a Board of Education; or
- (4) the Ministry of Transportation for the construction of provincial highways; or
- (5) Hydro One Networks Inc., Enersource Corporation, or any of their subsidiaries, for the purposes of providing electricity utility services; or,
- (6) any hazard lands conveyed or to be conveyed to a Conservation Authority as a condition of any development;

notwithstanding the above, under no circumstances, shall the net developable area of any development be less than the minimum lot size prescribed by the City’s Zoning By-law under the zoning category applicable to the development.

“non-industrial” means the use of land, buildings or structures or parts thereof, used, designed or intended to be used for any use other than for residential use or for industrial use as those terms are defined in this section;

“non-residential” means lands, buildings or structures or parts thereof, used, or designed, or intended for other than residential use, including the non-residential portion of a live/work unit;

“Public Hospitals Act” means the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended, or any successor thereto;

“other residential” means the use of land, building or structures of any kind whatsoever, used, designed or intended to be used as a dwelling unit and includes, without limiting the generality thereof, a single detached dwelling, a semi-detached dwelling, a townhouse, horizontal multiple dwellings, residential portion of a live/work unit and a street row dwelling but does not include an apartment unit, a small unit, a hotel, a motel, or special care/special needs dwelling;

“owner” means the owner of land or any person which has made an application for an approval of the development of land upon which a development charge can be imposed;

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

“protracted” means, in relation to a temporary building or structure, the continuation of its construction, erection, or placement on land or its continuation as an alteration or addition, for a continuous period exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or structure was first erected or placed on the lands;

“redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has been previously

demolished on such land, or changing the use of a building or structure from a residential use to a non-residential use or from a non-residential use to a residential use;

“regulation” means any regulation made pursuant to the Act;

“residential” means lands, buildings or structures used, designed or intended for use as a residence for one or more individuals, and shall include, but is not limited to a single detached dwelling, semi-detached dwelling, a townhouse, horizontal multiple dwelling, an apartment dwelling unit, a secondary unit, a multiple dwelling unit, a residential dwelling unit accessory to a non-residential use, and the residential portion of a live/work unit, but shall not include a lodging house licensed by a municipality or a hotel or motel;

“secondary unit” means an accessory dwelling unit with its own kitchen, sanitary facilities and bedrooms/sleeping area(s) located in a dwelling. For the purposes of this By-law, the construction of a purpose built secondary unit built at the same time within an “other residential” dwelling unit, shall pay the small unit development charge for the secondary unit.

“semi-detached dwelling” means one of a pair of attached dwelling units, which are divided vertically above grade by a party wall;

“service” means a service designated in this By-law;

“single detached dwelling” means a separate building designed, occupied or intended to be occupied as a single housekeeping unit;

“small unit” means any dwelling unit as defined in this By-law that is 65 m² or 700 square feet, or less, in size;

“special care/special needs dwelling” means a unit intended for residential use, in a building containing more than three (3) such units, which units have a common enclosed entrance from street level, where the occupants have the right to use in common halls, stairs, yards, common rooms and accessory buildings, which units may or may not have exclusive sanitary and/or culinary facilities and are designed to accommodate individuals with special needs, including an independent long-term living arrangement, where support for services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels, and includes retirement homes and nursing homes;

“speculative building” means any building or structure where the ultimate use or occupancy could not be determined to the satisfaction of the City at the time that a development charge became due and payable;

“storey” means that portion of a building other than a cellar or basement included between any floor level and the floor, roof deck or deck ridge next above it;

“Storm Water Management Development Charge” means that component of the development charge relating to the provision of the Storm Water Management service as set out in Schedule “D” to this By-law.

