

Authority: Executive Committee Item 29.8, adopted as amended,
by City of Toronto Council on February 23, 24 and 25, 2009
Enacted by Council: February 25, 2009

CITY OF TORONTO

BY-LAW No. 275-2009

To amend City of Toronto Municipal Code Chapter 415, Development of Land, by re-enacting Article I, Development Charges.

WHEREAS the City of Toronto has and will continue to experience growth through development; and

WHEREAS development requires the provision of physical infrastructure and other services by the City; and

WHEREAS the *Development Charges Act, 1997*, S.O. 1997, c.27 (the “Act”), authorizes Council to pass by-laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City or its existing taxpayers while, at the same time, ensuring new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of subsection 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters raised in section 10 of the Act and section 8 of O. Reg 82/98, services, service levels, expected development, development-related facilities and the costs thereof; and

WHEREAS the Executive Committee at its meeting dated November 10, 2008, had before it a report entitled “City of Toronto 2008 Development Charge Background Study” prepared by Watson & Associates Economists Ltd. dated October 23, 2008 (the “Study”); and

WHEREAS the Study was made available to the public at least two weeks prior to the public meeting and Council gave more than twenty days notice to the public and a meeting pursuant to section 12 of the Act was held on November 10, 2008, before the Executive Committee, prior to and at which the Study and the proposed development charge by-law were made available to the public and Committee heard comments and representations from all persons who applied to be heard; and

WHEREAS on November 10, 2008, Executive Committee deferred consideration of the October 27, 2008, report from the City Manager and Acting Deputy City Manager and Chief Financial Officer, entitled “Development Charges – Background Study and Proposed By-law” to the February 2, 2009 meeting of the Executive Committee, and further directed staff to respond to submissions received at the public meeting and meet further with stakeholders; and

WHEREAS Council at its meeting held on February 23, 24 and 25, 2009, further considered the Study, as well an Addendum to the Study dated January 13, 2009, and a further report dated January 19, 2009, from the City Manager and Acting Deputy City Manager and Chief Financial

Officer, which responded to the comments and representations from the persons heard at the public meeting and from other consultations with various stakeholders; and

WHEREAS Council at its meeting held on February 23, 24 and 25, 2009 further considered a report dated February 16, 2009 from the Acting Deputy City Manager and Chief Financial Officer, and a report dated February 19, 2009 from the City Solicitor regarding further amendments to the Proposed By-law; and

WHEREAS Council in adopting Item EX29.8 of the Executive Committee at its meeting held on February 23, 24 and 25, 2009, has considered this matter and has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met by approving the development related capital forecast and program contained in the Study; and

WHEREAS Council at its meeting held on February 23, 24 and 25, 2009 further determined that no further public meeting was necessary in order to deal with the modifications made to the development charge by-law following the date of the public meeting on November 10, 2008, pursuant to section 12 of the *Development Charges Act, 1997*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 415, Development of Land, of The City of Toronto Municipal Code is amended as follows:
 - A. By deleting Article I, Development Charges, and substituting the following:

ARTICLE I
Development Charges

§ 415-1. Definitions.

As used in this article the following terms shall have the meanings indicated:

ACCESSORY USE — The building or structure or part thereof is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure.

ACT — The *Development Charges Act, 1997*, S.O. 1997, c.27.

APARTMENT UNIT — A residential dwelling unit within a residential building, or the residential portion of a mixed use building, where such unit is accessed through a common entrance from the street level and an interior enclosed corridor, and the building contains three or more units with such access.

BACHELOR UNIT — A residential dwelling unit consisting of a self-contained living area in which culinary and sanitary facilities are provided for the exclusive use of the occupant but not including a separate bedroom.

BEDROOM — A room used or designed or intended for use as sleeping quarters but does not include a living room, dining room, kitchen or an area to be used as a den, study or other similar area.

BOARD OF EDUCATION — The same meaning as that specified in the *Education Act*.

