TOWN OF HALTON HILLS

BY-LAW NO. 2022- 0042

A By-law to Establish Development Charges for the Town of Halton Hills and to repeal By-law Number 2017-0049 and By-law Number 2017-0073.

WHEREAS section 2 (1) of the Development Charges Act, 1997, S.O. 1997, c. 27, as amended (the "Act") provides that the council of a municipality may pass By-laws for the imposition of development charges against land for the increased Capital Costs required because of the need for services arising from Development in the area to which the By-law applies;

AND WHEREAS the Council of the Corporation of the Town of Halton Hills (the "Town") has given Notice in accordance with section 12 of the Act of its intention to pass a By-law under section 2 of the Act;

AND WHEREAS the Council of the Town has heard all persons who applied to be heard, no matter whether in objection to, or in support of, the Development Charge proposal at a public meeting held on May 2, 2022;

AND WHEREAS the Council of the Town had before it a report entitled Development Charge Background Study dated April 15, 2022, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the Development of any land within the Town will increase the need for Services as defined herein;

AND WHEREAS the Council of the Town has indicated its intent that the future excess capacity identified in the Study shall be paid for by the Development Charges or other similar charges;

AND WHEREAS on July 4, 2022, Council for the Town of Halton Hills approved, through Report No. CORPSERV-2022-0018 dated June 14, 2022, the Development Charge Background Study dated April 15, 2022, in which certain recommendations were made relating to the establishment of a Development Charge policy for the Town pursuant to the *Act*, thereby determining that no further public meetings were required under section 12 of the Act.

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

DEFINITIONS

1. **In this by-law,**

(1) **"Act"** means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

(2) "**Accessory Use"** means a use of land, Building or structures which is incidental and subordinate to the principal use of the lands and Buildings;

(3) **“Agricultural,”** when used to describe a use or Development means a use or Development that is a bona fide farming operation including, notwithstanding the generality of the foregoing, greenhouses which are not connected to Regional water and wastewater services, sod farms and breeding and boarding of horses including barns, silos and other ancillary Development to such Agricultural Development but excluding any residential, commercial, industrial, or retail Development and does not include cannabis production facilities;

(4) **“Air-supported Structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;

(5) **“Apartment Dwelling”** means a Building containing more than one Dwelling Unit where the units are connected by an interior corridor. Notwithstanding the foregoing, an Apartment Dwelling includes a Stacked Townhouse Dwelling or a Back-to-back Townhouse Dwelling that is developed on a block approved for Development at a minimum density of sixty (60) units per net hectare pursuant to plans and drawings approved under section 41 of the *Planning Act*;

(6) “**Back-to-back Townhouse Dwelling”** means a Building containing four or more Dwelling Units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

(7) **“Bedroom”** means a habitable room of at least seven (7) square metres, including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen, or other space;

(8) **“Board of Education”** means a board defined in subsection 1 (1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended;

(9) **“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended;

(10) **“Building”** means a permanent enclosed structure occupying an area greater than ten square metres (10 m^2) and, notwithstanding the generality of the foregoing, includes, but is not limited to:

(a) An above-grade storage tank;

(b) An air-supported structure;

(c) An industrial tent;

(d) A roof-like structure over a gas-bar or service station; and

(e) An area attached to and ancillary to a retail Development delineated by one or more walls or part walls, a roof-like structure, or any one or more of them;

(11) “**Cannabis"** means:

(a) a cannabis plant;

(b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;

(c) any substance or mixture of substances that contains or has on it any part of such a plant; and

(d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

(12) **"Cannabis plant"** means a plant that belongs to the genus Cannabis;

(13) **"Cannabis Production Facilities**" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a license, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

(14) "**Capital Cost"** means 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, lease, construct or improve facilities including (but not limited to),

(i) rolling stock with an estimated useful life of seven years or more,

(ii) furniture and equipment other than computer equipment; and

(iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990 c. P.44, as amended

(e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d),

(f) to complete the Development Charge background study under section 10 of the *Act*, and

(g) interest on money borrowed to pay for costs in (a) to (d).

