

# THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

## BYLAW NUMBER 2022-35

### *Being a Bylaw to Establish Development Charges*

**WHEREAS** the Township has and is projected to experience growth through development and redevelopment of land, which will increase the need for services to be provided by the Township;

**AND WHEREAS** Council wishes to ensure that the capital cost of meeting growth-related demands for services does not place a financial burden upon the Township's existing taxpayers, but also that new taxpayers bear no more than the net capital cost attributable to providing the eligible services;

**AND WHEREAS** Section 2 of the *Development Charges Act, S.O. 1997, c. 27, as amended*, (hereinafter called the "Development Charges Act") enables the Council to pass bylaws for the imposition of development charges against land within the Municipality if the development or redevelopment of land would increase the need for services;

**AND WHEREAS** the Township prepared a Development Charges Background Study (dated November 19, 2021) which was posted on the Township's website on November 19, 2021 in accordance with Section 10(4) of the *Development Charges Act*;

**AND WHEREAS** the Township prepared a Development Charges Background Study Addendum #1 (dated January 6, 2022) which was posted on the Township's website on January 12, 2022 in accordance with Section 10(4) of the *Development Charges Act*;

**AND WHEREAS** Council, pursuant to Section 12 of the *Development Charges Act* and Section 9 of Ontario Regulation 82/98, gave notice on February 25, 2022 of a public meeting to consider Addendum #1 to the Development Charges Background Study and Bylaw, and to enable the public to understand generally the development charges proposal, held a public meeting on March 22, 2022 and heard representations from all persons who applied to be heard whether in objection to or in support of the proposed Addendum and Bylaw;

**AND WHEREAS** Council, having reviewed the Development Charges Addendum #1 on April 19, 2022, and the proposed bylaw, and having considered all of the representations made at the public meeting, directed that this bylaw be enacted;

**AND WHEREAS** Council, on January 18, 2022 approved the capital project listing set out in Chapter 5 of the Development Charges Background Study dated November 19, 2021, and on April 19, 2022 Addendum #1 (dated January 6, 2022) as amended, subject to further annual review during the capital budget process;

**NOW THEREFORE**, the Council of The Corporation of The Township of North Dundas enacts as follows:

#### **1.0 Short Title**

1.1 That this Bylaw shall be known as the "Development Charges Bylaw".

#### **2.0 Definitions**

For the purposes of this By-law, the following definitions shall apply:

2.1 *Accessory Apartment* means a residential dwelling unit within a single or semi-detached dwelling not exempted within Section 4 of this Bylaw and in the case of a mixed-use development, a residential dwelling unit which is secondary to the main use of the building. An accessory apartment, as defined, shall be considered an apartment unit.

- 2.2 *Accessory Use* means a use, including a building or structure, which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot.
- 2.3 *Act* means the *Development Charges Act, S.O. 1997, c. 27*.
- 2.4 *Apartment* means a dwelling or residential building containing three or more dwelling units, all having a common entrance from the outside or a common hall or halls, and shall include *Back-to-Back and Stacked Townhouse* (2+ bedrooms), but shall not include a townhouse or row dwellings.
- 2.5 *Back-to-Back and Stacked Townhouse* means a building containing a minimum of six and no more than sixteen dwelling units that is divided vertically or horizontally, where each unit is divided by a common wall, including a common rear wall without a rear yard setback and whereby each unit has an independent entrance from the outside accessed through the front yard or exterior side yard;
- 2.6 *Bedroom* means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room, bathroom or kitchen.
- 2.7 *Building Permit* means a permit allowing construction as required by the *Building Code Act*.
- 2.8 *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:
- (a) to acquire land or an interest in land, including a leasehold agreement;
  - (b) to improve land;
  - (c) to acquire, lease, construct or improve buildings and structures;
  - (d) to acquire, lease, construct or improve facilities including,
    - (i) rolling stock with an estimated useful life of seven years or more,
    - (ii) furniture and equipment, other than computer equipment, and
    - (iii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*,
  - (e) to undertake studies in connection with any of the matter in clauses (a) to (d) above;
  - (f) to prepare a development charges background study, and
  - (g) for interest on money borrowed to pay for costs described in clauses (a) to (d) above.
- 2.9 *Commercial Use* means the use of land, structures or buildings for the purposes of buying, renting or selling commodities and services, but does not include Industrial Uses or Agricultural Uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses.
- 2.10 *Council* means the Council of The Corporation of The Township of North Dundas.
- 2.11 *Demolition Permit* means a permit allowing demolition as required by the *Building Code Act*.
- 2.12 *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 gross floor area, or the making of an addition or alteration of a building or structure which has the effect of creating a new dwelling unit which did not exist at the time of the passage of this Bylaw, and includes re-development.

