



Area Specific Development Charge Background Study for Coleraine Drive Storm Sewer Benefiting Area

Town of Caledon

April 19, 2021

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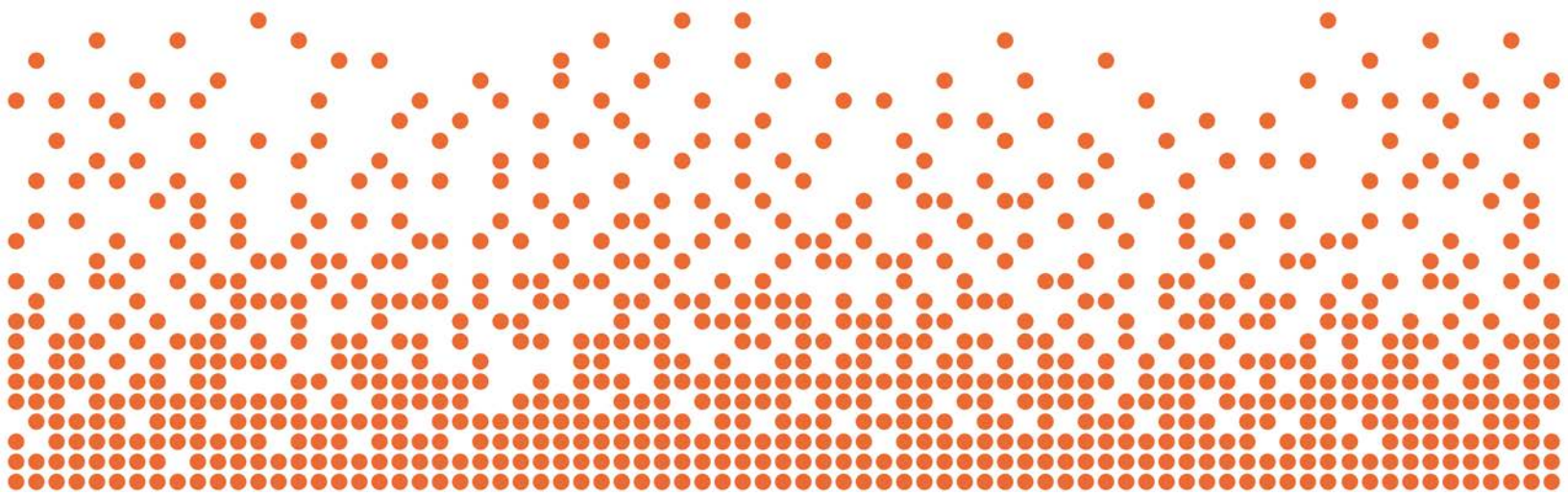
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List of Acronyms and Abbreviations

A.S.D.C.	Area specific development charge
D.C.	Development charge
D.C.A.	Development Charges Act, 1997
G.F.A.	Gross floor area
L.P.A.T.	Local Planning Appeal Tribunal
O.M.B.	Ontario Municipal Board
O.Reg.	Ontario Regulation
s.s.	Subsection
sq.ft.	square foot



Chapter 1

Introduction



1. Introduction

1.1 Introduction

The development area around the intersection of McEwan Drive and Simpson Road was planned by the Town of Caledon (Town) in the mid to late 1990's. A master servicing plan was prepared during that time which required the installation of a storm sewer along the east side of Coleraine Drive that would carry storm water from the lands southwest of McEwan Drive in a northerly direction to an existing culvert under Coleraine Drive, and from there to an outlet on the west side of Coleraine Drive.

DiGregorio Investments Limited (DiGregorio) was the principal owner of a portion of the lands that would benefit from the installation of the storm sewer. DiGregorio entered into an agreement with the Town (i.e. By-law No. 2001-160) to install the storm sewer on condition that they would be reimbursed by the owners of the other properties that would benefit from the sewer. The share of the costs for each landowner would be calculated on the basis of the acreage of their lands.

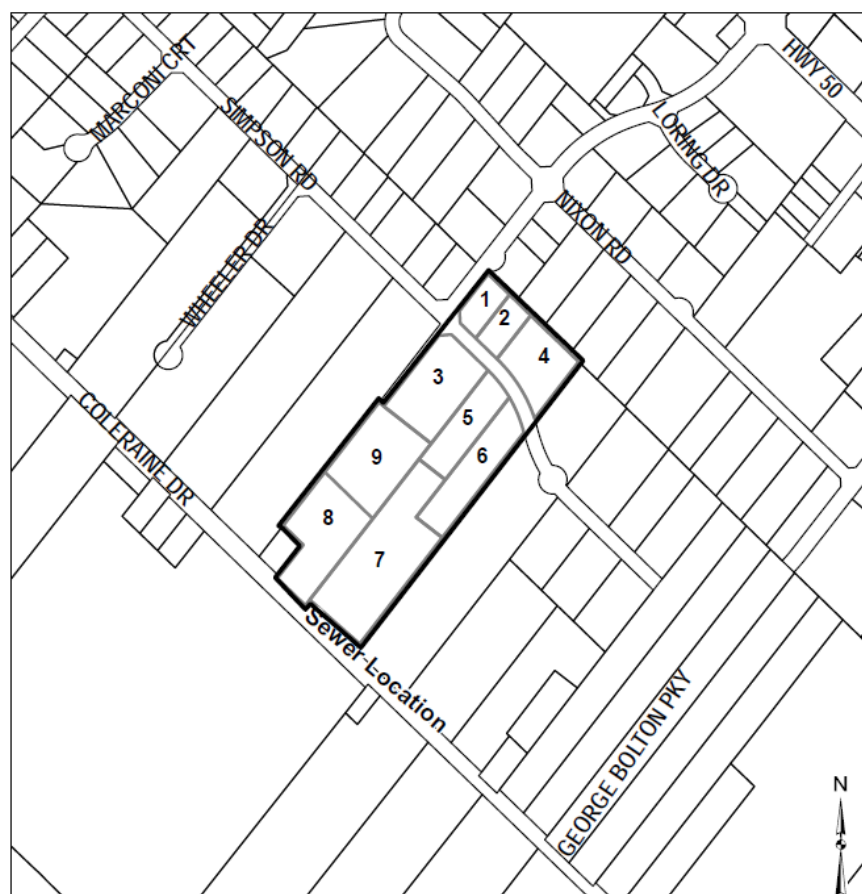
The Town established an area-specific development charge (A.S.D.C.) by-law in 2011 that underpins the front-ending agreement with DiGregorio. By-Law 2011-119 was imposed to recover the capital costs of storm sewer services from the lands within the Coleraine Drive Storm Sewer Benefiting Area, located on the east side of Coleraine drive between Coleraine Drive and Simpson Road, as shown on Figure 1-1.

By-Law 2011-119 expired on August 11, 2016. The Town passed By-Law Number BL-2016-065 July 12, 2016 to continue to impose the area-specific charges. Table 1-1 summarizes the charges imposed under that by-law.

By-Law Number BL-2016-065 expires on July 12, 2021. The Town intends to continue to impose the area-specific charges to reimburse the capital costs to DiGregorio as per the front-ending agreement. This report contains the A.S.D.C. Background Study and proposed A.S.D.C. by-Law.



**Figure 1-1
Coleraine Drive Storm Sewer Benefiting Area**



**Table 1-1
Coleraine Drive Storm Sewer A.S.D.C. Schedule of Charges (BL-2016-065)**

Property No.	Property Owner	Development Charge Amont (\$)
1	1537316 Ontario Ltd	\$ 3,196.62
2	Joe Bruno Holdings Inc.	\$ 3,253.72
3	Cambria Fabship Toronto Inc.	\$ 2,808.76
4	Di Gregorio Investments Ltd	\$ -
5	Castelli Holdings Inc.	\$ 287.66
6	M-J-J-J Developments Inc.	\$ 370.63
7	Di Gregorio Investments Ltd	\$ -
8	1872525 Ontario Ltd	\$ 41,048.62
9	1872525 Ontario Ltd	\$ 30,089.39



1.2 Purpose of this Document

This background study has been prepared pursuant to the requirements of the Development Charges Act (D.C.A.), 1997 (s.10), and accordingly, recommends an A.S.D.C. for Storm Sewer Services and policies for the Coleraine Drive Storm Sewer Benefiting Area.

This D.C. background study, containing the proposed D.C. by-law, will be distributed to members of the public in order to provide interested parties with sufficient background information on the legislation, the study's recommendations, and an outline of the basis for these recommendations.

This report has been prepared, in the first instance, to meet the statutory requirements applicable to the Town's A.S.D.C. background study, as summarized in Chapter 1. It also addresses the forecast amount, type, and location of growth (Chapter 2), the calculation of the A.S.D.C. (Chapter 3), the requirement for "rules" governing the imposition of the charges (Chapter 4), and the proposed by-law to be made available as part of the approval process (Appendix A).

In addition, the report is designed to set out sufficient background on the legislation and the policies underlying the proposed by-law, to make the exercise understandable to interested parties. Finally, the background study addresses post-adoption D.C. implementation requirements (Chapter 5) which are critical to the successful application of the new policy.

A full discussion of the statutory requirements for the preparation of a background study and calculation of D.C. and capital charges is provided herein.

1.3 Summary of the Process

The required Public Meeting under Section 12 of the D.C.A., 1997, has been scheduled for May 26, 2021. The purpose of this meeting is to present the study to the public and to solicit public input on the proposed A.S.D.C. by-law. The meeting is held to answer any questions regarding the study's purpose, methodology and the proposed by-law. Figure 1-2 outlines the proposed schedule to be followed with respect to the A.S.D.C. by-law adoption process.



In accordance with the legislation, the background study and proposed A.S.D.C. by-law were made available for public review on April 23, 2021.

The process to be followed in finalizing the report and recommendations includes:

- consideration of responses received prior to, at or immediately following the public meeting; and
- finalization of the study and Council consideration of the A.S.D.C. on a date to be determined.

