

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 17-2022

A by-law to establish development charges for the Corporation of the Municipality of Thames Centre and to repeal By-law 69-2018

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 February 14, 2022;

AND WHEREAS the Council of the Municipality had before it a report entitled Development Charges Background Study dated December 27, 2021 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 February 14, 2022 approved the applicable Development Charges Background Study, dated December 27, 2021, 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 February 14, 2022 determined that no additional public meeting was required.

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF THAMES CENTRE
ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this by-law:

- (1) “Act” means the Development Charges Act, S.O. 1997, c. 27, as amended;
- (2) “Accessory Use” means where used to describe a building, or structure that the building, or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building, or structure, but is not an ancillary dwelling;
- (3) “Ancillary dwelling,” means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling;
- (4) “Agricultural use” means a bona fide farming operation;
- (5) “Apartment dwelling” means a dwelling unit in a building containing a non-residential use and/or more than four dwelling units in a residential building, including a stacked townhouse and a stand-alone additional residential unit, but does not include a row dwelling, back-to-back townhouse dwelling, nursing home, long term care home, retirement home, semi-detached dwelling or single detached dwelling or the residential portion of a live/work unit;
- (6) “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, which do not have rear yards;
- (7) “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;
- (8) “Board of education” means a board defined in s.s. 1(1) of the Education Act;

- (9) “Bona fide farm uses” means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;
- (10) “Building Code Act” means the Building Code Act, R.S.O. 1990, c.B.-13, as amended;
- (11) “Cannabis” means:
 - (a) a cannabis plant;
 - (b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
 - (c) any substance or mixture of substances that contains or has on it any part of such a plant; and
 - (d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- (12) “Cannabis plant” means a plant that belongs to the genus cannabis;
- (13) “Cannabis production facilities” means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a licensed, permit or authorization has been issued under applicable federal law and does not include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;
- (14) “Capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board, including:

- (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.

- (15) “Class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in section 7 of the Development Charges Act, 1997;
- (16) “Council” means the Council of The Corporation of the Municipality of Thames Centre;
- (17) “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;

- (18) "Development charge" means a charge imposed pursuant to this by-law;
- (19) Detached dwelling unit" has the same meaning as a "single detached dwelling unit" for the purposes of this by-law;
- (20) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, including time share units;
- (21) "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;
- (22) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (23) "Gross floor area" means the total floor area measured 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;
- (24) "Growth Studies" 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;
- (25) "Industrial" means lands, buildings or structures, or portions thereof, used, designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly ("manufacturing") of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public (if the retail sales are at the site where the manufacturing takes place) where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not include the sale of commodities to the general public through

a warehouse club or retail warehouse and does not include self-storage or mini-storage facilities;

(26) “Institutional development” means development of a building or structure intended for use:

(i) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;

(ii) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;

(iii) by any of the following post-secondary institutions for the objects of the institution:

a. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,

b. a college or university federated or affiliated with a university described in subclause (1), or

c. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;

(iv) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

(v) as a hospice to provide end of life care.

(27) “Interest rate” means the annual rate of interest calculated as per the Municipality’s D.C. Interest Policy #CP- B-1.1 and approved by Council, as may be revised from time to time;

(28) “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;

(29) “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;

- (30) “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;
- (31) “Lot” means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act or successor thereto which meets the minimum lot area requirements under the Municipality’s zoning by-law;
- (32) “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;
- (33) “Municipality” means The Corporation of the Municipality of Thames Centre;
- (34) “Non-profit housing development” means development of a building or structure intended for use as residential premises by:
 - (i) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) 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
 - (iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation;
- (35) “Non-residential uses” means a building or structure used for other than a residential use;
- (36) “Nursing Home” means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment may be provided for

gain or profit or as a charitable public service and includes a rest home or a convalescent home, as licensed under the Nursing Homes Act, as amended from time to time, but does not include a hotel/motel, hospice, emergency care establishment or hospital as defined herein.