“temporary building or structure” means a building or structure constructed, erected or placed on land for a period not exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or structure was first erected or placed on the lands;

“total floor area” means the aggregate of the areas of each floor and/or mezzanine above or below established grade, measured between the exterior of outside walls, including all parts of the building below established grade developed for non-residential use, but excluding the following:

- (1) any enclosed area used for climate control, electrical, energy generation and distribution, or mechanical equipment related to the operation or maintenance of the building;

- (2) areas of stairwells, washrooms, elevators or walkways/catwalks used exclusively for the maintenance of and/or access to mechanical equipment related to the operation or maintenance of the building;
- (3) any enclosed area devoted to the collection or storage of disposable or recyclable waste generated within the building;
- (4) any part of the building or structure above or below established grade, but not including a commercial parking garage, used exclusively for the temporary parking of motor vehicles or the provision of loading space(s) where such loading space(s) are required by the City's Zoning By-law; and
- (5) the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission;

and where a building or structure has less than 4 (four) walls, the total floor area shall be the sum total of the area of land directly beneath the building or structure and the total areas of any floors and mezzanines in the building or structure, not already included in the sum total;

“Tractor” means a commercial motor vehicle designed to draw one or more semi-trailers, or a semi-trailer and a full trailer, to which it is coupled by means of a fifth wheel assembly;

“Transport” means a Tractor used for hauling purposes on the highways and trailer that is towed by the Tractor and is so designed and used that a substantial part of its weight and load rests on, or is carried by, the Tractor or a trailer converter dolly through a fifth wheel assembly;

“truck terminal” means a building, structure or place where Tractors or Transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which Trucks or Transports are dispatched for hire as common carriers;

“Zoning By-law” means as may be applicable to the lands being developed the City's Zoning By-law 0225-2007, as amended, or any successor thereto.

PART II – RULES

2. For the purposes of complying with section 6 of the Act:
 - (1) the area to which this By-law applies shall be the area described in section 4 of this By-law;
 - (2) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be set out in sections 3, 4, 11 to 17 both inclusive, 19 and 23 of this By-law;
 - (3) the rules developed under paragraph 10 of subsection 5(1) of the Act for exemptions shall be the exemptions set forth in sections 5 through 8 both inclusive, of this By-law, indexing of the charges shall be as set out in section 22 of this By-law; and
 - (4) rules for the redevelopment of land shall be as set out in sections 9 and 10 of this By-law.

PART III – DESIGNATED SERVICES

3. Development charges against land to be developed shall be based upon the provision of the following categories of designated services by the City:
 - (1) General Government;

- (2) Recreation;
- (3) Fire Services;
- (4) Library;
- (5) Transit;
- (6) City-Wide Engineering;
- (7) Public Works (Building and Fleet);
- (8) Living Arts Centre (Debt for Ineligible Services);
- (9) Storm Water Management; and
- (10) Parking Services.

PART IV – AREA TO WHICH BY-LAW APPLIES AND EXEMPTIONS

- 4. (1) Subject to subsection 4(2), this By-law applies to all lands in the City, however used, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*.
- (2) Subject to subsection 4(3), this By-law shall not apply to land that is owned by and used for the purposes of:
 - (a) the City or any local board thereof;
 - (b) a Board of Education; or
 - (c) the Regional Municipality of Peel or any local board thereof.
- (3) The exemption referenced in subsection (2) above, does not apply to lands which are developed for a residential use and are owned by:
 - (a) the Regional Municipality of Peel or any local board thereof; or
 - (b) any corporation owned, controlled or operated by the Regional Municipality of Peel.
- 5. Notwithstanding the provisions of this By-law, no development charges are imposed under this By-law respecting:
 - (1) land, buildings or structures used as public hospitals governed by the *Public Hospitals Act*;
 - (2) land, buildings or structures owned by and used for the purposes of a college of applied arts and technology established pursuant to the *Ministry of Training Colleges and Universities Act*;
 - (3) land, buildings or structures owned by and used for the purpose of a university established by an Act of the Legislative Assembly of Ontario;
 - (4) a mobile temporary sales trailer;
 - (5) a temporary building or structure provided that:
 - (a) the status of the building or structure as a temporary building or structure is maintained in accordance with the provisions of the By-law; and

