



BY-LAW NO. 2022- 0044

A By-law to Establish Community Benefits Charges for the Town of Halton Hills

WHEREAS The Town of Halton Hills (the “Town”) will experience growth through development and re-development;

AND WHEREAS Council desires to impose Community Benefits Charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies;

AND WHEREAS the *Planning Act, 1990* (the “Act”) provides that the council of a municipality may by by-law impose Community Benefits Charges against higher density residential development or redevelopment;

AND WHEREAS a Community Benefits Charge strategy report, dated April 15, 2022, has been completed which identifies the facilities, services and matters that will be funded with Community Benefits Charges and complies with the prescribed requirements;

AND WHEREAS the Town has consulted with the public and such persons and public bodies as the Town considers appropriate;

AND WHEREAS on July 4, 2022, Council for the Town of Halton Hills approved Report No. CORPSERV-2022-0018, dated June 14, 2022, in which certain recommendations were made relating to the Community Benefits Strategy and By-law.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. INTERPRETATION

Definitions

1.1 In this By-law, the following items shall have the corresponding meanings:

“**Act**” means the *Planning Act*, R.S.O. 1990, CHAPTER P.13;

“**Building**” means any structure or building as defined in the *Ontario Building Code* (O Reg 332/12 under the Building Code Act, but does not include a vehicle;

“**Building Code Act**” means the *Building Code Act, 1992*, SO 1992, c 23 as amended;

“**Capital Costs**” means growth-related costs incurred or proposed to be incurred by the Town or a Local Board thereof directly or by others on behalf of, and as authorized by, the Town or Local Board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,

- (d) to acquire, construct or improve facilities including,
 - (i) furniture and equipment, and;
 - (ii) rolling stock;
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the Community Benefits Charge strategy study,

required for the provision of Services designated in this By-law within or outside the Town, including interest on borrowing for those expenditures under clauses (a) to (e) above;

“Town” means The Town of Halton Hills or the geographic area of the municipality, as the context requires;

“Council” means the Council of the Town of Halton Hills;

“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 or any development requiring any of the actions described in subsection 3.4 (a), and includes Redevelopment;

“Community Benefits Charge” means a charge imposed pursuant to this By-law;

“Land” (or “Lot”) means, for the purposes of this By-law, the lesser of the area defined as:

- (a) The whole of a parcel of property associated with the Development or Redevelopment and any abutting properties in which a person holds the fee or equity of redemption in, power or right to grant, assign or exercise a power of appointment in respect of, or;
- (b) The whole of a lot or a block on a registered plan of subdivision or a unit within a vacant land condominium that is associated with the Development or Redevelopment;

But not including any hazard lands, natural heritage features, or ecological buffers identified in the Town’s Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the Town.

“Owner” means the owner of Land or a person who has made application for an approval for the Development of land for which a Community Benefits Charge may be imposed;

“Prescribed” means prescribed in the regulations made under the Act;

“Redevelopment” means the construction, erection or placing of one or more Buildings on Land where all or part of a Building on such Land has previously been demolished, or changing the use of a Building from a Non-Residential Use to a Residential Use, or changing a Building from one form of Residential Use to another form of Residential Use and including any development or redevelopment requiring any of the actions described in subsection 3.4 (a);

“Residential Unit” means a room or group of rooms occupied or designed to be occupied exclusively as an independent and separate self-contained housekeeping unit including a house;

“Residential Use” means a use or Development consisting of land, Buildings or structures, or portions thereof, used, or designed or intended for use as a home or residence for one or more individuals;

“Service” means a service designated in subsection 2.1, and “Services” shall have a corresponding meaning;

“Valuation date” means, with respect to land that is the subject of development or redevelopment,

- (a) the day before the day the building permit is issued in respect of the development or redevelopment, or
- (b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued

“Zoning By-Law” means Town By-law Number 2010-0050, as amended, and any replacement by-laws enacted by the Town under section 34 of the *Planning Act*.

References

- 1.2 The reference to any applicable statute, regulation, by-law, or to the Official Plan in this Community Benefits Charge By-law shall be deemed to refer to the statute, regulation, by-law, and/or Official Plan as they may be amended from time to time and shall be applied as they read on the date on which Community Benefits Charges are due to the Town.