Figure 1-2
Proposed Schedule of A.S.D.C. By-Law Adoption

Process Steps	Dates
1. Data collection, staff interviews, preparation of D.C. calculations	January 2021 to April 2021
2. Review of A.S.D.C. draft findings with Town staff	April 2021
3. Background study and proposed A.S.D.C. by-law available to public	April 23, 2021
4. Statutory notice of Public Meeting advertisement placed in newspaper(s)	20 days prior to public meeting
5. Public Meeting of Council	May 26, 2021
6. Council considers adoption of background study and passage of A.S.D.C. by-law	To be determined
7. Newspaper notice given of by-law passage	By 20 days after passage
8. Last day for by-law appeal	40 days after passage
9. Town makes available A.S.D.C. pamphlet	by 60 days after in force date



1.4 Development Charges Act (D.C.A.) Background Study Requirements

The D.C.A. requires that a background study must be completed by Town Council before passing a D.C. by-law. The mandatory inclusions in such a study are set out in s.10 of the D.C.A. and in s.8 of O.Reg. 82/98, and are as follows:

- a) the estimates under paragraph 1 of subsection 5(1) of the anticipated amount, type and location of development;
- b) the calculations under paragraphs 2 to 8 of subsection 5(1) for each service to which the development charge by-law would relate;
- c) an examination, for each service to which the development charge by-law would relate, of the long-term capital and operating costs for capital infrastructure required for the service, as well as an asset management plan;
- d) the following for each service to which the development charge relates:
 - 1. The total of the estimated capital costs relating to the service.
 - 2. The allocation of the costs referred to in paragraph 1 between costs that would benefit new development and costs that would benefit existing development.
 - 3. The total of the estimated capital costs relating to the service that will be incurred during the term of the proposed development charge by-law.
 - 4. The allocation of the costs referred to in paragraph 3 between costs that would benefit new development and costs that would benefit existing development.
 - 5. The estimated and actual value of credits that are being carried forward relating to the service.” (O.Reg. 82/98 s.8)

A summary of key requirements of the D.C.A. is set out below.

- 1. **Development Charge Background Study** - requirements respecting the content of a D.C. Background Study are explicitly set out in the Act. Requirements include the identification of costs and growth estimates, an



examination for each by-law service of the long-term capital, operating costs and asset management plan for capital infrastructure required, identification of costs to be incurred during the term of the by-law, and various cost allocations. The study and proposed by-law must be made available to the public at least two weeks prior to the (first) public meeting and 60-days prior to by-law adoption.

2. **Services Covered** – The following services are eligible for inclusion in a D.C. By-law under the D.C.A.:

- Water supply services, including distribution and treatment services.
- Wastewater services, including sewers and treatment services.
- Storm water drainage and control services.
- Services related to a highway.
- Electrical power services.
- Toronto-York subway extension, as defined in subsection 5.1 (1).
- Transit services other than the Toronto-York subway extension.
- Waste diversion services.
- Policing services.
- Fire protection services.
- Ambulance services.
- Library Services.
- Long-term care services.
- Parks and recreation services (but not the acquisition of land for parks).
- Public health services.
- Childcare and early years services.
- Housing services.
- Provincial Offences Act Services.
- Services related to emergency preparedness.
- Services related to airports, but only in the Regional Municipality of Waterloo.



3. **Subdivision Agreement Conditions** - agreements may include “local services related to a plan of subdivision or within the area to which the plan relates”.
4. **Capital Costs** – the increase in the need for service attributable to the anticipated development be estimated, as well as the capital costs necessary to provide the increased service. The latter must be reduced by applicable capital grants, subsidies and other contributions. Also, “capital costs” may include authorized costs incurred or proposed to be incurred by others on behalf of a municipality/local board, as well as those directly incurred. Capital costs which may potentially be included in the calculation include the capital component of the cost to lease an asset, the cost of related studies, interest on borrowing, and exclude computer equipment, and rolling stock with an estimated useful lifetime of six years or less.
5. **Council Intentions** - if a need for service is to be included in the calculation, Council must have indicated that it intends to ensure that such an increase in need will be met by including it in a Council-approved Official Plan, capital budget/forecast or similar expression of Council.
6. **Service Standards** – service standards are based upon the average level of service provided in the municipality over the 10-year period immediately preceding the preparation of the background study. In addition, the regulation requires that “...both the quality and quantity of a service shall be taken into account in determining the (average) level of service.” O.Reg. 206/04 specified that the determination of the quality of a service did not include any allowance for depreciation.

However, s.4(3) of O.Reg. 82/98 states that “if the average level of service determined is lower than the standard level of service required under another Act, the standard level of service required under the other Act may be deemed ... to be the average level of service.” This section applies particularly to water, wastewater and storm drainage, where Provincial Regulations often determine requirements.

With respect to transit services, the increase in need for services must be measured relative to the planned level of service over the 10-year forecast

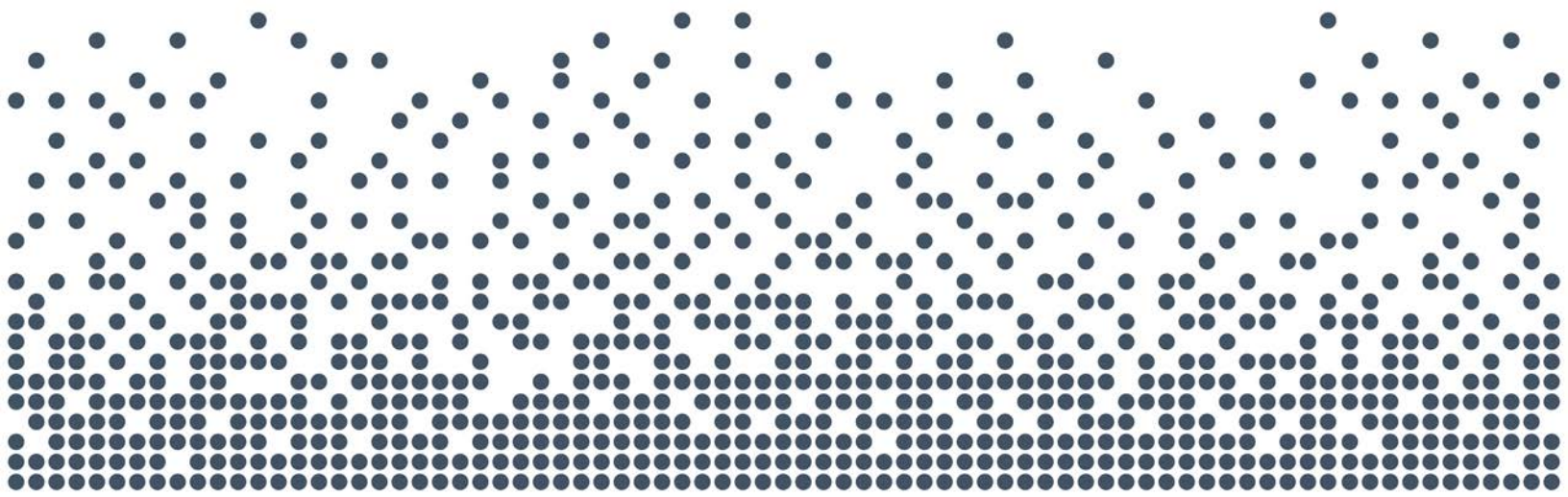


period, as opposed to the historic 10-year level of service measurement for other D.C. eligible services.

7. **Excess Capacity** - the recoverable service requirement must be reduced by the part that can be met using the municipality's excess capacity, except for the excess capacity which Council expressed a clear intention, before or at the time the capacity was created, would be paid for by development charges or other similar charges.
8. **Front Ending Agreements** - agreements may include work done before, as well as after, the agreement is entered into. In addition, the work must be in an area subject to the D.C., non-party payments may be required at an earlier or later date than building permit issuance and may provide for "tiering" of the burden against subsequent participants, etc. Further, the Act restricts front-ending agreements to sanitary sewer, water, roads, and storm water management services.
9. **Credits** - a D.C. credit must be given where a "... municipality agrees to allow a person to perform work that relates to a service to which a D.C. by-law relates ..." Such credit is the reasonable cost of doing the work as agreed by the municipality and the landowner. Credit (or partial credit) may be given before the work is completed. It is a credit only in relation to the service to which the work relates and with respect to that part of the development charge that relates to the service. The credit may be transferred under defined conditions.
10. **Prescribed Index** - the regulation under the Act specifies the use of the Statistics Canada Non-residential Building Construction Price Index for Toronto for indexing purposes. (This catalogue has subsequently been renamed "Capital Expenditure Price Statistics.")
11. **Industrial Expansion Exemption** - the Act provides for a mandatory D.C. exemption for enlargements to existing industrial buildings (as defined in the regulation) equal to 50% of the floor area of the existing building prior to the enlargement.
12. **Cross Subsidization** - a cost recovery shortfall from one type of development may not be made up through higher charges on other types of development.



13. **D.C. Reserve Funds** – reserve funds may be created so as to group services into categories, which are then deemed to be a single service in relation to the use of money from reserve funds and for credits.
14. **D.C. Reserve Fund Draws** - the D.C. reserve fund money may be spent only for capital costs as determined by the legislated method for calculating development charges.
15. **D.C. Reserve Fund Borrowing** – borrowing between D.C. reserve funds is permitted, subject to repayment of interest at the prescribed minimum rate.
16. **Treasurer's Statement** - requires information to be provided as to reserve fund continuity, borrowings from the fund, interest accrued thereon, repayment of borrowings, non-D.C. reserve fund spending on projects, as well as detailed accounting for credits and the source thereof.
17. **Local Planning Appeal Tribunal (L.P.A.T.) Powers** - the L.P.A.T. (formerly the Ontario Municipal Board) is not empowered to remove or reduce the scope of an exemption, to change the phasing in provisions to make the charge payable earlier, to increase the charge in any particular case or to change the by-law expiry date as approved by Council.
18. **Regulations** - the Lieutenant-Governor may make regulations as defined in the Act.



Chapter 2

Anticipated Development



2. Anticipated Development

2.1 Coleraine Drive Storm Sewer Benefiting Area

Figure 2-1 illustrates the Coleraine Drive Storm Sewer Benefiting Area lands. The “Development Charge Background Study Concerning the Installation of Storm Sewer on the Coleraine Drive by DiGregorio Investments Limited”, dated August 9, 2011 (2011 A.S.D.C. Background Study) detailed the benefiting area lands, and allocation of capital costs based on the respective total land area for each parcel. The benefiting area encompasses approximately 149,000 square metres (sq.mt.) of land area. Table 2-1 summarizes the land area by parcel and landowner within the defined benefiting area. The growth forecast for the benefiting area is unchanged from the initial 2011 A.S.D.C. Background Study.

