

Authority: Executive Committee Item 36.1, adopted as amended,  
by City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009  
Enacted by Council: December 4, 2009

## **CITY OF TORONTO**

### **BY-LAW No. 1195-2009**

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

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 Council on February 25, 2009, enacted City of Toronto By-law No. 275-2009 to impose development charges against land; and

WHEREAS Section 19 of the Act provides for amendments to a development charge by-law; and

WHEREAS it has been determined that a technical amendment is required to clarify the original intent of the definition of "Ground Floor" in By-law No. 275-2009; and

WHEREAS the Executive Committee at its meeting dated November 2, 2009, had before it a report entitled "City of Toronto 2008 Development Charge Background Study" dated October 23, 2008, and a report entitled "Addendum to City of Toronto 2008 Development Charge Background Study" dated January 13, 2009, both prepared by Watson & Associates Economists Ltd., ("the Study"), such that the Study was completed on January 13, 2009; and

WHEREAS the Study and the proposed development charge by-law were 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 2, 2009, 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 Council at its meeting held on November 30 and December 1, 2, 4 and 7, 2009, considered the Study and a report dated October 16, 2009, from the Deputy City Manager and Chief Financial Officer;

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:

Section 415-1 (Definitions) is amended by deleting the definition of GROUND FLOOR in its entirety and substituting the following definition:

“GROUND FLOOR — For the purposes of § 415-7B, 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.”

ENACTED AND PASSED this 4th day of December, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)