REGION OF HALTON

DEVELOPMENT CHARGES BACKGROUND STUDY

For

Recovery of Early Payment for Estimated Future Water, Wastewater and Roads Development Charges (Recovery DC)

January 25, 2012
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1. Overview

This background study (study) has been prepared, in order to implement a residential development charge (DC) for the recovery of early payment for estimated future water, wastewater and roads DCs made by residential developers, who participated in the 2008/2009 Allocation Program to The Regional Municipality of Halton. Pursuant to Section 10 of the Development Charges Act, 1997 (DCA), Council must complete a background study before passing a development charges by-law.

The 2008/2009 Allocation Program, approved by Regional Council in 2009 through Report No. CS-49-09/PW-20-09/LPS80-09 (re: “Financial and Implementation Plan for the 2008/2009 Allocation Program”) and Report No. CS-78-09/LPS112-09 (re: "BILD Proposal re: the Financial and Implementation Plan for the 2008/2009 Allocation Program"), required participating residential developers (participating developers) to make an early payment of estimated future development charges for water, wastewater and roads under the provisions of the DCA. Regional Council approved the 2008/2009 Allocation Program with an objective of ensuring that existing taxpayers are not impacted by the cost of the capital infrastructure required to service growth, and required the implementation of a specific DC to 2021 in subsequent allocation programs, in order to provide for the recovery for the participating developers of the early payment of the future development charges.

Accordingly, the scope of this study is limited to calculating a residential Recovery DC related to the early payment of estimated future development charges made by the participating developers.

The following sections in this study will discuss the cost to be recovered, areas to be affected, DC calculations, repayment rules, and will include the proposed by-law in Appendix ‘B’.
2. **Statutory Process Requirements**

To implement the proposed Recovery DC By-law (Appendix B), the following process is required pursuant to DCA:

- Release of a background study, including the draft by-law, to the public – **January 25, 2012**
- Public meeting to be held as part of the Administration and Finance (A&F) Committee meeting – **March 21, 2012**;
- Final recommendations to A&F Committee meeting – **April 11, 2012**;
- Passage of the by-law by Council – **April 18, 2012**;
- Notice of the passing of the By-law – within 20 days of the by-law passing;
- Final date of appeal of the By-law – 40 days from the by-law passing.

The proposed by-law is scheduled to be passed on April 18, 2012. If passed, the by-law will come into force three months after Council adoption, which is consistent with the expected timing of the 2012 DC by-law coming into force.

3. **Cost to be Recovered**

As set out in CS-49-09/PW-20-09\LPS80-09, due to financial challenges in providing infrastructure required to accommodate the 2008/2009 Allocation Program, the participating developers were required to provide additional funding in the form of an early payment of estimated future development charges, in addition to development charges applicable under the Regional DC by-law 62-08. In order to provide for the recovery for the participating developers, the Regional Council, by approval of CS-49-09/PW-20-09/LPS80-09 and CS-78-09/LPS112-09, required that the amount of the early payment would be included in a specific DC by-law applicable in subsequent allocation programs and that the recovery would expire in 2021. The amount of the
early payments totals $82.0 million, consisting of $32.4 million for water and wastewater services and $49.6 million for the roads service. This additional funding was secured under the 2008/2009 Allocation Program Agreements and used to help to finance the water/wastewater and roads infrastructure as set out in Appendix ‘A’ to this study. Accordingly, the $82.0 million has been incorporated in the DC calculation to determine the Recovery DCs.

4. Recovery Areas and Period

The cost will be recovered from residential growth that will proceed under the Region’s residential development allocation programs between 2012 and 2021. The areas that are subject to the Recovery DC by-law (i.e. Recovery by-law area) include lands within Oakville (north of Region Rd. #5 and south of Hwy 407 and part of lands south of Region Rd. 5), and Milton (Phase 1-Bristol Survey, Phase 2 Sherwood Survey and Phase 3 Boyne Survey) and part of north Burlington (north of Region Rd. #5, east of Bronte Creek and west of Tremaine Rd) as illustrated in the following map:
It should be noted that those residential units that may proceed to development in these areas, using servicing allocations received through the allocation programs implemented prior to 2012, will not be subject to the Recovery DCs as set out in the proposed by-law (Appendix ‘B’).

The recovery period will commence upon Council approval of the proposed by-law and will be terminated on December 31, 2021, as set out in the 2008/2009 Allocation Program Agreement. Accordingly, the proposed by-law will be updated every five years as required under the DCA during the recovery period between 2012 and 2021.

