

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2024-046

DEVELOPMENT CHARGES

WHEREAS, Section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

AND WHEREAS, a development charges background study has been completed as per Section 10 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

AND WHEREAS, a public meeting was held on October 22nd, 2024 as per Section 12 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

AND WHEREAS, any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to this proposed by-law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

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**PART 1
DEFINITIONS**

2.0 DEFINITIONS

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

- 2.1. Accessory** – means when used to describe a use, Building or Structure, that the use, Building or Structure is naturally or normally incidental, subordinate and exclusively devoted to a main use, Building or Structure located on the same lot therewith.
- 2.2. Act** – means the *Development Charges Act, 1997*, as amended.
- 2.3. Affordable Residential Unit** – mean a Residential Unit that meets the criteria set out in subsection 4.1 (2) or (3) of the Act.
- 2.4. Ancillary Residential Use** – means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling or Rowhouse.
- 2.5. Apartment Unit** – means any residential unit within a Building containing more than four Dwelling Units where the units are connected by an interior corridor or by independent entrance directly from the outside in which the occupants have the right to use in common area corridors, stairs, and/or elevators contained therein, and the yards appurtenant thereto. Despite the foregoing, an apartment dwelling includes Stacked Townhouse Dwellings.
- 2.6. Attainable Residential Unit** – means a residential unit that meets the criteria set out in section 4.1 of the Act.
- 2.7. Bedroom** – means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen.
- 2.8. Building** – means a Structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods and without limiting the foregoing, includes buildings as defined in the Building Code Act.
- 2.9. Building Code Act** – means the *Building Code Act, 1992*, S.O. 1992, Chapter 23, as amended.

2.10. 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 interest;
- (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 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, Chapter P.44, as amended.
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d),
- (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.

2.11. Charitable Dwelling – means a residential Building, a part of a residential Building or the residential portion of a mixed-use Building maintained and operated by a corporation approved under the *Charitable Institutions Act*, R.S.O. 1990, Chapter C.9, as amended, for persons requiring residential, specialized or group care, and charitable dwelling includes a children's residence under the *Child and Family Services Act*, R.S.O. 1990, Chapter C.11, as amended, a home or a joint home under the *Homes for the Aged and Rest Homes Act*, R.S.O. 1990, Chapter H.13, as amended, an institution under the *Mental Hospitals Act*, R.S.O. 1990, Chapter M.8, as amended, and a long-term care home under subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*, S.O. 2021, Chapter 39 Schedule 1, as amended.

2.12. Correctional Group Home - means a residential Building or the residential portion of a mixed-use Building containing a single housekeeping unit supervised on a 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 as a detention or correctional facility under any general or special act and amendments or replacement thereto. 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. A Correctional Group Home shall not include any detention facility operated or supervised by the Federal Government, nor any correctional institution or secure custody and detention facility operated by the Province of Ontario.

2.13. Commercial Use – means any use of land, Buildings or Structures for the purposes of buying or selling commodities and services, but does not include Industrial or Institutional Uses, but does any use permitted in a commercial zone other than a residential use as described in the Zoning By-Law.

- 2.14. Condominium Act** – means the *Condominium Act, 1998*, S.O. 1998, c.19, as amended.
- 2.15. Council** – means the Council of the Corporation of Tay Valley Township.
- 2.16. Development** – means the construction, erection or placing of one or more Buildings or Structures on land or the making of an addition or alteration to a Building or Structure that has the effect of increasing the size of usability thereof, and includes Redevelopment.
- 2.17. Development Charge** – means a charge imposed against the land to pay for increased Capital Costs required because of increased needs for services arising from development of the area to which the By-Law applies.
- 2.18. Dwelling Unit** – shall mean one or more rooms in a Building used or designed and intended to be used as a single, independent, and separate house-keeping establishment in which food preparation and sanitary facilities are provided and which has a private entrance from outside the building or from a common hallway or stairway inside the Building.
- 2.19. Dwelling Unit Attached** – means a Dwelling Unit located in any one of the following types of dwellings:
- (a) **Back-to-Back Townhouse Dwelling** - means a Building containing four (4) or more Dwelling Units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area.
 - (b) **Duplex (Duplex Dwelling)** – means a Building that is divided horizontally into two (2) separate Dwelling Units, each of which has an independent entrance either directly from outside or through a common vestibule.
 - (c) **Maisonette** – means a Building that is divided vertically into five (5) or more Dwelling Units, each of which has independent entrances, one to a common corridor and the other directly to an outside yard area adjacent to the said Dwelling Unit.
 - (d) **Rowhouse (Rowhouse Dwelling)** – means a Building that is divided vertically into three (3) or more Dwelling Units, in a single row, each of which has a separate and independent entrance at finished Grade and separated from the adjoining unit or units by a common unpierced wall with no interior access between each Dwelling Unit.
 - (e) **Row Townhouse** – shall have the same meaning as a Rowhouse.