BUILDING CODE ACT — The *Building Code Act, 1992*, S.O. 1992, c.23.

BUILDING PERMIT — A permit issued pursuant to the *Building Code Act* that permits the construction, alteration or change in use of any building or structure above grade.

BUILDING PERMIT APPLICATION — An application submitted to and accepted by the Chief Building Official for an above grade building permit which complies with the applicable zoning by-law and with all technical requirements of the *Building Code Act* and includes the payment of all applicable fees.

CAPITAL COST — The same meaning it has in the Act.

CHIEF BUILDING OFFICIAL — A chief building official appointed or constituted under section 3 of the *Building Code Act*.

DEVELOPMENT — Any activity or proposed activity in respect of land that requires one or more of the actions referred to in § 415-5A and includes a trailer or mobile home park, the redevelopment of land or the redevelopment, expansion, extension or alteration, or any two or more of them, of a use, building or structure.

DEVELOPMENT CHARGE — A charge imposed under this article.

DWELLING ROOM — A room used or designed for human habitation and may include either but not both culinary or sanitary conveniences, and:

- A. Includes but is not limited to rooms in the following building types as defined in this article: a group home, nursing home, a retirement home or lodge and a special care or special need dwelling.
- B. Does not include:
 - (1) A room in a hotel, motel, tourist home or guest home;
 - (2) A bathroom or kitchen;
 - (3) A room in a dwelling unit; or
 - (4) A windowless storage room that has a floor area of less than 10 square metres.

DWELLING UNIT — Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons, but does not include a room or suite of rooms in a hotel.

FORMER MUNICIPALITIES — The former Municipality of Metropolitan Toronto, the former Cities of Etobicoke, North York, Scarborough, Toronto and York and the former Borough of East York as they existed on December 31, 1997.

GRADE — The average level of proposed or finished grade adjoining a building or structure at all exterior walls.

GROUP HOME — A residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a twenty-four hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under a general or special Act.

GROUND FLOOR — For the purposes of § 415-7, ground floor shall be the first floor of a building or structure above grade.

HOTEL — A commercial establishment offering temporary accommodations on a daily or weekly rate to the public, and where all rooms, suites, apartments or similar forms of accommodation are owned by a single owner or entity.

INDUSTRIAL USES — Land, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of goods, warehousing or bulk storage of goods, self storage facility, distribution centre, truck terminal, research and development in connection with manufacturing, producing or processing of goods, and:

- A. Includes office uses and the sale of commodities to the general public where such uses are accessory to and subordinate to an industrial use.
- B. Does not include:
 - (1) A building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above; or
 - (2) Warehouse clubs and retail warehouses, including commercial establishments which have as their principal use the sale of goods and merchandise in a warehouse format.

LOCAL BOARD — The same meaning as defined in the Act.

MOBILE HOME — Any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer.

MULTIPLE DWELLING UNIT — All dwellings units other than a single detached dwelling, a semi-detached dwelling or an apartment unit, but includes a dwelling unit in a row dwelling.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
- B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act*.

NON-RESIDENTIAL GROSS FLOOR AREA — In the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, 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 the centre line of party walls dividing a non-residential use and a residential use, except for:

- A. A room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- B. Loading facilities above or below grade; and
- C. A part of the building or structure above or below grade that is used for the parking of motor vehicles which is associated with but accessory to the principal use.

NON-RESIDENTIAL USES — Land, buildings or structures or portions thereof used, or designed or intended for any use other than for a residential use as defined in this article.

NURSING HOME — A residential building or the residential portion of a mixed-use building licensed as a nursing home under the *Nursing Homes Act*.

OWNER — The owner of land or a person who has made application for an approval of the development of land against which a development charge is imposed.

PARTY WALL — A wall jointly owned and jointly used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real estate entity.

PLACE OF WORSHIP — That part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*.