- (b) the owner, upon application being made for the issuance of a building permit under the *Building Code Act, 1992*, or in the event that the owner is not required to obtain a building permit, but does require any one or more of the actions or approvals listed in subsection 11(1) of this By-law, upon the happening of the earliest of any action or approval under subsection 11(1) of this By-law, the City shall require the owner to enter into an agreement prior to the temporary building or structure being erected or placed on the lands, in a form satisfactory to the Commissioner of Corporate Services, which agreement shall include provisions for but not be limited to, the owner providing the City with satisfactory security for the payment of development charges and that the City shall draw upon the security provided in the event that the temporary structure becomes protracted or is no longer deemed by the City to be a temporary structure in accordance with the provisions of this By-law or the agreement referred to herein; and
 - (c) in the event that a temporary building or structure becomes protracted, whether pursuant to the terms of any agreement referenced in subsection (b) above or under the provisions of this By-law, it shall be deemed not to be, nor ever to have been a temporary building or structure, and the development charges shall immediately become due and payable and where security for the payment of development charges has been provided in furtherance of any agreement entered into pursuant to subsection 5(5)(c), the City shall be entitled to draw upon the security in accordance with the provisions of said agreement.
- (6) lands which are zoned for and used as a cemetery, burial ground, mausoleum, crematorium, and or columbarium, as those terms may be defined in the City's Zoning By-law, shall be exempt from the payment of the Storm Water Management Development Charge only, and only to the extent that the net developable area of the lands are not occupied by buildings and structures, parking, and paved internal roadways.
6. Other than the uses specifically listed in subsection 4(2) or section 5 of this By-law, no lands, buildings and/or structures shall be exempt from development charges solely by virtue of their use.
7. (1) This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the effect only of:
- (a) permitting the enlargement of an existing dwelling unit:
 - (b) creating one or two additional dwelling units in an existing single detached dwelling unit;
 - (c) creating one additional dwelling unit in an existing semi-detached dwelling unit; or
 - (d) creating one additional dwelling unit for any other existing residential building, not including a mixed-use building.
- (2) Notwithstanding clauses (b) to (d) inclusive of subsection 7(1), a development charge shall be imposed with respect to the creation of one or two additional dwelling units in a dwelling, if the gross floor area of the additional one or two dwelling units exceeds the gross floor area of the existing dwelling unit in clause (b) and (c) or the smallest existing dwelling unit in clause (d).
- (3) For the purposes of determining the gross floor area of an existing dwelling unit under this section, the gross floor area shall be the maximum gross floor area that existed in the three years preceding the application for a building permit in respect of the additional dwelling unit.

8. For the purposes of the exemption set out in section 4 of the Act for the enlargement of existing industrial buildings, the following provisions shall apply:
 - (1) for the purposes of interpreting the definition of “existing industrial building” contained in the regulation, regard shall be had for the classification of the lands pursuant to the *Assessment Act*, and in particular whether more than 50 per cent of the gross floor area of the building or structure has an industrial tax class code for assessment purposes;
 - (2) notwithstanding subsection 8(1) above, distribution centers, warehousing, the bulk storage of goods and truck terminals shall be considered industrial uses;
 - (3) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought;
 - (4) the enlargement of the gross floor area of the existing building must be attached to the existing industrial building;
 - (5) the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing or parking facility, but must share a common wall with the existing building or structure;
 - (6) the enlargement shall be for a use for or in connection with an industrial purpose as set out in this By-law;
 - (7) if the enlargement is equal to 50 per cent or less of the gross floor area of an existing industrial building, the amount of development charge in respect of the enlargement is nil;
 - (8) if the enlargement is greater than 50 per cent of the gross floor area of an existing industrial building, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area of the existing building before the enlargement;
 - (9) if the enlargement is greater than 50 per cent of the gross floor area of an existing industrial building, Storm Water Management Development Charges shall be payable on the lot area covered by the enlargement in excess of 50 per cent, plus the lot area covered by any additional parking;
 - (10) notwithstanding subsection (9) above, if prior to the coming into effect of this By-law, the City and the owner or former owner of the lands entered into an agreement with respect to the payment of Storm Water Management Development Charges, the Storm Water Management Development Charges payable on account of an enlargement of more than 50 per cent of the gross floor area of an existing industrial building shall be calculated in accordance with the terms of said agreement;
 - (11) notwithstanding subsection (9) above, if prior to the coming into effect of this By-law, the owner or former owner of the lands paid Storm Water Management Development Charges in respect of the entire lands to be developed pursuant to a prior development charges by-law, or pursuant to an agreement, then no further Storm Water Management Development Charges shall be payable in respect of the lands.
9. If, prior to the coming into effect of this By-law, the owner or former owner of lands in respect of which an existing non-residential use is being enlarged, paid Storm Water Management Development Charges in respect of the entire lands being developed pursuant to a prior development charges by-law, or pursuant to an agreement, then no further Storm Water Management Development Charges shall be payable in respect of said lands.

