THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2024-042

A by-law to impose and provide for the payment of development charges for municipal services in the Town of Caledon.

WHEREAS the Town of Caledon will experience growth through development and re-development;

AND WHEREAS 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 costs required because of the increased need for services arising from development in the area to which the by-law applies;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for, or burden on, municipal services does not place an undue financial burden on the Town of Caledon or its taxpayers;

AND WHEREAS at the direction of the Council of The Corporation of the Town of Caledon, Hemson Consulting Ltd. has prepared a development charge background study entitled *Town of Caledon 2024 Development Charge Background Study dated 29 February 2024* (the "Study")*;*

AND WHEREAS notice of a public meeting was given February 22 and 29, 2024 as required by 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 Study and a proposed by-law available to the public as of 4 March 2024, two weeks prior to the Public Meeting as required by the *Development Charges Act, 1997*;

AND WHEREAS the Council of The Corporation of the Town of Caledon held a public meeting on 18 March 2024 at which all persons in attendance were provided with an opportunity to make representations relating to this proposed by-law as required by *the Development Charges Act, 1997*;

AND WHEREAS, by resolution adopted on May 14 2024, the Council of The Corporation of the Town of Caledon:

(a) adopted the *Town of Caledon 2024 Development Charge Background Study*;

(b) has given consideration of 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;

(c) the Study dated February 26, 2024 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle;

(d) has given consideration to incorporating the Asset Management Plan outlined in the Study within the Town of Caledon's ongoing practices and Corporate Asset Management Plan;

(e) determined that it was not necessary to hold any further public meetings with respect to this by-law;

(f) expressed its intention to ensure that the increased need for services arising from development in the area to which this by-law applies will be met.

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

Definitions

1. (1) In this by-law, the following terms shall have the meanings indicated:

"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 principal building, structure or use and that is located on the same land as such principal building, structure or use;

"Act" means the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended, or any successor thereto;

"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 but shall not include building or structures for the use in the growing, processing, production and sale of Cannabis or a controlled substance under the *Controlled Substances Act;*

"agricultural tourism building or structure" means a building or structure or part of a building or structure located on a working farm of a bona fide farmer for the purpose of providing enjoyment, education or active involvement in the activities of the farm where the principal activity on the property remains as a farm and where products used in the activity are produced on the property and/or are related to farming. The building or structure may be related to activities such as a hay or corn maze; farm related petting zoo; hay rides and sleigh, buggy or carriage rides; farm tours; processing demonstrations; pick-your-own produce; a farm theme playground for children; farm markets; farm produce stands, and farmhouse dining rooms but shall not include space used for banquets or weddings;

"apartment dwelling" means a dwelling unit in a building containing seven or more dwelling units where the dwelling units are connected by an interior corridor and shall include stacked townhomes;

"back-to-back townhome" means 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.

"bed and breakfast establishment" means a single detached dwelling or part of a single detached dwelling in which guest rooms are provided for hire or pay, with or without meals, for the traveling or vacationing public, but does not include a hotel or motel;

"Board of Education" means a board defined in subsection 1(1) of the Education Act, R.S.O. 1990, c. E. 2 as amended, or any successor thereto;

"Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23 as amended, or any successor thereto;

"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 and floor or any of them or a structural system serving the function thereof, including an air supported structure, or mezzanine;

"capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by the municipality or local board, as set out in Section 5 of the Act;

"commercial building" means a non-residential building other than an agricultural building, an industrial building or an institutional building;

"country inn" means premises in which temporary lodging or sleeping accommodation are provided to the public and may include accessory services such as a restaurant, meeting facilities, recreation facilities,

banquet facilities and staff accommodations. The Premises shall contain a minimum of four (4) and a maximum of twenty-nine (29) guest rooms;

“development” means the construction, erection or placing of one or more buildings or structures on land and/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” 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;

“farm based home industry building ” means an accessory building to a single detached dwelling where a small-scale use is located, which is operated by a bona fide farmer, which is located on and is subordinate or incidental to a permitted farm operation; which is associated with limited retailing of products created in whole or in part in the accessory building performed by one or more residents of the farm property and may include a carpentry shop; a craft shop; a metal working shop; a repair shop; a farm equipment repair shop; a farm tractor repair shop; a plumbing shop; an electrical shop; a welding shop ; a woodworking shop; a blacksmith, a building for the indoor storage of school buses, boats, snowmobiles, or similar uses, but shall not include a motor repair shop or vehicle paint shop or space for the provision of banquet or wedding facilities;