RESIDENTIAL GROSS FLOOR AREA — In the case of a dwelling unit, the total area of all floors measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building, but does not include any part of the unit used for the parking of motor vehicles or common service areas.

RESIDENTIAL USE — Land, buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used as living accommodations, including accessory uses naturally and normally incidental in purpose and exclusively devoted to the residential use, for one or more individuals and includes a unit designed for combined live/work uses, but does not include a hotel or similar building or structure providing temporary accommodation.

RETIREMENT HOME OR LODGE — A residential building or the residential portion of a mixed-use building which provides room and board accommodation for senior citizens and is not presently governed under any Provincial Act.

ROOMING HOUSE — A building originally constructed as a single detached house or semi-detached house that:

- A. Contains dwelling rooms designated or intended for use as a living accommodation by more than three persons; and
- B. May also contain one or more dwelling units.

ROW DWELLING — One of a series of three or more attached residential buildings with:

- A. Each building comprising one dwelling unit;
- B. Each building divided vertically from another by a party wall; and
- C. Each building located on a lot.

SEMI-DETACHED DWELLING — A residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but no other parts, attached to another dwelling unit where the dwelling units are not connected by an interior corridor.

SERVICES (OR SERVICE) — Those services designated in § 415-2C.

SINGLE DETACHED DWELLING and SINGLE DETACHED — A residential building consisting of one dwelling unit and not attached to another structure used for residential uses or purposes and includes mobile homes.

SPECIAL CARE OR SPECIAL NEED DWELLING — A building containing more than four dwelling units or dwelling rooms that is designed to accommodate individuals with specific needs, including independent permanent living arrangements, where support services such as meal preparation, grocery shopping, laundry, housekeeping nursing, respite care and attendant services are provided at various levels, and:

- A. The units have a common entrance from street level;
- B. The occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings; and
- C. The units or rooms may or may not have exclusive sanitary or culinary facilities or both.

§ 415-2. Designation of services.

- A. It is declared by the Council that all development of land within the City will increase the need for services.
- B. Once this article is in force, the development charge applicable to a development as determined under this article shall apply without regard to the services required or used by any individual development.
- C. Development charges shall be imposed for the following categories of services to pay for the increased capital costs required because of increased needs for services arising from development:
 - (1) Spadina Subway extension.
 - (2) Transit (balance).
 - (3) Roads and related.
 - (4) Water.
 - (5) Sanitary sewer.
 - (6) Storm water management.
 - (7) Parks and recreation.
 - (8) Library.
 - (9) Subsidized housing.
 - (10) Police.
 - (11) Fire.

- (12) Emergency medical services (EMS).
- (13) Development-related studies.
- (14) Civic improvements.
- (15) Child care.
- (16) Health.
- (17) Pedestrian infrastructure.

§ 415-3. Rules; applicability.

- A. For the purpose of complying with section 6 of the Act, rules have been developed as follows:
 - (1) The rules for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be in accordance with §§ 415-4 through 415-14.2.
 - (2) The rules for determining the exemptions shall be in accordance with § 415-6.
 - (3) The rules for determining the indexing of development charges shall be in accordance with § 415-11.
 - (4) The rules for determining the phasing in of development charges shall be in accordance with § 415-12.
 - (5) The rules respecting the redevelopment of land shall be in accordance with § 415-7.
 - (6) The area to which this article applies shall be the area described in § 415-4.
- B. Development charges shall be payable in the amounts set out and phased in accordance with § 415-12 and Schedules A and B at the end of this chapter, where land is located in the area described in § 415-4A and the development of the land requires any of the approvals set out in § 415-5A.

§ 415-4. Areas to which this article applies.

- A. This article applies to all land in the geographic area of the City, and applies whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*.
- B. This article shall not apply to land that is owned by and used for the purposes of:
 - (1) The City or a local board thereof as defined in the Act.

- (2) A board of education.

§ 415-5. Approvals for development.