Reduction of Charge for Redevelopment

10. (1) Despite any other provision of this By-law, where one or more existing dwelling units are demolished and satisfactory evidence of the demolition and the number of units demolished has been provided to the City's Commissioner of Planning and Building or his/her designate, a credit against development charges otherwise payable pursuant to this By-law for redevelopment of the lands for residential purposes, in an amount equal to the development charge payable pursuant to this By-law for the same number of dwelling units, shall be applicable where the redevelopment has occurred:
 - (a) Within 4 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-law thereof; and
 - (b) On the same lot or block on which the demolished dwelling unit(s) were originally located; and
 - (c) In case where, demolition credit crosses over a divided lot, the property owner must direct to which lot the credit should be applied.

- (2) Despite any other provision of this By-law, where an existing non-residential use building or structure, or part thereof is demolished, and satisfactory evidence of the demolition and the total floor area of the building or structure, or part thereof demolished has been provided to the City's Commissioner of Planning and Building or his/her designate, a credit against development charges otherwise payable with respect to redevelopment of the non-residential use shall be applicable, in an amount equal to the development charge payable pursuant to this By-law for the total floor area and such credit or partial credit shall be applicable where the redevelopment has occurred:
 - (a) Within 10 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-law thereof; and
 - (b) On the same lot or block on which the demolished building or structure, or part thereof, was originally located; and
 - (c) In case where, demolition credit crosses over a divided lot, property owner must direct to which lot the credit should be applied.

- (3) Despite any other provision of this By-law, where an existing non-residential use building or structure, or part thereof is demolished, and satisfactory evidence of the demolition and the total floor area of the building or structure, or part thereof demolished has been provided to the City's Commissioner of Planning and Building or his/her designate, a credit against development charges otherwise payable with respect to redevelopment of the residential use shall be applicable, in an amount equal to the development charge payable pursuant to this By-law for the total floor area and such credit or partial credit shall be applicable where the redevelopment has occurred:
 - (a) Within 10 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-law thereof; and
 - (b) On the same lot or block on which the demolished building or structure, or part thereof, was originally located; and
 - (c) In case where, demolition credit crosses over a divided lot, property owner must direct to which lot the credit should be applied.