- (f) **Semi-Detached (Semi-Detached Dwelling)** – means a Building that is divided vertically into two (2) separate Dwelling Units, each of which has an independent entrance either directly from outside or through a common vestibule.
- (g) **Stacked Townhouse** - means a Building, other than a Duplex, Rowhouse, or Back-to-Back Townhouse, containing at least two (2) or more Dwelling Units, each Dwelling Unit separated from the other vertically and/or horizontally and each Dwelling Unit having a separate entrance to Grade.
- (h) **Townhouse (Townhouse Dwelling)** - shall have the same meaning as a Rowhouse.
- (i) **Triplex (Triplex Dwelling)** – means a Building that is divided horizontally into three (3) separate Dwelling Units, each of which has an independent entrance either directly from outside or through a common vestibule.

2.20. Existing – means as of the date of the passing of this By-Law.

2.21. Grade – means the average level of proposed or finished ground adjoining a building at all exterior walls.

2.22. Green Energy Development – means the development of Solar PV or Wind Turbine facilities for the purposes of electrical energy generation.

2.23. Green Energy Use – means a solar photovoltaic (PV) unit or cell that converts sunlight into electrical energy or a wind turbine that converts wind into electrical energy.

2.24. Gross Floor Area – means:

- a) in the case of a residential Building or Structure, the total area of all floors above Grade of a Dwelling Unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the Dwelling Unit from any other Dwelling Unit or other portion of a Building; and
- b) in the case of a non-residential Building or Structure, or in the case of a mixed-use Building or Structure in respect of the non-residential portion thereof, the total area of all Building floors above or below Grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a Non-Residential Use and a Residential Use, except for:
 - i. a room or enclosed area within the Building or Structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;

- ii. outdoor loading facilities above Grade; and
- iii. a part of the Building or Structure below Grade that is used for the parking of motor vehicles or for storage or other Accessory use, but does not include showrooms.

2.25. 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 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 and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located.

2.26. Industrial – means lands, Buildings or Structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are Accessory to an Industrial use, but does not include the sale of commodities to the general public through a warehouse club, or self-storage facilities.

2.27. Industrial Building – means a building used for or in connection with:

- (a) manufacturing, producing, processing, storing or distributing something;
- (b) research or development in connection with manufacturing, producing or processing something;
- (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed if the retail sales are at the site where the manufacturing, production or processing takes place;
- (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.

2.28. 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 or as otherwise defined in the Zoning By-Law.

2.29. 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 *Fixing Long-Term Care Act, 2021*;
- 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.

2.30. Local Board – means a local board as defined in section 1 the *Municipal Affairs Act* and a board as defined in subsection 1 (1) of the *Education Act*.

2.31. Maximum Interest Rate – means on a particular date, the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, the Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and the Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada, adjusted on the first business day of every January, April, July and October, plus one (1) percentage point.

2.32. Minimum Interest Rate – means the interest rate of the Bank of Canada on the day the by-law comes into force, updated on the first business day of every January, April, July and October.

2.33. Mixed Use Development – means a Building that is used, designed, and/or designated to be used for both Residential and non-residential purposes, including, but not limited to a Mobile/Live-Work Unit.

2.34. Mobile/Live-Work Unit – means a Building, or part thereof, which contains, or is intended to contain, both a Dwelling Unit and Non-Residential unit and which is intended for both Residential Use and Non-Residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and Non-Residential Uses.

