

Authority: Executive Committee Item _____, adopted as amended, by City of Toronto Council on _____, 2018

CITY OF TORONTO

BY-LAW -2018

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, or in the case of transit the planned level of service, and meeting the requirements of subsection 5(1) and 5.2(3) 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 _____, 2018, had before it a report from the Deputy City Manager and Chief Financial Officer dated _____, 2018, entitled "Development Charges By-law Review", and a further report entitled "Development Charges Background Study, City of Toronto" prepared by Hemson Consulting Ltd. dated _____, 2018, (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 _____, 2018, 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 the Executive Committee at its meeting held on _____, 2018, further considered a report dated _____, 2018, from the Deputy City Manager and Chief Financial Officer, regarding further amendments to the proposed by-law, and an Addendum Report to the Study prepared by Hemson Consulting Limited, dated _____, 2018; and

Whereas Council in adopting Item _____ of the Executive Committee at its meeting held on _____ and _____, 2018, has considered this matter and has determined 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 has determined that the future excess capacity identified in the Study shall be paid for by the development charges contemplated in the Study, or other similar charges; and

Whereas Council has given consideration to the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific development charges, and has determined that for the services and associated infrastructure proposed to be funded by development charges under this by-law that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis; and

Whereas Council approves the planned level of service for Transit services, as identified in the Study, which has been estimated in accordance with the requirements of the Development Charges Act, 1997 and Ontario Regulation 82/98; and

Whereas Council at its meeting held on _____ and _____, 2018, further determined that no further public meeting was necessary in order to deal with the modifications made to the proposed development charge by-law following the date of the public meeting on _____, 2018, pursuant to section 12 of the *Development Charges Act, 1997*;

The Council of the City of Toronto enacts:

1. Chapter 415, Development of Land, 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 principal entrance from the street level and an interior enclosed corridor, and the building contains three or more units with such access, and includes a stacked townhouse.

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.

BACK TO BACK TOWNHOUSE - A building that has three or more dwelling units, joined by common side and rear walls above grade, and where no dwelling unit is entirely or partially above another.

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 a building or structure which is described in its respective building permit application.

BUILDING PERMIT APPLICATION - An application submitted to and accepted by the Chief Building Official for a 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.

DUPLEX - A building that has two dwelling units with one dwelling unit entirely or partially above another.

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 floor of a building or structure which is closest to grade, except that a building or structure that is entirely below grade shall be deemed to not have a ground floor for the purposes of imposing a development charge.

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, duplex or triplex, and a back to back townhouse.

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 or demising 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 used primarily for worship and 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.

SECONDARY DWELLING UNIT - A dwelling unit, whether contained within a single detached dwelling or a semi-detached dwelling, or ancillary to a single detached dwelling or a semi-detached dwelling including but not limited to a

coach house, laneway suite or structure constructed above an existing garage or other structure separate from the primary dwelling unit, which:

- A. comprises an area less than or equal to 33 percent of the gross floor area of the primary dwelling unit; and
- B. cannot be conveyed as a separate parcel from the primary dwelling unit.

SEMI-DETACHED DWELLING - A residential building consisting of two dwelling units having one vertical 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.

STACKED TOWNHOUSE - A building that has three or more dwelling units, joined by common side walls with dwelling units entirely or partially above another.

TRIPLEX - A building that has three dwelling units with at least one dwelling unit entirely or partially above another.

§ 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.
- (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; or
 - (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 approval of a description under section 9 of the *Condominium Act, 1998*; or
 - (7) 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) Development charges shall not be imposed with respect to the residential development of land or buildings if the only effect of such development is:
 - (a) An enlargement to an existing dwelling unit;
 - (b) The creation of one or two additional dwelling units in an existing single detached dwelling; or
 - (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 Subsections A(2), A(3) above and Sections 415-7 A(2) and A(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. Other Exemptions

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

- (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, except residential uses which includes a residential building or structure providing accommodations for students attending a college or university;
- (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) Development creating or adding an accessory use or accessory structure not exceeding 10 square metres of residential or non-residential gross floor area;
- (7) 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;

- (8) The portion of development charges in respect of housing or facilities provided pursuant to a municipal capital facilities agreement or a by-law passed by Council under Section 252 of the *City of Toronto Act, 2006*, where such agreement or by-law provides for a full or partial exemption from development charges;
- (9) Dwelling rooms within a rooming house; or
- (10) 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.