Designation of Services

- 1.3 A Community Benefits Charge may be imposed in respect of the following:
 - (a) Land for park or other public recreational purposes in excess of lands dedicated or provided cash-in-lieu payments under section 42 or subsection 51.1 of the *Planning Act*.
 - (b) Services not provided under subsection 2 (4) of the *Development Charges Act*.
 - (c) As per the April 15, 2022, Community Benefits Charges Strategy, the Town intends to recover Capital Costs relating to the following services through this by-law:
 - (i) Parkland Acquisition; and
 - (ii) Community Benefits Charges Strategy Updates.

2. PAYMENT OF COMMUNITY BENEFITS CHARGES

- 2.1 Community Benefits Charges shall be payable by the Owner of Land proposed for Development in the amounts set out in this By-law where:
 - (a) the Lands proposed for Development is located in the area described in subsection 2.2; and
 - (b) the proposed Development requires any of the approvals set out in subsection 2.4 (a).

Area to Which By-law Applies

- 2.2 Subject to subsection 2.3, this By-law applies to all lands in the Town.
- 2.3 This By-law shall not apply to lands that are owned by and used for the purposes of:
- (a) The Town or a Local Board thereof;
 - (b) a Board of Education;
 - (c) a Conservation Authority; or
 - (d) The Region of Halton, or a Local Board thereof.

Approvals for Development

- 2.4
- (a) A Community Benefits Charge shall be imposed only with respect to Development that requires one or more of the following approvals:
 - (i) the passing of a Zoning By-Law or of an amendment to a Zoning By-Law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 9 of the *Condominium Act, 1998*, SO 1998, c 19, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
 - (b) Despite subsection 2.4 (a) above, a Community Benefits Charge shall not be imposed with respect to:
 - (i) development of a proposed building or structure with fewer than five storeys at or above ground;
 - (ii) development of a proposed building or structure with fewer than 10 residential units;
 - (iii) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
 - (iv) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
 - (v) such types of development or redevelopment as are prescribed.

Exemptions

- 2.5 Notwithstanding the provisions of this By-law, Community Benefits Charges shall not be imposed with respect to:

- (a) Development for a Place of Worship or for the purposes of a cemetery or burial site exempt from taxation under the *Assessment Act*;
- (b) Development or redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (c) Development or redevelopment of a building or structure intended for use 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 subparagraph (i);
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
- (d) Development or redevelopment of a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion.;
- (e) Development or redevelopment of a building or structure intended for use as a hospice to provide end-of-life care;
- (f) Development or redevelopment of a building or structure intended for use as residential premises by any of the following entities:
 - (i) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) 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;
 - (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Amount of Charge

- 2.6 The amount of a Community Benefits Charge payable in any particular case shall be equal to four (4) percent of the value of the Land as of the Valuation Date.

In-Kind Contributions

- 2.7 The Town may at its discretion allow an Owner of Land to provide to the Town facilities, services or matters required because of Development in the area to which the By-law applies in lieu, or partially in lieu of a Community Benefits Charge that would otherwise be payable.
- 2.8 For in-kind contributions pursuant to the preceding subsection to be considered, an application for consideration of in-kind contributions must be submitted to the Town with supporting documentation as to the suggested value thereof no less than 180 days prior to the first building permit being granted for the proposed Development.
- 2.9 In-kind contributions pursuant to subsection 2.7 shall only be accepted as where the same are approved by resolution of Council. The determination of Council as

to whether in-kind contributions shall be accepted in full or partial satisfaction of Community Benefits Charges shall be final and binding.

- 2.10 The value attributed to an in-kind contribution under subsection 2.7 shall be as determined by Council, based on one or more third-party valuations to the satisfaction of Council. Council's determination of the value to be attributed to any in-kind contribution shall be final and binding.

Time of Payment of Community Benefits Charges

- 2.11 Community Benefits Charges imposed under this By-law shall be payable prior to the issuance of any building permit for the proposed Development.

Interest on Refunds

- 2.12 If it is determined that a refund is required, the Town shall pay interest on a refund in accordance with subsections 37 (28) and 37 (29) of the Act at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

3. SEVERABILITY

- 3.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

4. DATE BY-LAW IN FORCE

- 4.1 This By-law shall come into effect at 12:01 A.M. on September 1, 2022.

BY-LAW read and passed by the Council for the Town of Halton Hills this 4th day of July, 2022.

MAYOR – RICK BONNETTE

TOWN CLERK – VALERIE PETRYNIAK