5. **Anticipated Growth**

The planning period for the calculation of the Recovery DCs in this study extends to 2021, based on terms contained in the 2008/2009 Allocation Program Agreement as noted above. The anticipated development within this planning period (2012-2021) in the Recovery by-law area is consistent with growth projections incorporated in the 2012 DC by-law and is based on planning projections approved by Council (Halton Region Best Planning Estimates (BPE), 2011) and the Region’s Official Plan (2009)(ROPA39).

As shown in the following table, BPE anticipates that residential dwelling units in the Recovery by-law area will increase by a total of 34,110 total units between 2012 and 2021, which translates to 29,540 of single detached family equivalent (SDE) units. Of the 29,540 SDEs, a total of 7,225 SDE units have been deducted as these units represent development facilitated under the 2008/2009 Allocation Program. Accordingly, a net growth of 22,315 has been incorporated in the DC calculation as the new residential units that will proceed under future allocation programs between 2012 and 2021 and that will be subject to the Recovery DC By-law.
### Anticipated Residential Growth in Recovery DC Area (2012 - 2021)

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Residential Unit Growth per BPE</td>
<td>34,110</td>
</tr>
<tr>
<td>Adjusted to Sing Detached Equivalent (SDE) Unit</td>
<td>29,540</td>
</tr>
<tr>
<td>Less Units Proceeded Under 2008/2009 Alloc. Progm</td>
<td>(7,225)</td>
</tr>
<tr>
<td>Net SDE Growth Under Future Allocation Programs (2012-2021)</td>
<td>22,315</td>
</tr>
</tbody>
</table>

1) Based on growth projection incorporated in the 2012 DC Background Study for Greenfield areas.

2) Consists of 5,447 of low/medium density units and 1,778 of high-density units that have financial payment requirements under the 2008/2009 Allocation Agreement.

## 6. DC Calculation and Rates

A development charge is calculated, such that total anticipated growth in residential units (i.e. 22,315 SDEs) will provide total DC collections to fully recover the total cost (i.e. $82.0million) as follows:

- **Total Cost of Credit To Be Recovered**: $82,095,429
- **Anticipated SDE Unit Growth (2012-2021)**: 22,315
- **$DC Per SDE**: $3,679

The result of the calculation above then is distributed by residential dwelling types based on person per unit (PPU) rates as follows:

<table>
<thead>
<tr>
<th>Residential Unit Type</th>
<th>PPU*</th>
<th>$DC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single &amp; Semi-Detached</td>
<td>3.56</td>
<td>$ 3,679</td>
</tr>
<tr>
<td>Multiples</td>
<td>2.61</td>
<td>$ 2,696</td>
</tr>
<tr>
<td>Apartments</td>
<td>1.75</td>
<td>$ 1,802</td>
</tr>
<tr>
<td>Special Care/Special Need</td>
<td>1.10</td>
<td>$ 1,135</td>
</tr>
</tbody>
</table>

* Person Per Unit (or forecast occupancy rates) by unit category and number of bedrooms are based on 2006 Statistics Canada custom tabulation provided by dwelling type and dwelling age.
7. Collection and Repayment of Recovery DC

As set out in the proposed by-law (Appendix ‘B’), the Recovery DCs will be calculated based on the number and type of dwelling units that are allocated under future allocation programs between 2012 and 2021. DCs will be payable at the time of subdivision agreement; at the building permit stage where subdivision agreement is not applicable; or in accordance with terms set out in an agreement entered into with the Region under the DCA.

When the Region collects Recovery DCs under the proposed by-law, the Region will pay out the DC collections to the participating developers on an annual basis, based on their proportionate share of total early payment of the estimated future DCs made under the 2008/2009 Allocation Program Agreement. The proportionate share will reflect individual developer’s early payment over the total amount of early payments made under the Allocation Program. In accordance with terms set out in the agreement (section 4.7.b), annual payments of such refund will be returned in the following sequence:

i) Mattamy (Escarpmnt) Limited, Mattamy (Milton West) Limited and Mattamy (Brownridge) Limited under agreements with the Region dated April 3, 2008 and June 27, 2008;

ii) Owners having entered into agreements under Phase 1 of the 2008/2009 Allocation Program; and

iii) Owners having entered into agreements under Phase 2 of the 2008/2009 Allocation Program.