- A. Development charges shall be imposed on all land, buildings or structures that are developed if the development requires:
- (1) The passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*.
 - (2) Approval of a minor variance under section 45 of the *Planning Act*.
 - (3) A conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies.
 - (4) The approval of a plan of subdivision under section 51 of the *Planning Act*.
 - (5) A consent under section 53 of the *Planning Act*.
 - (6) The issuing of any permit under the *Building Code Act* in relation to a building or structure.
- B. No more than one development charge for each service designated in § 415-2C shall be imposed upon any land, building or structure to which this article applies even though two or more of the actions described in § 415-5A are required before the land, building or structure can be developed.

§ 415-6. Exemptions.

- A. Exemptions for intensification of housing.
- (1) This article does not apply with respect to:
 - (a) An enlargement to an existing dwelling unit.
 - (b) The creation of one or two additional dwelling units in an existing single detached dwelling.
 - (c) The creation of one additional dwelling unit in any existing semi-detached dwelling or other existing residential building.
 - (2) Despite Subsection A(1), development charges shall be imposed if the total gross floor area of the additional one or two dwelling units exceeds the gross floor area of the existing single detached dwelling.

- (3) Despite Subsection A(1), development charges shall be imposed if the additional dwelling unit has a gross floor area greater than:
 - (a) In the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit.
 - (b) In the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the existing residential building.
- (4) Definition of gross floor area.
 - (a) For the purposes of Subsection A(2) and (3), “gross floor area” shall be as defined in Ontario Regulation 82/98.
 - (b) For ease of reference, the definition of “gross floor area” as currently contained in the regulation is as follows:

“gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

B. Exemptions for non-residential uses.

Despite the provisions of this article, development charges shall not be imposed with respect to the following non-residential uses:

- (1) Land, buildings or structures used or to be used for a public hospital receiving aid under the *Public Hospitals Act*, and used for the purposes set out in such Act.
- (2) Land, buildings or structures owned by and used or to be used for a college or university as defined in section 171.1 of the *Education Act*, and used for the purposes set out in such Act.
- (3) Land, buildings or structures used or to be used for a place of worship or for the purpose of a cemetery or burial ground.
- (4) Temporary sales offices or pavilions that are required and associated with the sale of new residential development to the public at large.
- (5) Industrial uses.
- (6) Land, buildings or structures for which the City has given final approval for a grant under the Imagination, Manufacturing, Innovation and Technology Financial Incentives Program adopted pursuant to a Community Improvement Plan within a Community Improvement Plan Area, as designated under section 28

of the *Planning Act*, subject to the execution by the owner of an agreement in a form satisfactory to the City to secure the owner's continued participation in the Imagination, Manufacturing, Innovation and Technology Financial Incentives Program, or successor program.

C. Other exemptions.

Despite the provisions of this article, development charges shall not be imposed with respect to:

- (1) Development creating or adding an accessory use or accessory structure not exceeding 10 square metres of residential or non-residential gross floor area.
- (2) Land, buildings or structures that are the subject of a written agreement entered into by the City or a Former Municipality which agreement in words expressly exempts the land, buildings or structures from development charges.
- (3) Non-profit housing.
- (4) Dwelling units for which the Canada Mortgage and Housing Corporation has granted conditional approval under the Residential Rehabilitation Assistance Program.
- (5) Dwelling rooms within a rooming house.
- (6) A temporary building or structure constructed, erected or placed on land for a continuous period not exceeding eight months, if:
 - (a) The status of the building or structure as a temporary building or structure is maintained in accordance with the provisions of this article; and
 - (b) Upon application being made for the issuance of a permit under the *Building Code Act*, in relation to a temporary building or structure on land to which a development charge applies, the City may require that the owner submit security satisfactory to the City, to be realized upon in the event that the building or structure is present on the subject land for a continuous period exceeding eight months, and development charges thereby become payable.

§ 415-7. Amount of charge.

