

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 69-2018

Being a By-law to establish development charges
for the Corporation of the Municipality of Thames Centre
and to repeal By-law 83-2013

WHEREAS subsection 2(1) of the Development Charges Act, 1997 c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

AND WHEREAS the Council of The Corporation of the Municipality of Thames Centre (“the Municipality”) has given Notice in accordance with Section 12 of the Development Charges Act, 1997, of its intention to pass a by-law under Section 2 of the said Act;

AND WHEREAS the Council of the Municipality has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on May 28, 2018;

AND WHEREAS the Council of the Municipality had before it a report entitled Development Charges Background Study dated May 4, 2018 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Municipality will increase the need for services as defined herein;

AND WHEREAS the Council of the Municipality on July 16, 2018 approved the applicable Development Charges Background Study, dated May 4, 2018, in which certain recommendations were made relating to the establishment of a development charge policy for the Municipality of Thames Centre pursuant to the Development Charges Act, 1997;

AND WHEREAS the Council of the Municipality on May 28, 2018 determined that no additional public meeting was required. NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF THAMES CENTRE ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,
 - (1) “Act” means the Development Charges Act, S.O. 1997, c. 27;
 - (2) “Administration Service” means any and all studies carried out by the municipality that are with respect to eligible services for which a development charge by-law may be imposed under the Development Charges Act, 1997;
 - (3) “Agricultural use” means a bona fide farming operation;
 - (4) “Apartment dwelling” means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor;
 - (5) “back-to-back townhouse dwelling” means a building containing more than

two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

- (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 or kitchen;
- (7) "Board of education" means a board defined in s.s. 1(1) of the Education Act;
- (8) "Building Code Act" means the Building Code Act, R.S.O. 1990, c.B.-13, as amended;
- (9) "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 useful life of seven years or more,
 - (ii) furniture and equipment, other than computer equipment, and
 - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, c.P.-44; and
 - (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
 - (f) to complete the development charge background study under Section 10 of the Act;
 - (g) interest on money borrowed to pay for costs in (a) to (d);required for provision of services designated in this by-law within or outside the municipality.
- (10) "Council" means the Council of The Corporation of the Municipality of Thames Centre;
- (11) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 6 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (12) "Development charge" means a charge imposed pursuant to this by-law;

- (13) " Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, including time share units;
- (14) " Farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- (15) " Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (16) " 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.
- (17) " Industrial" means the use of land, buildings or structures designed, used, or intended for the purpose of manufacturing, assembling, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of construction equipment and materials. Transportation terminals may also be considered as an Industrial use.
- (18) " Live/work unit" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;
- (19) " Local board" means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the municipality or any part or parts thereof;
- (20) " Local services" means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under s.51 of the Planning Act, or as a condition of approval under s.53 of the Planning Act;
- (21) " Marijuana facilities" means a building used, designed or intended for growth, producing, testing, destroying, storing or distribution, excluding retail sales, of medical marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, S.C. 1996, c.19;
- (22) " Multiple dwelling" means all dwellings other than single-detached, semi-detached and apartment unit dwellings and includes but is not limited to back-to-back townhouses, stacked townhouses and the residential portion

of a live/work unit;

- (23) "Municipality" means The Corporation of the Municipality of Thames Centre;
- (24) "Non-residential uses" means a building or structure used for other than a residential use;
- (25) "Owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- (26) "Planning Act" means the Planning Act, R.S.O. 1990, c.P.-13, as amended;
- (27) "Regulation" means any regulation made pursuant to the Act;
- (28) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;
- (29) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (30) "Services" means services set out in Schedule "A" to this By-law;
- (31) "Single detached dwelling" means a completely detached building containing only one dwelling unit.
- (32) "stacked townhouse dwelling" means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor;

CALCULATION OF DEVELOPMENT CHARGES

- 2. (1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "B", which relate to the services set out in Schedule "A".
- (2) The development charge with respect to the uses of any land, building or structure shall be calculated as follows:
 - a) in the case of residential development or redevelopment or the residential portion of a mixed use development or redevelopment, as the sum of the product of the number of dwelling units of each type multiplied by the corresponding total amount for such dwelling unit type, as set out in Schedule "B";
 - b) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed use development or redevelopment, as the sum of the product of the gross floor area multiplied by the corresponding total amount for such gross floor

area as set out in Schedule "B".