“farm help” means full-time, all-year round employee(s) of a bona fide farmer on an agricultural property;

“farm winery” and “farm cidery” means buildings or structures used by a bona fide farmer for the processing of juice, grapes, fruit or honey in the production of wines or ciders, including the fermentation, production, bottling, aging or storage of such products as a secondary use to a farm operation. The winery or cidery may include a laboratory, administrative office, hospitality room and retail outlet related to the production of wines or ciders, as applicable, and, if required, must be licensed or authorized under the appropriate legislation;

“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;

“guest room” means temporary overnight accommodation for the traveling public;

“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, as defined in Ontario Regulation 82/98, s. 1 (1);

“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

(e) the growing, processing and production of Cannabis or other controlled substances under the *Controlled Substances Act;*

(f) the definition of industrial building shall not include a building where the main business of the owner is the rental or lease of space for self-storage to one or more third parties nor a building whose primary business is to be a retail establishment;

"institutional use" means the use of land, buildings, or structures, or a portion thereof, 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, place of worship, recreation facilities, community centres and government buildings;

"life lease" means a property that is a form of housing tenure in which individuals purchase the right to occupy a residential unit for a specified period of time (i.e., for their lifetime, or, a defined term);

"Life Lease Housing" means housing owned and operated by a not-for-profit organization or charity, contained within a retirement community, that offers Life Lease interests to persons aged 65 or older;

"local board" has the same meaning as in the Act;

"local services" means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act R.S.O. 1990, c. P. 13 as amended, or any successor thereto;

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

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

"on-farm diversified use building or structure" means a building or structure secondary to the principal agricultural use of the property by a bona fide farmer, including home occupations, farm-based home industries, and uses that involve the production and sale of value-added agricultural products and excludes uses that involve lease of commercial/industrial space and excludes the provision of banquet or wedding facilities;

"outbuilding" means a building or structure, that is a maximum of 92.903 square meters (or 1,000 square feet), that is accessory to a primary or main non-residential building or mixed use building, that is located on the same land as such primary or main non-residential building and that is used for a storage purpose that is accessory to the primary or main use on such land, such as the storage of equipment used to maintain such land or the buildings

and structures thereon or the storage of equipment that is ordinarily used for the purposes of the primary or main use on such land, but shall not include a building used for the storage of inventory nor include a building or structure used in banquets or wedding facilities. The maximum area does not apply to golf course buildings or structures;

“place of worship” means a place or building or part thereof including accessory buildings or structures that are used for the regular assembly of persons for the practice of religious worship, services or rites. It may include accessory uses such as classrooms for religious instruction, including programs of community social benefit, assembly areas, kitchens, offices of the administration of the place of worship, and a small scale day nursery, but shall not include a cemetery;

“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 non-residential or from non-residential to residential;

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

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

“retail” means the use or intended use of land, buildings or portions thereof for the purpose of offering foods, wares, merchandise, substances, articles or things for sale directly to the public or providing services or entertainment to the public. Retail includes, but is not limited to:

(a) the use or intended use of land, buildings or portions thereof for the rental of wares, merchandise, substances, articles or things;

(b) offices and storage used or intended to be used in connection with, related to or ancillary to a retail use; or

(c) conventional restaurants; fast food restaurants; concert halls/theatres/cinemas/movie houses/drive-in theatres; automotive fuel stations with or without service facilities; specialty automotive shops/auto repairs/collision services/care or truck washes; auto dealerships; shopping centres and plazas, including more than two attached stores under one ownership; department/discount stores; banks and similar financial institutions, including credit unions; warehouse clubs and retail warehouses;

“Retirement community” means a housing project consisting of ground-related dwelling units in single family, semi-detached, or multiple dwelling and other amenities, all of which are designed, marketed, developed and constructed to provide accommodation for and to meet the needs of persons aged 65 and older;

“secondary dwelling on an agricultural property” means a temporary and portable residential structure, containing a single dwelling unit with kitchen and bathroom facilities, designed for year-round occupancy by farm help;

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

"small unit" means a dwelling unit of less than 70 square metres in size irrespective of built form;

"Special Care/Special Needs Unit" means, for the purpose of Schedule "A", a unit in a special care facility;