(15) **“Charitable Dwelling”** means a part of a residential building or a part of the residential portion of a mixed-use building maintained and operated by a corporation approved under the *Long-Term Care Homes Act, 2007,* S.O. 2007, c.8, *as amended* or successor legislation as a home or joint home, an institution, or nursing home for persons requiring residential, specialized or group care and includes a children’s residence under the *Child and Family Services Act,* R.S.O. 1990, c. C.11, as amended or successor legislation, and a home for special care under the *Homes for Special Care Act,* R.S.O. 1990, c. H.12, as amended or successor legislation;

(16) “**Council”** means the Council of the Corporation of the Town of Halton Hills;

(17) **“Correctional group home”** means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a twenty-four (24) hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Ministry of Correctional Services as a detention or correctional facility under any general or special act as amended or successor legislation. A correctional group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located;

(18) **“Development”** means the construction, erection or placing of one or more Buildings on land or the making of an addition or alteration to a Building that has the effect of increasing the size thereof, and includes Redevelopment;

(19) **“Development Charge”** means a charge imposed pursuant to this by-law;

(20) **“Dwelling Unit”** means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, except in the case of a Special Care/Special Need Dwelling, as defined in this By-law, in which case a Dwelling Unit shall mean a room or suite of rooms designated for Residential occupancy with or without exclusive sanitary and/or culinary facilities;

(21) **“Farm Building”** means that part of a farming operation encompassing barns, silos and other Accessory Use to a bona fide Agricultural use or “value add” buildings of a commercial or retail nature for the farming operation or farm help quarters for the farming operation workers but excluding a Residential use;

(22) **“Grade”** means the average level of finished ground adjoining a Building or structure at all exterior walls;

(23) “**Gross Floor Area”** means the Total Floor Area, measured from 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 Grade, and,

(a) includes the area of a Mezzanine; and

(b) excludes those areas used exclusively for parking garages or parking structures; and

(c) where the building has only one wall or does not have any walls, the total floor area shall be the total of the areas directly beneath any roof-like structure of the building;

(24) **"Group home"** means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a twenty-four (24) hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act as amended or successor legislation;

(25) **"Hospice"** means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that the quality of life is maintained, and family members may be active participants in care;

(26) **"Industrial,"** when used to describe a use or Development, means a use or Development 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;

(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) does not include self-storage facilities or retail warehouses;

(27) **"Institutional"** 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;

(28) **"Local Board"** means a municipal service board, public utility commission, transportation commission, public library board, board of park management, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more municipalities or parts thereof, other than a board defined in section 1 (1) of the *Education Act* and a conservation authority;

(29) "**Lot Coverage"** means the Total Floor Area compared with the total lot area;

(30) **"Mezzanine"** means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;

(31) **"Mobile Home"** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer otherwise designed, as long as no building permit or foundation permit is required. A Mobile Home is classified as a Multiple Dwelling for the purposes of this By-law;

(32) **"Multiple Dwelling"** includes all dwellings other than a Single Detached Dwelling, a Semi-detached Dwelling, an Apartment Dwelling, and a Special Care/Special Need Dwelling and includes a Mobile Home;

(33) **"Non-Industrial"** when used to describe a use or Development, means a use or Development consisting of land, Buildings or structures, or portions thereof, used, or designed or intended for a use other than as a Residential Development or Industrial Development;

(34) **"Non-profit housing development"** means development of a building or structure intended for use as residential premises by:

(a) a corporation to which the *Not-for-Profit Corporations Act, 2010* 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 Corporations 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*;

(35) **"Non-Residential"** when used to describe a use or Development, means a use or Development consisting of land, Buildings or structures, or portions thereof, used, or designed or intended for a use other than as a Residential Development;

(36) **"Non-Retail Development"** means any non-residential development which is not a retail development, and shall include offices that are not part of a retail development;

(37) **"Official Plan"** means the Official Plan of the Town and any amendments thereto;

(38) **"Owner"** means the owner of land or a person who has made application for an approval of the Development of land upon which a Development Charge is imposed;

(39) **"Place of Worship"** means any Building or part thereof that is exempt from taxation as a place of worship pursuant to paragraph 3 of section 3 of the *Assessment Act,* R.S.O. 1990, c. A.31, as amended or successor legislation;

(40) **"Planning Act"** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

(41) **"Public Hospital"** means a Building or structure, or part of a Building or structure, that is defined as a hospital under the *Public Hospitals Act*, R.S.O. 1990 c. P.40, as amended;

(42) **"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 all or part of a Building from a Residential purpose to a Non-residential purpose or from a Non-residential purpose to a Residential purpose, or changing all or part of a Building from one form of Residential Development to another form of Residential Development or from one form of Non-residential Development to another form of Non-residential Development;

(43) **"Regulation"** means any regulation made pursuant to the *Act*;