Figure 1-1
Coleraine Drive Storm Sewer Benefiting Area

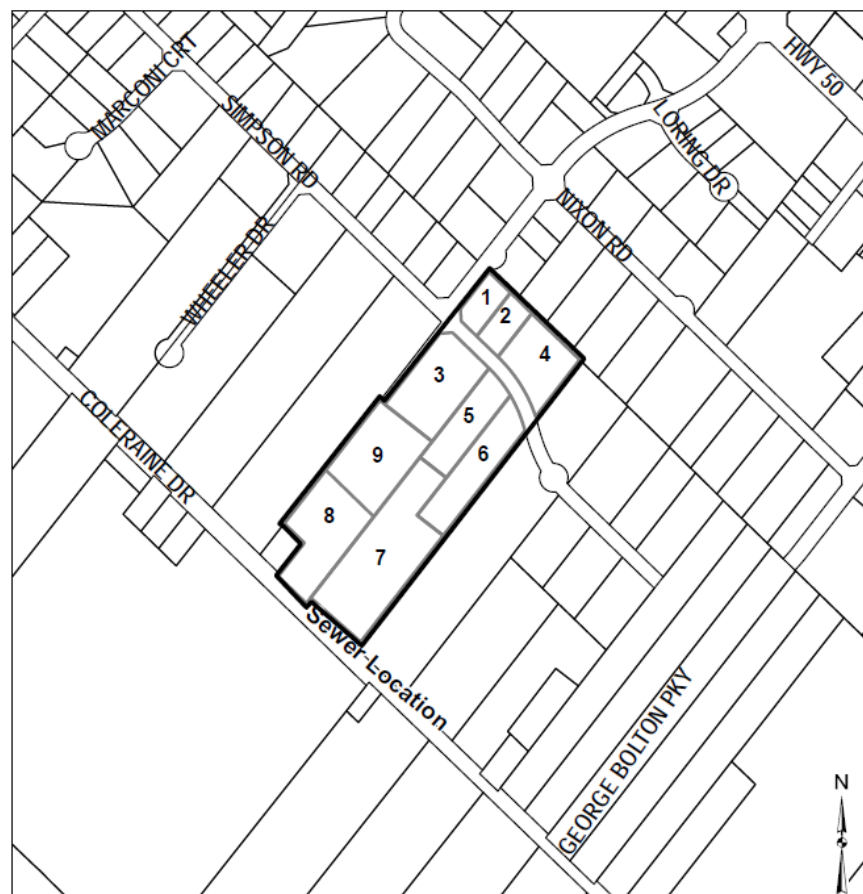
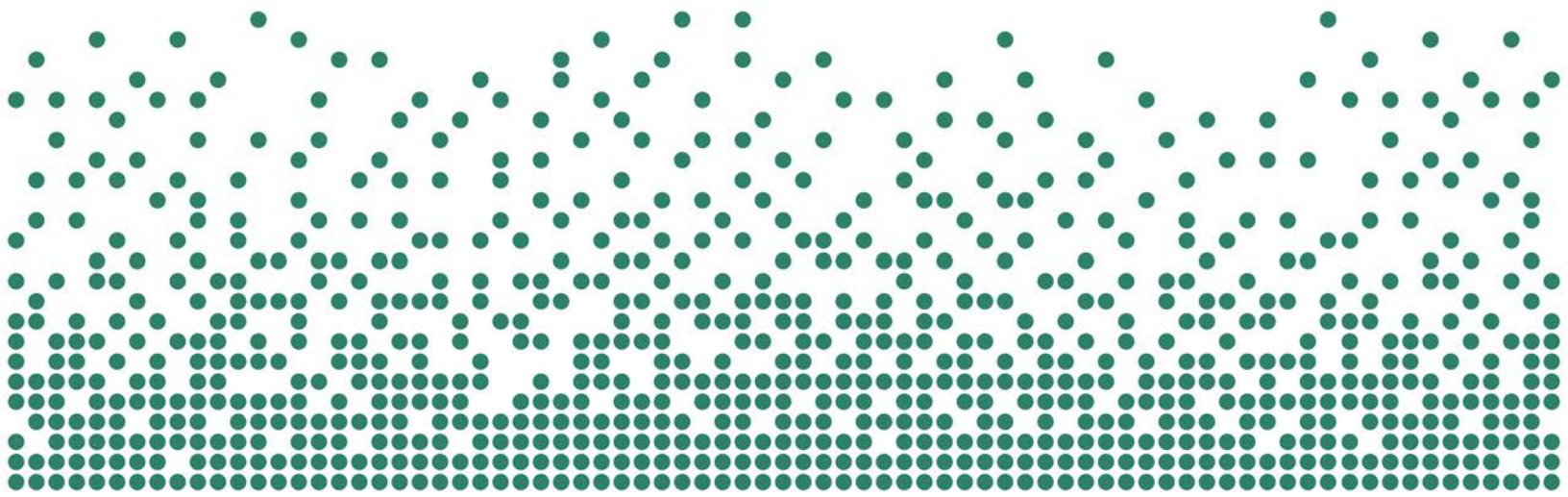




Table 2-1
Coleraine Drive Storm Sewer Benefiting Area by Land Owner

Property No.	Property Owner	Roll Number	Municipal Address	Development Area (sq.mt.)
1	1537316 Ontario Ltd	010.003.12160	33 Simpson	5,318
2	Joe Bruno Holdings Inc.	010.007.25550	35 Simpson	5,427
3	Cambria Fabship Toronto Inc.	010.003.12161	36 Simpson	18,720
4	Di Gregorio Investments Ltd	010.007.25500	37 Simpson	13,330
5	Castelli Holdings Inc.	010.003.12170	38 Simpson	12,148
6	M-J-J-J Developments Inc.	010.003.12180	40 Simpson	15,689
7	Di Gregorio Investments Ltd	010.003.12000	12623 Coleraine	35,815
8 & 9	1872525 Ontario Ltd	010.003.12100	12673 Coleraine	42,559



Chapter 3

Coleraine Drive Area Specific Development Charge



3. Coleraine Drive Area Specific Development Charge

3.1 Increase in Need for Service

The works identified to address in the increase in need for Storm Sewer Services arising from development within the Coleraine Drive Storm Sewer Benefiting Area, include a storm sewer along the east side of Coleraine Drive that would carry storm water from the lands southwest of McEwan Drive in a northerly direction to an existing culvert under Coleraine Drive, and from there to an outlet on the west side of Coleraine Drive. Storm sewer works were identified in By-law No. 2001-160 which authorized the Town to enter into an agreement with DiGregorio with respect to the installation of the works in late 2000, and the subsequent collection of the proportionate shares of the cost of the works from benefiting landowners.

In addition to the storm sewer works, the Town's 2011 and 2016 A.S.D.C. bylaws included costs related to studies and the preparation of the A.S.D.C. Background Study. The costs of the 2021 A.S.D.C. Background Study have also been included in the calculation of the charges below.

3.2 Area Specific Development Charge Calculations

The calculation of the area-specific D.C. for the Coleraine Drive Storm Sewer Benefiting Area is contained in Table 3-1. The calculation takes into account the following:

- By-law 2001-160 set out the costs of the installation of the subject storm sewer, including engineering design and supervision to be not more than \$135,533.25 (in 2000\$). In addition, Town administrative and study costs of \$22,330.00 (2011\$) were added to the project. In total the capital costs included in the 2011 A.S.D.C. Background Study were \$157,863.25
- The net capital cost of the works to be recovered from future development in April 2021 total \$56,458. This includes the remaining D.C. eligible capital costs for the storm sewer works emplaced by DiGregorio, as well as administrative costs, indexed to 2021\$ totalling \$47,223. The capital costs contained in the Town's 2016 A.S.D.C. Background Study have been indexed by 18%, reflective



of the change in the Statistics Canada Construction Price Statistics Index during the period between the preparation of the background studies. Moreover, the remaining capital costs have been reduced to reflect the payments received under the 2016 A.S.D.C. By-Law from 541904 Ontario Ltd. (i.e. property no. 8 in the benefiting area map) on September 25, 2018.

In addition to the remaining D.C. eligible costs for these committed capital projects, the costs of preparing the 2021 A.S.D.C. Background Study have also been included in the capital cost estimate. These study costs total \$9,235.

- The D.C.A. requires that this increase in service be measured relative to the historic 10-year average level of service. In this regard, the increase in the need for service contained herein does not exceed the Town's level of service for storm sewers, as the subject storm sewer has been provided on the basis of the Town's established engineering design standards.
- The increase in the need for service attributable to the anticipated development must be reduced by the part that can be met using the Town's excess storm sewer capacity, other than excess capacity that Town Council has expressed a clear intention would be paid for by development charges or other similar charges at the time it was created. Town Council recognized the work to involve the provision of excess capacity and to be recoverable in future via the approval of By-law 2001-160, By-Law 2011-119, and BL-2016-065.
- The increase in the need for service must be reduced by the extent to which it would benefit existing development. The estimated remaining capital costs for the developable lands which benefit from the subject storm sewer as of April, 2021 are set out on Table 3-1. These allocations have been maintained from the 2011 A.S.D.C. Background Study based on the land area of benefiting landowners identified in Chapter 2 of this Study. No benefit to existing development deduction has been applied, as the costs share for development receiving benefit from the storm sewer at the time of the installation of the storm sewer were accounted for in the 2011 A.S.D.C. Background Study.
- The capital costs necessary to provide the increased service must be estimated and reduced by the capital grants, subsidies and other contributions made or anticipated to be made in respect of the capital costs. These costs were



predetermined in By-law 2001-160, with prior contributions from the landowners netted from the D.C. recovery for the benefiting lands in the 2011 A.S.D.C. Background Study, as such, no grants or subsidies are considered in the calculations herein.