- 2.13 *Development Charge* means a charge imposed with respect to eligible growth-related net capital cost against land defined in this Bylaw.
- 2.14 *Duplex* shall mean a building that is divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 2.15 *Dwelling Unit* means one or more habitable rooms in which sanitary conveniences are provided for the exclusive use of the occupants and in which at least one but not more than one kitchen is provided, and with an independent entrance either directly from the outside of the building or through a common corridor or vestibule inside the building.
- 2.16 *Existing Residential Building* means a residential building which can be occupied and used for residential use, and has been in existence for a minimum of two years.
- 2.17 *Farm Building* means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds and shall not include manure storage facilities, but excludes a building or extension to a building having a gross floor area of less than 46.45 square metres (500 square feet).
- 2.18 *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.
- 2.19 *Growth-Related Net Capital Cost* means the portion of a net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of a Municipality.
- 2.20 *H.S.T.* means the Government's Harmonized Sales Tax.
- 2.21 *Industrial Building, Existing* 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,
  - (d) office or administrative proposes, 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.
- 2.22 *Industrial Use* means the use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services.
- 2.23 *Institutional Use* 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 1.16.3.1; 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.
- 2.24 *Mixed Use* means land, building or structures used or designed or intended for a combination of non-residential uses and residential uses;
- 2.25 *Multiple Dwelling* means a residential building containing 3 or more separate dwelling units other than a town house. This definition may include a senior citizens apartment.
- 2.26 *Municipality* means The Corporation of The Township of North Dundas.
- 2.27 *Net Capital Costs* means capital costs less capital grants, subsidies and other contributions to the Municipality or that the Council of the Municipality anticipates will be made in respect of the capital costs, including conveyances or payments under Sections 42, 51 and 53 of the *Planning Act* in respect of the capital costs.
- 2.28 *Non-Profit Housing* means development of a building or structure intended for use as residential premises by:
  - (a) A corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing;
  - (b) A corporation without share capital to which the Canada Not-for-profit Corporation Act applies, that is in good standing under that Act and whose primary objective is to provide housing; or
  - (c) A non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.
- 2.29 *Non-Residential Uses* means uses of land, buildings or structures for purposes other than a dwelling unit and shall include commercial, institutional, industrial uses, and other such uses and excluding agricultural uses.
- 2.30 *Other Multiples* means a dwelling unit that is not a Single-Detached, Semi-Detached, Apartment, Special Care, or Senior-Oriented dwelling unit.
- 2.31 *Owner* means the owner of land or a person who has made application for approval for the development of land upon which a development charge is imposed.
- 2.32 *Place of Worship* means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*.
- 2.33 *Protracted* means, in relation to a temporary building or structure, the continuation of its construction, erection, or placement on land or its continuation as an alteration or addition, for a continuous period exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or structure was first erected or placed on the lands;
- 2.34 *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.