(44) **"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;

(45) **“Residential,”** when used to describe a use or Development, 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, and shall include a Single Detached Dwelling, a Semi-detached Dwelling, a Multiple Dwelling, an Apartment Dwelling, a Special Care/Special Need Dwelling, and the residential portion of a mixed-use Building or structure;

(46) **“Retail”** means lands, buildings, structures or any portions thereof, used, designed or intended to be used for the sale, lease or rental or offer for sale, lease or rental of any manner of goods, commodities, services or entertainment to the public, for consumption or use, whether directly or through membership, but hall exclude commercial, industrial, hotels/motels, as well as offices not located within or as part of a retail development, and self-storage facilities;

(47) **“Retail development”** means a development of land or buildings which are designed or intended for retail;

(48) **“Seasonal structure”** means a building placed or constructed on land and used, designed or intended for use for a non-residential purpose during a single season of the year where such building is designed to be easily demolished or removed from the land at the end of the season;

(49) **“Semi-detached Dwelling”** means a Building, or part of a Building, divided vertically into two Dwelling Units each of which has a separate entrance and access to Grade;

(50) **“Services”** means those services designated in Schedule “A” to this By- law;

(51) **“Single Detached Dwelling”** means a completely detached Building containing only one Dwelling Unit;

(52) **“Special Care/Special Need Dwelling”** means a Building, or part of a Building:

(a) containing two or more Dwelling Units which units have a common entrance from street level;

(b) where the occupants have the right to use, in common with other occupants, halls, stairs, yards, common rooms and accessory Buildings;

(c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and

(d) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at any one or more various levels;

and includes, but is not limited to, retirement homes or lodges, charitable dwellings, group homes (including correctional group homes) and hospices;

(53) **"Stacked Townhouse Dwelling"** means a Building, or part of a Building, containing two or more Dwelling Units where each Dwelling Unit is separated horizontally and/or vertically from another Dwelling Unit by a common wall;

(54) **"Total Floor Area":**

(a) includes the sum of the total areas of the floors in a Building whether at, above or below grade, measured:

(i) between the exterior faces of the exterior walls of the Building;

(ii) from the centre line of a common wall separating two uses; or

(iii) from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and

(b) includes the area of a Mezzanine;

(c) excludes those areas used exclusively for parking garages or structures; and

(d) where a Building has only one wall or does not have any walls, the Total Floor Area shall be the total of the area directly beneath any roof-like structure of the Building;

(55) **"Temporary Non-Residential Unit"** means a Building or structure, or part of a Building or structure, that is used for Non-residential purposes for a limited period of time up to a maximum of three (3) years, and includes, but is not limited to, a sales trailer, an office trailer and an Industrial tent, provided it meets the criteria in this definition; and

(56) **"Temporary Residential Unit"** means a Building or structure, or part of a Building or structure, used for Residential purposes for a limited period of time up to a maximum of three (3) years.

SCHEDULE OF DEVELOPMENT CHARGES

2.

(1) Subject to the provisions of this By-law, the Development Charge relating to Services shall be determined in accordance with the following:

(a) Council hereby determines that the Development or Redevelopment of land, Buildings or structures for Residential and Non-residential uses will require the provision, enlargement or expansion of the Services referenced in Schedule “A”; and

(b) In the case of Residential Development, or the Residential portion of a mixed-use Development, the Development Charge shall be the sum of the products of:

(i) the number of Dwelling Units of each type, multiplied by,

(ii) the corresponding total dollar amount for such Dwelling Unit as set out in Schedule “B”,

further adjusted by section 15; and

(c) In the case of Industrial Development, or the Industrial portion of a mixed-use Development, the Development Charge shall be the sum of the products of:

(i) the Total Floor Area of the Industrial Development or portion, multiplied by,

(ii) the corresponding total dollar amount per square foot of Total Floor Area as set out in Schedule “B”,

further adjusted by section 15; and

(d) In the case of Non-Industrial Development, or the Non-Industrial portion of a mixed-use Development, the Development Charge shall be the sum of the products of:

(i) the Total Floor Area of such Development multiplied by,

(ii) the corresponding total dollar amount per square foot of Total Floor Area as set out in Schedule “B”,

further adjusted by section 15; and

(e) In the case of Non-residential Development, or the Non-residential portion of a mixed-use Development, the Development Charges may be reduced based on the amount of Lot Coverage as follows:

(i) the current applicable Development Charge rate shall be applied if Total Floor Area of the Non-residential portion of the Development is less than or equal to one (1) times the lot area,

(ii) 50% of the current applicable Development Charge rate shall be applied to the portion of the Total Floor Area of the Non-residential portion of the Development that is greater than one (1) times the lot area and less than or equal to one and one-half (1.5) times the lot area,

(iii) 25% of the current applicable Development Charge rate shall be applied to the portion of the Total Floor Area of the Non-residential portion of the Development that is greater than one and one-half (1.5) times the lot area,

further adjusted by section 15.