"special care/special needs facility" means a residential building or portion thereof providing or intending to provide habitable units to individuals requiring special care, where such units may or may not have exclusive sanitary and/or culinary facilities, and the occupants have access to common areas and additional medical, personal and/or supervisory care. For clarity, a special care facility includes a long-term care home within the meaning of subsection 2(1) of the Fixing Long-Term Care Act, 2021, S.O. 2021, c. 39, Sched. 1, a home for special care within the meaning of the Homes for Special Care Act, R.S.O. 1990, c. H.12, or a residential hospice for end of life care;

"stacked townhome" means a building containing two or more dwelling units where each dwelling unit is separated horizontally from another dwelling unit by a common wall;

"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 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 any additional square footage created by the area of any self-contained structural shelf and rack storage facility permitted by the Building Code Act but includes the floor area of the base

"Town" means The Corporation of the Town of Caledon.

(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 subsections 2 and 3 of this section, this by-law applies to all land in the Town of Caledon, 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 proposed for non-residential development within

(a) the Bolton Business Improvement Area as outlined in By-law No. 80-72, as has been or may be amended; or

(b) the Caledon East Commercial Core Area as outlined on Schedule D of the Town of Caledon Official Plan.

(3) 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 established under the *Ontario Colleges of Applied Arts and Technology Act, 2002* or a university as defined in section 171.1 of the *Education Act*, that is exempt from taxation under the enabling legislation and are used for the purposed set out under such enabling legislation;

(c) a hospital as defined in section 1 of the *Public Hospitals Act*;

(d) the Ontario Provincial Police;

(e) the Town or any local board thereof;

(f) The Regional Municipality of Peel or any local board thereof; or,

(g) any other municipality or local board thereof.

Imposition of Development Charges

3. (1) Subject to subsections 2 and 3 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 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.

(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.

(3) Notwithstanding subsection 2 of this section, if two or more of the actions described in subsection 1 of this section occur at different times, additional development charges shall be imposed in accordance with this by-law in respect of any additional development permitted by the subsequent action.

Description of Services

4. (1) Development charges shall be imposed in accordance with this by-law in respect of the following services:

(a) Fire Protection Services
(b) Parks & Recreation
(c) Library Services
(d) By-law Enforcement
(e) Class of Service: Development Related Studies
(f) Services Related to a Highway: Operations

(2) The development charges applicable to a development, as determined in accordance with this by-law, shall apply without regard to the services required for or to be used by such development.

Calculation of Development Charges

5. (1) The development charges applicable to a development shall be calculated as follows:

(a) in the case of residential development, or the residential portion of a mixed use development, the development charges shall be based upon the number of dwelling units included in such development; or,

(b) in the case of non-residential development, or the non-residential portion of a mixed use development, the development charges shall be based upon the total floor area included in such development.

(2) The development charges described in Schedule “A” to this by-law shall be imposed against land that is to be developed for residential uses, including dwelling units accessory to a non-residential use, and, in the case of a mixed use building or structure, on the residential portion of the mixed use building or structure, according to the type of residential development.

(3) The development charges described in Schedule “A” to this by-law shall be imposed against land that is to be developed for non-residential uses and, in the case of a mixed use building or structure, on the non-residential portion of the mixed use building or structure, according to the type of non-residential development.

(4) The development charges prescribed in Schedule “A” to this by-law, for dwelling units 70 square meters or smaller, shall be imposed on all dwelling units in single detached dwellings, semidetached dwellings and multiple-dwellings, constructed in a retirement community that offers Life Lease Housing. Notwithstanding any other provision of this by-law, the small unit rate will apply to retirement communities offering Life Lease Housing provided that the property owner enters into a written agreement with the Town, which is registered on title, at the owner’s sole costs, that for a period of five years following the occupancy permit date, development charges calculated in accordance with this by-law shall be immediately payable if the

Life Lease interests are not occupied by persons aged 65 or older.

(5) Back to Back Townhomes as defined in this by-law shall pay a development charge at the Other Residential Dwellings rate.

(6) Stacked Townhomes as defined in this by-law as defined in this by-law shall pay a development charge at the apartments larger than 70 square metre rate.