- (3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule "A".

PHASE-IN OF DEVELOPMENT CHARGES

3. The development charges imposed pursuant to this by-law are not being phased-in and are payable in full, subject to the exemptions herein, from the effective date of this by-law.

APPLICABLE LANDS

4. (1) Subject to Sections 5 and 6, 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, R.S.O. 1990, c.A.-31.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
 - (a) a board of education;
 - (b) any municipality or local board thereof;
 - (c) hospital under the Public Hospitals Act;
 - (d) a college or university;
 - (e) a cemetery or place of worship;
 - (f) non-residential farm building constructed for bona fide farm uses;
and
 - (g) industrial development.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

5. (1) Notwithstanding Section 4 above, no development charge shall be imposed with respect to developments or portions of developments as follows:
 - (a) the enlargement of an existing residential dwelling unit;
 - (b) the creation of one or two additional residential dwelling units in an existing single detached dwelling where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing dwelling unit;
 - (c) the creation of one additional dwelling unit in any other existing residential building provided the gross floor area of the additional unit does not exceed the smallest existing dwelling unit already in the building.
- (2) Notwithstanding subsection 5(1)(b), development charges shall be calculated and collected in accordance with Schedule "B" where the total residential gross floor area of the additional one or two dwelling units is greater than the total gross floor area of the existing single detached dwelling unit.

- (3) Notwithstanding subsection 5(1)(c), development charges shall be calculated and collected in accordance with Schedule "B" where the additional dwelling unit has a residential gross floor area greater than,
- (a) in the case of semi-detached house or multiple dwelling, the gross floor area of the existing dwelling unit, and
 - (b) in the case of any other residential building, the residential gross floor area of the smallest existing dwelling unit.

DEVELOPMENT CHARGES IMPOSED

6. (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential uses, where, the development requires,
- (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the Planning Act;
 - (b) the approval of a minor variance under Section 45 of the Planning Act;
 - (c) a conveyance of land to which a by-law passed under subsection 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, R.S.O. 1990, c.C.-26; or
 - (g) the issuing of a permit under the Building Code Act, in relation to a building or structure.

Subsection (1) shall not apply in respect to:

- (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the Planning Act;
- (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the Planning Act.

LOCAL SERVICE INSTALLATION

7. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the Planning Act, that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

MULTIPLE CHARGES

8. (1) Where two or more of the actions described in subsection 6(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this by-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 6(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and additional gross floor area shall be calculated and collected in accordance with the provisions of this by-law.

SERVICES IN LIEU

9. (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit that exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.
- (2) In any agreement under subsection (1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.
- (3) The credit provided for in subsection (2) shall not be charged to any development charge reserve fund.

AMOUNT OF THE CHARGES

Residential

10. The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to anon-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, including the residential component of a live/work unit, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

11. The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, including the non-residential component of a live/work unit, and calculated with respect to each of the services according to

the total floor area of the non-residential use.

RULES WITH RESPECT TO RE-DEVELOPMENT

12. In the case of the demolition of all or part of a residential building or structure:
 - (1) a credit shall be allowed, provided that the land was improved by occupied structures (or structures capable of occupancy) within the five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit has been issued; and
 - (2) if a development or redevelopment involves the demolition of and replacement of a residential building or structure, a credit shall be allowed equivalent to the number of dwelling units demolished multiplied by the applicable residential development charge in place at the time the development charge is payable.
13. if a development or redevelopment involves the demolition of an replacement of a non-residential building or structure, a credit shall be allowed equivalent to the gross floor area demolished multiplied by the applicable non- residential development charge in place at the time the development charge is payable. A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

TIMING OF CALCULATION AND PAYMENT

14. (1) Where a permit is required under the Building Code Act in relation to a building or structure, the owner shall pay the development charge prior to the issuance of a permit of prior to the commencement of development or redevelopment as the case may be; and
- (2) Despite above, 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.