- 2.35 *Residential Use* means land or buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- 2.36 *Row Dwelling / Townhouse* means a building or structure consisting of a series of three (3) or more dwelling units, but not more than eight (8) units in a continuous row divided vertically into separate dwelling units by a common wall above grade.
- 2.37 *Secondary Dwelling Unit* means a dwelling unit that is subsidiary to and located in or ancillary to the same building as an associated principal dwelling unit; and its creation does not result in the creation of a semi-detached dwelling, row dwelling or a multiple dwelling.
- 2.38 *Semi-detached* means a residential building that is divided vertically into two (2) dwelling units.
- 2.39 *Senior-Oriented Dwelling Unit* means a dwelling unit specifically designed for seniors to provide an age-targeted residence, primarily for persons who are either retired or close to retirement, which is part of a complex of 30 or more similar units, and shall have access to shared common facilities (clubhouse or lifestyle centre with activities, sometimes with indoor and outdoor swimming pools, exercise facilities, craft rooms, demonstration kitchens, and decks and patios for gathering), but shall not include single detached dwelling units.
- 2.40 *Services* means municipal services designated in this Bylaw or in an agreement made under Section 27 of the Act, as applicable.
- 2.41 *Single Detached Dwelling* means a residential building consisting of only one dwelling unit.
- 2.42 *Special Care/Special Needs Dwelling* means a building where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings; which shall not have exclusive sanitary and/or culinary facilities, that is designed to accommodate persons with specific needs, including independent permanent living arrangements, and where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels. Special care/special needs dwellings include, but is not limited to retirement homes and lodges, nursing homes charitable dwellings, garden suites, accessory dwellings and group homes.
- 2.43 *Square Foot or Square Metre* means that portion of a building or structure (expressed in feet or metres or any fraction thereof) actually depicted, described or utilized for any non-residential use as per an approved site plan under the *Planning Act* or the *Building Code Act*.
- 2.44 *Standard of Services* means those standards which govern the quality, quantity or form, method, delivery, operation or manner in which services are constructed or installed and which have been duly approved by Council and are in force within the Municipality.
- 2.45 *Temporary Building or Structure* means a building or structure constructed, erected or placed on land for a period not exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or structure was first erected or placed on the lands.

### **3.0 Schedule of Development Charges**

- 3.1 Subject to the provisions of this Bylaw, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedule "B", which relate to the eligible services set out in Schedule "A".

- 3.2 The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
- (a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units;
  - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development.
- 3.3 Council hereby determines that the development of land, buildings or structures for residential and non-residential uses have required or will require the provision, enlargement, expansion or improvement of the services referenced in Schedule "A."

#### 4.0 Applicable Lands

- 4.1 Subject to subsections 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7, this by-law applies to all lands in the Municipality, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*.
- 4.2 This Bylaw shall not apply to buildings, structures or land that is owned by and used for the purposes of:
- (a) a board of education as defined in the *Education Development Charges Act*;
  - (b) a college of applied arts and technology established pursuant to the Ministry of Colleges and Universities Act, R.S.O. 1990, c. M.19;
  - (c) any Municipality or local board thereof;
  - (d) the United Counties of Stormont, Dundas and Glengarry or local board thereof;
  - (e) a non-residential farm building used for bona fide agricultural purposes;
  - (f) a cemetery and burial ground exempt from taxation under Section 3 of the *Assessment Act*;
  - (g) a Place of Worship and the land used in connection therewith;
  - (h) a hospital governed by the Public Hospitals Act, R.S.O. 1990, c.P.40;
  - (i) Accessory Uses, except attached and detached residential dwelling units to a non-residential use;
  - (j) Other than those fully exempted above, Provincial government land owned by and used for the purposes of a Provincial government shall not be exempt from applicable development charges;
  - (k) a not-for-profit organization for subsidized housing shall be entitled to a 50% exemption of development charges. This exemption does not apply to a *Special Care/Special Needs Dwelling*;
  - (l) Nursing Homes licensed as a long-term care home under the *Long-Term Care Homes Act*; and
  - (m) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development is intended to be occupied and used by the university.

