

Authority: Executive Committee Item 11.1,
adopted as amended, by City of Toronto Council on October 24 and 25, 2011
Enacted by Council: October 25, 2011

CITY OF TORONTO

BY-LAW No. 1228-2011

**To amend City of Toronto Municipal Code Chapter 415, Development of Land,
respecting 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 an amendment is required to amend the provisions of By-law No. 275-2009 relating to the redevelopment of non-residential buildings; and

WHEREAS the Executive Committee at its meeting on October 3, 2011, had before it a Development Charge Background Study dated September 6, 2011, prepared by the Deputy City Manager and Chief Financial Officer ("the Study"); 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 October 3, 2011, 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 October 24 and 25, 2011, considered the Study and a report dated September 16, 2011, and a further report dated October 21, 2011, both 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 415-7C (Redevelopment) is amended by deleting paragraph (1)(b) in its entirety and substituting the following paragraph 1(b):

"(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,

- (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 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."

ENACTED AND PASSED this 25th day of October, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)