Table 3-1
Coleraine Drive Storm Sewer Area Specific Development Charge by Property

Property No.	Property Owner	Roll Number	Municipal Address	DiGregorio Cost Share	Town Cost Share	Total D.C. Amount
1	1537316 Ontario Ltd	010.003.12160	33 Simpson	\$3,239.05	\$1,272.01	\$4,511.07
2	Joe Bruno Holdings Inc.	010.007.25550	35 Simpson	\$3,297.55	\$1,294.10	\$4,591.65
3	Cambria Fabship Toronto Inc	010.003.12161	36 Simpson	\$2,846.09	\$1,117.62	\$3,963.72
4	Di Gregorio Investments Ltd	010.007.25500	37 Simpson	\$0.00	\$0.00	\$0.00
5	Castelli Holdings Inc.	010.003.12170	38 Simpson	\$0.00	\$405.95	\$405.95
6	M-J-J-J Developments Inc.	010.003.12180	40 Simpson	\$0.00	\$523.03	\$523.03
7	Di Gregorio Investments Ltd	010.003.12000	12623 Coleraine	\$0.00	\$0.00	\$0.00
8	1872525 Ontario Ltd	010.003.12100	12673 Coleraine	\$0.00	\$0.00	\$0.00
9	1872525 Ontario Ltd	010.003.12100	12673 Coleraine	\$30,493.13	\$11,968.98	\$42,462.11

3.3 Long Term Capital, Operating Cost Examination and Asset Management Plan

3.3.1 Long Term Operating Cost Examination

As a requirement of the D.C.A., 1997 under subsection 10(2)(c), an analysis must be undertaken to assess the long-term capital and operating cost impacts for the capital infrastructure projects identified within the D.C. Consistent with the 2011 and 2016 A.S.D.C. Background Study's, incremental operating costs were incurred over the assets useful life of 50 years at a cost of \$2,000 annually. These costs are contained in the Town's current operating budget, as occurring since the emplacement of the storm sewer in 2000.

3.3.2 Asset Management

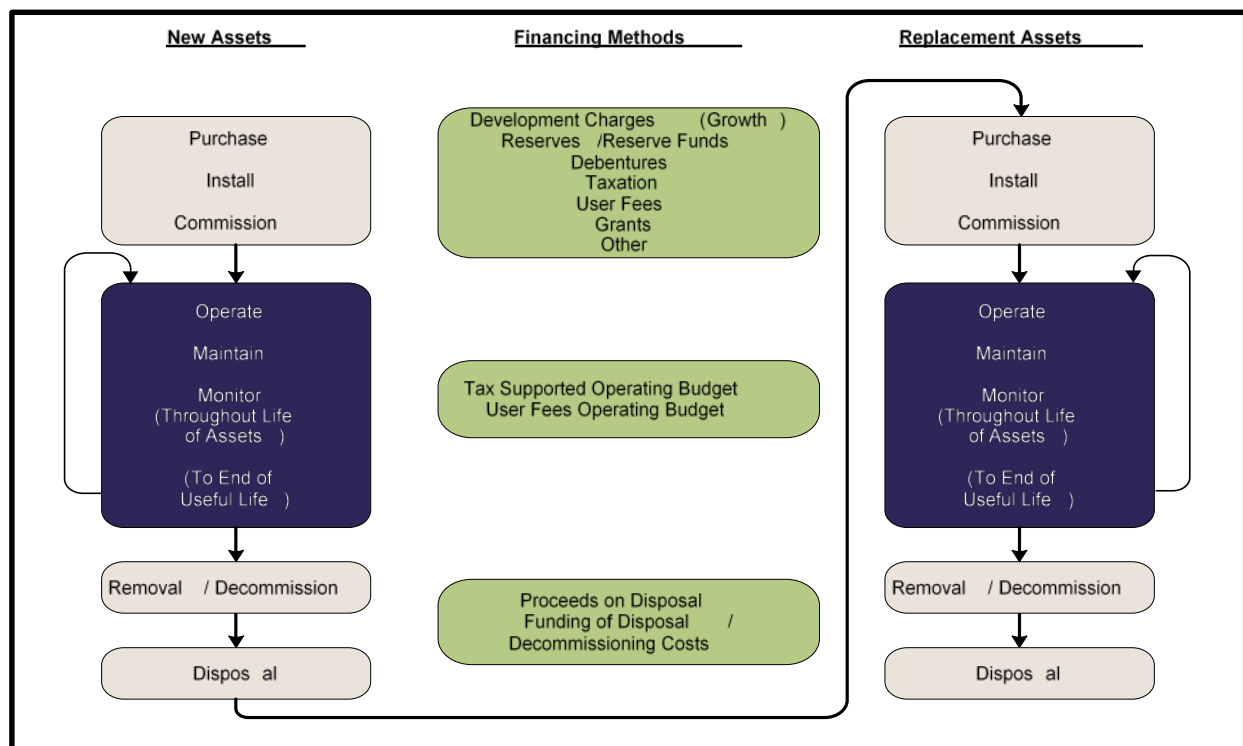
The D.C.A. requires that the background study must include an Asset Management Plan (A.M.P) related to new infrastructure. Section 10 (3) of the D.C.A. provides:



The A.M.P. shall,

- a) deal with all assets whose capital costs are proposed to be funded under the development charge by-law;
- b) demonstrate that all the assets mentioned in clause (a) are financially sustainable over their full life cycle;
- c) contain any other information that is prescribed; and
- d) be prepared in the prescribed manner.

At a broad level, the A.M.P. provides for the long-term investment in an asset over its entire useful life along with the funding. The schematic below identifies the costs for an asset through its entire lifecycle. For growth-related works, the majority of capital costs will be funded by the D.C. Non-growth-related expenditures will then be funded from non-D.C. revenues as noted below. During the useful life of the asset, there will be minor maintenance costs to extend the life of the asset along with additional program related expenditures to provide the full services to the residents. At the end of the life of the asset, it will be replaced by non-D.C. financing sources.





The Province developed the Building Together: Guide for Municipal Asset Management Plans which outlines the key elements for an A.M.P., as follows:

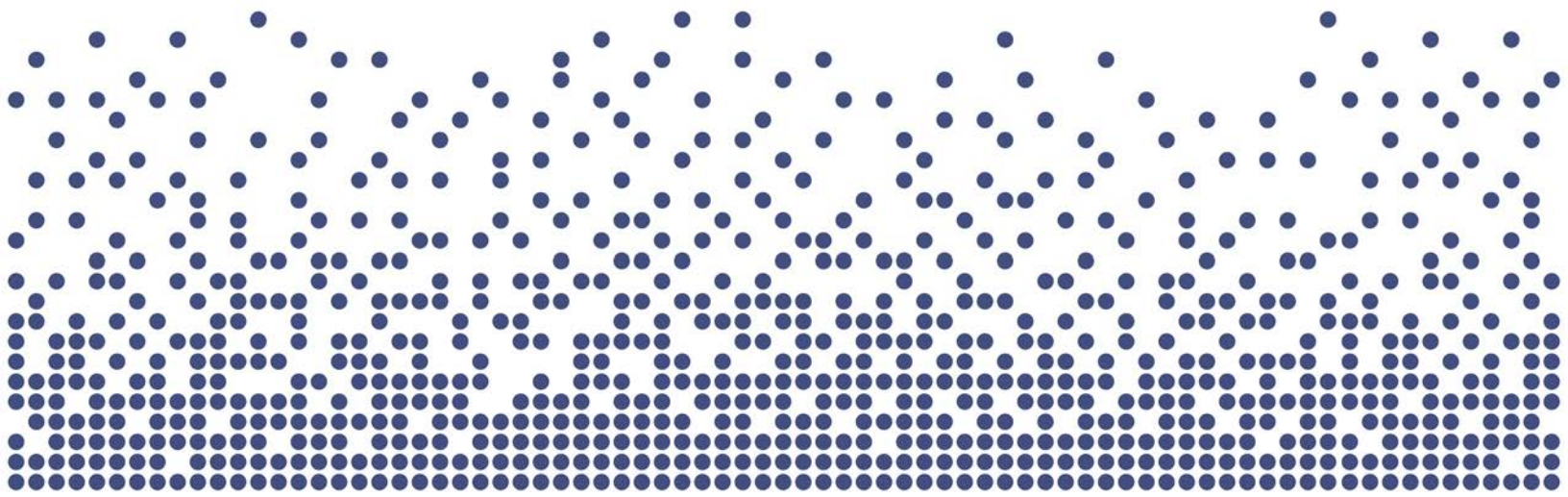
State of local infrastructure: asset types, quantities, age, condition, financial accounting valuation and replacement cost valuation.

Desired levels of service: defines levels of service through performance measures and discusses any external trends or issues that may affect expected levels of service or the municipality's ability to meet them (for example, new accessibility standards, climate change impacts).

Asset management strategy: the asset management strategy is the set of planned actions that will seek to generate the desired levels of service in a sustainable way, while managing risk, at the lowest lifecycle cost.

Financing strategy: having a financial plan is critical for putting an A.M.P. into action. By having a strong financial plan, municipalities can also demonstrate that they have made a concerted effort to integrate the A.M.P. with financial planning and municipal budgeting, and are making full use of all available infrastructure financing tools.

The above provides for the general approach to be considered by Ontario municipalities. More specific requirements pertaining to municipal asset management plans were introduced by the Province in 2017 through O. Reg. 588/17. The Town has undertaken an A.M.P. that meets the requirements as outlined within the provincial Building Together Guide for Municipal Asset Management Plans. The analysis was focused on the road network, the storm sewer network and bridges and culverts. The findings were published in the report "The Asset Management Plan for the Town of Caledon, 2013. The Town has included in its budget, dating back to 2016, an increased funding for operating and capital to maintain stormwater facilities. This will increase regular operation and maintenance program which includes inspection, weed control and cleaning. The annual cost of operating and maintenance of all stormwater facilities is estimated at \$420,000 per year. The subject works are considered financially sustainable over their full life cycle.



Chapter 4

D.C. Policy Recommendations
and D.C. By-Law Rules



4. D.C. Policy Recommendations and D.C. By-Law Rules

4.1 Introduction

This chapter outlines the D.C. policy recommendations and by-law rules.

s.s.5(1)9 states that rules must be developed:

“...to determine if a development charge is payable in any particular case and to determine the amount of the charge, subject to the limitations set out in subsection 6.”