Residential Intensification

6. (1) Notwithstanding the provisions of this By-law, and in accordance with sections 2(3), 2(3.1), 2(3.2) and 2(3.2) of the Act and any amendments thereof, development charges shall not be imposed with respect to:

(i) the enlargement of an existing residential dwelling unit;

(ii) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

(iii) the creation of the following as it relates to the creation of additional residential dwelling units in existing residential buildings:

• A second residential unit in an existing single-detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing single-detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
• A third residential unit in an existing single-detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units
• One residential unit in a building or structure ancillary to an existing single-detached house, semi-detached house or rowhouse on a parcel of land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units

(iv) the creation of the following as it relates to the creation of additional residential dwelling units in new residential buildings:

• A second residential unit in a new single-detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new single-detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
• A third residential unit in a new single-detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new single-detached house, semi-detached house or rowhouse contains any residential units.
• One residential unit in a building or structure ancillary to a new single-detached house, semi-detached house or rowhouse on a parcel of land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new single-detached house, semi-detached house or rowhouse contains any residential units.

(2) For the purposes of 6(1) above, the additional dwelling unit created cannot be conveyed as a separate parcel from the primary dwelling unit(s).

(3) If an additional dwelling unit as described in 6(1) is subsequently conveyed as a separate parcel from the primary dwelling unit, development charges shall be calculated and be payable immediately upon conveyance.

(4) Notwithstanding any other provision of this by-law, for the purpose of subsection 6(1) of this section, the terms “single-detached dwelling”, “semi-detached dwelling”, “row dwelling” and “gross floor area” shall have the meanings provided for them 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 calculated on the amount by which the proposed enlargement exceeds fifty percent of the gross floor area of the industrial building before any enlargement.

(2) Notwithstanding any other provision of this by-law, for the purpose of subsections 1 and 5 of this section, the terms “existing industrial building” and “gross floor area” shall have the meanings provided for them 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 7(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 7 (1) of this section.

Redevelopment

8. (1) Despite any other provision of the By-law, where one or more existing dwelling units are demolished and satisfactory evidence of the demolition and the number of dwelling units demolished has been provided to the Town’s Treasurer or their designate, a credit against development charges otherwise payable pursuant to this By-law for redevelopment of the lands for residential purposes, in an amount equal to the development charge payable pursuant to this By-law for the same number of dwelling units, shall be applicable where the redevelopment has occurred:

(a) Within 5 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-Law thereof; and

(b) On the same lot or block on which the demolished dwelling units(s) were originally located; and

(c) In case where, demolition credit crosses over a divided lot, the property owner must direct in writing to which lot the credit should be applied.

(2) Despite any other provision of this By-law, where an existing non-residential use building or structure, or part thereof is demolished, and satisfactory evidence of the demolition and the total floor area of the building or structure, or part thereof demolished has been provided to the Town’s Treasurer or their designate, a credit against development charges otherwise payable with respect to the redevelopment of the non-residential use shall be applicable, in an amount equal to the development charge payable pursuant to this By-law for the total floor area and such credit or partial credit shall be applicable where the redevelopment has occurred:

(a) Within 10 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-law thereof; and

(b) On the same lot or block on which the demolished dwelling building or structure, or part thereof, was originally located; and

(c) In case where, demolition credit crosses over a divided lot, the property owner must direct in writing to which lot the credit should be applied.

(3) Despite any other provision of the By-law, where an existing non-residential use building or structure, or part thereof is demolished, and satisfactory evidence of the demolition and the total floor area of the building or structure, or part thereof demolished has been provided to the Town's Treasurer or their designate, a credit against development charges otherwise payable with respect to the redevelopment of the residential use shall be applicable, in an amount equal to the development charge payable pursuant to this By-law for the total floor area and such credit or partial credit shall be applicable where the redevelopment has occurred:

(a) Within 10 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-law thereof; and

(b) On the same lot or block on which the demolished dwelling building or structure, or part thereof, was originally located; and

(c) In case where, demolition credit crosses over a divided lot, the property owner must direct in writing to which lot the credit should be applied.

(4) Despite any other provision of the By-law, where an existing residential use building or structure, or part thereof is demolished, and satisfactory evidence of the demolition and the number of units demolished has been provided to the Town's Treasurer or their designate, a credit against development charges otherwise payable with respect to the redevelopment of the non-residential use shall be applicable, in an amount equal to the development charge payable pursuant to this By-law for the total floor area and such credit or partial credit shall be applicable where the redevelopment has occurred in an amount equal to the development charge payable pursuant to this By-law for the same number of dwelling units for each component of the DC charge:

(a) Within 5 years from the date that the necessary demolition approval was obtained with document proof or the date of the passing of this By-law thereof; and

(b) On the same lot or block on which the demolished building or structure, or part thereof, were originally located; and

(c) In case where, demolition credit crosses over a divided lot, the property owner must direct in writing to which lot the credit should be applied.