- (4) Despite any other provision of this By-law, where an existing residential use building or structure, or part thereof is demolished, and satisfactory evidence of the demolition and the number of units demolished has been provided to the City's Commissioner of Planning and Building or his/her designate, a credit against development charges otherwise payable with respect to redevelopment of the non-residential use shall be applicable, in an amount equal to the development charge payable pursuant to this By-law for the total floor area and such credit or partial credit shall be applicable where the redevelopment has occurred:
 - (a) Within 4 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-law thereof; and
 - (b) On the same lot or block on which the demolished building or structure, or part thereof, was originally located; and
 - (c) In case where, demolition credit crosses over a divided lot, property owner must direct to which lot the credit should be applied.
- (5) Where there is a redevelopment that includes a change of use of all or part of a non-residential building or structure to residential or other non-residential use, a reduction against the development charge otherwise payable pursuant to this By-law will be allowed. The amount of the reduction will be equal to the amount calculated by multiplying the applicable non-residential development charge payable by the total floor area that has been demolished or converted to residential or other non-residential use. Such credit or partial credit shall be applicable where on the issuance of a building permit permitting the change of use.
- (6) Where there is a redevelopment that includes a change of use of all or part of a residential building or structure to a non-residential use, a reduction against the development charge otherwise payable pursuant to this By-law will be allowed. The amount of the reduction will be equal to the amount of the development charge under the service categories: General Government, Fire Services, Transit, Public Works, Parking and Roads, for the number and type of units being converted to non-residential use. Such credit or partial credit shall be applicable where on the issuance of a building permit permitting the change of use.
- (7) Despite any other provisions in this By-law, whenever a reduction is allowed against a development charge otherwise payable pursuant to this By-law and the amount of such reduction exceeds the amount of the development charge otherwise payable pursuant to this By-law, no further reductions shall be allowed against any other development charges payable and no refund shall be payable.
- (8) Notwithstanding subsections (1) to (7) inclusive, if lands, building(s) and/or structure(s) of the subject development was exempt from or not required to pay development charges, no reduction against development charges will be allowed.

PART V – DEVELOPMENT CHARGES IMPOSED

11. (1) Development charges shall be imposed and shall be calculated in accordance with the provisions of this By-law, on all lands, building or structures that are developed for residential and non-residential uses, where the development requires any one of the following:
 - (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*;

- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (e) a consent under section 53 of the *Planning Act*;
 - (f) the approval of a description under section 50 of the *Condominium Act*; or
 - (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
- (2) No more than one (1) development charge for each service designated shall be imposed upon any land to which this By-law applies even though two (2) or more of the actions described in subsection 11(1) hereof are required for the land to be developed.
 - (3) Despite subsection 11(2), and subject to this By-law and to section 4 of the Act, if two (2) or more of the actions described in subsection 11(1) occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by such action.

PART VI – CALCULATION OF DEVELOPMENT CHARGES

- 12. The development charges with respect to a development shall be calculated as follows:
 - (1) (a) in the case of residential development, including a dwelling unit accessory to a non-residential development, or the residential portion of a mixed use development, based on the number and type of dwelling units; and
 - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the total floor area of such development; and
 - (c) in the case of a purpose built new construction, for the construction of a dwelling unit and a secondary unit, based on the other residential rate and the small unit charge regardless of the secondary unit size.
 - (2) Notwithstanding subsections 12(1)(a) and (b) above, in the case of residential and non-residential development, the Storm Water Management Development Charge shall be calculated on the basis of the net developable area as that term is defined in this By-law.
 - (3) With respect to additional development on lots which have been partially developed and for which the Storm Water Management Development Charge has not previously been paid for the entire lot, the calculation of the Storm Water Management Development Charge is to be based on the lot area attributable to the new development, which is to be calculated on the basis of the proposed gross floor area as a percentage of the new total floor area of all buildings on the lot.
- 13. The development charges described in Schedule “A” to this By-law are imposed on land developed for residential uses including dwelling units accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential component of the mixed-use building or structure, according to the type of residential use.