- 4.3 This Bylaw shall not apply to development creating or adding an accessory use or structure not exceeding 10 square metres of non-residential gross floor area.
- 4.4 Notwithstanding the provisions of this Bylaw, development charges shall not be imposed with respect to:
- (a) an enlargement to an existing 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. The additional dwelling units may be within the existing residential rental building 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 smallest dwelling unit already in the existing residential building/dwelling;
  - (e) The creation of a second dwelling unit in a proposed new Single Detached, Semi-Detached or Row Townhouse dwelling or in a building ancillary to such dwelling, subject to the following restrictions:

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

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

4.5 For the purposes of Subsection 4.4(e), "parcel of land" means a lot or block within a registered plan of subdivision or draft plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a) of the Planning Act.

4.6 Farm Buildings

A new farm residence shall pay the full applicable residential development charges as herein.

4.7 Reduction of Development Charges for Redevelopment

Despite any other provisions of this Bylaw, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.2 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.2, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

4.8 Exemption of Industrial Development

- (a) Notwithstanding any other provision of this Bylaw, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.



- (b) If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction 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 under subsection 1) by the amount of the enlargement
- (c) The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this Bylaw
- (d) For greater certainty in applying the exemption in this section, the gross 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 *Ontario Regulation 82/98*. 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.

4.9 That where a conflict exists between the provisions of the new Bylaw and any other agreement between The Township and the owner, with respect to land to be charged under this policy, the provisions of such agreement prevail to the extent of the conflict.

## 5.0 Development Charges - Application

- 5.1 Subject to subsection 5.2, development charges shall apply to, and shall be calculated and collected in accordance with the provisions of this Bylaw on land to be developed for residential and non-residential use, where the development of the land will increase the need for services, and the development requires,
- (a) the passing of a zoning bylaw or of 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 bylaw passed under Section 50(7) of the *Planning Act* applies;
  - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
  - (e) a consent under Section 53 of the *Planning Act*;
  - (f) the approval of a description under Section 50 of the *Condominium Act*; or
  - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

5.2 Subsection 5.1 shall not apply in respect of:

- (a) local services installed at the expense of the owner within a plan of subdivision as a condition of approval under Section 51 of the *Planning Act*;
- (b) local services installed at the expense of the owner as a condition of approval under Section 53 of the *Planning Act*; or
- (c) local connections to water-mains, sanitary sewers and storm drainage facilities installed at the expense of the owner including amounts imposed under a bylaw passed under the *Municipal Act*.

## **6.0 Temporary Buildings or Structures**

6.1 *Temporary Buildings or Structures* shall be exempt from the provisions of this Bylaw.

6.2 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 the Development Charges required to be paid under this Bylaw shall become payable on the date the temporary building or structure becomes protracted.

6.3 Prior to the Township issuing a building permit for a *Temporary Building or Structure*, the Township may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement pursuant to Section 27 of the Act providing for all or part of the Development Charges required by Subsection 6.2 to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this Bylaw.

## **7.0 Existing Agreements**

7.1 An agreement with respect to charges related to development registered prior to passage of this Bylaw remains in effect after enactment of this Bylaw.

## **8.0 Local Service Installation**

8.1 Nothing in this Bylaw prevents Council from requiring, as a condition of an agreement under Section 41, 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install such local services within the plan of subdivision and otherwise, as Council may require, or that the owner pay for local connections to water-mains, sanitary sewers and/or storm drainage facilities installed at the owner's expense.

## **9.0 Multiple Charges**

9.1 Where two or more of the actions described in subsection 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 Bylaw.

9.2 Notwithstanding subsection 8.1, if two or more of the actions described in subsection 5.1 occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule "A", an additional development charge on the additional residential units and/or non-residential floor area, shall be calculated and collected in accordance with the provisions of this Bylaw.

## **10.0 Service Level Standards**

10.1 The 10-year average levels of service and increases for each eligible service the Municipality intends met are those contained in the

Development Charges Background Study dated November 19, 2021, the Municipality's most recent capital budget and forecast and Council's previous approvals of capital projects.