(5) Where there is a redevelopment that includes a change of use of all or part of a non-residential building or structure to residential or other non-residential use, a reduction against the development charge otherwise payable pursuant to the By-law will be allowed. The amount of the reduction will be equal to the amount calculated by multiplying the applicable non-residential development charge payable by the total floor area that has been demolished or converted to residential or other non-residential use. Such credit or partial credit shall be applicable where on the issuance of a building permit permitting the change of use.

(6) Where there is a redevelopment that includes a change of use of all or part of a residential building or structure to a non-

residential use, a reduction against the development charge otherwise payable pursuant to the By-Law will be allowed. The amount of the reduction will be equal to the amount of the development charge under the service categories: Services Related to a Highway: Operations, Fire Protection Services, Parks & Recreation, Library Services, Development Related Studies and By-law Enforcement, for the number and type of units being converted to non-residential use. Such credit or partial credit shall be applicable where on the issuance of a building permit permitting the change of use.

(7) Despite any other provisions in this By-law, whenever a reduction is allowed against a development charge otherwise payable pursuant to the By-law and the amount of such reduction exceeds the amount of the development charge otherwise payable to this By-law, no further reductions shall be allowed against any other development charges payable and no refund shall be payable.

(8) Notwithstanding subsections (1) to (7) inclusive, if lands, building(s) and/or structure(s) of the subject development was previously exempt, no reduction against development charges will be allowed.

(9) In the case of the structure being razed by fire, the date of the fire will be considered the demolition date for the administration of the above.

(10) As a transitional provision, for demolitions or structures razed by fire occurring before the effective date of this by-law but after November 6, 1991, the effective date of the demolition or fire shall be the effective date of this by-law for the purposes of administering this section.

(11) Redevelopment credits shall not be transferable to other lands except in the case of where the demolition credit crosses over a divided lot as outlined in this section.

Temporary Buildings or Structures

9. (1) Notwithstanding any other provision of the by-law, development charges shall not be imposed under this bylaw 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 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.

Exemptions

10. (1) Notwithstanding any other provision of this by-law, Development charges shall not apply to:

(a) a country inn,

(b) a building or structure used for the purpose of agricultural tourism,

(c) a farm based home industry,

(d) a farm cidery,

(e) a farm winery,

(f) a garden suite,

(g) a non-residential agricultural building or structure,

(h) an outbuilding,

(i) an on-farm diversified use building or structure,

(j) a secondary dwelling on an agricultural property, used as housing for farm help, in accordance with subsection 11 (4), and

(k) an on-farm wedding venue provided that the following criteria are met:

(i) it is located on an agricultural property as a secondary use

(ii) it is owned by a bona fide farmer; and

(iii) it operates as a wedding venue no more than 30 calendar days per year.

(2) a development charge, calculated in accordance with this by-law, shall be immediately payable if the building or structure being the subject of the exemption under (1) is converted to a use that is not exempt under this by-law; in the case of a secondary dwelling on an agricultural property, if at any time following the occupancy permit date, a development charge, calculated in accordance with this by-law, shall be immediately payable if it is converted to a use that is not exempt under this by-law.

(3) Notwithstanding any other provision of this by-law, development charges shall not apply to a bed and breakfast establishment subject to the following:

In the event that the construction of a single detached dwelling for use as a bed and breakfast establishment results in the imposition of, and payment of, development charges in accordance with this by-law, the Town may provide a refund of the Town development charges as imposed and paid where there is compliance with the following conditions.

(a) A full refund may be provided where the dwelling has been actively and continuously used for the purpose of a bed and breakfast establishment for a period of ten (10) years from the date of the payment of the development charges.

(b) An application for refund shall be made, in writing, by the owner of the dwelling containing the bed and breakfast establishment on or before 31 March annually for a maximum period of ten years, commencing in the first calendar year after the date of payment of the development charges.

(c) The refund is payable to the owner of the dwelling containing the bed and breakfast establishment at the time the refund is calculated.