- 2.35. 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 or trailer otherwise designed.
- 2.36. Municipality** – shall mean the Corporation of Tay Valley Township.
- 2.37. Net Capital Cost** – means the Capital Cost less capital grants, subsidies and other contributions made to the Municipality or that the Council of the Municipality anticipates will be made, including conveyances or payments under Sections 41, 51 and 53 of the *Planning Act*, as amended in respect of the Capital Cost, costs that benefit Existing Development. Development Charge ineligible costs, and costs associated with growth in the post forecast period.
- 2.38. Non-Profit Housing Development** – means development of a Building or Structure intended for use as residential premises by:
- a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary 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*.
- 2.39. Non-Residential Use** – means uses of land Buildings, and Structures, for purposes other than a Dwelling Unit and shall include Commercial, Institutional, Industrial Uses, parks and open spaces, and other such uses.
- 2.40. Other Multiple Dwellings** – means all dwellings other than Single-Detached, Semi-Detached, Apartment Unit dwellings, and Special Care/Special Need Dwellings.
- 2.41. Owner or Owners** – means the most recent owner of land or a person who has made application for approval for the development of land upon which a Development Charge is imposed.
- 2.42. Planning Act** – means the *Planning Act*, 1990, R.S.O. c.P.13, as amended.
- 2.43. Redevelopment** – means the construction, erection or placing of one (1) or more Buildings or Structures on land where all or part of a Building or Structure has previously been demolished on such land, or changing the use of a Building from residential to non-residential or from non-residential to residential.
- 2.44. Rental Housing Development** – means development of a Building or Structure with four (4) or more Residential Dwelling units all of which are intended for use as rented residential premises.

- 2.45. Residential Dwelling** – means a Building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Residential Dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging, or rooming houses.
- 2.46. Residential Use** – means uses of land, Buildings or Structures designed or intended to be used as living accommodations for any length of time for one or more individuals.
- 2.47. Services** – means municipal services designated in this By-Law or in an agreement made under Section 44 of the Act, as applicable.
- 2.48. Single Detached Dwelling** – means a residential building consisting of one (1) Dwelling Unit and not attached to another Structure, excluding a Mobile Home.
- 2.49. Solar PV** – means electricity generation by a group of photovoltaic cells, typically arranged on a panel, which convert solar energy into electrical energy.
- 2.50. 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;
 - 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
 - e) the residential building or the residential portion of a mixed-use building maintained and operated as a Long-term Care Home under subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*
- and includes, but is not limited to, Retirement Home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010* or Lodge, Charitable Dwelling, Group Home (including a Correctional Group Home), Hospice, and Long-term Care Home under subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*.
- 2.51. Standard of Services** – means those standards which govern the quantity, quality or form, method, delivery, operation or manner in which services are constructed or installed and which have been duly approved by Council and which comply with Section 5 (1) (4) of the Act.
- 2.52. Structure** – means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

- 2.53. Wind Turbine** – means a rotary engine that extracts energy from the flow of wind, converts it to mechanical energy by causing a bladed rota to rate, and further converts it to electrical energy through an electrical generator.
- 2.54. Zoning By-Law** – means the Zoning By-Law of the Municipality, or any successor thereof passed pursuant to section 34 of the *Planning Act*.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-046**

**PART 2
APPLICATION**

3.0 DESIGNATED AREAS

- 3.1.** The designated area within which Development Charges are imposed by this By-Law are all lands, Buildings, and Structures within the geographic limits of Tay Valley Township.

4.0 DESIGNATED SERVICES

- 4.1.** The municipal services for which Development Charges shall be imposed are as set out in Schedule "A" attached to and forming part of this By-Law.

5.0 DESIGNATED USES

- 5.1.** The uses of land, Buildings, and Structures for which Development Charges are hereby imposed are as follows, and are also as set out in Schedule "B" attached to and forming part of this By-Law:

- 5.1.1. Residential Uses as defined in Section 2.46 of this By-Law.
- 5.1.2. Non-Residential Uses as defined in Section 2.39 of this By-Law.
- 5.1.3. Green Energy Uses as defined in Section 2.23 of this By-Law.

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**PART 3
DEVELOPMENT CHARGES**

6.0 DEVELOPMENT CHARGES

6.1. The Development Charges established by this By-Law shall be imposed on all lands and Buildings that are developed for residential or Non-Residential Uses if the development requires:

- (a) the passing of a zoning by-law 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 by-law passed under Section 50 (7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 50 of the *Condominium Act*;
- (g) the issuing of a permit under the *Building Code Act*, in relation to a building or Structure.

6.1.1. Where two or more of the actions described in Subsection 6.1 (a) to (g) are required in order to develop land, only one Development Charge shall be calculated and collected in accordance with the provisions of this By-Law.

6.1.2. Notwithstanding Subsection 6.1.1, if two or more of the actions described in Subsection 6.1 (a) to (g) occur at different times, and if the subsequent action has the effect of increasing the need for all or some of the services designated in Schedule "A", an additional Development Charge shall be calculated and collected in accordance with the provisions of this By-Law.