## **11.0 Credits**

- 11.1 Council, by written agreement, may allow a person to perform work that relates to a service to which this Bylaw relates pursuant to Sections 38 and 39 of the *Development Charges Act*.
- 11.2 The transfer of credits and the use of credits shall be in accordance with Sections 40 and 41 of the *Development Charges Act*.

## **12.0 Front-ending Agreements**

- 12.1 The Municipality may enter into a front-ending agreement or agreements with any person in a defined area pursuant to Section 44 of the *Development Charges Act*.

## **13.0 Collection of Development Charges**

- 13.1 The said development charges are due and payable in full to the Municipality in money or by credit granted by the Act, on the date that a building permit is issued in relation to a building or structure on land to which a development charge applies.
- 13.2 Where development charges apply 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, pursuant to Section 28 of the *Development Charges Act*.
- 13.3 Notwithstanding Sections 13.1 and 13.2, development charges for rental housing and institutional developments are due and payable in 6 equal 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.
- 13.4 Notwithstanding Sections 13.1 and 13.2, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 13.5 Where the development of land results from the approval of a Site Plan or Zoning Bylaw 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 Sections 13.1, 13.3, and 13.4 shall be calculated on the rates set out in Schedule "B" on the date the planning application was made, including interest. Where both planning applications apply, Development Charges under Sections 13.1, 13.3, and 13.4 shall be calculated on the rates, including interest, set out in Schedule "B" on the date the later planning application was made, including interest.
- 13.6 Interest for the purposes of Section 13.5 shall be determined based on the annual rate of indexing applied to the charges set out in Section 16 of this Bylaw. Notwithstanding the foregoing, the total charges calculated, including interest, shall not be greater than the charges that would be calculated at building permit issuance under Section 13.1.
- 13.7 Notwithstanding subsections 13.1, 13.2, 13.3, 13.4, 13.5, and 13.6, an owner may enter into an agreement with the Municipality subject to the provisions of Section 27 of the *Development Charges Act* to provide for all or any part of the development charge to be paid before or after it would otherwise be payable.

- 13.8 An owner may complain in writing to the Council of the Municipality in respect of the development charges imposed by the Municipality on the owner's development subject to the provisions of Section 20 of the *Development Charges Act*.
- 13.9 *H.S.T* shall not be collected as a surcharge to the payment of a development charge.
- 13.10 If the development charges or any part thereof imposed by the Municipality remains unpaid after the due date, the amount unpaid shall be added to the tax roll as taxes pursuant to Section 32 of the *Development Charges Act*.
- 13.11 Payment of Development Charges shall be by cash, by cheque or e-transfer.

#### **14.0 Bylaw Registration**

- 14.1 A certified copy of this Bylaw may be registered on title to any land to which this Bylaw applies and may be done at the sole discretion of the Municipality.

#### **15.0 Reserve Fund(s)**

- 15.1 Monies received from payment of development charges shall be maintained in separate reserve funds or each service or class of service, and shall be used only to meet the growth-related net capital costs for which the development charge was levied under this Bylaw.
- 15.2 The Municipal Treasurer is hereby directed to divide the reserve fund(s) created hereunder into the separate sub-accounts in accordance with the service categories set out in Schedule "A" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- 15.3 The Municipal Treasurer shall deem the reserve funds established under the former *Development Charges Act* for eligible services to be reserve funds for that service under the new Act.
- 15.4 Any income received from investment of the development charge reserve fund or funds shall be credited to the development charge reserve fund or funds in relation to which the investment income applies pursuant to Section 37 of the *Development Charges Act*.
- 15.5 Where any unpaid development charges are collected as taxes under subsection 13.10, the monies so collected shall be credited to the development charge reserve fund or funds referred to in subsection 15.1.
- 15.6 The Treasurer of the Municipality shall annually prepare a development charge reserve fund financial statement pursuant to Section 43 of the *Development Charges Act* and Section 12 of *Ontario Regulation 82/98*, and shall submit the statement to Council, containing the information set out in Section 12 (and Section 13 if applicable) of *Ontario Regulation 82/98*.