The Region will place funds collected under the proposed by-law in a separate development charge reserve fund account, to be applied toward the reimbursement of such payments to the participating developers.
8. Recovery Development Charge Rules

Section 6 of the Act requires that a DC by-law must contain the rules developed under paragraph 9 of s.s.5(1). The rules are as set out in the proposed by-law in Appendix ‘B’, and are summarized as follows:

- Determination of DC – the Recovery DC is imposed if the development requires servicing allocation under the allocation programs to be implemented between 2012 and 2021 and requires approvals set out in section 9 of the by-law. The calculation of DCs is based on number and type of dwelling units that are subject to a future allocation program (2012-2021);

- Timing of calculation and payment – as set out in section 14 the proposed by-law, the Recovery DC is payable at the execution of the subdivision agreement; at the building permit issuance if the subdivision agreement is not applicable; or in accordance with terms set out in an agreement entered into with the Region under section 27 of the DCA.

- There are no exemptions, relief, credits, indexing or phasing-in of charges as set out in section 2 of the proposed by-law.

9. Long Range Capital and Operating Cost Examination

S.s.10(2)(c) of the DCA, 1997 requires the long-term capital and operating infrastructure, required for each service to which the by-law relates, to be examined. It is expected that there will be no implications to the Region’s long-term capital or operating business plan arising from the proposed By-law (Appendix ‘B’).
Appendix ‘A’

Infrastructure Related To
Early Payment for Estimated Future Water, Wastewater and
Roads Development Charges
## Region of Halton