C. Onus

The onus is on the owner or applicant to produce evidence to the satisfaction of the City which establishes that the owner or applicant is entitled to any exemption from the payment of development charges claimed under this section.

§ 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 and amounts set out in Schedule A at the end of this chapter.
- (2) For a secondary dwelling unit,

- (a) where the dwelling unit is less than or equal to 75 square metres of residential gross floor area, development charges shall be imposed at the applicable apartment unit rate; and
 - (b) where the dwelling unit is more than 75 square metres of residential gross floor area, development charges shall be imposed according to the rate applicable to the proposed built form.
- (3) For a secondary dwelling unit that has received a consent under section 53 of the *Planning Act*, or the approval of a description under section 9 of the *Condominium Act, 1998*, development charges shall be imposed according to the rate applicable to the resulting built form.
- (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 the lesser of:
- (a) Twenty (20) percent of the development charges so paid; or
 - (b) The amount calculated according to the residential building type multiplied by the amount set out in Column 2 of Schedule C,

provided that no refund will be made for any units that were exempt from payment of development charges, nor any units for which a reduction was given pursuant to § 415-7C.

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 and amounts set out in Schedule X at the end of this chapter.(2) 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 the lesser of:
- (a) Twenty (20) percent of the development charges so paid; or

- (b) The amount calculated according to the amount of non-residential gross floor area which is located on the ground floor multiplied by the amount set out in Column 2 of Schedule C,

provided no refund will be made for any gross floor area that was exempt from payment of development charges, nor any gross floor area for which a reduction was given pursuant to § 415-7C.

C. Redevelopment.

- (1) Despite any other provision of this article and subject to Subsections C(3) and C(4), where, as a result of the redevelopment of land, a demolition permit has been issued within the sixty 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 principal use to another principal 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 payable 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.
- (2) Despite any other provision of this article and subject to Subsections C(3) and C(4), 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 principal use to another principal 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 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:
- [1] In the case of demolition, no development charge will be imposed to the extent that the existing non-residential gross floor area to be demolished and which is located on the ground floor 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 the new non-residential gross floor area; and
 - [2] In the case of the conversion of an existing non-residential building or structure to another non-residential use where there is no demolition, no development charge will be imposed on the existing non-residential gross floor area so 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 residential purposes, the development charges payable will be reduced by an amount calculated by multiplying the non-residential development charge rate set out in Schedule B by the amount of existing non-residential gross floor area to be demolished or converted which is located on the ground floor that 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.
- (3) 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.
- (4) 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.

D. Onus.

The onus is on the owner or applicant to produce evidence to the satisfaction of the City which establishes that the owner or applicant is entitled to any reduction in the payment of or refund of development charges claimed under this section.

§ 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 which the owner has made a building permit application, 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 charge by service set out in Schedules 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 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.
- H. Where a development charge has been paid in respect of a residential building or structure, and the development is subsequently revised within the same building envelope but with a different distribution of unit types such that a revised building permit and new calculation of development charges payable is required, the calculation of the amount of development charges payable will be made in respect of such revised building permit as follows:
- (1) Where there is an increase in the number of any type of dwelling unit or dwelling room, the development charges payable will be calculated by multiplying the number of such dwelling units or dwelling rooms so increased by the development charge rate then in effect according to the type of dwelling unit or room; and
 - (2) Where there is a decrease in the number of any type of dwelling unit or dwelling room, the development charges payable will be reduced by multiplying the number of such dwelling units or dwelling rooms so reduced by the development charge rate that was in effect and collected for such unit type upon issuance of the initial building permit for the development;

provided that in no case shall any refund be provided in an amount greater than the amount of development charges paid upon issuance of such initial building permit.