A. Residential charge.

- (1) Development charges shall be imposed on residential uses of land, buildings or structures, including a dwelling unit or a dwelling room 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, according to the type of residential dwelling unit or dwelling room, and calculated with respect to each of

the services according to the percentage of charge by service set out in Schedule A at the end of this chapter, and the amount of the development charge shall be determined as follows:

- (a) From May 1, 2009 to January 31, 2010, the amount of the development charge shall be as shown in Column 2 on Schedule A at the end of this chapter;
- (b) From February 1, 2010 to January 31, 2011, the amount of the development charge shall be as shown in Column 2 on Schedule A at the end of this chapter, plus the indexing adjustment made pursuant to § 415-11;
- (c) Beginning February 1, 2011, and continuing on the first day of February in each of 2012, 2013 and 2014, the amount of the development charge then in effect will be increased according to the number of residential dwelling units for which building permits have been issued by the City in the preceding period, as described in Subsection A(2), as follows:
 - [1] Where permits for less than 7,000 residential dwelling units have been issued, there shall be no increase to the development charge then in effect, except for indexing adjustments made pursuant to § 415-11;
 - [2] Where permits for 7,000 or more and up to 7,500 residential dwelling units have been issued, the development charge then in effect shall be increased by 5 percent of the amount shown on Column 4;
 - [3] Where permits for 7,501 or more and up to 8,000 residential dwelling units have been issued, the development charge then in effect shall be increased by 10 percent of the amount shown on Column 4;
 - [4] Where permits for 8,001 or more and up to 8,500 residential dwelling units have been issued, the development charge then in effect shall be increased by 15 percent of the amount shown on Column 4;
 - [5] Where permits for 8,501 or more and up to 9,000 residential dwelling units have been issued, the development charge then in effect shall be increased by 20 percent of the amount shown on Column 4; and
 - [6] Where permits for more than 9,000 residential dwelling units have been issued, the development charge then in effect shall be increased by 25 percent of the amount shown on Column 4.

- (2) For the purposes of Subsection A(1) the number of residential dwelling units for which building permits have been issued shall be determined by reference to Statistics Canada data for the City of Toronto for the 12 month period ending in October of the immediately preceding year.
- (3) If a multiple dwelling unit is less than 55 square metres in residential gross floor area, the unit shall be considered to be an apartment unit for the purpose of determining the applicable development charge set out on Schedule A at the end of this chapter.
- (4) Where development charges have been paid with respect to land, buildings or structures which the City has certified as having met all of the Tier 2 requirements of the Toronto Green Standard Program, or successor program, a refund will be given in an amount equal to 20 percent of the development charges so paid.

B. Non-residential charge.

- (1) Development charges shall be imposed upon all non-residential uses of land, buildings or structures, and in the case of a mixed-use building or structure upon all non-residential uses of the mixed-use building or structure, according to the amount of non-residential gross floor area which is located on the ground floor of such building or structure, and calculated with respect to each of the services according to the percentage of charge by services set out in Schedule B at the end of this chapter, and the amount of the development charge shall be determined as follows:
 - (a) From May 1, 2009 to January 31, 2010, the amount of the development charge shall be as shown in Column 2 on Schedule B at the end of this chapter;
 - (b) From February 1, 2010 to January 31, 2011, the amount of the development charge shall be as shown in Column 2 on Schedule B at the end of this chapter, plus the indexing adjustment made pursuant to § 415-11;
 - (c) Beginning February 1, 2011, and continuing on the first day of February in each of 2012, 2013 and 2014, the amount of the development charge then in effect will be increased according to the number of residential dwelling units for which building permits have been issued by the City in the preceding period, as described in Subsection B(2), as follows:
 - [1] Where permits for less than 7,000 residential dwelling units have been issued, there shall be no increase to the development charge then in effect, except for indexing adjustments made pursuant to § 415-11;