6.2. Residential Uses

The Development Charges in respect of Net Capital Costs for services for Residential Uses shall be as set out in Schedule "B", attached to and forming part of this By-Law except that no charge shall apply as set out in Section 14 of this By-Law titled Exemptions.

6.3. Non-Residential Uses

The Development Charges in respect of Net Capital Costs for services for Non-Residential Uses shall be as set out in Schedule "B", attached to and forming part of this By-Law except that no charge shall apply as set out in Section 14 of this By-Law titled Exemptions.

6.4. Green Energy Uses

The Development Charges in respect of Net Capital Costs for services for Green Energy Uses shall be as set out in Schedule "B", attached to and forming part of this By-Law except that no charge shall apply as set out in Section 14 of this By-Law titled Exemptions.

The Development Charge for a Green Energy Development shall be calculated based on the total generating capacity of the Solar PV or Wind Turbine installation. The Development Charge for Green Energy Developments with net generating capacities not equal to 500 kW shall be calculated on a prorated basis.

7.0 CUMULATIVE CHARGES

- 7.1.** The Development Charges shall be cumulative by adding together the calculated Development Charge for each of the applicable services to be used together with any interest charges, as set out in Schedule "B".
- 7.2.** For Mixed Use Developments, the Development Charge shall be the cumulative total of the applicable charges for each respective land use within the Building.

8.0 REDEVELOPMENT

- 8.1.** Where residential space is being converted to non-residential space, the Development Charge equivalent that would have been payable on the residential space shall be deducted from the charge calculated on the non-residential space being added.
- 8.2.** Where non-residential space is being converted to residential space, the Development Charge equivalent that would have been payable on the non-residential space shall be deducted from the charge calculated on the residential units being added.
- 8.3.** An Owner who has obtained a demolition permit and demolished Existing Dwelling Units or a non-residential Building or Structure in accordance with the provisions of the *Building Code Act* shall not be subject to the Development Charge with respect to the development being replaced, provided that the building permit for the replacement of the residential units or non-residential Building or Structure is issued not more than two (2) years after the date of issuance of the demolition permit and provided that any Dwelling Units or non-

residential Gross Floor Area created in excess of what was demolished shall be subject to the Development Charge imposed under Section 2.

- 8.4.** No Redevelopment credit shall be made in excess of the Development Charge payable for a Redevelopment.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-046**

**PART 4
ADMINISTRATION**

9.0 WHEN DEVELOPMENT CHARGE PAYMENT IS DUE

9.1. Payment of Development Charge

- 9.1.1. Development Charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, 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.
- 9.1.2. Notwithstanding Subsection 9.1.1, Development Charges for Rental Housing and Institutional Developments are due and payable in six (6) instalments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest, payable on the anniversary date each year thereafter.
- 9.1.3. Where the Development of land results from the approval of a Site Plan or Zoning By-Law Amendment received and approved between January 1, 2020, and June 5, 2024, and the approval of the application occurred within two (2) years of building permit issuance, the Development Charges under Subsections 9.1.1 to 9.1.2 shall be calculated on the Development Charges out in Schedule "B" on the date of the planning application, including interest, based on the Maximum Interest Rate. Where both planning applications apply, Development Charges under Subsections 9.1.1 to 9.1.2 shall be calculated on the Development Charges, including interest, set out in Schedule "B" on the date of the later planning application, including interest, based on the Maximum Interest Rate.
- 9.1.4. Where the Development of land results from the approval of a Site Plan or Zoning By-Law Amendment received on or after January 1, 2020, where the approval of the application occurred on or after June 6, 2024, and the approval of the application occurred within eighteen (18) months of building permit issuance, the Development Charges under subsection 9.1.1 to 9.1.2 shall be calculated based on the Development Charges set out in Schedule "B" on the date of the planning application, including interest based on the Maximum Interest Rate. Where both planning applications apply, Development Charges under subsections 9.1.1 to 9.1.2 shall be calculated on the Development Charges set out in Schedule "B", on the date of the latter planning application, including interest, Maximum Interest Rate.

9.1.5. 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.

9.1.6. Notwithstanding Subsections 9.1.1 to 9.1.5, Council from time to time, and at any time, may enter into agreements providing for all or any part of a Development Charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

9.1.7. Interest for the purposes of Subsections 9.1.2 to 9.1.4 shall be determined as prescribed in the Act.

9.2. Collection of Unpaid Development Charges

If the Development Charge 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 as per Section 32 of the Act.

9.3. Complaints about Development Charges

An Owner may complain in writing to the Council of the Municipality in respect of the Development Charge imposed by the Municipality on the Owner's development subject to the provisions of Section 20 of the Act.