- (37) “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;
- (38) “Place of Worship” means a Building, or any part thereof, owned and occupied by a church or religious organization used for religious services, ceremonies or other religious practices, or for the purposes of a the burial or entombment of the remains of deceased individuals and which is which is or would be classified as exempt from taxation in accordance with paragraph 3 of subsection 3(1) of the Assessment Act, R.S.O. 1990, Chapter A.31, but does not include a Building or any part thereof, owned by a church or religious organization and used for any other purpose including without limiting the generality of the foregoing any uses which generate revenue for the church or religious organization;
- (39) “Planning Act” means the Planning Act, R.S.O. 1990, c.P.-13, as amended;
- (40) “Primary dwelling unit” means the largest dwelling unit in which the residential use of the lot is conducted;
- (41) “Regulation” means any regulation made pursuant to the Act;
- (42) “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;
- (43) “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;
- (44) “Retirement Lodge or Retirement Home” means a residence providing accommodation primarily for persons or couples over 60 years of age

where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

- (45) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (46) "Services" means services set out in Schedule "A" to this By-law;
- (47) "Single detached dwelling" means a completely detached building containing only one dwelling unit.
- (48) "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;
- (49) "Stand-alone Additional Residential Dwelling Unit" means one single stand-alone dwelling unit that is subordinate to the primary dwelling unit on a lot and does not exceed 40% of the gross floor area of the primary dwelling unit but in no case may be larger than 80 square metres;

2. Designation of Services and Classes of Services

2.1. The categories of services and classes of services for which development charges are imposed under this By-law are as follows:

- (a) Services Related to a Highway;
- (b) Public Works;
- (c) Fire Protection Services;
- (d) Parks and Recreation Services;
- (e) Library Services;
- (f) Growth Studies;
- (g) Water Services;

- (h) Wastewater Services; and
- (i) Waste Diversion Services.

2.2. The components of the services and classes of services designated in section 2.1 are described in Schedule A.

3. AMOUNT OF CHARGES

The development charge with respect to the uses of any land, building or structure shall be calculated as follows:

Residential

- a) 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 a non-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

- b) 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.

4. TIME OF CALCULATION AND PAYMENT OF DEVELOPMENT CHARGES

- (1) Development charges imposed under this By-law are calculated, payable, and collected in accordance with sections 26, 26.1 and 26.2 of the Act, unless the development charge is to be calculated or paid at a different time pursuant to subsections (2) through (4) herein or in accordance with the terms of an agreement entered into between the Municipality and the owner under subsection 27(1) of the Act.

- (2) Notwithstanding subsection (1), development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first installment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent installment, including interest calculated in accordance with the development charge interest policy #CP-B-1.1, continuing on the anniversary of that date.
- (3) Notwithstanding subsections (1), development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first installment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent installment, including interest calculated in accordance with the development charge interest policy #CP-B-1.1, continuing on the anniversary of that date.
- (4) Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under section 3 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest as provided in the Municipality's Council approved D.C. Interest Policy #CP-B-1.1, as may be revised from time to time. Where both planning applications apply, development charges under section 3 shall be calculated on the rates in effect on the day of the later planning application, including interest as provided in the Municipality's Council approved D.C. Interest Policy #CP-B-1.1, as may be revised from time to time.
- (5) Despite subsection (1), 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 (1) of the Act.

5. PHASE-IN OF DEVELOPMENT CHARGES

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.

6. APPLICABLE LANDS

- (1) Subject to subsection 6(2), 6(3), and Section 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, R.S.O. 1990, c.A.-31.
- (2) Development Charges as per 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 of applied arts and technology established pursuant to the Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c.M. 19, and used for teaching related purposes on lands owned by and used for the purposes of the College;
 - (e) a cemetery or place of worship;
 - (f) a non-residential farm building constructed for bona fide farm uses;
or
 - (g) 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 is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.
- (3) Municipal-wide Development Charges as per this by-law shall not apply to industrial development however, urban water and wastewater services Development Charges will apply to industrial development developed within the urban service boundaries.

7. RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

- (1) Notwithstanding Section 6 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) permit the creation of up to two additional dwelling units in existing dwellings as the following table sets out:

Item	Name of Class of Existing Residential Building	Description of Class of Existing Residential Buildings	Maximum number of Additional Dwelling Units	Restrictions
1	Existing single detached dwellings	Existing residential buildings, each of which contains a single dwelling unit, which are not attached to other buildings.	Two	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 building.
2	Existing semi-detached dwellings or row dwellings	Existing residential buildings, each of which contains a single dwelling unit, which have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
3	Existing rental residential buildings	Existing residential rental buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None.
4	Other existing residential buildings	An existing residential building not in another class of residential building described in this table.	One	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 building

- (c) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, which being either of the two dwelling units, if the units have the same gross floor area, or the small 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 have one or two vertical walks, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, which being either of the two dwelling units, if the units have the same gross floor area, or the small 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>
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>

- (2) Notwithstanding subsection 7(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 7(1)(d), 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.

