

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 159-01

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES TO PAY FOR INCREASED CAPITAL COSTS REQUIRED BECAUSE OF INCREASED NEEDS FOR GO TRANSIT SERVICE FOR THE REGIONAL MUNICIPALITY OF HALTON.

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27 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 the development of the area to which the by-law applies;

AND WHEREAS the Council of The Regional Municipality of Halton (“Council”) has before it a report entitled “2001 Development Charge Background Study for the GO Transit Service in each of the following Municipalities: Region of Durham, Region of Halton, City of Hamilton, Region of Peel, City of Toronto, Region of York” dated June 8, 2001 (the “Overall Study”) and a report entitled “2001 Halton Development Charge Background Study for the GO Transit Service” dated August 29, 2001 (the “Halton Study”) which together comprise the background study for GO Transit purposes for The Regional Municipality of Halton (collectively, the “Background Study”);

AND WHEREAS the Background Study was made available to the public and Council gave notice to the public and held a meeting open to the public, through its Administration and Finance Committee, pursuant to Section 12 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 on September 26, 2001 prior to and at which the Background Study and the proposed development charge by-law were made available to the public and Council, through its Administration and Finance Committee, and the Committee heard comments and representations from all persons who applied to be heard;

AND WHEREAS Council on November 14, 2001 included the Region’s share of the development related GO Transit capital forecast as approved by the Greater Toronto Services Board in the Region’s 2001 capital budget and the 2002-2010 capital forecast;

AND WHEREAS Council resolved on November 14, 2001 that the development related excess capacity after 2010 identified in the Background Study be paid for by development charges or other similar charges;

AND WHEREAS Council on November 14, 2001 approved the Background Study and determined that no further public meetings were required under section 12 of the *Development Charges Act, 1997*, S.O. 1997, c. 27.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON ENACTS AS FOLLOWS:

Definitions

1. THAT in this By-law,
 - (a) "accessory dwelling" means a self-contained residential unit that is subordinate in purpose to another residential dwelling unit upon the same lot;
 - (b) "Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27;
 - (c) "apartment dwelling" means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor. An apartment dwelling includes a stacked townhouse dwelling;
 - (d) "area municipality" means the Municipality or the Corporation of the City of Burlington, the Town of Oakville, the Town of Milton and the Town of Halton Hills;
 - (e) "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;
 - (f) "building or structure" means an enclosed area but does not include that portion of a temporary or seasonal recreational bubble that covers tennis courts, but does include above grade storage tanks;
 - (g) "charitable home" means a residential building or structure or the residential portion of a mixed-use building or structure licensed as a charitable home under the *Charitable Institutions Act*, R.S.O. 1990, c. C.9;
 - (h) "correctional group home" means a residential building or structure or the residential portion of a mixed-use building or structure 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 replacements 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 under Corrections Canada nor any correctional institution or secure custody and detention facility operated by the Ontario Ministry of Correctional Services;

- (i) "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 thereof, and includes redevelopment;
- (j) "development charge" means a charge imposed pursuant to this By-law;
- (k) "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, except in the case of a special care/special need dwelling, as defined in this By-law, in which case a dwelling unit shall mean a room or suite of rooms designed for residential occupancy with or without exclusive sanitary and/or culinary facilities;
- (l) "GO Transit Service" means all matters related to GO Transit services including stations, sites, parking lots, rolling stock, storage yards, layover facilities, maintenance facilities, tunnels, grade separations, crossings, track, corridor rail expansions, bus terminals, control centers, capital works studies, background studies and financing costs;
- (m) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (n) "group home" means a residential building or structure or the residential portion of a mixed-use building or structure 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;
- (o) "local board" means a public utility commission, transportation commission, public library board, board of park management, local board of health, police services board, planning board, or any other board, commission, committee, 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 an area municipality or the Region;
- (p) "multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment dwellings, and special care/special need dwellings;

