

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-057

DEVELOPMENT CHARGES AMENDMENT

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, the Council of the Corporation of Tay Valley Township enacted By-Law No. 2019-045 – Development Charges;

AND WHEREAS, the Council of the Corporation of Tay Valley Township has determined that certain amendments should be made to By-Law No. 2019-045 – Development Charges By-Law;

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 September 14th, 2021 as per Section 12 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

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

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2019-045 is amended as follows:

1.1.1 The following definitions are added to Section 2.0 of the By-Law:

Non-Profit Housing means:

- (a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object 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 object is to provide housing; or

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- (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

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.

- 1.1.2 **THAT**, Subsection 2.19 is deleted and replaced with the following definition:

Institutional Use – means a building used for or in connection with:

- (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;

- 1.1.3 **THAT**, Subsection 9.1 is deleted and replaced with the following:

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.

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- 9.1.2. Notwithstanding Subsection 9.1.1, 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.
- 9.1.3. Notwithstanding Subsection 9.1.1, 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.
- 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, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Subsections 9.1.1 to 9.1.3 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply Development Charges under Subsections 9.1.1 to 9.1.3 shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application, including interest.
- 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 9.1.4, an owner may enter into an agreement with the municipality to provide for the payment in full of one or more development charges before a building permit is issued or later than the issuing of a building permit.
- 9.1.7. Interest for the purposes of Subsections 9.1.2 to 9.1.4 shall be determined as the bank of Canada prime lending rate plus 2% on the date of building permit issuance. Notwithstanding the foregoing, the interest rate shall not be less than 0%.

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1.1.4 **THAT**, Section 14 is deleted and replaced with the following:

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) Tay Valley Township, 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) of the Act, and s.s. 2(1) and 2(2) of O.Reg. 82/98, namely:
- (a) the enlargement of an existing dwelling unit;
 - (b) the creation of one or two additional dwelling units in an existing single-detached dwelling, or structure ancillary to a single-detached dwelling, provided the total gross floor area of the additional one or two units does not exceed the gross floor area of the existing dwelling unit;
 - (c) the creation of one additional dwelling unit in an existing semi-detached or row dwelling, or structure ancillary to a semi-detached or row dwelling, provided the total gross floor area of the additional one unit does not exceed the gross floor area of the existing dwelling unit;
 - (d) the creation of the greater of one additional dwelling unit or 1% of the existing dwelling units in the building of an existing rental residential building, or structure ancillary to an existing rental residential building; or
 - (e) the creation of one additional dwelling unit in any other type of existing residential building, or structure ancillary to any other type of existing residential building, provided that the total gross

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floor area of the additional one unit does not exceed the gross floor area of the smallest dwelling unit already contained in the residential building.

- 14.3. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to that category of exempt development described in s.s. 2(3.1) of the Act, and s.s. 2(3) of O.Reg. 82/98, 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, semidetached 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.

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14.4 Section 5 of this by-law shall not apply to that category of exempt development described in s.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 s.4(3) of the Act.

14.5. 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.

1.5 Section 18 is deleted and replaced with the following:

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 Under this By-law
Schedule “B” – Schedule of Development Charges

1.6 Schedules A and B are deleted and replaced with the attached.

2. BY-LAW REGISTRATION

2.1. 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.

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3. 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.

4. BY-LAWS TO BE AMENDED

- i) By-Law No. 2019-045 is hereby amended.
- ii) All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

5. EFFECTIVE DATE

ENACTED AND PASSED this 16th day of November, 2021.


Brian Campbell, Reeve




Amanda Mabo, Clerk

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SCHEDULE "A"

Designated Municipal Services Under this By-law

Municipal-Wide Services

1. Roads & Related
2. Fire Protection
3. Parks & Recreation
4. Library
5. Waste Diversion
6. Growth Related Studies

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SCHEDULE "B"

Schedule of Development Charges

Service	RESIDENTIAL				Other Multiples	NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)	GREEN ENERGY (per 500 kW generating capacity)
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom				
Municipal Wide Services:							
Roads & Related	\$ 4 250	\$ 2 703	\$ 2 550	\$ 3 410	\$ 2 07	\$ 4 250	
Fire Protection	\$ 403	\$ 256	\$ 242	\$ 323	\$ 0 20	\$ 403	
Parks & Recreation	\$ 597	\$ 380	\$ 358	\$ 479	\$ 0 18	\$ -	
Library	\$ 70	\$ 45	\$ 42	\$ 56	\$ 0 02	\$ -	
Waste Diversion	\$ 36	\$ 23	\$ 22	\$ 29	\$ 0 02	\$ -	
Growth-Related Studies	\$ 360	\$ 229	\$ 216	\$ 289	\$ 0 16	\$ 360	
Total Municipal Wide Services	\$ 5,716	\$ 3,636	\$ 3,430	\$ 4,586	\$ 2.65	\$ 5,013	