APPLICABLE LANDS

3.

(1) Subject to the exceptions and exemptions described in the following subsections, this By-law applies to all lands in the Town, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act,* R.S.O. 1990, c.A.31 as amended.

(2) This By-law shall not apply to land that is owned by and used for the purposes of:

(a) a Board of Education;

(b) any municipality or Local Board thereof;

(c) a Place of Worship and land used in connection therewith, if exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A31, as amended;

(d) a Public Hospital;

(e) a Non-residential Building in connection with an Agricultural use including “farm help quarters” for farming operation workers and farm storage structures;

(f) a conservation authority;

(g) seasonal structures.

(3) Charities, non-profit, and not-for-profit organizations may apply to Council to seek relief from Development Charges if they meet the following criteria:

(a) the Building must be used for the exclusive or intended use of the organization;

(b) the organization must have a valid registration number;

(c) the organization must have been in existence for a period of at least three (3) years immediately prior to the application;

(d) the organization must be willing to sign an undertaking under seal agreeing that it will pay the Development Charges if the property ownership is transferred to a non-charitable organization within three (3) years of the date of the building permit issuance, unless the transfer is part of the agreed-upon business or purpose of the organization; and

(e) the use of the Building must be directly related to the core business or purpose of the organization.

(4) Development Charges are not payable in respect of a Temporary Residential Unit where the Owner signs an undertaking under seal to remove the structure within three (3) years after the date of issuance of the building permit.

(5) Development Charges are not payable in respect of a Temporary Non-Residential Unit where the Owner signs an undertaking under seal to remove the structure within three (3) years after the date of building permit issuance.

(6) This By-law shall not apply to that category of exempt Development described in section 2 (3) of the *Act* and section 2 of O. Reg. 82/98, as amended, namely:

(a) the enlargement to an existing residential dwelling unit;

(b) the creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling. The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the existing residential building/dwelling;

(c) 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 within a structure ancillary to such residential building;

(d) the creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the existing residential building/dwelling; or

(e) 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.	The proposed new detached dwelling must only contain two dwelling units. 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.
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.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. 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.
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.	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. 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.

(f) Notwithstanding subsection (6) (a), Development Charges shall be imposed, calculated and collected in accordance with this By-law where the total Gross Floor Area of the additional Dwelling Units is greater than the total Gross Floor Area of the existing Single Detached Dwelling Unit;

(g) Notwithstanding section (6) (b), Development Charges shall be imposed, calculated and collected in accordance with this By-law where the additional Dwelling Unit has a Residential Gross Floor Area greater than, the Residential Gross Floor Area of the smallest existing Dwelling Unit.

(7) The exemptions and exceptions respecting Industrial Development that are described in section 4 of the *Act* also apply under this By-law, namely:

(a) If the Gross Floor Area of an existing Industrial Building is enlarged by 50 percent or less the Development Charge in respect of the enlargement is zero;

(b) If the Gross Floor Area of an existing Industrial Building is enlarged by more than 50 percent, the amount of the Development Charge in respect of the enlargement shall be determined as follows:

(i) determine the amount by which the enlargement exceeds 50 percent of the Gross Floor Area before the enlargement;

(ii) divide the amount determined in (i) by the amount of the enlargement; and

(iii) multiply the Development Charge otherwise payable without reference to this section by the fraction determined in (ii).

(c) THAT for greater certainty in applying the exemption in this section, the total floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1 (1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passage-way, or through a shared below-grade connection such as a service tunnel, foundation, footing or a parking facility.

(d) In particular, for the purposes of applying this exemption, the industrial building is considered existing if it is built, occupied and assessed for property taxation at the time of the application respecting the enlargement.

(e) Despite paragraph (d), self-service storage facilities and retail warehouses are not considered to be industrial buildings.

(f) The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the municipality made pursuant to the *Act*, as amended or its predecessor legislation.