- (q) "non-residential development" means land, buildings or structures or portions thereof used, or designed or intended for use other than for a residential development;
- (r) "nursing home" means a residential building or structure or the residential portion of a mixed-use building or structure licensed as a nursing home under the *Nursing Homes Act*, R.S.O. 1990, c. N.7;
- (s) "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;
- (t) "redevelopment" means the construction, erection or placing of one 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 or structure from non-residential to residential;
- (u) "Region" means the Regional Municipality of Halton;
- (v) "residential development" 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, a special care/special need dwelling, an accessory dwelling, and the residential portion of a mixed-use building or structure;
- (w) "retirement home or lodge" means a residential building or structure or the residential portion of a mixed-use building or structure which provides room and board accommodation and is not presently governed under any Provincial Act;
- (x) "semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (y) "services" includes services designated in this By-law or in an agreement under section 44 of the Act;
- (z) "single detached dwelling" means a completely detached building containing only one dwelling unit;
- (aa) "special care/special need dwellings" means a building or structure containing more than four dwelling units; which units have a common entrance from street level; where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings; which may or may not have exclusive sanitary and/or culinary facilities; that is designed to accommodate individuals with specific needs, including independent permanent living arrangements, where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at

various levels; and includes retirement homes and lodges, nursing homes, charitable homes, granny flats, accessory dwellings, and group homes (including correctional group homes) with more than ten individuals exclusive of staff;

- (bb) "stacked townhouse dwelling" means two dwelling units, one above the other, attached to other dwellings or buildings that are classified as apartment dwellings; and
- (cc) "total floor area" means the sum total of the total areas of the floors whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses and:
 - (i) includes the area of a mezzanine as defined in the Ontario Building Code; and
 - (ii) excludes those areas used exclusively for parking garages or structures.

Rules

- 2. THAT for the purpose of complying with section 6 of the Act:
 - (a) the area to which this By-law applies shall be the area described in section 3 of this By-law;
 - (b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in sections 4 through 17, inclusive, of this By-law;
 - (c) the exemptions provided for by such rules shall be the exemptions and relief set forth in section 19 of this By-law, the indexing of charges shall be in accordance with section 16 of this By-law and in accordance with section 240 of this By-law there shall be no phasing-in; and
 - (d) the redevelopment of land shall be in accordance with the rules set forth in section 21 of this By-law.

Lands Affected

- 3. THAT this By-law applies to all lands in the geographic area of the Region with respect to Go Transit Service provided within and outside of the Region.
- 4. THAT the development of land in the Region may be subject to one or more development charge by-laws of the Region.

Designation of Services

5. THAT it is hereby declared by Council that all residential development of land within the area to which this By-law applies will increase the need for services.
6. THAT the development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development.
7. THAT the service for which development charges are imposed under this By-law is the Go Transit Service.

Approvals for Development

8. THAT development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following:
 - (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*, R.S.O. 1990, c. P.13;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*, R.S.O. 1990, c. P.13, applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*, R.S.O. 1990, c. P.13;
 - (e) a consent under section 53 of the *Planning Act*, R.S.O. 1990, c. P.13;
 - (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, 1992*, S.O. 1992, c. 23, in relation to a building or structure.
9. (1) THAT no more than one development charge for the service designated in section 7 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in section 8 are required before the lands, buildings or structures can be developed.
 - (2) THAT despite subsection 9(1), the development charge imposed under this By-law is in addition to any charge imposed under the Region's Development Charge By-law Nos. 65-99 and 117-99 and any amendments and successors thereto.

10. THAT notwithstanding sections 9 and 17, if
- (a) two or more of the actions described in section 8 occur at different times, or
 - (b) a second or subsequent building permit is issued
- resulting in increased, additional or different development, then additional development charges shall be imposed in respect of such increased, additional or different development permitted by that action.
11. THAT where a development requires an approval described in section 8 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under section 8.
12. THAT if a development does not require a building permit but does require one or more of the approvals described in section 8, then, notwithstanding section 17, the development charge shall nonetheless be payable in respect of any increased, additional or different development permitted by such approval required for the increased, additional or different development being granted.
13. THAT nothing in this By-law prevents Council from requiring, in an agreement under sections 51 or 53 of the *Planning Act*, R.S.O. 1990, c. P.13, that the owner, at his or her own expense, shall install such local services related to or within a plan of subdivision, as Council may require, in accordance with the Region's local services policies in effect at the time.

Calculation of Development Charges

14. THAT the development charge with respect to the development of any land, buildings or structures shall be imposed on and calculated in respect of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units.

Amount of Charge

15. THAT the development charges described in Schedule "A" shall be imposed on residential development 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 component of the mixed-use building or structure, according to the number and type of residential dwelling units.

Indexing of Development Charges

16. THAT the development charges set out in Schedule "A" shall be adjusted without amendment to this By-law on April 1st of each year, commencing April 1st, 2002, in accordance with the Statistics Canada Quarterly, Construction Price

Statistics (catalogue number 62-007) Index. Notwithstanding the foregoing, any adjustment to the development charges made in accordance with this section shall not exceed 5% per annum.