Paragraph 10 of subsection 5(1) goes on to state that the rules may provide for exemptions, phasing in and/or indexing of D.C.s.

s.s.5(6) establishes the following restrictions on the rules:

- the total of all D.C.s that would be imposed on anticipated development must not exceed the capital costs determined under 5(1) 2-8 for all services involved;
- if the rules expressly identify a type of development, they must not provide for it to pay D.C.s that exceed the capital costs that arise from the increase in the need for service for that type of development; however, this requirement does not relate to any particular development;
- if the rules provide for a type of development to have a lower D.C. than is allowed, the rules for determining D.C.s may not provide for any resulting shortfall to be made up via other development; and
- with respect to “the rules,” subsection 6 states that a D.C. by-law must expressly address the matters referred to above re s.s.5(1) para. 9 and 10, as well as how the rules apply to the redevelopment of land.



4.2 D.C. By-law Structure

It is recommended that:

- the Town adopt an area-specific D.C. calculation for the Coleraine Drive Storm Sewer Benefiting Area, as defined herein.

4.3 D.C. By-law Rules

The following sets out the recommended rules governing the calculation, payment and collection of D.C.s in accordance with subsection 6 of the D.C.A., 1997.

It is recommended that the following provides the basis for the D.C.s:

4.3.1 Payment in any Particular Case

In accordance with the D.C.A., 1997, s.2(2), a D.C. be calculated, payable and collected where the development requires one or more of the following:

- a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
- b) the approval of a minor variance under Section 45 of the Planning Act;
- c) a conveyance of land to which a by-law passed under Section 50(7) of the Planning Act applies;
- d) the approval of a plan of subdivision under Section 51 of the Planning Act;
- e) a consent under Section 53 of the Planning Act;
- f) the approval of a description under Section 50 of the Condominium Act; or
- g) the issuing of a building permit under the Building Code Act in relation to a building or structure.

4.3.2 Determination of the Amount of the Charge

The A.S.D.C., subject to annual indexing provision, would be fully imposed for the parcel of land when one of the actions provided in s.4.3.1.



4.3.3 Application to Redevelopment of Land (Demolition and Conversion)

If a development involves the demolition and replacement of a building or structure on the same site, or the conversion from one principal use to another, the developer shall be allowed a credit equivalent to:

- the number of dwelling units demolished/converted multiplied by the applicable residential D.C. in place at the time the D.C. is payable; and/or
- the G.F.A. of the building demolished/converted multiplied by the current non-residential D.C. in place at the time the D.C. is payable.

The demolition credit is allowed only if the demolition permit related to the site was issued after November 6, 1991. The credit can, in no case, exceed the amount of D.C.s that would otherwise be payable.

4.3.4 Exemptions (full or partial)

Statutory exemptions

- industrial building additions of up to and including 50% of the existing gross floor area (defined in O.Reg. 82/98, section 1) of the building; for industrial building additions which exceed 50% of the existing gross floor area, only the portion of the addition in excess of 50% is subject to D.C.s (subsection 4 (3) of the D.C.A.);
- buildings or structures owned by and used for the purposes of any municipality, local board or Board of Education (section 3); and
- residential development that results only in the enlargement of an existing dwelling unit, or that results only in the creation of up to two additional dwelling units (based on prescribed limits set out in section 2 of O. Reg. 82/98).
- The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the prescribed restrictions based on prescribed limits set out in s.2 of O.Reg. 82/98.



Non-statutory exemptions

- No non-statutory exemptions are to be provided.

4.3.5 Phase in Provision(s)

No provisions for phasing in the development charge are provided in the proposed development charge by-law.

4.3.6 Timing of Collection

Development charges shall be calculated and payable in full in money, on the earlier of:

- Prior to final approval of a plan of subdivision or a plan of condominium for the land that is to be developed;
- Prior to a certificate being issued for a consent for the land that is to be developed; or
- Prior to a building permit being issued for the construction of a building or structure on the land that is to be developed.

As of January 1, 2020, rental housing and institutional developments will pay D.C.s in six equal annual payments commencing at occupancy. Non-profit housing developments will pay D.C.s in 21 equal annual payments. Moreover, the D.C. amount for all developments occurring within 2 years of a Site Plan or Zoning By-law Amendment planning approval (for applications submitted after December 31, 2019), shall be determined based on the D.C. in effect on the day of the Site Plan or Zoning By-law Amendment application.

Installment payments and payments determined at the time of Site Plan or Zoning By-law Amendment application may be subject to annual interest charges. The applicable interest rate will be equal to the prime lending rate.

For the purposes of administering the By-law, the following definitions are provided as per O. Reg. 454-19:

“Rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.



“Institutional development” means development of a building or structure intended for use,

- a. as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
- c. by any of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - ii. a college or university federated or affiliated with a university described in subclause (i), or
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- d. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- e. as a hospice to provide end of life care.

“Non-profit housing development” means development of a building or structure intended for use as residential premises by,

- a. a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- b. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- c. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.



4.3.7 Indexing

All D.C.s will be subject to mandatory indexing annually on February 1st and August 1st in each year, commencing on August 1, 2021, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007).

4.4 Other D.C. By-law Provisions

4.4.1 Categories of Services for Reserve Fund and Credit Purposes

The development charge collections shall be allocated into two reserve funds for the Coleraine Storm Sewer Benefiting Area as follows:

- Storm Sewer Services (DiGiorgio Cost Share)
- Storm Sewer Services (Town Cost Share)

4.4.2 By-law In-force Date

The proposed by-law under D.C.A., 1997 will come into force on the date of by-law passage.

4.4.3 Minimum Interest Rate Paid on Refunds and Charged for Inter-Reserve Fund Borrowing

The minimum interest rate is the Bank of Canada rate on the day on which the by-law comes into force (as per s.11 of O.Reg. 82/98).

4.5 Other Recommendations

It is recommended that Council:

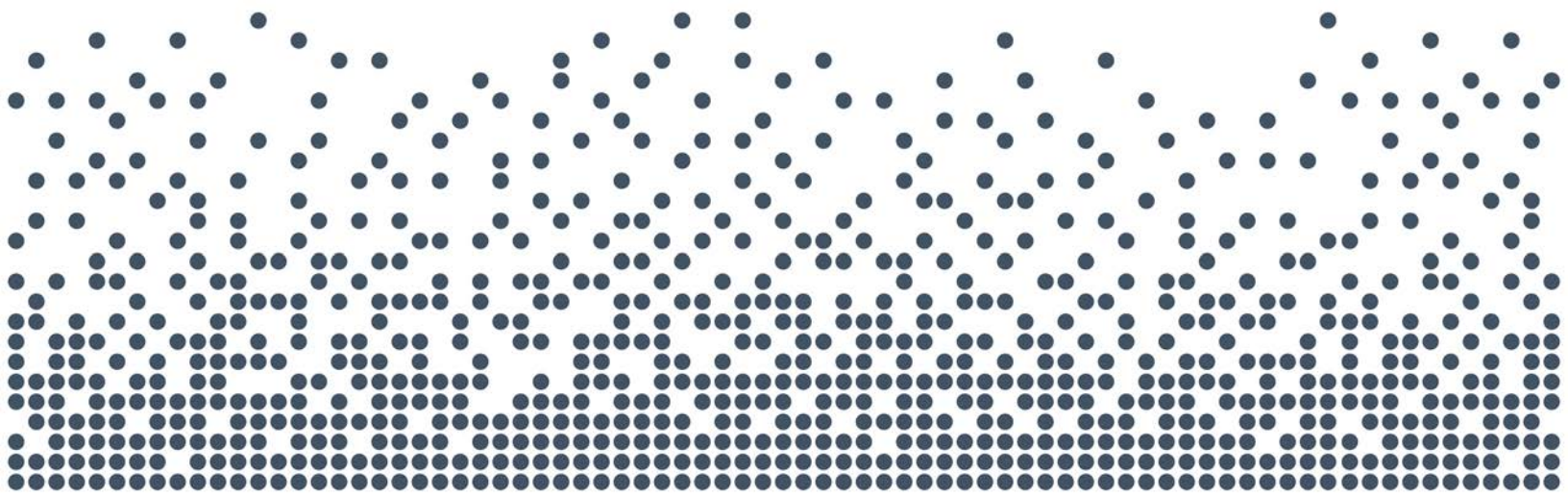
“Approve the capital costs set out in Table 3-1 of the Town of Caledon Area Specific Development Charge Background Study for Coleraine Drive Storm Sewer Benefiting Area, dated April 19, 2021”;

“Approve the Town of Caledon Area Specific Development Charge Background Study for Coleraine Drive Storm Sewer Benefiting Area, dated April 19, 2021”;



“Determine that no further public meeting is required;” and

“Approve the Area-Specific D.C. By-law as set out in Appendix A”



Chapter 5

By-Law Implementation



5. By-Law Implementation

5.1 Public Consultation

This chapter addresses the mandatory, formal public consultation process (subsection 5.1.2), as well as the optional, informal consultation process (subsection 5.1.3). The latter is designed to seek the co-operation and involvement of those involved, in order to produce the most suitable policy. Section 5.2 addresses the anticipated impact of the D.C. on development, from a generic viewpoint.

5.1.1 Public Meeting of Council

Section 12 of the D.C.A., 1997 indicates that before passing a D.C. by-law, Council must hold at least one public meeting, giving at least 20 clear days' notice thereof, in accordance with the Regulation. Council must also ensure that the proposed by-law and background report are made available to the public at least two weeks prior to the (first) meeting.

Any person who attends such a meeting may make representations related to the proposed by-law.

If a proposed by-law is changed following such a meeting, the Council must determine whether a further meeting (under this section) is necessary. For example, if the by-law which is proposed for adoption has been changed in any respect, the Council should formally consider whether an additional public meeting is required, incorporating this determination as part of the final by-law or associated resolution. It is noted that Council's decision, once made, is final and not subject to review by a Court or the L.P.A.T.

5.1.2 Other Consultation Activity

There are three broad groupings of the public who are generally the most concerned with municipal D.C. policy:

1. The development community, consisting of land developers and builders, who are typically responsible for generating the majority of the D.C. revenues. Others, such as realtors, are directly impacted by D.C. policy. They are, therefore, potentially interested in all aspects of the charge, particularly the



quantum by unit type, projects to be funded by the D.C. and the timing thereof, and municipal policy with respect to development agreements, D.C. credits and front-ending requirements.