(8) This By-law shall not apply to the enlargement of the Gross Floor Area of an existing Industrial Building located on general employment lands in Acton or Georgetown areas, as defined in Schedule “C” and Schedule “D”, that has been in operation for a period of more than five (5) years immediately prior to the application respecting the enlargement.

(a) For greater certainty in applying the exemption in section 4 (8), the existing industrial building must have been under the same ownership for a period of more than five (5) years immediately prior to the application respecting the enlargement.

RULES WITH RESPECT TO TEMPORARY UNITS

4.

(1) Notwithstanding any other provision of this By-law, a temporary unit shall be exempt at the time the building permit is issued for such building from the payment of development charges under this By-law provided that:

(a) prior to the issuance of the building permit for the temporary building, the owner shall have:

(i) entered into an agreement with the Town under section 27 of the *Act* in a form and having a content satisfactory to the Town's Treasurer or designate agreeing to pay the development charges otherwise payable under this By-law in respect of the temporary building if, within three (3) years of building permit issuance or any extension permitted in writing by the Town's Treasurer or designate, the owner has not provided to the Town evidence, to the satisfaction of the Town's Treasurer or designate, that the temporary building was demolished or removed from the lands within three (3) years of building permit issuance or any extension herein provided; and

(ii) provided to the Town securities in the form of a certified cheque, bank draft or a letter of credit acceptable to the Town's Treasurer or designate in the full amount of the development charges otherwise payable under this By-law as security for the owner's obligations under the agreement described in clause (a) (i) and subsection (c).

(b) Within three (3) years of building permit issuance or any extension granted in accordance with the provisions in clause (a) (i), the owner shall provide to the Town evidence, to the satisfaction of the Town's Treasurer or designate, that the temporary unit was demolished or removed from the lands within three (3) years of building permit issuance or any extension herein provided, whereupon the Town shall return the securities provided pursuant to clause (a) (ii) without interest.

(c) If the owner does not provide satisfactory evidence of the demolition or removal of the temporary unit in accordance with subsection (b), the temporary unit shall be deemed conclusively not to be a temporary unit for the purposes of this By-law and the Town shall, without prior notification to the owner, draw upon the securities provided pursuant to clause (a) (ii) and transfer the amount so drawn into the appropriate development charges reserve funds.

(d) The timely provision of satisfactory evidence of the demolition or removal of the temporary building in accordance with subsection (b) shall be solely the owner's responsibility.

APPROVAL FOR DEVELOPMENT

5.

(1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

(a) the passing of a zoning by-law or an amendment thereto 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 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended; or

(g) the issuing of a permit under the *Building Code Act*, in relation to a Building or structure.

(2) Where a Development requires an approval described in section 5 (1) after the issuance of a building permit and no Development Charge has been paid, then the Development Charge shall be paid prior to the granting of the approval required under section 5 (1).

(3) If a Development does not require a building permit but does require one or more of the approvals described in section 5 (1), then, notwithstanding section 9, the Development Charge shall nonetheless be payable in respect of any increased, additional or different Development permitted by any such approval that is required for the increased, additional or different Development.

LOCAL SERVICE INSTALLATION

6. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under section 51 or 53 of the *Planning Act*, that the Owner, at his or her own expense, shall install or pay for such local Services, as Council may require.

MULTIPLE CHARGES

7.

(1) Where two or more of the actions described in section 5 (1) are required before land to which a Development Charge applies can be developed, only one Development Charge shall be calculated and collected in accordance with the provisions of this By-law.

(2) Notwithstanding section 7 (1), if two or more of the actions described in section 5 (1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal Services as set out in Schedule "A", an additional Development Charge based on the number of any additional Residential units and on any increased Non-residential Total Floor Area, shall be calculated and collected in accordance with the provisions of this By-law.

SERVICES IN LIEU

8.

(1) Council may authorize an Owner, through an agreement under section 38 of the *Act,* to substitute such part of the Development Charge applicable to the Owner's Development as may be specified in the agreement, by the provision at the sole expense of the Owner, of Services in lieu. Such agreement shall further specify that, where the Owner provides Services in lieu in accordance with the agreement, Council shall give to the Owner a credit against the Development Charge in accordance with the provisions of the agreement and the provisions of section 39 of the *Act*, equal to the reasonable cost to the Owner of providing the Services in lieu. In no case shall the agreement provide for a credit which exceeds the total Development Charge payable by an Owner to the municipality in respect of the Development to which the agreement relates.