10.0 INDEXING

10.1. The Development Charges referred to in Schedule "B" shall be adjusted annually, without amendment to this By-Law, on January 1st of each year, in accordance with Statistics Canada *Table 18-10-0135-01 Building construction price indexes, by type of building*.

11.0 RESERVE FUND

11.1. Reserve funds for revenues received from Development Charges are hereby established in accordance with the Act.

11.2. Development Charge reserve funds shall be used to meet the Net Capital Costs for which the Development Charge was levied under this By-Law.

11.3. The Treasurer of the Municipality shall maintain a separate reserve fund including interest earned thereof for each municipal service and class of services category set out in Section 4.1 of this By-Law.

11.4. Income received from investments of the Development Charge reserve fund shall be credited to the Development Charges reserve fund for the designated municipal service category (per Section 4.1 of this By-Law) in relation to which the investment income applies.

12.0 REPORTING

- 12.1.** The Treasurer shall prepare an annual financial statement for the Development Charges fund, as prescribed under Section 12 of *Ontario Regulation 82/98*.

13.0 REFUNDS FOR BY-LAW AMENDMENT OR APPEAL

- 13.1.** The Municipality shall pay interest on a refund as per the provisions of the *Act* at the Minimum Interest Rate.

14.0 EXEMPTIONS

- 14.1.** Notwithstanding the provisions of this By-law, Development Charges shall not be imposed with respect to land that is owned by and used for purposes of:
- (a) the Municipality, or any Local Board thereof;
 - (b) a board of education as defined in subsection 1(1) of the *Education Act*;
 - (c) the Corporation of the County of Lanark, or any Local Board thereof; and
 - (d) a University that receives regular and ongoing operating funds from the government for the purposes of post-secondary education.
- 14.2.** Section 5 of this By-Law shall not apply to that category of exempt development described in s.s. 2(3) 3, 3.1, 3.2 and 3.3 of the *Act*, namely:
- (a) an enlargement to an Existing Dwelling Unit;
 - b) a second residential unit in an Existing detached house, Semi-Detached house, or Rowhouse on a parcel of land on which Residential Use, other than Ancillary Residential Use, is permitted, if all Buildings and Structures ancillary to the Existing detached house, Semi-Detached house or Rowhouse cumulatively contain no more than one residential unit;
 - c) a third residential unit in an Existing detached house, Semi-Detached house, or Rowhouse on a parcel of land on which Residential Use, other than Ancillary Residential Use, is permitted, if no Building or Structure ancillary to the Existing detached house, Semi-Detached house or Rowhouse contains any residential units;
 - d) one residential unit in a Building or Structure ancillary to an Existing detached house, Semi-Detached house or Rowhouse on a parcel of land, if the Existing detached house, Semi-Detached house or Rowhouse contains no more than two residential units and no other Building or Structure ancillary to the Existing detached house, Semi-Detached house or Rowhouse contains any residential units;

- e) a second residential unit in a new detached house, Semi-Detached house or Rowhouse on a parcel of land on which Residential Use, other than Ancillary Residential Use, is permitted, if all Buildings and Structures ancillary to the new detached house, Semi-Detached house or Rowhouse cumulatively will contain no more than one residential unit;
- f) a third residential unit in a new detached house, Semi-Detached house or Rowhouse on a parcel of land on which Residential Use, other than Ancillary Residential Use, is permitted, if no Building or Structure ancillary to the new detached house, Semi-Detached house or Rowhouse contains any residential units;
- g) one residential unit in a Building or Structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or Structure ancillary to the new detached house, Semi-Detached house or Rowhouse contains any residential units; or
- h) in an Existing rental residential Building, which contains four or more Residential Dwelling Units, the creation of the greater of one Residential Dwelling Unit or one percent of the Existing Residential Dwelling Units.

14.3. The Development Charge payable for Rental Housing Developments will be reduced based on the number of Bedrooms in each unit as follows:

- a) Three or more Bedrooms - 25% reduction;
- b) Two Bedrooms - 20% reduction; and
- c) All other Bedroom quantities - 15% reduction.

14.4. The following shall be exempt from payment of the Development Charges:

- a) Affordable Residential Unit;
- b) Attainable Residential Unit;
- c) Affordable Inclusionary Zoning Residential Units; and
- d) Non-Profit Housing Development.