(d) Upon application for the refund, the Town may review the application to determine whether the application meets the conditions of this by-law, and may

(i) refund to the owner of the dwelling 1/10th of the amount of the paid development charges if the dwelling has been actively and continuously used throughout the previous year as a bed and breakfast establishment, or

(ii) refund to the owner of the dwelling a proportionate share of the 1/10th of the amount of the paid development charges, calculated on a monthly basis, if the dwelling has not been actively and continuously used throughout the previous year as a bed and breakfast establishment, and

(iii) retain the balance, if any, of the paid development charges for each year during which the dwelling was not yet been used as a bed and breakfast establishment.

(e) The applicant for the refund, and the owner of the dwelling, if the owner is a different entity or person than the applicant, shall, at the time of the application for the refund, grant permission in writing to the Town, its agents, employees and inspectors to enter the dwelling at any time during the ten years, upon reasonable notice, to determine whether the dwelling is used for the purpose of a bed and breakfast establishment.

(f) The current owner of the dwelling shall advise any purchaser of the dwelling of the refund available pursuant to the provisions of this by-law.

(g) The owner of the dwelling who is making the application for the refund shall provide all information requested by the Town to verify that the owner is entitled to a refund pursuant to the provisions of this by-law.

(h) In making the application, the owner of the dwelling shall complete the form prepared for the purpose by the Town.

(i) No interest or indexing is payable in respect to the refund of the Town paid development charges.

(j) The entire application for refund, including future applications available in the remaining ten year period, shall be deemed abandoned in any or all of the following circumstances in any year that

(i) the owner of the dwelling containing the bed and breakfast establishment fails to make an application for the refund within the time required by this by-law,

(ii) the Town makes a payment to the owner of the dwelling containing the bed and breakfast establishment in accordance with section 11 (2) (d) ii and the use of the dwelling as a bed and breakfast establishment ceased in the previous year, or

(iii) the operator of the bed and breakfast establishment has declared bankruptcy.

(k) The seasonal operation of a dwelling as a bed and breakfast establishment, where the establishment does not operate for a maximum of 5 months during the year, shall not be deemed to be an abandonment or cessation of the use of the dwelling as a bed and breakfast establishment for the purpose of section 11 (2) (j)

(4) At the Town's discretion, the Town may require that the owner of a property entitled to any exemption in Part 10 of this by-law to enter into an agreement and submit, maintain, and if required supplement a non-revocable letter of credit, or other form of security, in an amount and upon terms satisfactory to the Treasurer, to be realized upon by the Town in the event that the building or structure is later determined by the Town to have a use that attracts development charges.

(a) Securities shall be held by the Town for a period not to exceed 36 months from the date that a building permit is issued with respect to the development.

(b) If the Town determines that an exemption does not apply to a property once it is constructed and occupied, development charges shall be calculated and immediately payable and posted securities realized on.

(c) If the development charges calculated are higher than the securities available, any excess will be added to the property tax roll and collected in the same manner as property taxes.

(5) Notwithstanding any other provision of this by-law, the Council of the Town may, by resolution, provide for a grant in lieu of payment of development charges in whole or in part with respect to land to be developed for an institutional use.

(6) The exemption as set out in subsection 10 (1) (j) will only apply to new secondary dwellings that have not paid development charges, or obtained a building permit as of the date that this by-law comes into force and effect, and upon removal, will not be entitled to a demolition/redevelopment credit under section 8. If a severance is granted by the Town creating a separate lot where the secondary dwelling for farm help rests, a development charge, calculated in accordance with this by-law at the time of severance, shall be immediately payable.

(7) A building or structure, as set out in subsection 10 (1) or subsection 2 (2), that is eligible for an exemption or partial exemption from the payment of development charges pursuant to this by-law, shall have the amount of any exemption or partial exemption deducted from the amount eligible for any grants under the Town's Community Improvement Plan, in respect of the same development.

(8) A building or structure, as set out in subsection 10 (1) or subsection 2 (2), that is eligible for an exemption or partial exemption from the payment of development charges pursuant to this by-law, shall have the amount of any exemption or partial exemption reduced by the amount of any Town Community Improvement Plan grant received, in respect of the same development.

<u>Indexing</u>

11. The development charges described in Schedule A to this by-law shall be adjusted without amendment to this by-law on February 1st and August 1st in each year, commencing on 1 August, 2024, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) with the base index value being that in effect on 1 February, 2024.