2. The second public grouping embraces the public at large and includes taxpayer coalition groups and others interested in public policy (e.g. in encouraging a higher non-automobile modal split).
3. The third grouping is the industrial/commercial/institutional development sector, consisting of land developers and major owners or organizations with significant construction plans, such as hotels, entertainment complexes, shopping centres, offices, industrial buildings and institutions. Also involved are organizations such as Industry Associations, the Chamber of Commerce, the Board of Trade and the Economic Development Agencies, who are all potentially interested in municipal D.C. policy. Their primary concern is frequently with the quantum of the charge, G.F.A. exclusions such as basement, mechanical or indoor parking areas, or exemptions and phase-in or capping provisions in order to moderate the impact.

To this end, the Town has undertaken a development community meeting to present the preliminary findings of the area-specific D.C. to the effected landowners.

5.2 Anticipated Impact of the Charge on Development

The establishment of sound D.C. policy often requires the achievement of an acceptable balance between two competing realities. The first is that high non-residential D.C.s can, to some degree, represent a barrier to increased economic activity and sustained industrial/commercial growth, particularly for capital intensive uses. Also, in many cases, increased residential D.C.s can ultimately be expected to be recovered via higher housing prices and can impact project feasibility in some cases (e.g. rental apartments).

On the other hand, D.C.s or other municipal capital funding sources need to be obtained in order to help ensure that the necessary infrastructure and amenities are installed. The timely installation of such works is a key initiative in providing adequate service levels and in facilitating strong economic growth, investment and wealth generation.



5.3 Implementation Requirements

Once the Town has calculated the charge, prepared the complete background study, carried out the public process and passed a new by-law, the emphasis shifts to implementation matters.

These include notices, potential appeals and complaints, credits, front-ending agreements, subdivision agreement conditions and finally the collection of revenues and funding of projects.

The following provides an overview of the requirements in each case.

5.3.1 Notice of Passage

In accordance with s.13 of the D.C.A., when a D.C. by-law is passed, the municipal clerk shall give written notice of the passing and of the last day for appealing the by-law (the day that is 40 days after the day it was passed). Such notice must be given not later than 20 days after the day the by-law is passed (i.e. as of the day of newspaper publication or the mailing of the notice).

Section 10 of O.Reg. 82/98 further defines the notice requirements which are summarized as follows:

- Notice may be given by publication in a newspaper which is (in the Clerk's opinion) of sufficient circulation to give the public reasonable notice, or by personal service, fax or mail to every owner of land in the area to which the by-law relates;
- s.s.10 (4) lists the persons/organizations who must be given notice; and
- s.s.10 (5) lists the eight items which the notice must cover.

5.3.2 By-law Pamphlet

In addition to the "notice" information, the Town must prepare a "pamphlet" explaining each D.C. by-law in force, setting out:

- a description of the general purpose of the D.C.s;



- the “rules” for determining if a charge is payable in a particular case and for determining the amount of the charge;
- the services to which the D.C.s relate; and
- a general description of the general purpose of the Treasurer’s statement and where it may be received by the public.

Where a by-law is not appealed to the L.P.A.T., the pamphlet must be readied within 60 days after the by-law comes into force. Later dates apply to appealed by-laws.

The Town must give one copy of the most recent pamphlet without charge, to any person who requests one.

5.3.3 Appeals

Sections 13 to 19 of the D.C.A., 1997 set out requirements relative to making and processing a D.C. by-law appeal and an L.P.A.T. Hearing in response to an appeal. Any person or organization may appeal a D.C. by-law to the L.P.A.T. by filing a notice of appeal with the municipal clerk, setting out the objection to the by-law and the reasons supporting the objection. This must be done by the last day for appealing the by-law, which is 40 days after the by-law is passed.

5.3.4 Complaints

A person required to pay a D.C., or his agent, may complain to municipal council imposing the charge that:

- the amount of the charge was incorrectly determined;
- the credit to be used against the D.C. was incorrectly determined; or
- there was an error in the application of the D.C.

Sections 20 to 25 of the D.C.A., 1997 set out the requirements that exist, including the fact that a complaint may not be made later than 90 days after a D.C. (or any part of it) is payable. A complainant may appeal the decision of municipal council to the L.P.A.T.



5.3.5 Credits

Sections 38 to 41 of the D.C.A., 1997 set out a number of credit requirements, which apply where a municipality agrees to allow a person to perform work in the future that relates to a service in the D.C. by-law.

These credits would be used to reduce the amount of D.C.s to be paid. The value of the credit is limited to the reasonable cost of the work which does not exceed the average level of service. The credit applies only to the service to which the work relates unless the municipality agrees to expand the credit to other services for which a D.C. is payable.

5.3.6 Front-Ending Agreements

The Town and one or more landowners may enter into a front-ending agreement which provides for the costs of a project which will benefit an area in the Town to which the D.C. by-law applies. Such an agreement can provide for the costs to be borne by one or more parties to the agreement who are, in turn, reimbursed in future by persons who develop land defined in the agreement.

Part III of the D.C.A., 1997 (Sections 44 to 58) addresses front-ending agreements and removes some of the obstacles to their use which were contained in the D.C.A., 1989. Accordingly, the Town assesses whether this mechanism is appropriate for its use, as part of funding projects prior to municipal funds being available.

5.3.7 Severance and Subdivision Agreement Conditions

Section 59 of the D.C.A., 1997 prevents a municipality from imposing directly or indirectly, a charge related to development or a requirement to construct a service related to development, by way of a condition or agreement under s.51 or s.53 of the Planning Act, except for:

- “local services, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under Section 51 of the Planning Act;”
- “local services to be installed or paid for by the owner as a condition of approval under Section 53 of the Planning Act.”

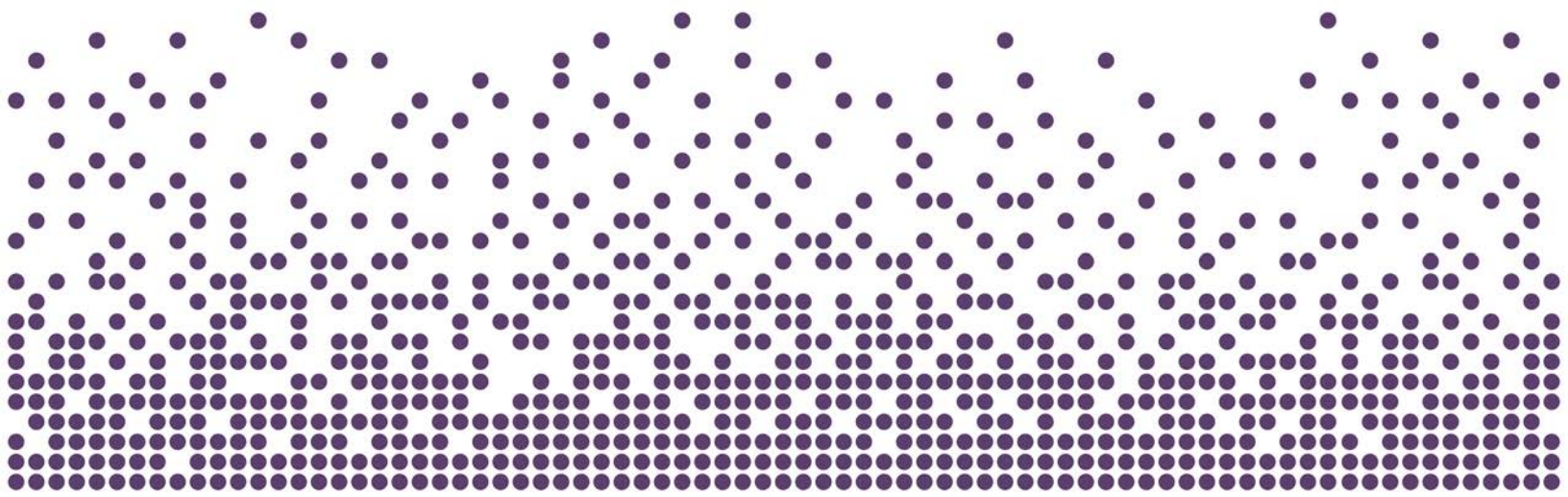


It is also noted that s.s.59(4) of the D.C.A., 1997 requires that the municipal approval authority for a draft plan of subdivision under s.s.51(31) of the Planning Act, use its power to impose conditions to ensure that the first purchaser of newly subdivided land is informed of all the D.C.s related to the development, at the time the land is transferred.

In this regard, if the municipality in question is a commenting agency, in order to comply with subsection 59(4) of the D.C.A., 1997 it would need to provide to the approval authority, information regarding the applicable municipal D.C.s related to the site.

If the municipality is an approval authority for the purposes of Section 51 of the Planning Act, it would be responsible to ensure that it collects information from all entities which can impose a D.C.

The most effective way to ensure that purchasers are aware of this condition would be to require it as a provision in a registered subdivision agreement, so that any purchaser of the property would be aware of the charges at the time the title was searched prior to closing a transaction conveying the lands.



Appendix A

Draft Area-Specific D.C. By-Law



THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NUMBER 2021-XXX

Being a By-law to Impose and Provide for the Payment of Area Specific Development Charges for a Storm Sewer on Coleraine Drive

WHEREAS Subsection 2(1) of the Development Charges Act, 1997 provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital expenditures required because of the increased need for services arising from development in the area to which the by-law applies;

AND WHEREAS, at the direction of the Council of The Corporation of the Town of Caledon, Watson & Associates Economists Ltd. has prepared a development charge background study entitled "Town of Caledon Area Specific Development Charge Background Study for Coleraine Drive Storm Sewer Benefiting Area, dated April 19, 2021";

AND WHEREAS notice of a public meeting was given on _____ as required by Paragraph 12(1)(b) of the Development Charges Act, 1997 and in accordance with Ontario Regulation 82/98;

AND WHEREAS the Council of The Corporation of the Town of Caledon made the foregoing Background Study and a draft version of this by-law available to the public on April 23, 2021 as required by Subsection 10(3) and Paragraph 12(1)(c) of the Development Charges Act, 1997;

AND WHEREAS the Council of The Corporation of the Town of Caledon held a public meeting on May 26, 2021 at which all persons in attendance were provided with an opportunity to make representations relating to the draft version of this by-law as required by Subsection 12(2) of the Development Charges Act, 1997;

AND WHEREAS, by resolution passed on _____, the Council of The Corporation of the Town of Caledon:

- (a) adopted the foregoing Background Study, and;
- (b) determined that it was not necessary to hold any further public meetings with respect to this by-law;

AND WHEREAS, Council passed By-law 2021-XXX being a By-law to impose and provide for payment of area specific development charges for a storm sewer on Coleraine Drive on the _____ day of _____ 2021

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts as follows:



Definitions

1.(1) In this by-law:

“accessory”, where used to describe a building, structure or use, means a building, structure or use that is subordinate, incidental and exclusively devoted to a main building, structure or use and that is located on the same lot as such main building, structure or use;

“Act” means the *Development Charges Act, 1997, S.O. 1997*

“agricultural building or structure” means a building or structure that is used for the purposes of or in conjunction with animal husbandry, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a bona fide farmer.