- [2] Where permits for 7,000 or more and up to 7,500 residential dwelling units have been issued, the development charge then in effect shall be increased by 5 percent of the amount shown on Column 4;
 - [3] Where permits for 7,501 or more and up to 8,000 residential dwelling units have been issued, the development charge then in effect shall be increased by 10 percent of the amount shown on Column 4;
 - [4] Where permits for 8,001 or more and up to 8,500 residential dwelling units have been issued, the development charge then in effect shall be increased by 15 percent of the amount shown on Column 4;
 - [5] Where permits for 8,501 or more and up to 9,000 residential dwelling units have been issued, the development charge then in effect shall be increased by 20 percent of the amount shown on Column 4; and
 - [6] Where permits for more than 9,000 residential dwelling units have been issued, the development charge then in effect shall be increased by 25 percent of the amount shown on Column 4.
- (2) For the purposes of Subsection B(1), the number of residential dwelling units for which building permits have been issued shall be determined by reference to Statistics Canada data for the City of Toronto for the 12 month period ending in October of the immediately preceding year.
 - (3) Where development charges have been paid with respect to land, buildings or structures which the City has certified as having met all of the Tier 2 requirements of the Toronto Green Standard Program, or successor program, a refund will be given in an amount equal to 20 percent of the development charges so paid.

C. Redevelopment.

- (1) Despite any other provision of this article and subject to Subsections C(2) and C(3), where, as a result of the redevelopment of land, a demolition permit has been issued within the thirty-six month period immediately prior to the date of submission of a complete building permit application with respect to the whole or a part of a building or structure existing on the same land, or a building or structure is to be converted from one use to another use on the same land, the development charges otherwise payable with respect to such building permit application shall be reduced as follows:
 - (a) In the case of a residential building or structure, or the residential uses in a mixed-use building or structure, which is being redeveloped for residential or non-residential purposes, the development charges will be reduced by

an amount calculated by multiplying the applicable development charge under Subsection A by the number of dwelling units or dwelling rooms that have been or will be demolished or converted to another type of residential use or non-residential use, and according to the type of dwelling unit or dwelling room so demolished or converted.

- (b) In the case of a non-residential building or structure, or the non-residential uses in a mixed-use building or structure, which is being redeveloped for non-residential purposes, no development charge will be imposed to the extent that the existing non-residential gross floor area to be demolished would have been, if newly constructed, subject to the payment of development charges at the time of building permit issuance for the new building or structure and is replaced by new non-residential gross floor area; however, development charges will be imposed on all additional non-residential gross floor area in excess of the existing non-residential gross floor area that has been or will be demolished.
 - (c) In the case of a non-residential building or structure, or the non-residential uses in a mixed-use building or structure, which is being redeveloped for residential purposes, there shall be no reduction in the amount of development charges payable.
- (2) The amounts of any reduction under Subsection C(1) shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - (3) Any reduction under Subsection C(1) shall apply only where the use of the building or structure that has been or will be demolished or converted to another use has been legally established pursuant to all applicable zoning by-laws and all building statutes and regulations relating to the construction of buildings.

§ 415-8. Calculation and payment of development charges.

- A. Development charges applicable to development shall be calculated, payable and collected as of the date a building permit is issued in respect of the building or structure for the use to which the development charge applies, unless the development charge is to be paid or has been paid at a different time under Subsection C or under an agreement entered into between the City and the owner under subsection 27(1) of the Act.
- B. Despite § 415-5B, if two or more of the actions described in § 415-5A occur at different times, additional development charges shall be imposed in respect of any increased non-residential gross floor area or additional dwelling units or dwelling rooms permitted by that action.
- C. Despite the provisions of this article, Council may enter into an agreement with any person who is required to pay a development charge providing for all or any part of the development charge to be paid before or after it would otherwise be payable.

