

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 78-12

A BY-LAW TO AMEND BY-LAW NO. 159-01, AS AMENDED, BEING 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 by By-law No. 159-01 passed on November 14, 2001, the Council of the Regional Municipality of Halton established GO Transit development charges for the Regional Municipality of Halton;

AND WHEREAS the term of GO Transit development charge by-laws, including By-law No. 159-01 has been extended from time to time by legislation and regulations;

AND WHEREAS Subsection 19(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, permits Council to amend a development charges by-law;

AND WHEREAS Council had before it Report No. CS-39-12, dated July 4, 2012, entitled "Amendment to GO Transit Development Charge (DC) By-law No.159-01, to align with 2012 DC By-law No. 48-12";

AND WHEREAS the Study and the proposed by-law to amend By-law No. 159-01 were made available to the public, 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 Act on July 4, 2012 and Council and its Administration and Finance Committee received written submissions and heard comments and representations from all persons who applied to be heard;

AND WHEREAS at a meeting open to the public held on July 11, 2012, Council approved the Study and determined that no further public meetings were required under Section 12 of the Act.

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

1. THAT By-law No. 159-01, as amended, being a by-law to establish GO Transit development charges for the Regional Municipality of Halton passed on November 14, 2001, is hereby amended on the date this By-law comes into force by:
  - (a) deleting subsection 1. (a) and substituting the following therefore:

““accessory dwelling” means a dwelling unit that is naturally or normally incidental to or subordinate in purpose and is exclusively devoted to a single detached dwelling or a semi-detached dwelling;”

- (b) adding to subsection 1(b) the phrase:  
“, as amended or any successor legislation” after the “c. 27”;
- (c) deleting subsection 1(c) and substituting the following therefor:  
““apartment dwelling” means a building containing more than one dwelling unit where the units are connected by an interior corridor. Despite the foregoing, an apartment dwelling includes those stacked townhouse dwellings or back-to-back townhouse dwellings that are developed on a block approved for development at a minimum density of sixty (60) units per net hectare pursuant to plans and drawings approved under section 41 of the *Planning Act*;
- (d) adding the following subsection:  
“1. (d)(i) “back-to-back townhouse dwelling” means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;”
- (e) deleting subsection 1(e);
- (f) deleting subsection 1(f) and substituting the following therefor:  
““building or structure” means a permanent enclosed structure occupying an area greater than ten square metres (10 m<sup>2</sup>);”
- (g) deleting subsection 1(g) and substituting the following therefor:  
““charitable dwelling” means a part of a residential building or a part of the residential portion of a mixed-use building maintained and operated by a corporation approved under the *Charitable Institutions Act*, R.S.O. 1990, c. C.9, as amended or successor legislation for persons requiring residential, specialized or group care and charitable dwelling includes a children’s residence under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, as amended or successor legislation, a home or a joint home under the *Homes for the Aged and Rest Homes Act*, R.S.O. 1990, c. H.13, as amended or successor legislation, an institution under the *Mental Hospitals Act*, R.S.O. 1990, c.M.8, as amended or successor legislation, a nursing home under the *Nursing Homes Act*, R.S.O. 1990, c. N.7, as amended or successor legislation, and a home for special care under the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended or successor legislation;”
- (h) deleting subsection 1(h) and substituting the following:

““correctional group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a twenty-four (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 Ministry of Correctional Services as a detention or correctional facility under any general or special Act as amended or successor legislation. 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;”

- (i) adding the following subsection:

“1. (h)(i) “Council” means the Council of the Region;”

- (j) inserting to subsection 1 (i) the phrase:

“or usability” after the phrase “increasing the size”;

- (k) deleting subsection 1(k) and substituting the following therefor:

““dwelling unit” means either (i) a room or suite of rooms used, designed or intended for use by one or more persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, or (ii) in the case of a special care/special need dwelling, either (1) a room or suite of rooms used, designed or intended for use by one person with or without exclusive sanitary and/or culinary facilities, or (2) a room or suite of rooms used, designed or intended for use by more than one person with no more than two persons sharing a bedroom and with sanitary facilities directly connected and accessible to each room, or (3) every seven square metres (7 m<sup>2</sup>) of area within a room or suite of rooms used, designed or intended for use by more than one person as a bedroom;”

- (l) deleting subsection 1(m);

- (m) deleting subsection 1(n) and substituting the following therefor:

““group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a twenty-four (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 as amended or successor legislation;”

(n) adding subsection 1(n) (i) as follows:

“1. (n) (i) “high density apartment” means an apartment dwelling of a minimum of four (4) storeys or containing more than one hundred thirty (130) dwelling units per net hectare pursuant to plans and drawings approved under Section 41 of the *Planning Act*;”

(o) deleting subsection 1(o) and substituting the following therefor:

““local board” means a municipal service board, a municipal services corporation, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purpose of one or more local municipalities or the Region, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under O. Reg. 599/06 made under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or successor legislation and any corporation created under the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A, as amended or successor legislation;”

(p) adding subsection 1 (o)(i) as follows:

“1. (o) (i) “local municipality” means The Corporation of the City of Burlington, the Town of Oakville, the Town of Milton or the Town of Halton Hills;”

(q) adding subsection 1 (o)(ii) as follows:

“1. (o) (ii) “lot” means a lot, block or parcel of land capable of being legally and separately conveyed;”

(r) deleting subsection 1(p) and substituting the following therefor:

““multiple dwelling” means a building containing more than one dwelling unit or one or more dwelling units above the first storey of a building containing a non-residential use but a multiple dwelling does not include an accessory dwelling, a single detached dwelling, a semi-detached dwelling, an apartment dwelling, or a special care/special need dwelling;”

(s) adding subsection 1 (p)(i) as follows:

“1. (p) (i) “net hectare” means the total land area of a lot after conveyance or dedication of public road allowances, park and school sites and other lands for public use;”

- (t) deleting subsection 1(q);
- (u) deleting subsection 1(r) and substituting the following therefor:

““nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario;”
- (v) adding subsection 1(r)(i) as follows:

“1. (r) (i) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or successor legislation;”
- (w) deleting subsection 1(t) and substituting the following therefor:

““redevelopment” means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has previously been demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose, or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development;”
- (x) deleting subsection 1(v) and substituting the following therefor:

““residential development” means land, buildings or portions thereof used, designed or intended for residential use and includes only a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, a garden suite, a special care/special need dwelling, an accessory dwelling and the residential portion of a mixed-use building;”
- (y) adding subsection 1(v)(i) as follows:

“1. (v) (i) “residential use” means the use of land, buildings or portions thereof as living accommodation for one or more persons;”
- (z) deleting subsection 1(w) and substituting the following therefor:

““retirement home or lodge” means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation 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;”

(aa) deleting subsection 1(aa) and substituting the following therefor:

““special care/special need dwelling” means a building:

- (i) containing two or more dwelling units which units have a common entrance from street level;
- (ii) where the occupants have the right to use in common with other occupants halls, stairs, yards, common rooms and accessory buildings;
- (iii) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and
- (iv) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

and includes, but is not limited to, retirement homes or lodges, charitable dwellings, group homes (including correctional group homes) and hospices;”

(bb) deleting subsection 1(bb) and substituting the following therefor:

““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;”

(cc) adding subsection 1 (bb)(i) as follows:

“1. (bb) (i) “storey” means that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above it with the first storey being that with the floor closest to grade and having its ceiling more than six feet (6 ft.) (one and eighty three hundredths metres 1.83 m.) above grade;”

(dd) deleting subsection 1(cc) and substituting the following therefor:

““total floor area”:

- (i) includes the sum of the total areas of the floors in a building whether at, above or below grade, measured:
  - (1) between the exterior faces of the exterior walls of the building;

- (2) from the centre line of a common wall separating two uses; or
    - (3) from the outside edge of a floor where the outside edge the floor does not meet an exterior or common wall; and
  - (ii) includes the area of a mezzanine;
  - (iii) excludes those areas used exclusively for parking garages or structures; and
  - (iv) where a building has only one wall or does not have any walls, the total floor area shall be the total of the area directly beneath any roof-like structure of the building;”
- (ee) in subsection 2(c):
- (i) deleting the phrase “and relief” after the phrase “the exemptions”;
  - (ii) adding the phrase “and section 20” after the phrase “section 19”;
  - (iii) deleting “section 24” and substituting “section 25” therefor; and
  - (iv) deleting the word “and” at the end of the subsection;
- (ff) in subsection 2(d):
- (i) adding the phrase “and subsection 21.1” after the phrase “section 21”; and
  - (ii) deleting the period at the end of the subsection and substituting a semicolon followed by “and”;
- (gg) adding subsection 2(e) as follows:
- “2 (e) the rules with respect to exemptions and credits are set forth in section 21.2 of this By-law.”;
- (hh) deleting subsection 8(f) and substituting the following therefor:
- “the approval of a description under section 50 of the *Condominium Act*, R.S.O, 1990, c. C.26, as amended or section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended or successor legislation; or”;