(2) In any agreement under section 8 (1), Council may also give a further credit to the Owner equal to the reasonable cost of providing Services in addition to, or of a greater size or capacity, than would be required under this By-law.

(3) The credit provided for in section 8 (2) shall not be charged to any Development Charge reserve fund.

DEMOLITION CREDITS FOR REDEVELOPMENT OF LAND

9. Where, as a result of the Redevelopment of land, a Building or structure existing on the land was, or is to be, demolished, in whole or in part:

(1) Subject to subsection (5) below, a credit shall be allowed against the Development Charge otherwise payable pursuant to this By-law, provided that where a demolition permit has been issued and has not been revoked, a building permit must be issued for the Redevelopment within five (5) years from the date the demolition permit was issued;

(2) The credit shall be calculated:

(a) in the case of the demolition of a Building, or a part of a Building, used for a Residential purpose, by multiplying the number and type of Dwelling Units demolished by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law; or

(b) in the case of the demolition of a Building, or part of a Building, used for a Non-residential purpose, by multiplying the Non- residential Total Floor Area demolished, by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law;

(3) No credit shall be allowed where the demolished Building or part thereof would have been an exception under, or exempt pursuant to, this By-law;

(4) Where the amount of any credit pursuant to this section exceeds, in total, the amount of the Development Charge otherwise payable under this By- law with respect to the Redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the Redevelopment that is acceptable to the Town's Treasurer or designate; and

(5) Notwithstanding subsection 9(1) above, where the Building cannot be demolished until the new Building has been erected, the Owner shall notify the Town in writing and pay the applicable Development Charge for the new Building in full and, if the existing Building is demolished not later than twelve (12) months from the date a building permit is issued for the new Building, the Town shall provide a refund calculated in accordance with this section to the Owner without interest. If more than twelve (12) months is required to demolish the existing Building, the Owner may make a written request to the Town's Treasurer or designate, in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or appropriate, may extend the time in which the existing Building must be demolished, and such decision shall be made prior to the issuance of the first building permit for the new Building.

CONVERSION CREDITS FOR REDEVELOPMENT OF LAND

10. Where, as a result of the Redevelopment of land, a Building or Structure existing on the land was, or is to be, converted from one principal use to another principal use on the same land:

(1) A credit shall be allowed against the Development Charge otherwise payable under this By-law;

(2) The credit shall be calculated:

(a) In the case of the conversion of a Building or part of a Building used for a Residential purpose, by multiplying the number and type of Dwelling Units being converted by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law; or

(b) In the case of the conversion of a Building, or part of a Building, used for a Non-residential purpose, by multiplying the Non- residential Total Floor Area being converted by the relevant Development Charge in

effect under this By-law on the date when the Development Charges with respect to the Redevelopment are payable pursuant to this By-law;

(3) No credit shall be allowed where the Building, or part thereof, prior to conversion would have been an exception under, or exempt pursuant to this By-law;

(4) Where the amount of any credit pursuant to this section exceeds, in total, the amount of the Development Charges otherwise payable under this By- law with respect to the Redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the Redevelopment that is acceptable to the Town's Treasurer or designate; and

(5) Notwithstanding subsections (1) to (4) above, no credit shall be allowed where the building or part thereof prior to conversion would have been exempt pursuant to this By-law or any predecessor thereof.

TIMING OF CALCULATION AND PAYMENT

11.

(1) A Development Charge shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted pursuant to the *Act* or this By-law, on the date a building permit is issued in relation to a Building or structure on land to which a Development Charge applies unless a "Conditional" Building Permit is issued in which case the Development Charges should be calculated and payable when the conditions to the Building Permit have been satisfied.

(2) Where a Development Charge applies to land in relation to which a building permit is required, the building permit shall not be issued until the Development Charge has been paid in full unless it is a "Conditional" Building Permit in which case the Development Charges shall be paid when the conditions are satisfied.

(3) Notwithstanding subsections (1) and (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.

(4) Notwithstanding subsections (1) and (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 first occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

(5) Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit

issuance, the development charges under subsections 11 (1), 11 (2), 11 (3), and 11 (4) shall be calculated in accordance with section 26.2 of the *Act.*

(6) Payment of a Development Charge may be deferred subject to terms and conditions set out by Town Policy.

DEVELOPMENT NOT AS REFERENCED IN BUILDING PERMIT

12.