#### **16.0 Development Charges Schedule Indexing**

- 16.1 Development charges imposed pursuant to this Bylaw shall be adjusted annually, without amendment to this Bylaw on January 1<sup>st</sup>, in accordance with the prescribed index in the Act.

#### **17.0 Other Bylaws and Regulations**

- 17.1 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw, agreement or legislation in force.

**18.1 Bylaw Administration**

18.1 This Bylaw shall be administered by the Municipal Treasurer.

**19.0 Validity**

19.1 If any section, clause or provision of this Bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw as a whole or any part thereof, other than the section, clause or provision so declared to be, the intention is that all the remaining sections, clauses or provisions of this Bylaw shall remain in full force and effect until repealed.

**20.0 Schedules to the Bylaw**

20.1 The following schedules to this Bylaw form an integral part of this Bylaw:

- Schedule "A" - Designated Municipal Services/Classes of Service
- Schedule "B" - Schedule of Development Charges

**21.0 Bylaw Amendment or Repeal**

21.1 Where this Bylaw or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.

21.2 Refunds that are required to be paid under subsection 21.1 shall be paid to the registered owner of the land on the date on which the refund is paid.

21.3 The Municipality shall pay interest on a refund under Sections 8(3), 25(1) and 36 of the *Development Charges Act* at the prescribed minimum interest rate (Section 11 of *Ontario Regulation 82/98*).

**22.0 Repeal of Former Bylaws**

22.1 Bylaw No. 2022-02 of The Corporation of The Township of North Dundas is hereby repealed as of May 4, 2022.

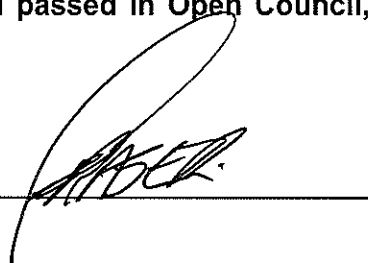
**23.0 Date Bylaw Effective and Term**

23.1 This Bylaw shall come into force and effect on May 4, 2022.

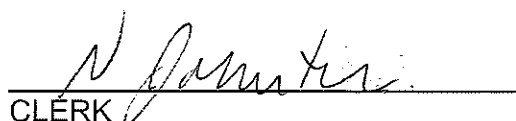
23.2 This Bylaw shall continue in force and effect for a term not to exceed five (5) years from the date it comes into effect, unless it is repealed at an earlier date.