“apartment dwelling” means a dwelling unit in a building containing more than six dwelling units where the dwelling units are connected by an interior corridor.

“benefiting area” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“bona fide farmer” means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the Town of Caledon;

“building or structure” means a building or structure occupying an area greater than 10 square metres consisting of a wall, roof, floor or any of them or a structural system serving the function thereof, including an air supported structure, or mezzanine.

“commercial building” means a non-residential building other than an agricultural building, an industrial building or an institutional building.

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

“development charge” means a development charge imposed pursuant to this by-law;

“duplex dwelling unit” means a dwelling unit in a building divided horizontally into two dwelling units each of which has a separate entrance;

“dwelling unit” means a room or suite of rooms used or designed or intended for use by one or more persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons.

“garden suite” means a one-storey, free standing, temporary and portable residential structure, with a single dwelling unit containing kitchen and bathroom facilities, which is designed for year round occupancy and is accessory to a single-detached dwelling, but excludes a trailer;



“grade” means the average level of finished ground adjoining a building or structure at all of its exterior walls;

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

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

“institutional use” means the use of land, buildings or structures for a public or non-profit purpose, including a religious, charitable, educational, health or welfare purpose, and, without limiting the generality of the foregoing, may include such uses as schools, hospitals, places of worship, recreation facilities, community centres and government buildings;

“institutional development”, for the purposes of subsection 11(5), means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of subsection 2(1) of the Long Term Care Homes Act, 2007;
- (b) as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, 2010;
- (c) by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - ii. a college or university federated or affiliated with a university described in subclause (i); or
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;
- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care;



“local board” means a local board as defined in the *Municipal Act, 2001*; other than a board defined in subsection 1(1) of the *Education Act*;

“lot” means a parcel of land that is capable of being legally conveyed in accordance with Section 50 of the *Planning Act* or is described in accordance with a registered plan of condominium;

“mixed use” means land, buildings or structures used or designed or intended to be used for a combination of residential uses and non-residential uses;

“multiple dwelling unit” means a dwelling unit other than a dwelling unit in a single-detached dwelling, a semi-detached dwelling, a duplex dwelling, an apartment building or a garden suite;

“Non-profit housing development”, for the purposes of subsection 11(6), means development of a building or structure intended for use as residential premises by:

- (a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing;
- (b) a corporation without share capital to which the Canada Not-for-profit Corporation Act applies, that is in good standing under that Act and whose primary objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

“non-residential” means used or designed or intended to be used other than for residential purposes;

“protracted”, in relation to a temporary building or structure, means the existence of such temporary building or structure for a continuous period of more than eight months;

“redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure on such land has been or is to be demolished, or changing the use of a building or structure from residential to mixed use or non-residential or from non-residential to residential or mixed use or from mixed use to residential or non-residential;

“Regulation” means Ontario Regulation 82/98, as amended;

“Rental housing”, for the purposes of subsection 11(5), means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“residential” means used or designed or intended to be used as a home or residence of one or more persons;



“semi-detached dwelling unit” means a dwelling unit in a building divided vertically into two dwelling units each of which has a separate entrance;

“service” means a service described in this by-law or in an agreement made under Section 44 of the Act;

“single-detached dwelling unit” means a dwelling unit in a completely detached building containing only one dwelling unit;

“structure” means anything constructed or erected and requiring location on or in the ground or attached to something having location on or in the ground;

“temporary building or structure” means a building or structure that is constructed, erected or placed on land for a continuous period of not more than eight months, or an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof for a continuous period of not more than eight months;

“total floor area” means the total of the areas of the floors in a building or structure, whether at, above or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

- a) includes space occupied by interior walls and partitions;
- b) includes, below grade, only the floor area that is used for commercial or industrial purposes;
- c) includes the floor area of a mezzanine;
- d) where a building or structure does not have any walls, the total floor area shall be the total area of the land directly beneath the roof of the building or structure and the total areas of the floors in the building or structure;
- e) excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators, washrooms, and the parking and loading of vehicles; and
- f) excludes the area of any self-contained structural shelf and rack storage facility permitted by the *Building Code Act*;

“Town” means The Corporation of the Town of Caledon;

“Townhouse dwelling unit” means a dwelling unit in a building divided vertically both above and below grade into three or more dwelling units, each having an independent entrance either directly from outside the building or through a common vestibule.

- (2) All words defined in the Act or the Regulation have the same meaning in this by-law as they have in the Act or Regulation unless they are defined otherwise in this by-law.



- (3) All references to the provisions of any statute or regulation or to the *Ontario Building Code* contained in this by-law shall also refer to the same or similar provisions in the statute or regulation or code as amended, replaced, revised or consolidated from time to time.

Affected Land

- 2.(1) Subject to subsection 2 of this Section, this by-law applies to the land in the Bolton South Industrial Area as outlined in Schedule A attached hereto, whether or not such land is exempt from taxation under Section 3 of the *Assessment Act*.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
- (a) a board as defined in subsection 1(1) of the *Education Act*;
 - (b) a college or university that is eligible to receive funding from the government of the Province of Ontario;
 - (c) the Town or any local board thereof;
 - (d) The Regional Municipality of Peel or any local board thereof; or,
 - (e) any other municipality or local board thereof.

Imposition of Development Charges

- 3.(1) Subject to Subsection 2 of this Section, development charges shall be imposed against land that is to be developed if the development requires:
- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
 - (e) a consent under Section 53 of the *Planning Act*;
 - (f) the approval of a description under Section 9 of the *Condominium Act*, 1998; or,
 - (g) the issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.



- (2) Only one development charge shall be imposed against land to which this by-law applies even though two or more of the actions described in Subsection 1 of this Section are required for such land to be developed.

Description of Services

4. Development charges shall be imposed in accordance with this by-law in respect of a storm sewer on Coleraine Drive adjacent to that part of the Bolton South Industrial Area that is outlined on Schedule A attached hereto.

Calculation of Development Charges

5. Development charges that are to be imposed upon land in that part of the Bolton South Industrial Area that is outlined on Schedule A attached hereto that is to be developed for any purpose, including, without limiting the generality of the foregoing, residential uses, non-residential uses and/or mixed uses, shall be in the amounts set out in Schedule B attached hereto.

Residential Intensification

- 6.(1) This by-law shall not apply with respect to any of the actions described in Subsection 1 of Section 3 of this by-law if the only effect of such action is to:
- (a) permit the enlargement of an existing dwelling unit;
 - (b) permit the creation of one or two additional dwelling units in or ancillary to an existing single-detached dwelling, provided that the total gross floor area of the additional dwelling unit or the additional dwelling units is not greater than the gross floor area of the dwelling unit in the existing single-detached dwelling;
 - (c) permit the creation of one additional dwelling unit in or ancillary to an existing semi-detached or row dwelling, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the dwelling unit in the existing semi-detached or row dwelling; or
 - (d) permit the creation of one additional dwelling unit in or ancillary to any other existing residential building, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the smallest existing dwelling unit in the existing residential building.
- (2) This by-law shall not apply with respect to any of the actions described in Subsection 1 of Section 3 of this by-law in respect to the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:



Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
3.	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

- (3) Notwithstanding any other provision of this by-law, for the purpose of Subsection 1 and 2 of this Section, the terms “single-detached dwelling”, “semi-detached dwelling”, “row dwelling” and “gross floor area” shall have the same meanings provided for them as in the Regulation.



Industrial Expansion

- 7.(1) Notwithstanding any other provision of this by-law, if a development includes the enlargement of the gross floor area of an existing original industrial building, the amount of the development charge applicable to such development shall be determined as follows:
- (a) if the gross floor area is enlarged by fifty percent or less, cumulatively from the original building floor area, the amount of the development charge in respect of the enlargement shall be zero; or,
 - (b) if the gross floor area is enlarged by more than fifty percent cumulatively from the original building floor area, the amount of the development charge in respect of the enlargement shall be in the amount set out in Schedule B attached hereto.
- (2) Notwithstanding any other provision of this by-law, for the purpose of Subsection 1 and 5 of this Section, the terms “existing industrial building” and “gross floor area” shall have the same meanings provided for them as in the Regulation.
- (3) For the purpose of interpreting the definition of “existing industrial building” in the Regulation, regard shall be had for the classification of the land on which the existing industrial building is located under the *Assessment Act* and in particular:
- (a) whether the land is within a tax class such that taxes on the land are payable at the industrial tax rate; and,
 - (b) whether more than fifty percent of the gross floor area of the existing industrial building has an industrial property code for assessment purposes.
- (4) For the purpose of applying Subsection 1 of this Section, the gross floor area of an existing industrial building shall be calculated as it was prior to the first enlargement of such existing industrial building for which an exemption under Subsection 1 of this Section applies.
- (5) Notwithstanding any other provision of this by-law, development charges shall not be imposed with respect to the construction or erection of a building that is accessory to and not more than fifty percent of the gross floor area of an existing industrial building or the construction or erection of buildings that are accessory to, and, in total, not more than fifty percent of the gross floor area of an existing industrial building, provided that, prior to a building permit or building permits being issued for such building or buildings, the owner or owners of the land on which such building or buildings are to be constructed or erected enter into a written agreement with the Town which has the effect of counting the floor area of such building or buildings against the exemption provided for in subsection 1 of this section.