- (ii) in section 18 deleting the word “cash” and substituting the words “bank draft”;
- (jj) deleting section 21 and substituting the following therefor:

Rules with Respect to the Redevelopment of Land

“21. THAT in the case of a demolition of all or part of a building:

- (i) a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that where a demolition permit has been issued and has not been revoked:
  - (1) before August 18, 2008, a building permit has been issued for the redevelopment within ten (10) years from the date the demolition permit was issued; and
  - (2) from and after August 18, 2008, a building permit has been issued for the redevelopment within five (5) years from the date the demolition permit was issued;
- (ii) the credit shall be calculated based on the portion of the building used for a residential purpose that has been demolished by multiplying the number and type of dwelling units demolished by the relevant development charges under this By-law in effect on the date when the development charges are payable pursuant to this By-law with respect to the redevelopment;
- (iii) no credit shall be allowed where the demolished building or part thereof would have been exempt pursuant to this By-law;
- (iv) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Region’s Commissioner of Corporate Services and Treasurer or designate; and

- (v) despite Subsection 21(i) above, where the building cannot be demolished until the new building has been erected, the owner shall notify the Region in writing and pay the applicable development charges for the new building in full and if the existing building is demolished not later than twelve (12) months from the date a building permit is issued for the new building, the Region shall provide a refund calculated in accordance with this section to the owner without interest. If more than twelve (12) months is required to demolish the existing building, the owner shall make a written request to the Region and the Region's Commissioner of Corporate Services and Treasurer or designate may extend the time in which the existing building must be demolished in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or desirable and such decision shall be made prior to the issuance of the first building permit for the new building.”;

(kk) adding section 21.1 as follows:

“Rules with Respect to Redevelopment - Conversion

21.1 THAT in the case of a conversion of all or part of a building:

- (i) a credit shall be allowed against the development charges otherwise payable under this By-law;
- (ii) the credit shall be calculated based on the portion of the building that is being converted by multiplying the number and type of dwelling units being converted by the relevant development charges under this By-law in effect on the date when the development charges are payable pursuant to this By-law with respect to the redevelopment;
- (iii) no credit shall be allowed where the building or part thereof prior to conversion would have been exempt pursuant to this By-law; and
- (iv) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly

permitted by a phasing plan for the redevelopment that is acceptable to the Region's Commissioner of Corporate Services and Treasurer or designate.”;

(ll) adding section 21.2 as follows:

“Exemptions and Credits Not Cumulative

21.2 THAT only one (1) of the applicable exemption(s) or credit(s) set out in sections 20, 21 and 21.1, of this By-law shall be applicable to a development or redevelopment. Where the circumstances of a development or redevelopment are such that more than one (1) type of exemption or credit could apply, only one (1) type of exemption or credit shall apply and it shall be the exemption or credit that results in the lowest development charges being payable under this By-law.”;

(mm) deleting section 22;

(nn) deleting section 29; and

(oo) deleting Schedule “A” and substituting a new Schedule “A” as attached as Schedule “One” hereto.

2. THAT By-law No. 159-01, as amended, shall continue in full force and effect as further amended herein.
3. THAT a certified copy of this By-law may be registered in the Land Registry Office for the Land Titles Division of Halton (No. 20) as against any land to which By-law No. 159-01 applies.
4. THAT this By-law comes into force on September 5, 2012.

READ and PASSED this 11th day of July, 2012.

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REGIONAL CHAIR

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REGIONAL CLERK

**Schedule “One”  
to By-law No. 78-12**

**Schedule “A”**

<b>RESIDENTIAL DEVELOPMENT CHARGES*</b>				
	<b>Single and Semi Detached</b>	<b>Multiples</b>	<b>Apartments</b>	<b>Special Care/ Special Need Dwellings</b>
GO Transit Service	\$737.68	\$593.58	\$385.54	\$225.40

\* Residential development charges are subject to indexing in accordance with section 16 of By-law 159-01.