- D. Where under a written agreement entered into by a former municipality which required payments pursuant to a by-law of the former municipality enacted under the *Development Charges Act*, R.S.O. 1990, unless the agreement provides otherwise, any payment of the development charge under the agreement shall be a pro rata credit against the outstanding balance of the development charge applicable to the development which shall be calculated on a pro rata basis, payable and collected as of the date a building permit is issued, in respect of the building or structure for the use to which the development charge applies, but the amount of any such credit shall not exceed, in total, the amount of the development charge otherwise payable.
- E. Where under a written agreement entered into by a former municipality which required the provision of work pursuant to the *Development Charges Act*, R.S.O. 1990, relating to a service set out in § 415-2, unless the agreement provides otherwise, the provision of services under the agreement shall be a pro rata credit equal to the reasonable cost to the owner of providing the work or service, against the balance of the development charge applicable to the development which shall be calculated on a pro rata basis, payable and collected as of the date a building permit is issued, in respect of the building or structure for the use to which the development charge applies, but the amount of any such credit shall not exceed the total amount of the development charge payable with respect to that service applicable to that development and calculated in accordance with the percentage of charge by service set out in Schedule A or B at the end of this chapter.
- F. The amount of the development charge payable upon the issuance of a building permit shall be reduced by an amount equal to the applicable percentage of charge by service, as set out on Schedules A and B at the end of this chapter, for each service for which payment has previously been made under the terms of a subdivision agreement entered into with the City pursuant to section 51 of the *Planning Act*.
- G. Where a development charge or any part of it remains unpaid at any time after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

§ 415-9. Payment by services.

- A. Despite the provisions of this article, Council may enter into a written agreement requiring the City to provide a credit to an owner against all or part of the development charge payable in respect of a particular development by the provision of work that relates to one or more of the services referred to in § 415-2C, but the credit shall not exceed the standard for the equivalent service for which a development charge is payable under this article.
- B. The agreement shall provide for a credit equal to the reasonable cost to the owner of providing the work or service, but the credit shall not exceed the total amount of the development charge payable with respect to that service and calculated in accordance with the percentage of charge by service set out in Schedule A or B at the end of this chapter, applicable to that development.

- C. Nothing in this article 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 and local connections as Council may require and are related to the development.

§ 415-10. Front ending agreements.

Council may enter into front ending agreements with an owner or owners of land in accordance with section 44 of the Act.

§ 415-11. Indexing.

- A. The amounts of development charges shown in Column 2 as set out in Schedules A and B at the end of this chapter, and including any increase to such charges made pursuant to § 415-7, shall be adjusted by the City without amendment to this article on February 1, 2010, in accordance with the most recent annual change in the Statistics Canada Quarterly Capital Expenditure Price Statistics, Catalogue Number 62-007-X.
- B. From then on, the development charges then in effect, and including any increase to such charges made pursuant to § 415-7, shall be adjusted by the City without amendment to this article annually on February 1 of each subsequent year, in accordance with the most recent annual change in the Statistics Canada Quarterly Capital Expenditure Price Statistics, Catalogue Number 62-007-X.
- C. For greater certainty, on February 1 of each year, any increase in development charges made pursuant to § 415-7 will be applied first, and then the indexing adjustment will be applied to the development charge as so increased.
- D. For greater certainty, Catalogue 62-007-X shall be referred to, and the Non-Residential Building Construction Price Index (Toronto) shall be used.

§ 415-12. Phasing in of development charges.

The phasing in of the development charge calculated, payable and collected under this article shall be as shown on Schedules A and B at the end of this chapter, and as described in § 415-7A and § 415-7B.

§ 415-13. Term of article.

This article shall continue in full force and effect for a term of five years from the date on which it comes into force.

§ 415-14. Refunds.

Where development charges have been paid on the issuance of a building permit and the building permit is subsequently cancelled or revoked, for the purposes of this article the building permit shall be deemed never to have been issued, and the amount of the development charges paid shall be refunded to the payor without interest.

§ 415-14.1. Additional development charges.

Additional development charges may be imposed under other by-laws.