**READ and passed in Open Council, signed and sealed this 3<sup>rd</sup> day of May 2022.**

MAYOR



CLERK

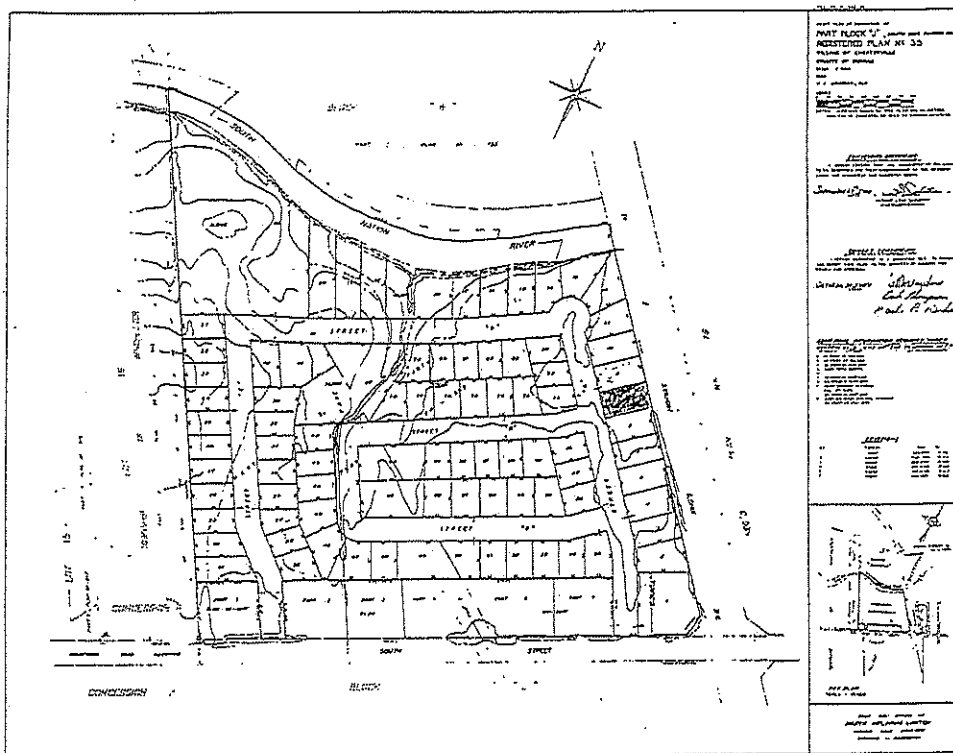


**SCHEDULE "A"**  
**Bylaw 2022-35**

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS**  
**DESIGNATED MUNICIPAL SERVICES/CLASSES OF SERVICE**

1. Fire Protection Services
2. Services Related to a Highway
3. Parks and Recreation Services
4. Waste Diversion Services
5. Growth-Related Studies
6. Pumping Station\*

\*Applicable only to the 84-unit subdivision, described as Part Block "J", south side of Nation River Registered Plan 35, Village of Chesterville, County of Dundas, more particularly described as Parts 1, 2 and 3 on Plan 8R-562, as illustrated below.



**SCHEDULE "B"**

Bylaw 2022-35

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS  
SCHEDULE OF DEVELOPMENT CHARGES**

**RESIDENTIAL DEVELOPMENT CHARGES**

Service/Class of Service	RESIDENTIAL					
	Single & Semi Detached Dwelling	Other Multiples	Apartments 2 Bedrooms+	Apartments Bachelor & 1 Bedroom	Special Care/ Special Dwelling Units	Senior-Oriented Dwelling Units
<b>Municipal Wide Services/Class of Service:</b>						
Fire Protection Services	-	-	-	-	-	-
Services Related to a Highway	9,557	8,269	6,113	4,056	3,914	5,166
Parks and Recreation Services	1,133	981	725	481	464	613
Waste Diversion Services	130	112	83	55	53	70
Growth-Related Studies	144	125	92	61	59	78
<b>Total Municipal Wide Services/Class of Services*</b>	<b>10,964</b>	<b>9,486</b>	<b>7,013</b>	<b>4,653</b>	<b>4,490</b>	<b>5,927</b>
<b>Area-Specific Services/Class of Service:</b>						
Pumping Station*	748	647	479	318	306	405

**NON-RESIDENTIAL DEVELOPMENT CHARGES**

Service/Class of Service	NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)				
	0 to 2,500 sq.ft	2,501 to 5,000 sq.ft	5,001 to 30,000 sq.ft	30,001 sq.ft to 55,000 sq.ft	55,001 sq.ft +
<b>Municipal Wide Services/Class of Service:</b>					
Fire Protection Services	-	-	-	-	-
Services Related to a Highway	0.6325	0.3163	0.2372	0.1581	0.0791
Parks and Recreation Services	-	-	-	-	-
Waste Diversion Services	0.0125	0.0063	0.0047	0.0031	0.0016
Growth-Related Studies	0.0150	0.0075	0.0056	0.0038	0.0019
<b>Total Municipal Wide Services/Class of Services*</b>	<b>0.66</b>	<b>0.33</b>	<b>0.2475</b>	<b>0.1650</b>	<b>0.0825</b>

*Numbers may vary slightly due to rounding*

*\* - This area specific development charge only applies to the 84-unit subdivision, described as Part Block "J", south side of Nation River Registered Plan 35, Village of Chesterville, County of Dundas, more particularly described as Parts 1, 2 and 3 on Plan 8R-562*