14.5. Section 5 of this By-Law shall not apply to that category of exempt development described in section 4 of the Act, and s.1 of *Ontario Regulation 82/98*, namely:

- (a) the enlargement of the Gross Floor Area of an Existing Industrial Building, if the Gross Floor Area is enlarged by 50 percent or less;

- (b) for the purpose of (a), the terms “Gross Floor Area” and “Existing Industrial Building” shall have the same meaning as those terms have in *Ontario Regulation 82/98* under the Act; and
- (c) notwithstanding subsection (a), if the Gross Floor Area is enlarged by more than 50 per cent, Development Charges shall be payable and collected and the amount payable shall be calculated in accordance with section 4(3) of the Act.

14.6. Notwithstanding the provisions of this By-Law, Development Charges shall not be imposed with respect to:

- (a) Green Energy Development with a rated generating capacity of 100 kW or less.

15.0 OTHER BY-LAWS AND REGULATIONS

15.1. Nothing in this By-Law shall exempt any person from complying with the requirements of any other by-law, agreement or legislation in force.

15.2. If an Owner or former Owner has, before the coming into force of this Development Charges By-Law, paid all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which the By-Law applies, the Municipality shall give a credit for the amount of the charge paid.

15.3. If an Owner or former Owner has, before the coming into force of this Development Charges By-Law, provided services in lieu of the payment of all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which this By-Law applies, the Municipality shall give a credit for an amount equal to the reasonable cost to the Owner or to the former Owner of providing the services.

15.4. Under this By-Law, the Municipality may give a credit for work done against all or a portion of one or more services for which a Development Charge may be imposed and may allow the credit to be applied to a different service either at the time of entering into an agreement or afterwards, provided that the Municipality has first agreed to allow a person to perform such work. However, no credit shall be given for any work that relates to an increase in the level of service that exceeds the fifteen (15) year average level of service as adopted by the Municipality.

- 15.5.** Any credit may only be used by the holder of the credit or the holder's agent and may not be transferred unless the holder and person to whom it is to be transferred have agreed in writing, and the Municipality also agrees to the transfer and undertakes to transfer the paid credit or credits.
- 15.6.** If a conflict exists between the provisions of this Development Charges By-Law and an agreement referred to in Section 15.2 or 15.3, the provisions of the agreement prevail to the extent of the conflict.
- 15.7.** If a conflict exists between the provisions of this Development Charges By-Law and any other agreement between the Municipality and an Owner or former Owner with respect to land within the area to which this By-Law applies, the provisions of the agreement prevail to the extent that there is a conflict.

16.0 STANDARD OF SERVICES

- 16.1.** The standards for services within the Municipality shall be those as set out from time-to-time by Council and shall be the fifteen (15) year average level of service for any eligible service under the Act.

17.0 BY-LAW REGISTRATION

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

18.0 SCHEDULES TO THE BY-LAW

The following schedules to this By-Law form an integral part of this By-Law:

- Schedule "A" – Designated Municipal Services and Class of Services Under this By-Law
- Schedule "B" – Schedule of Development Charges

19.0 ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

20.0 BY-LAWS TO BE REPEALED

THAT, By-Law No. 2019-04, By-Law No. 2021-057 and all previous By-Laws passed under the Act or its predecessor with respect to Development Charges are hereby repealed.

21.0 EFFECTIVE DATE

ENACTED AND PASSED this 19th day of November, 2024 for a term of ten (10) years.


Rob Rainer, Reeve




Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-046**

SCHEDULE "A"

Designated Municipal Services and Class of Services Under this By-Law

Municipal-Wide Services

1. Services Related to a Highway
2. Fire Protection Services
3. Parks and Recreation Services
4. Library Services
5. Waste Diversion
6. Waste Diversion Services

Municipal-Wide Class of Services

1. Growth-Related Studies

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-046

SCHEDULE "B"
Schedule of Development Charges

Services/Class of Services	RESIDENTIAL				Special Care/Special Need Dwelling Units	NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)	GREEN ENERGY (per 500 kW generating capacity)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom			
Township-Wide Services/Class of Services:							
Services Related to a Highway	6,389	5,278	3,997	2,863	2,699	3.55	6,389
Fire Protection Services	557	461	349	250	235	0.31	557
Parks and Recreation Services	558	461	349	250	236	0.15	-
Library Services	352	291	220	158	149	0.09	-
Waste Diversion	130	107	81	58	55	0.03	-
Growth-Related Studies	589	487	368	264	249	0.30	589
Total Township-Wide Services/Class of Services	\$8,575	\$7,085	\$5,364	\$3,843	\$3,623	\$4.43	\$7,535