14. The development charges described in Schedule "B" to this By-law are imposed on land developed for industrial uses and, in the case of a mixed use building or structure, on the industrial component of the mixed use building or structure, and are calculated with respect to each of the services according to total floor area of the industrial use.
15. The development charges described in Schedule "C" to this By-law are imposed on land developed for non-industrial uses and, in the case of a mixed use building or structure, on the non-industrial component of the mixed use building or structure, and are calculated with respect to each of the services according to total floor area of the non-industrial use.
16. The development charges described in Schedule "D" to this By-law are imposed on land developed for residential and non-residential uses and are calculated on the basis of the net developable area of the lands to which this By-law applies.
17. All development charges shall be payable at the rate in effect on the date of payment.
18.
 - (1) Where an owner has applied for a building permit for a non-residential building or structure, and where the building or structure is a speculative building, the City may permit the owner to pay the lower industrial development charge in accordance with Schedule "B" hereto and if the owner is permitted by the City to pay the lower industrial development charge, the owner shall enter into an agreement with the City, to the satisfaction of the Commissioner of Corporate Services, which shall include provisions for, but shall not be limited to the owner being required to submit satisfactory security, to be realized upon by the City in the event that the building or structure is ultimately deemed by the City to be a non-industrial building or structure in accordance with the provisions of this Bylaw and where development charges at the non-industrial rate as set in Schedule "C" hereto are deemed to be applicable.
 - (2) Where an owner has requested to pay the lower industrial rate and to submit security for the difference between the industrial rates paid and the non-industrial rates then in effect, the City may agree to hold the security posted on the terms and conditions agreed to in any agreement entered into pursuant to subsection 18(1) above, but in no event shall the City agree to hold security for a period beyond 36 months from the date that a building permit is issued with respect to the development.
 - (3) Where the owner has failed to submit evidence satisfactory to the Commissioner of Corporate Services, to establish that a speculative building is an industrial building in accordance with the terms of any agreement as provided for in subsection 18(1), the City shall apply the security posted as if the building were deemed to be a non-industrial building or structure in accordance with the provisions of this By-law.
 - (4) In order for a building or structure to be deemed to be an industrial use for the purpose of this By-law, at least 51 per cent of the total floor area of the building or structure must be used for industrial purposes, as determined by the City.
 - (5) Where the City requires the payment of development charges at the non-industrial rate in accordance with the provisions set out above, the amount payable shall be the amount calculated at the rate in effect at the later of the date of issuance of the building permit or the date that the payment of the development charges at the non-industrial rate is received by the City.
 - (6) Where the City determines that the building or structure is an industrial building, the security provided to the City pursuant to subsection (1) of this section shall be refunded or returned to the owner, without interest.

PART VII – ADMINISTRATION – PHASING, TIMING AND PAYMENT

19. (1) For each building permit application, development charges shall be calculated and paid in full on the date that the first building permit is issued for a building or structure on land to which a development charge applies.
 - (2) Where development charges apply to land in relation to which a building permit is required, no building permit shall be issued, and the City shall be under no obligation to issue a building permit, until the development charge(s) has been paid in full.
 - (3) Notwithstanding subsection 19(1), Storm Water Management Development Charges shall be payable, with respect to an approval of a plan of subdivision under section 51 of the *Planning Act*, prior to the City authorizing execution of a development agreement with the owner.
 - (4) If a use of land, buildings or structures that constitutes development does not require the issuance of a building permit but requires one or more of the actions listed in subsection 11(1)(a) to (f) inclusive, a development charge shall be payable and shall be calculated and collected on the earliest of any of the actions listed in section 11(1)(a) to (f) inclusive being required or on a date set by agreement, between the City and the owner.
 - (5) Where a payment or grant in lieu of taxes is provided for or is required in respect of development charges by an Act of Ontario or Canada, the payment or grant in lieu of taxes in respect of the development charge shall be calculated as the amount that would have been otherwise payable directly to the City in furtherance of the provisions of this By-law. Payments or grants in lieu of taxes in respect of development charges shall be payable and collected on the earlier of the occurrence of any of the actions listed in sections 11(1)(a) to (g) inclusive, or the commencement of development.
 - (6) Only one (1) of the applicable credit, exemptions, reductions or adjustments in this By-law shall be applicable to any development or redevelopment. Where the circumstances of a development or redevelopment are such that more than one credit, exemption, relief or adjustment provided for in this By-law could apply, only one credit, exemption, relief or adjustment shall apply and it shall be the credit, exemption, relief or adjustment that results in the lowest development charges pursuant to this By-law.
20. Without limiting the authority of the City to enter into any other agreement, the City is hereby authorized to enter into agreements providing for the payment of all or any part of a development charge before or after it would otherwise be payable, pursuant to section 27 of the Act.
21. (1) In the case of development on lands used for an agricultural use, development charges may be deferred at the request of the owner, until such time as there is an application for a change in use of the lands from agricultural to non-agricultural uses has been approved.
 - (2) Where the development charges payable with respect to an agricultural use are to be deferred in accordance with subsection 21(1) above, the owner shall provide to the satisfaction of the Commissioner of Corporate Services an agreement registered on title to lands confirming that development charges have been deferred and that the charges which have been deferred shall be payable upon the approval of an application for a change of use and shall be paid in accordance with the rates in existence at the time the application for change of use is approved;
22. (1) Subject to subsections 22(2) and 22(3), this By-law applies to all building permits issued on or after June 26th, 2014.