<u>Payment of Development Charges</u>

12. (1) Development charges, adjusted in accordance with Section 11 of this by- law to the date of payment, shall be payable:

(a) in regard to development charges imposed under subsection 2 of section 5 of this by-law, with respect to each 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 imposed under subsection 3 of 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.

(2) Notwithstanding subsection 12 (1) of this by-law, the amount of development charge will be determined in accordance with Sections 26, 26.1 and 26.2 of the Act, prior to the issuance of the building permit or revision to building permit;

(3) Notwithstanding subsections 12 (1) and (2) of this by-law, development charges for Rental Housing and Institutional Developments in accordance with Section 26.1 of the Act, are due inclusive of interest established from the date the development charge would have been payable in accordance with section 26 of the Act, in 6 equal annual payments beginning on the date that is the earlier of:

(a) the date of the issuance of a permit under the Building Code Act, 1992 authorizing occupation of the building; and
(b) the date the building is first occupied and continuing on the following five anniversaries of that date.

(4) In the alternative to payment by the means provided in subsection 1 of this section, the Town may, by an agreement made under section 38 of the Act with the owner or owners of land that is to be developed, accept the provision of services in full or partial satisfaction of development charges otherwise payable by such owner or owners, provided that:

(a) if the Town and such owner or owners cannot agree as to the reasonable cost of providing the services, the dispute shall be referred to the Council of the Town and its decision shall be final and binding; and,

(b) if the reasonable cost of providing the services exceeds the amount of the development charge for the service to which the work relates:

(i) the excess amount shall not be credited against the development charge for any other service, unless the Town has so agreed in an agreement made under section 39 of the Act; and,

(ii) in no event shall the Town be required to make a cash payment to such owner or owners.

(5) 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.

(6) Notwithstanding subsections 12 (1) through (5), the Town may require the owner or owners of land that is to be developed to enter into an agreement, including 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.

Unpaid Development Charges

13. (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.

Effective Date

14. This by-law shall come into force and effect on May 30, 2024.

Repeal

15. By-law No. 2019-31, as amended, shall be and is hereby repealed effective on the date that this by-law comes into force and effect.

Expiry Date

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

Onus

17. The onus is on the owner or the applicant to produce evidence to the satisfaction of the Town which establishes that the owner or applicant is entitled to any exemption from the payment of development charges claimed, reduction in the payment of or refund of development charges claimed under this by-law.

Refunds

18. Where all or part of a development charge paid is refunded due to a cancellation or revocation of a building permit, or where it is subsequently determined by the Town that there was an error in the calculation of the amount of such payment that there was an overpayment of development charges, the Treasurer is authorized to refund to the payor the amount of overpayment without interest. The Treasurer is authorized to pay such refund from the applicable development charge reserve fund or funds.

Registration

19. 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

20. In the event that any provision of this by-law is found by a court 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

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

Schedules

23. Schedule “A” attached to this by-law shall be deemed to be a part of this by-law.

Short Title

24. This by-law may be referred to as the *2024 Town-Wide Development Charges By-law.*

Enacted by the Town of Caledon Council this 21st day of May, 2024

Acting Mayor N. de Boer

On behalf of Annette Groves, Mayor

Kevin Kingenberg

Kevin Klingenberg, Municipal Clerk

SCHEDULE “A”

BY-LAW 2024-042

SCHEDULE OF DEVELOPMENT CHARGES

Service	Residential					Non-Residential
	Singles & Semis	Apartments (>70m^2)	Small Units (70m^2 or less)	Other Residential Dwellings	Special Care / Special Needs Unit	Calculated Charge per m^2
Fire Protection Services	$4,139	$2,846	$1,670	$3,752	$1,137	$11.80
Parks & Recreation	$20,328	$13,976	$8,202	$18,429	$5,586	$7.22
Library Services	$1,549	$1,065	$625	$1,404	$426	$0.55
By-law Enforcement	$378	$260	$153	$343	$104	$1.08
Development Related Studies	$604	$415	$244	$548	$166	$1.72
Services Related to a Highway: Operations	$4,384	$3,014	$1,769	$3,974	$1,205	$12.50
Total Municipal Wide Services (excl. Roads)	**$31,382**	**$21,576**	**$12,663**	**$28,450**	**$8,624**	**$34.87**