(1) Where a building permit is obtained and development charges are paid, but the actual development or redevelopment which is completed is (a) less total floor area than what had been planned and paid for, or (b) a different type of residential use than originally planned, or (c) has fewer dwelling units than originally planned and paid for, then a refund for the excess of the development charges paid over the development charges which would have been payable for the actual development or redevelopment which was completed is only payable if:

(a) A new building permit is obtained reflecting the actual development or redevelopment; and

(b) the application for such new building permit is filed within five (5) years of the issuance of the initial building permit.

(2) Any such refund which may be payable pursuant to subsection 12 (1) above by the municipality shall be paid without interest.

RESERVE FUNDS

13.

(1) Monies received from payment of Development Charges shall be maintained in a separate reserve fund for each service and class of service sub-categories set out in Schedule “A”.

(2) Monies received for the payment of Development Charges shall be used only in accordance with the provisions of section 35 of the *Act*.

(3) Council directs the Town’s Treasurer to divide the reserve funds created hereunder into separate sub-accounts in accordance with the Service and class of service sub-categories set out in Schedule “A” to which the Development Charge payments, together with interest earned thereon, shall be credited.

(4) Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll for the property on which the Development or Redevelopment occurred and shall be collected in the same manner as taxes.

(5) Where any unpaid Development Charges are collected as taxes under section 13 (4), the monies so collected shall be credited to the Development Charge reserve funds referred to in section 13 (1).

(6) The Town's Treasurer shall in each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 12 of O. Reg. 82/98.

BY-LAW AMENDMENT OR REPEAL

14.

(1) Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of Council, the Town Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.

(2) Refunds that are required to be paid under section 15 (1) shall be paid with interest to be calculated as follows:

(a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;

(b) The Bank of Canada interest rate in effect on the date of enactment of this By-law shall be used.

(3) Refunds that are required to be paid under section 14 (1) shall include the interest owed under this section.

BY-LAW INDEXING

15. The Development Charges set out in Schedule "B" to this By-law shall be adjusted annually on April 1, without amendment to this By-law, in accordance with the prescribed index as set out in paragraph 10 of Subsection 5(1) of the Act, and O.Reg 82/98.

BY-LAW ADMINISTRATION

16. This By-law shall be administered by the Town's Treasurer.

SCHEDULES TO THE BY-LAW

17. The following Schedules to this By-law form an integral part of this By-law:

Schedule A – Schedule of Municipal Services

Schedule B – Schedule of Development Charges

Schedule C – Map of Acton General Employment Area

Schedule D – Map of Georgetown General Employment Area

SEVERABILITY

18. In the event any provision or part thereof, of this By-law is found, by a court of competent jurisdiction, to be void, voidable, unenforceable or *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion

of such provision and all other provisions of this By-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

19. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

DATE BY-LAW EFFECTIVE

20. This By-law shall come into force and effect on September 1, 2022.

SHORT TITLE

21. This By-law may be cited as the “Town of Halton Hills Development Charge By-law, 2022.”

REPEAL

22. By-law No. 2017-0049 and By-law No. 2017-0073 are hereby repealed effective on the date this By-law comes into force.

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

SCHEDULE “A”

DESIGNATED MUNICIPAL SERVICES/CLASS OF SERVICES UNDER THIS BY-LAW

Services

1. Transportation Services
2. Fire Protection Services
3. Transit Services
4. Recreation and Parks Services
5. Library Services
6. Stormwater Management Services