- (2) Subject to subsection 22(3), the charges, as indexed in accordance with the provisions of By-law 0342-2009, as amended, set forth in Schedules A, B, C and/or D of By-law 0342-2009, as amended, shall be applied for the purpose of calculating development charges under this By-law where a building permit application, has been submitted to the City's Chief Building Official on or before August 1st, 2014 and where the building permit is issued on or before November 11th, 2014.
- (3) Where there is an agreement executed before June 25th, 2014 in accordance with section 23 of By-law 0342-2009, as amended, providing for the payment of development charges, the payment of development charges shall be governed by the provisions of said agreement.

PART VIII – PAYMENT BY PROVISION OF SERVICES

23. (1) Notwithstanding the requirements of sections 12 through 18 both inclusive, to pay development charges, Council may, by agreement with an owner of land, give a credit towards a development charges payable in exchange for work done or to be done that relates to services to which a development charges relates under this By-law, provided that:
 - (a) the credit will be applied at the time that the development charge for the service category is payable;
 - (b) if the City and the owner cannot agree as to the reasonable cost of doing the work under this section, the dispute shall be referred to Council whose decision shall be final and binding; and
 - (c) the amount of the credit shall not exceed the aggregate amount of development charges otherwise payable in respect of the land, buildings or structures.
- (2) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, install such local services as Council may require in accordance with the City's local services policies in effect at the time.

PART IX – INDEXING

24. (1) Development charges imposed pursuant to this By-law shall be adjusted semi-annually, without amendment to this By-law, on the first day of February and on the first day of August in each year in accordance with the latest available issue of the index prescribed in the regulations, with the base index value being that in effect on June 25th, 2014.
- (2) The adjustment referred to in subsection 24(1) shall be based upon the change in the index for the six (6) month period preceding the most recent issue of the index.
- (3) Notwithstanding subsection (1) above, the first indexing under this By-law shall occur on August 1st, 2014.

PART X – SCHEDULES

25. The following schedules shall form part of this By-law:
 - Schedule "A" – Amount of Charges – Residential
 - Schedule "B" – Amount of Charges – Industrial
 - Schedule "C" – Amount of Charges – Non-Industrial

Schedule “D” – Amount of Storm Water Management Development Charges –
Residential and Non-Residential

PART XI – CONFLICTS

26. Where the City and an owner or former owner of land have entered into an agreement with respect to land 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.

PART XII – REFUNDS

27. (1) Where development charges have been paid on the issuance of a building permit and the building permit is subsequently cancelled by the City, the building permit shall be deemed never to have been issued and the amount of the development charge paid shall be refunded to the payor by the City without any interest.
- (2) Where development charges have been paid on the issuance of a building permit and the owner is subsequently entitled to a demolition credit in accordance with section 10 of this By-law, the owner may request in writing to the Commissioner of Corporate Services that the amount of the demolition credit be refunded to the payor, and such refunded payment shall thereafter be paid to the payor by the City without any interest.
- (3) Where development charges have been paid on or prior to the issuance of a building permit and the building permit is subsequently revised by the City’s Chief Building Official or his/her designate, resulting in an overpayment of development charges to the City, the amount of any such overpayment shall be refunded to the payor by the City without any interest.