RESERVE FUNDS

15. (1) Monies received from payment of development charges under this by-law shall be maintained in nine separate reserve funds as follows: roads and related; libraries; administration; fire protection; outdoor recreation (parks and parkland); indoor recreation, water and wastewater.
- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.
- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under subsection (4), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (5) The Treasurer of the Municipality shall, in each year commencing in 2019

for the 2018 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

BY-LAW AMENDMENT OR APPEAL

16. (1) Where this by-law or any development charge prescribed there under is amended or repealed either by order of the Ontario Municipal Board or by resolution of 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.
- (2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
 - (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.
- (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

BY-LAW INDEXING

17. The development charges set out in Schedule "B" to this by-law shall be adjusted annually as of January 1st of each year commencing January 1, 2019, without amendment to the by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics".

SEVERABILITY

18. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

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

BY-LAW REGISTRATION

20. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

BY-LAW ADMINISTRATION

21. This by-law shall be administered by the Municipal Treasurer.

SCHEDULES TO THE BY-LAW

22. The following Schedules to this by-law form an integral part of this by-law:

Schedule "A" - Schedule of Designated Municipal Services

Schedule "B" - Schedule of Municipal Development Charges

BY-LAW 83-2013

23. By-law 83-2013 is hereby repealed on the date this by-law comes into effect.

DATE BY-LAW EFFECTIVE

24. This By-law shall come into force and effect on the day following the day of its approval by Council.

SHORT TITLE

25. This by-law may be cited as the "Municipality of Thames Centre Development Charge By-law, 2018."

READ a FIRST and SECOND time, this 16th day of July, 2018.

READ a THIRD time and **FINALLY PASSED** this 16th day of July, 2018.

Original signed by:

Mayor, J. Maudsley

Original signed by:

Clerk, M. Alexander

SCHEDULE "A"
TO BY-LAW NO. 69- 2018
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

100% Eligible Services:

- Water
 - Treatment Plants
 - Distribution
- Wastewater
 - Treatment Plants and Storage
 - Sewers
- Roads and Related
 - Roads
 - Facilities
 - PW Rolling Stock
- Fire Protection
 - Fire Facilities
 - Fire Vehicles
 - Fire Fighter Equipment

90% Eligible Services

- Outdoor Recreation
 - Parkland Development, Amenities & Trails
- Indoor Recreation Services
 - Recreation Facilities
 - Recreation Vehicles and Equipment
- Library Services
 - Library Facilities
- Administration
 - Administration Studies

Schedule B
By-law 69-2018
Schedule of Development Charges

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Nursing Home Bedroom Units	(per ft ² of Gross Floor Area)
Municipal Wide Services:						
Services Related to a Highway	2,893	1,546	1,315	2,135	965	1.35
Fire Protection Services	1,122	600	510	828	374	0.53
Outdoor Recreation Services	2,239	1,197	1,018	1,652	747	0.29
Indoor Recreation Services	3,934	2,103	1,788	2,903	1,312	0.51
Library Services	405	216	184	299	135	0.05
Administration	610	326	277	450	203	0.28
Waste Diversion	490	262	223	362	163	0.23
Total Municipal Wide Services	11,693	6,250	5,315	8,629	3,899	3.24
Urban Services						
Wastewater Services	13,214	7,063	6,006	9,751	4,406	6.04
Water Services	6,287	3,360	2,857	4,639	2,096	2.87
Total Urban Services	19,501	10,423	8,863	14,390	6,502	8.91
GRAND TOTAL RURAL AREA	11,693	6,250	5,315	8,629	3,899	3.24
GRAND TOTAL URBAN AREA	31,194	16,673	14,178	23,019	10,401	12.15