Timing of Calculation and Payment

17. (1) THAT subject to section 21 (with respect to redevelopment), the development charge shall be calculated as of, and shall be payable on, the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- (2) THAT notwithstanding subsection (1), the Region may require an owner to enter into an agreement, including the provision of security for the owner's obligations under the agreement, pursuant to section 27 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable. The terms of such agreement shall then prevail over the provisions of this By-law.

Payment

18. THAT payment of development charges shall be by cash or by certified cheque.

Rules with Respect to Exemptions for Intensification of Existing Housing

19. (1) THAT this By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the effect only,
 - (a) of permitting the enlargement of an existing dwelling unit;
 - (b) of creating one or two additional dwelling units in an existing single detached dwelling;
 - (c) of creating one additional dwelling unit in an existing semi-detached dwelling; or
 - (d) of creating one additional dwelling unit in any other existing residential building.
- (2) THAT notwithstanding clauses (1)(b) to (d), a development charge shall be imposed with respect to the creation of one or two additional dwelling units in a dwelling if the total floor area of the additional one or two dwelling units exceeds the total floor area of the existing dwelling unit in clauses (1)(b) and (1)(c) and the smallest existing dwelling unit in clause (1)(d).

Exempt Institutions

20. THAT buildings or structures owned by and used for the purposes of any area municipality, the Region or local board are hereby designated as being exempt from the payment of development charges.

Rules with Respect to the Redevelopment of Land

21. (1) THAT subject to subsections (2) to (4) inclusive, where there is a redevelopment of land on which there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished, a credit shall be allowed against the development charge otherwise payable pursuant to this By-law for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished, as the case may be. The amount of this credit is determined as follows: (i) by calculating the credit available pursuant to section 16 of By-law No. 65-99 and section 26 of By-law No. 117-99, as applicable, and (ii) adding thereto the product of multiplying the number and type of dwelling units being demolished by the relevant development charge in effect on the date when the development charge is payable in accordance with section 15 of this By-law, if applicable, and (iii) subtracting from this total the credits used against the development charge otherwise payable pursuant to By-law No. 65-99 and By-law No. 117-99, as applicable.
- (2) THAT subject to the terms of any subdivision agreement entered into with the Region after the date of the demolition permit, a credit will only be given in respect of a demolition under this section where a building permit has been issued for the development within ten years from the date the demolition permit was issued.
- (3) THAT this section does not apply in respect of a development or redevelopment which is exempt in whole or in part under this By-law.
- (4) THAT the amount of any credit hereunder shall not exceed, in total, the amount of the development charges payable under this By-law otherwise payable with respect to the development.

Transition

22. THAT notwithstanding anything herein contained, no development charges shall be payable under this By-law on any lands for which a building permit is issued prior to January 16th, 2002, provided that a complete building permit application for that land was received on or before November 14th, 2001.

Interest

23. THAT the Region shall pay interest on a refund under subsections 18(3) and 25(2) and section 36 of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

Front Ending Agreements

24. THAT the Region may enter into one or more agreements under Ssection 44 of the Act.

Phasing

25. THAT the development charges set out in this By-law are not subject to phasing-in and are payable in full, subject to the exemptions and credits herein, from the effective date of this By-law.

Schedules

26. THAT the following Schedule to this By-law forms an integral part of this By-law:

Schedule "A" Residential Development Charges for GO Transit Service

By-law Registration

27. THAT a certified copy of this By-law may be registered in the Land Titles Office as against title to any land to which this By-law applies.

Date By-law Effective

28. THAT this By-law comes into force on November 14, 2001.

Date By-law Expires

29. THAT this By-law expires December 31, 2003.

Headings for Reference Only

30. THAT the headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

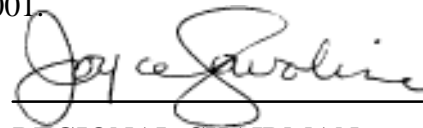
Severability

31. THAT if, for any reason, any provision, section, subsection, paragraph or clause of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

Short Title

32. THAT the short title of this By-law is the "Halton GO Transit Service Development Charges By-law, 2001".

READ and PASSED this 14th day of November, 2001.



REGIONAL CHAIRMAN



REGIONAL CLERK

Schedule