- I. Where a development charge has been paid in respect of a non-residential building or structure, and the development is subsequently revised within the same building envelope but such that a revised building permit and new calculation of development charges payable is required, the calculation of the amount of development charges payable will be made in respect of such revised building permit as follows:
- (1) Where there is an increase in the amount of non-residential gross floor area, the development charges payable will be calculated by multiplying the amount of gross floor area so increased by the development charge rate then in effect; and

- (2) Where there is a decrease in the amount of non-residential gross floor area, the development charges payable will be reduced by multiplying the amount of gross floor area so reduced by the development charge rate that was in effect and collected upon issuance of the initial building permit for the development;

provided that in no case shall any refund be provided in an amount greater than the amount of development charges paid upon issuance of such initial building permit.

- J. Where a development charge has been paid in respect of an application for a building permit prior to the date on which the development charge is payable and the building permit, for whatever reason, is not issued until a later date, such earlier payment does not constitute full payment of all development charges payable, and on the date of actual building permit issuance the amount of development charges payable will be calculated to reflect any change in development charge rates since the date of the original payment, and the difference in development charges payable, if any, shall be paid prior to issuance of the building permit.
- K. Where an owner makes a building permit application for a building or structure that is built, in whole or in part, above, on top of or attached to another building or structure including a podium or parking structure, whether above or below grade, development charges are due and payable upon issuance of the building permit for such building or structure, and not at the time of issuance of the building permit for the underlying or supporting building or structure.

§ 415-9. Payment by services.

- A. Despite the provisions of this article, Council may, by prior written agreement, permit an owner to provide services in lieu of the payment for all or any portion of a development charge. The City shall give the owner who performed the work a credit towards the development charge in accordance with the agreement and subject to the requirements of the Act, 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 charge by service set out in Schedules A or B at the end of this chapter.
- B. 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 set out in Schedules A and B and the amounts set out in Column 2 of Schedule C, at the end of this chapter, shall be adjusted annually by the City without amendment to this article on February 1 of each year, commencing _____ in accordance with the most recent annual change in the Statistics Canada Quarterly Capital Expenditure Price Statistics, Catalogue Number 62-007-X.
- B. 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.

§ 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, unless repealed on an earlier date.

§ 415-14. Refunds.

- A. Where a development charge has 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.
- B. Where a development charge has been paid on the issuance of a building permit, and it is subsequently determined by the City that there was an error in the calculation of the amount of such payment such that there was an overpayment of development charges, the Deputy City Manager and Chief Financial Officer, in consultation with the City Solicitor, is authorized to refund to the payor the amount of such overpayment without interest, such refund to be paid from the applicable development charge reserve fund or funds.

§ 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-1, A-2, A-3, A-4, A-5, A-6, B, C and D to Chapter 415, Article I at the end of the chapter and substituting Schedules A, B and C 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-laws No. 1347-2013, 691-2014 and 525-2015, being by-laws respecting development charges, for by-law record keeping purposes By-law No. 1347-2013, 691-2014 and 525-2015 are repealed as of the date this by-law comes into force.