8. DEVELOPMENT CHARGES IMPOSED

- (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.
- (2) 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.

9. LOCAL SERVICE INSTALLATION

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.

10. MULTIPLE CHARGES

- (1) Where two or more of the actions described in subsection 8(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 8(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.

11. SERVICES IN LIEU

- (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.

12. RULES WITH RESPECT TO RE-DEVELOPMENT

In the case of the demolition of all or part of a residential or non-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.
- (3) if a development or redevelopment involves the demolition of and 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.

13. TIMING OF CALCULATION AND PAYMENT

- (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.

14. RESERVE FUNDS

- (1) Monies received from payment of development charges under this by-law shall be maintained in nine separate reserve funds as follows: services related to a highway; library; growth studies; fire protection; parks and recreation, public works, waste diversion, 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 (3), 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, 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.

15. BY-LAW AMENDMENT OR APPEAL

- (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.

16. BY-LAW INDEXING

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, 2023, without amendment to the by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, “Construction Price Statistics”.

17. SEVERABILITY

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.

18. HEADINGS FOR REFERENCE ONLY

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.

19. BY-LAW REGISTRATION

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

20. BY-LAW ADMINISTRATION

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

21. SCHEDULES TO THE BY-LAW

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
- Schedule "C" - Map of Urban Serviced Areas

22. BY-LAW 69-2018

By-law 69-2018 is hereby repealed on the date this by-law comes into effect.

23. DATE BY-LAW EFFECTIVE

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

24. SHORT TITLE

This by-law may be cited as the "Municipality of Thames Centre Development Charge By-law, 2022."

READ a FIRST and SECOND time this 7th day of March, 2022.

READ a THIRD time and **FINALLY PASSED** this 7th day of March, 2022.



Mayor, A. Warwick



Clerk, T. Michiels

**Schedule “A”
By-law No. 17-2022**

Components of Services and Classes of Services Designated in Subsection 2.1

Urban Area D.C.-Eligible Services:

- Water Services
 - Treatment Facilities and Storage
 - Distribution System
- Wastewater Services
 - Treatment Facilities and Storage
 - Collection System

Municipal-wide D.C.-Eligible Services:

- Services Related to a Highway
 - Roads and Related
- Fire Protection Services
 - Fire Facilities
 - Fire Vehicles
 - Fire Fighter Equipment
- Parks and Recreation Services
 - Parkland Development, Outdoor Recreation and Park Amenities & Trails
 - Recreation Facilities
- Library Services
 - Library Facilities
- Waste Diversion Services
 - Waste Diversion Facilities
 - Waste Diversion Vehicles and Equipment
 - Waste Diversion Other

Schedule “A”
By-law No. 17-2022

Components of Services and Classes of Services Designated in Subsection 2.1

Municipal-wide D.C.-Eligible Classes of Services:

- Growth Studies:
 - Services Related to a Highway
 - Fire Protection Services
 - Library Services
 - Parks and Recreation Services
 - Waste Diversion Services
 - Water Services
 - Wastewater Services
 - Stormwater Services
- Public Works:
 - Facilities
 - Services Related to a Highway
 - Parks and Recreation Services
 - Vehicles and Equipment
 - Services Related to a Highway
 - Parks and Recreation Services

Schedule “B”
By-law No. 17-2022
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Nursing Home Bedroom Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	2,938	1,916	1,829	1,153	991	1.14
Public Works	1,161	757	723	455	392	0.43
Fire Protection Services	1,237	807	770	485	417	0.46
Parks and Recreation Services	6,175	4,027	3,844	2,423	2,084	0.58
Library Services	444	290	276	174	150	0.04
Growth Studies	554	361	345	217	187	0.20
Waste Diversion	168	110	105	66	57	0.01
Total Municipal Wide Services/Class of Services	12,677	8,268	7,892	4,973	4,278	2.86
Urban Services						
Wastewater Services	15,162	9,888	9,437	5,949	5,116	7.17
Water Services	9,483	6,184	5,902	3,720	3,200	4.48
Total Urban Services	24,645	16,072	15,339	9,669	8,316	11.65
GRAND TOTAL RURAL AREA	12,677	8,268	7,892	4,973	4,278	2.86
GRAND TOTAL URBAN AREA	37,322	24,340	23,231	14,642	12,594	14.51

Schedule "C"
By-law No. 17-2022
Map of Urban Service Areas