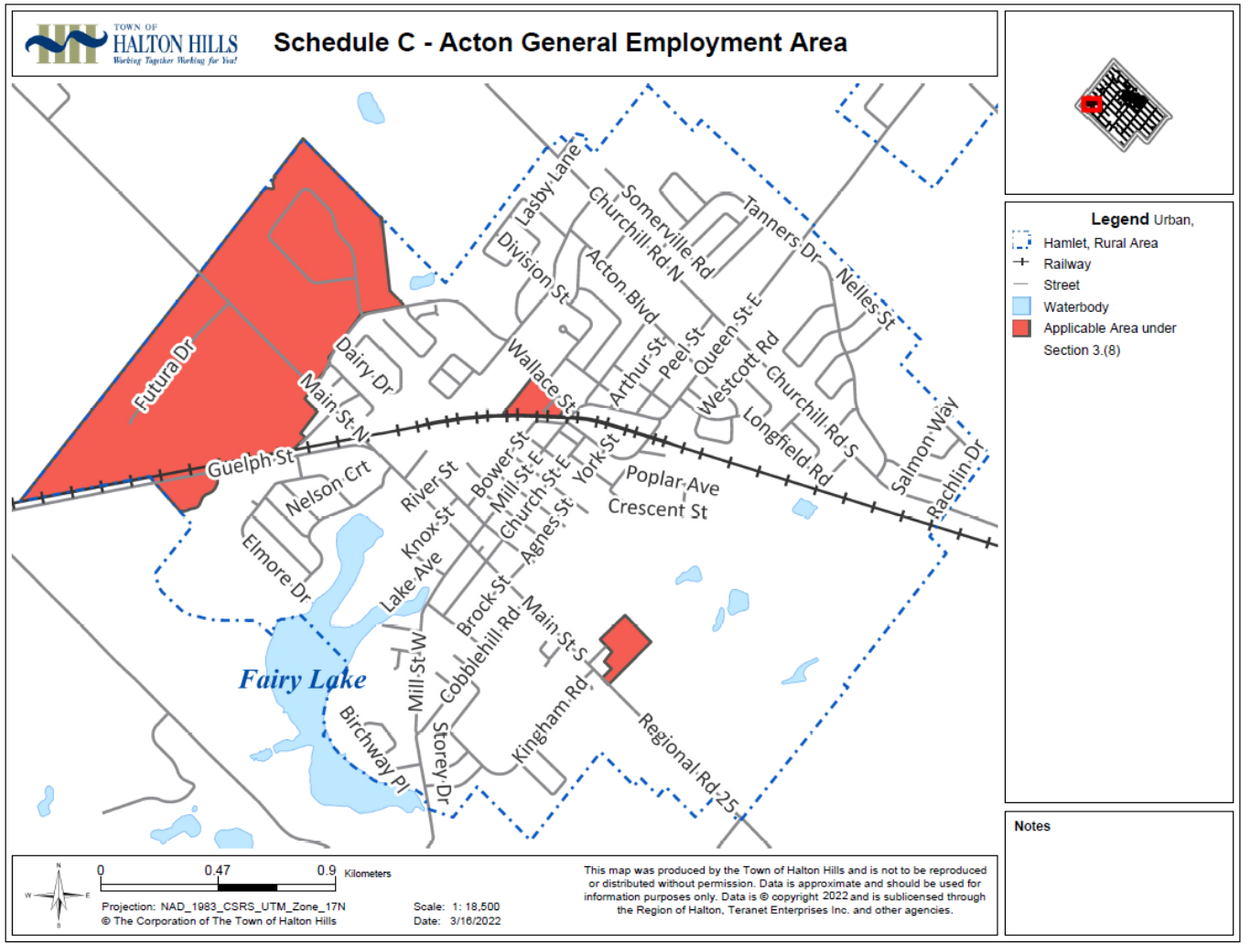
Class of Service

1. Growth-Related Studies

Schedule “B”
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL Single and Semi-Detached Dwelling	RESIDENTIAL Multiples – 3 Bedrooms +	RESIDENTIAL Multiples – Less than 3 Bedrooms	RESIDENTIAL Apartments – 2 Bedrooms +	RESIDENTIAL Apartments – Bachelor and 1 Bedroom	RESIDENTIAL Special Care/Special Dwelling Units	NON-RESIDENTIAL Industrial (per m² of Gross Floor Area)	NON-RESIDENTIAL Non-Industrial (per m² of Gross Floor Area)
Transportation Services	$9,519	$6,695	$4,500	$4,910	$3,620	$2,988	$21.72	$70.83
Fire Protection Services	$1,321	$929	$624	$681	$502	$414	$3.01	$9.83
Transit Services	$540	$380	$255	$279	$206	$170	$1.12	$3.70
Recreation and Parks Services	$17,908	$12,594	$8,466	$9,238	$6,811	$5,620	$6.58	$6.58
Library Services	$2,269	$1,596	$1,073	$1,170	$863	$712	$0.83	$0.83
Stormwater Management Services	$86	$60	$41	$44	$33	$27	$0.20	$0.64
Growth-Related Studies	$427	$300	$202	$220	$162	$134	$0.97	$3.17
Total Municipal Wide Services/Class of Services	**$32,070**	**$22,554**	**$15,161**	**$16,542**	**$12,197**	**$10,065**	**$34.44**	**$95.59**

SCHEDULE “C”
Map of Acton General Employment Area



Schedule “D”
Map of Georgetown General Employment Area