Redevelopment

8. Subject to Section 7 of this by-law, where in conjunction with the redevelopment of land, a building or structure on such land was demolished in whole or in part on or after November 6, 1991, or is to be demolished in whole or in part, or converted from a residential use to a non-residential use or vice versa, the development charge to be imposed with respect to such redevelopment shall be reduced by the following amounts:
- (a) in the case of a residential building or the residential portion of a mixed use building or structure, an amount calculated by multiplying the development charge that would have been applicable under Section 5 by the number of dwelling units that have completed culinary and sanitary facilities, according to the type thereof that have been or are to be demolished or converted to another use;
 - (b) in the case of a non-residential building, or the non-residential portion of a mixed use building or structure, an amount calculated by multiplying the applicable development charge under Section 5 by the total floor area, according to the type thereof, that has been or is to be demolished or converted to another use

provided that evidence satisfactory to the Town is provided by the property owner as to the total floor area or type and number of dwelling units that have been demolished, that such amounts shall not exceed in total the amount of the development charges to otherwise be imposed with respect to the redevelopment.

Temporary Buildings or Structures

- 9.(1) Notwithstanding any other provision of this by-law, development charges shall not be imposed under this by-law in respect of the construction or erection of a temporary building or structure so long as its status as a temporary building or structure is maintained in accordance with the provisions of this by-law.
- (2) Upon application being made for the issuance of a building permit for the construction or erection of a temporary building or structure to which, but for Subsection 1 of this Section, development charges would apply, the Town may require the owner or owners of the land on which such temporary building or structure is to be constructed or erected to either:
- (a) pay for development charges on the proposed temporary building for which the owner or owners may apply for a refund no later than one month following the time period defined in this by-law for temporary buildings or structures; or
 - (b) enter into an agreement with the Town pursuant to Section 27 of the Act and submit security, satisfactory to the Town, to be realized upon in the event that the temporary building or structure becomes protracted and development charges thereby become payable.



- (3) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, nor ever to have been a temporary building or structure and, subject to any agreement made pursuant to Section 27 of the Act, development charges under this by-law shall become payable forthwith.

Indexing

10. The development charges described in Schedule B to this by-law shall be adjusted without amendment to this by-law in February 1st and August 1st for each year, commencing August 1st, 2021, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) with the base index value being that in effect on February 1, 2021.

Payment of Development Charges

- 11.(1) Development charges, adjusted in accordance with Section 10 of this by-law to the date of payment, shall be payable either:
- (a) in regard to development charges imposed under section 5 of this by-law, with respect to a dwelling unit in a building or structure for which a building permit is issued, on the date that the building permit is issued; and,
 - (b) in regard to development charges being imposed under section 5 of this by-law, with respect to a building or structure for which a building permit is issued, on the date that the building permit is issued.
 - (c) prior to final approval of a plan of subdivision or a plan of condominium for the land that is to be developed;
 - (d) prior to a certificate being issued for a consent for the land that is to be developed; or,
 - (e) prior to a building permit being issued for the construction of a building or structure on the land that is to be developed;;
- whichever occurs earlier.
- (2) Notwithstanding subsection 11(1), where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under Section 5 shall be calculated based on the rates set out in Schedule B on the date of the planning application. Where both planning applications apply, development charges shall be calculated on the rates set out in Schedule B on the date of the later planning application.
- (3) Nothing in this by-law shall prevent the Council of the Town from requiring, as a condition of any approval under the *Planning Act*, that the owner or owners of land install



such local services as the Council of the Town may require in accordance with the policies of the Town with respect to local services.

- (4) The Town may require the owner or owners of land that is to be developed to enter into an agreement, which may require the provision of security for the obligations of such owner or owners under the agreement, pursuant to Section 27 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable, and the terms of such agreement shall prevail over the provisions of this by-law.
- (5) Notwithstanding subsections 11(1) and 11(2), development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- (6) Notwithstanding subsections 11(1) and 11(2), development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

Unpaid Development Charges

- 12.(1) If a development charge or any part thereof remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.
- (2) If any unpaid development charges are collected as taxes in accordance with Subsection 1 of this Section, the monies so collected shall be credited to the appropriate development charges reserve fund.

Phasing In

- 13. The development charges imposed pursuant to this by-law shall be payable in full, subject to any exemptions provided for in this by-law, from and including _____, 2021.

Front-Ending Agreements

- 14.(1) Where a development charge by-law is in force, Council may enter into a front-end agreement with any or all owners within the benefiting area, providing for the payment by the owner or owners of a front-end payment or for the installation of services by the owners or any combination of front-end payments and installation of services. The cost of the work that will benefit a defined benefiting area is to be borne by one or more of the parties to the agreement who will be reimbursed some part of the costs by persons who, in the future, develop land within the benefiting area.
- (2) A person is entitled to be given a credit towards a development charge for the amount of their non-reimbursable share of the costs of work under a front-ending agreement.
- (3) No credit given pursuant to subsection (2) shall exceed the total development charge payable by the owner for that service, or the level of service underlying Schedule B.



- (4) The front-end payment required to be made by the benefiting owner under the front-ending agreement may be adjusted annually, without amendment to this by-law, each year while this by-law is in force, in accordance with the average Bank of Canada rate applied annually.

Repeal

15. By-law Number BL-2016-065, shall be and is hereby repealed effective on the date that this by-law comes into force and effect.

Effective Date

16. This by-law shall come into force and effect on _____, 2021.

Expiry Date

17. This by-law shall expire five years from the date that it comes into force and effect, unless it is repealed at an earlier date by a subsequent by-law.

Registration

18. A certified copy of this by-law may be registered in the by-law register in the Peel Land Registry Office and/or against the title to any land to which this by-law applies.

Severability

19. In the event that any provision of this by-law is found by a court or tribunal of competent jurisdiction to be invalid, such provision shall be deemed to be severed, and the remaining provisions of this by-law shall remain in full force and effect.

Headings

20. The headings inserted in this by-law are for convenience of reference only and shall not affect the interpretation of this by-law.

Schedule

21. Schedules A and B attached hereto shall be deemed to be a part of this by-law.



Short Title

22. This by-law may be referred to as the Coleraine Drive Storm Sewer Development Charges By-law.

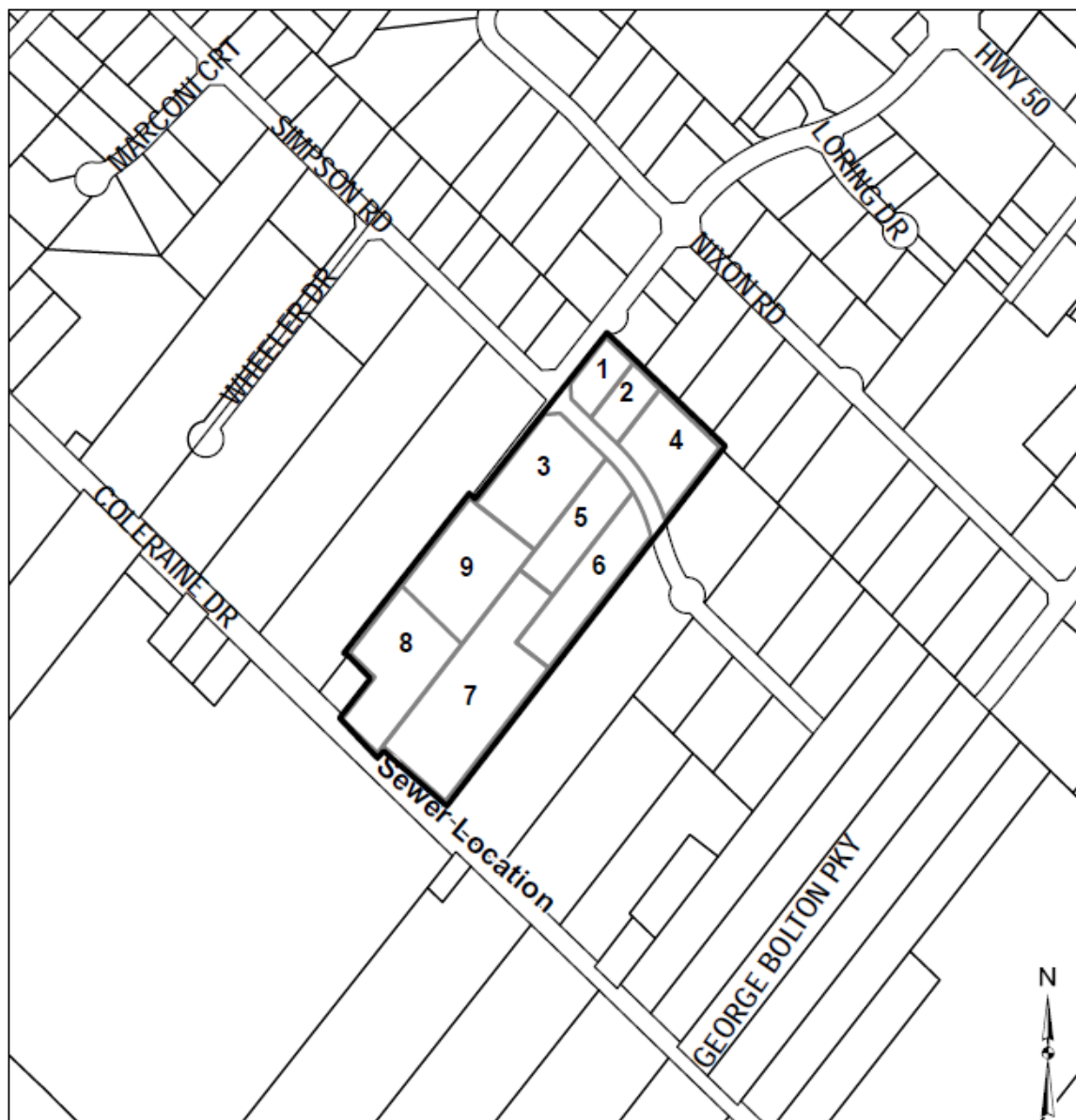
Read a first, second and third time and finally passed this ____ day of _____, 2021

Allan Thompson, Mayor

Carey deGorter, Clerk



**SCHEDULE A
TO BY-LAW NO. 2021-**





**SCHEDULE B
TO BY-LAW NO. 2021-**

Property No.	Property Owner	Total D.C. Amount
1	1537316 Ontario Ltd	\$4,511.07
2	Joe Bruno Holdings Inc.	\$4,591.65
3	Cambria Fabship Toronto Inc	\$3,963.72
4	Di Gregorio Investments Ltd	\$0.00
5	Castelli Holdings Inc.	\$405.95
6	M-J-J-J Developments Inc.	\$523.03
7	Di Gregorio Investments Ltd	\$0.00
8	1872525 Ontario Ltd	\$0.00
9	1872525 Ontario Ltd	\$42,462.11