PART XIV – BY-LAW ADMINISTRATION

28. (1) This By-law shall be administered by the Commissioner of Corporate Services, and the Commissioner of Planning and Building, and/or their designates, such designation to be in writing.
- (2) Any agreement which the City may enter into pursuant to either the provisions of this By-law or the Act shall be to the satisfaction of the City’s Commissioner of Corporate Services and save and except for any agreement entered into pursuant to either section 27 of the Act, or sections 20 or 23 of this By-law, shall be executed on behalf of the City by the said Commissioner of Corporate Services, and the Clerk of the City, without the need for further by-law or resolution of the Council.
- (3) Where any one of the City’s Commissioner of Corporate Services, the City’s Commissioner of Planning and Building, or their designates as described in subsection 28(1) of this By-law, is satisfied that a clerical or factual error, including the transposition of figures, a typographical error or similar error, has occurred with respect to the calculation of a development charge pursuant to this By-law, which has resulted in an overpayment to the City, the City may issue a refund to the owner in an amount equal to such overpayment without any interest.

PART XV – COMPLAINTS

29. Development charges shall be paid, in accordance with the provision of this By-law, prior to the making of a complaint with respect to the requirement to pay such development charges, pursuant to the provision of section 20 of the *Act*.

SCHEDULE "A"
AMOUNT OF CHARGES - RESIDENTIAL

Service	Residential Charge By Unit Type			Percentage of Total
	Small Units	Apartments Units	Other Residential	
General Government	\$95.69	\$140.20	\$211.28	0.8%
Library Services	\$452.53	\$663.02	\$999.12	3.8%
Fire Services	\$852.19	\$1,248.59	\$1,881.52	7.2%
Recreation	\$4,358.37	\$6,385.68	\$9,622.68	36.9%
Transit	\$685.71	\$1,004.68	\$1,513.97	5.8%
Public Works	\$272.82	\$399.72	\$602.34	2.3%
Parking	\$130.58	\$191.32	\$288.30	1.1%
LAC Debt	\$67.16	\$98.39	\$148.27	0.6%
Roads	\$4,910.90	\$7,195.23	\$10,842.61	41.5%
Total Charge	\$11,825.95	\$17,326.83	\$26,110.09	100.0%
PPU	1.58	2.31	3.48	

SCHEDULE "B"
AMOUNT OF CHARGES - INDUSTRIAL

Service	Industrial Charges		Percentage of Total
	Charge per Square Metre of Total Floor Area	Charge per Square Foot of Total Floor Area	
General Government	\$0.54	\$0.05	0.7%
Library Services	\$0.00	\$0.00	0.0%
Fire Services	\$3.42	\$0.32	4.4%
Recreation	\$0.00	\$0.00	0.0%
Transit	\$9.58	\$0.89	12.3%
Public Works	\$3.79	\$0.35	4.9%
Parking	\$1.82	\$0.17	2.4%
LAC Debt	\$0.00	\$0.00	0%
Roads	\$58.47	\$5.43	75.3%
Total Charge	\$77.62	\$7.21	100.0%

SCHEDULE "C"
AMOUNT OF CHARGES - NON-INDUSTRIAL

Service	Non-Industrial Charges		Percentage of Total
	Charge per Square Metre of Total Floor Area	Charge per Square Foot of Total Floor Area	
General Government	\$0.54	\$0.05	0.6%
Library Services	\$0.00	\$0.00	0.0%
Fire Services	\$3.42	\$0.32	3.6%
Recreation	\$0.00	\$0.00	0.0%
Transit	\$9.58	\$0.89	10.0%
Public Works	\$3.79	\$0.35	4.0%
Parking	\$1.82	\$0.17	1.9%
LAC Debt	\$0.00	\$0.00	0%
Roads	\$76.33	\$7.09	79.9%
Total Charge	\$95.48	\$8.87	100.0%

SCHEDULE "D"

AMOUNT OF STORM WATER MANAGEMENT DEVELOPMENT CHARGES

Development Type	Charge Per Net Developable Hectare	Charge Per Net Developable Acre
Residential	\$89,313.65	\$36,144.74
Non-Residential	\$89,313.65	\$36,144.74