B. This by-law shall come into force on _____,2018

Enacted and passed on _____, 2018

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

**SCHEDULE A TO CH. 415 ART. 1
RESIDENTIAL DEVELOPMENT CHARGE RATES**

EFFECTIVE _____, 2018

Service	Residential Charge By Unit Type					
	Singles & Semis	Multiples 2+ Bedrooms	Multiples 1 Bed and Bach.	Apartments 2+ Bedrooms	Apartments 1 Bed and Bach.	Dwelling Room
Spadina Subway Extension	\$2,657	\$2,196	\$1,102	\$1,555	\$1,015	\$720
Transit (balance)	\$28,412	\$23,484	\$11,780	\$16,631	\$10,857	\$7,700
Parks and Recreation	\$10,314	\$8,525	\$4,277	\$6,038	\$3,941	\$2,795
Library	\$1,810	\$1,496	\$751	\$1,060	\$692	\$491
Subsidized Housing	\$6,917	\$5,717	\$2,868	\$4,049	\$2,643	\$1,875
Shelter	\$910	\$752	\$377	\$533	\$348	\$247
Police	\$1,073	\$887	\$445	\$628	\$410	\$291
Fire	\$445	\$367	\$184	\$260	\$170	\$120
Paramedic Services	\$498	\$412	\$207	\$292	\$190	\$135
Development-related Studies	\$508	\$420	\$211	\$297	\$194	\$138
Civic Improvements	\$243	\$201	\$101	\$142	\$93	\$66
Child Care	\$763	\$630	\$316	\$446	\$291	\$207
Health	\$8	\$7	\$3	\$5	\$3	\$2
Pedestrian Infrastructure	\$49	\$41	\$20	\$29	\$19	\$13
Subtotal General Services	\$54,607	\$45,135	\$22,642	\$31,965	\$20,866	\$14,800
Roads and Related	\$14,965	\$12,369	\$6,205	\$8,760	\$5,718	\$4,055
Water	\$7,275	\$6,013	\$3,016	\$4,258	\$2,780	\$1,971
Sanitary Sewer	\$7,828	\$6,470	\$3,246	\$4,582	\$2,991	\$2,121
Storm Water Management	\$3,716	\$3,071	\$1,541	\$2,175	\$1,420	\$1,007
Subtotal Engineered Services	\$33,784	\$27,923	\$14,008	\$19,775	\$12,909	\$9,154
Total Charge Per Unit	\$88,391	\$73,058	\$36,650	\$51,740	\$33,775	\$23,954

NOTE: The development charges described above shall be adjusted pursuant to §415-11 of this by-law.

SCHEDULE B TO CH. 415, ART. 1
NON-RESIDENTIAL DEVELOPMENT CHARGE RATES
PER SQUARE METRE

EFFECTIVE _____, 2018

Service	Non-Residential Charge By Type	
	Industrial	Non-Industrial
Spadina Subway Extension	\$7.10	\$16.70
Transit (balance)	\$76.06	\$178.90
Parks and Recreation	\$3.56	\$8.37
Library	\$0.62	\$1.47
Subsidized Housing	\$0.00	\$0.00
Shelter	\$0.00	\$0.00
Police	\$2.87	\$6.76
Fire	\$1.19	\$2.80
Paramedic Services	\$1.33	\$3.14
Development-related Studies	\$1.36	\$3.20
Civic Improvements	\$0.65	\$1.53
Child Care	\$2.04	\$4.80
Health	\$0.02	\$0.05
Pedestrian Infrastructure	\$1.29	\$3.04
Subtotal General Services	\$98.09	\$230.76
Roads and Related	\$40.99	\$96.42
Water	\$20.27	\$47.67
Sanitary Sewer	\$21.50	\$50.57
Storm Water Management	\$10.04	\$23.62
Subtotal Engineered Services	\$92.80	\$218.28
Total Charge Per Square Metre	\$190.89	\$449.04

NOTE: The development charges described above shall be adjusted pursuant to §415-11 of this by-law.

**SCHEDULE C TO CH.415, ART I
DEVELOPMENT CHARGES**

TORONTO GREEN STANDARD PROGRAM - TIER 2 CAP

<u>COLUMN 1</u>	<u>COLUMN 2</u>
RESIDENTIAL (PER DWELLING UNIT OR DWELLING ROOM)	
Single detached and semi-detached	\$4,713.00
Apartment- two bedroom and larger	\$3,007.00
Apartment- one bedroom and bachelor	\$2,051.00
Multiple (all multiples)	\$3,822.00
Dwelling room	\$1,273.00
NON-RESIDENTIAL USE (PER SQUARE METRE)	\$34.77

NOTE: The amounts described in Column 2 above shall be adjusted pursuant to § 415-11 of this by-law.