- B. Chapter 415 is also amended by deleting Schedules A and B to Chapter 415, Article I at the end of the chapter and substituting Schedules A and B at the end of this by-law.

2. Repeal and in force date.

- A. As section 1 of this by-law has the effect of repealing codified By-law No. 547-2004, “Being a By-law Respecting Development Charges”, for by-law record keeping purposes By-law No. 547-2004 is repealed as of the date this by-law comes into force.
- B. This by-law shall come into force on May 1, 2009.

ENACTED AND PASSED this 25th day of February, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

**SCHEDULE A TO CH. 415, ART. I
RESIDENTIAL DEVELOPMENT CHARGES**

(1) RESIDENTIAL DEVELOPMENT CHARGE PER UNIT

| <u>Column 1</u> Unit Type | <u>Column 2</u> May 1, 2009 to Jan. 31, 2010 | <u>Column 3</u> Maximum Charge | <u>Column 4</u> Column 3 minus Column 2 |
|--|---|---|--|
| Single detached and semi-detached dwelling | \$12,366 | \$21,044 | \$8,678 |
| Apartment unit – two bedroom and larger | \$8,021 | \$13,423 | \$5,402 |
| Apartment unit – one bedroom and bachelor unit | \$4,985 | \$9,157 | \$4,172 |
| Multiple dwelling unit | \$9,841 | \$17,062 | \$7,221 |
| Dwelling room | \$3,195 | \$5,687 | \$2,492 |

**(2) RESIDENTIAL DEVELOPMENT CHARGE EXPRESSED AS A
PERCENTAGE OF CHARGE BY SERVICE**

| Column 5 Service | Column 6 Percentage |
|---------------------------------------|--------------------------------------|
| Spadina Subway extension | 12.40% |
| Transit (balance) | 18.15% |
| Roads and related | 16.75% |
| Water | 13.20% |
| Sanitary sewer | 1.54% |
| Storm water management | 2.29% |
| Parks and recreation | 15.85% |
| Library | 5.70% |
| Subsidized housing | 6.92% |
| Police | 1.97% |
| Fire | 0.85% |
| Emergency Medical Services (EMS) | 0.15% |
| Development-related studies | 1.52% |
| Civic improvements | 1.19% |
| Child care | 1.19% |
| Health | 0.29% |
| Pedestrian infrastructure | 0.04% |
| Total percentage of charge by service | <u>100.00%</u> |

**SCHEDULE B TO CH. 415, ART. I
NON-RESIDENTIAL DEVELOPMENT CHARGES**

(1) NON-RESIDENTIAL DEVELOPMENT CHARGE PER SQUARE METRE OF GROSS FLOOR AREA

| <u>Column 1</u> Non-residential use | <u>Column 2</u> May 1, 2009 to Jan. 31, 2010 | <u>Column 3</u> Maximum Charge | <u>Column 4</u> Column 3 minus Column 2 |
|--|---|---|--|
| Non-Residential Use | \$99.30 | \$150.31 | \$51.01 |

(2) NON-RESIDENTIAL DEVELOPMENT CHARGE EXPRESSED AS A PERCENTAGE OF CHARGE BY SERVICE

| <u>Column 5</u> Service | <u>Column 6</u> Percentage |
|--|---|
| Spadina Subway extension | 12.17% |
| Transit (balance) | 24.66% |
| Roads and related | 23.00% |
| Water | 20.72% |
| Sanitary sewer | 4.63% |
| Storm water management | 3.61% |
| Parks and recreation | 1.23% |
| Library | 0.44% |
| Subsidized housing | 0.00% |
| Police | 2.68% |
| Fire | 1.16% |
| Emergency Medical Services (EMS) | 0.07% |
| Development-related studies | 2.08% |
| Civic improvements | 1.63% |
| Child care | 1.62% |
| Health | 0.05% |
| Pedestrian infrastructure | 0.25% |
| Total percentage of charge by service | 100.00% |