### Water & Wastewater Capital Program & Financing - per Allocation Agreements ($000's)

<table>
<thead>
<tr>
<th>Type ID</th>
<th>Description</th>
<th>Expenditure</th>
<th>Res DC</th>
<th>Regional Reviewing</th>
<th>Early PMT of Future DC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>W - 6000</td>
<td>1500mm WM on from Burloak WTP to Burloak Pumping Station (Zone 2) - (OAK)</td>
<td>$1,736</td>
<td>$971</td>
<td>525</td>
<td>240</td>
<td>1,736</td>
</tr>
<tr>
<td>W - 7000</td>
<td>750 mm WM of CEV of OW at Burloak Drive (300m length) - (OAK)</td>
<td>$354</td>
<td>$245</td>
<td>89</td>
<td>60</td>
<td>354</td>
</tr>
<tr>
<td>W - 1108</td>
<td>160mm WM on Dundas Street from Access Road to Trafalgar Road - (BUR)</td>
<td>$0</td>
<td>$143</td>
<td>46</td>
<td>61</td>
<td>0</td>
</tr>
<tr>
<td>W - 5820</td>
<td>Install additional pump capacity at Zone 3 Kitchen Pumping Station at Upper Middle Road &amp; Bronte Road - (OAK)</td>
<td>$2,025</td>
<td>$1,259</td>
<td>466</td>
<td>311</td>
<td>2,025</td>
</tr>
<tr>
<td>W - 3636</td>
<td>Install additional pump capacity at Zone 5 Kitchen Pumping Station at Upper Middle Road &amp; Bronte (30 ML/d) - (OAK)</td>
<td>$2,892</td>
<td>$1,880</td>
<td>572</td>
<td>429</td>
<td>2,892</td>
</tr>
<tr>
<td>W - 4785</td>
<td>1200/860mm WM on Neagawa Street from Burloak WPP to Bronte Road - (OAK)</td>
<td>$2,330</td>
<td>$1,417</td>
<td>149</td>
<td>74</td>
<td>2,330</td>
</tr>
<tr>
<td>W - 4788</td>
<td>Zone 5 Booster Pumping station at Fourth Line (on Milton) - (OAK)</td>
<td>$3,980</td>
<td>$2,460</td>
<td>319</td>
<td>101</td>
<td>3,980</td>
</tr>
<tr>
<td>W - 5319</td>
<td>＋100mm WM on curb line from existing location west of Marrowbone Line from Harrison Court to Dundas Street - (BUR)</td>
<td>$641</td>
<td>$399</td>
<td>144</td>
<td>9</td>
<td>641</td>
</tr>
<tr>
<td>S - 5891</td>
<td>900 mm WWM on Dundas Street from Oak Park Blvd to Harman Gate - (OAK)</td>
<td>$8,011</td>
<td>$4,983</td>
<td>1,800</td>
<td>1,228</td>
<td>8,011</td>
</tr>
<tr>
<td>S - 5892</td>
<td>750 mm WM on Dundas Street from just west of bridge (old Fourth Line) - (OAK)</td>
<td>$5,252</td>
<td>$3,266</td>
<td>1,181</td>
<td>805</td>
<td>5,252</td>
</tr>
<tr>
<td>S - 5893</td>
<td>1200mm WM on from new Zone 4 Pumping station to Oak Park Blvd and West Oak Trail - (OAK)</td>
<td>$3,481</td>
<td>$2,123</td>
<td>767</td>
<td>524</td>
<td>3,481</td>
</tr>
<tr>
<td>S - 5894</td>
<td>1500mm WM on from Metro South Pumping station to Dundas Street - (BUR)</td>
<td>$4,102</td>
<td>$2,739</td>
<td>834</td>
<td>625</td>
<td>4,102</td>
</tr>
<tr>
<td>S - 5895</td>
<td>1200mm WM on from Campbellville Road to New Street, west to new Milton South road - (OAK)</td>
<td>$1,736</td>
<td>$1,038</td>
<td>498</td>
<td>195</td>
<td>1,736</td>
</tr>
<tr>
<td>S - 5896</td>
<td>1200mm WM on from Zone 3 Kitchen PS to Bronte Road, north on Bronte Road to connect with existing 1200 mm WM at Bronte Road and West Oak Trail - (OAK)</td>
<td>$2,794</td>
<td>$1,738</td>
<td>628</td>
<td>423</td>
<td>2,794</td>
</tr>
<tr>
<td>S - 5897</td>
<td>750 mm WM on from Siver Creek from stone brooksite to Trafalgar Road - (OAK)</td>
<td>$709</td>
<td>$414</td>
<td>151</td>
<td>75</td>
<td>709</td>
</tr>
<tr>
<td>S - 5898</td>
<td>750 mm WM from Neagawa Creek from the bridge (old 16 Mile Creek) to just west of the bridge (old Fourth Line) - (OAK)</td>
<td>$305</td>
<td>$195</td>
<td>50</td>
<td>30</td>
<td>305</td>
</tr>
<tr>
<td>S - 5899</td>
<td>New wastewater pumping station on North Park Property - (OAK)</td>
<td>$9,786</td>
<td>$6,087</td>
<td>2,200</td>
<td>1,051</td>
<td>9,786</td>
</tr>
<tr>
<td>S - 5888</td>
<td>25,000 M3/Day WPP expansion at Neagawa WPP - (OAK)</td>
<td>$13,516</td>
<td>$8,411</td>
<td>4,949</td>
<td>1,718</td>
<td>13,516</td>
</tr>
<tr>
<td>S - 4996</td>
<td>2440 mm WM Force main on Dundas Street from new PS (#9456) to Eighth Line - (OAK)</td>
<td>$2,891</td>
<td>$1,797</td>
<td>650</td>
<td>433</td>
<td>2,891</td>
</tr>
<tr>
<td>S - 3808</td>
<td>900mm WM on Dundas Street from just west of bridge (old Fourth Line) to Trafalgar Road - (OAK)</td>
<td>$2,224</td>
<td>$139</td>
<td>52</td>
<td>86</td>
<td>2,224</td>
</tr>
<tr>
<td>S - 3809</td>
<td>1400mm WM from new Tremaine Road to Oak Park Blvd and West Oak Trail - (OAK)</td>
<td>$3,955</td>
<td>$2,433</td>
<td>919</td>
<td>629</td>
<td>3,955</td>
</tr>
<tr>
<td>S - 3744</td>
<td>New Halton North Pumping station expansion - (OAK)</td>
<td>$597</td>
<td>$315</td>
<td>114</td>
<td>75</td>
<td>597</td>
</tr>
<tr>
<td>S - 3695</td>
<td>1200mm WM on from new Zone 4 Pumping station to Oak Park Blvd - (OAK)</td>
<td>$8,000</td>
<td>$4,975</td>
<td>1,798</td>
<td>1,227</td>
<td>8,000</td>
</tr>
<tr>
<td>S - 3982</td>
<td>750 mm WM on from Trafalgar Road to new PS (#9748) - (OAK)</td>
<td>$9,718</td>
<td>$6,043</td>
<td>2,185</td>
<td>1,970</td>
<td>9,718</td>
</tr>
<tr>
<td>S - 3983</td>
<td>1200mm WM on from Neagawa Creek from the bridge (old 16 Mile Creek) to just west of the bridge (old Fourth Line) - (OAK)</td>
<td>$5,252</td>
<td>$3,266</td>
<td>1,181</td>
<td>805</td>
<td>5,252</td>
</tr>
<tr>
<td>S - 3651</td>
<td>from the Force main from #12 to fan box to stone brooksite from new Street to north of Trafalgar, west to Existing Line, north to existing run - (OAK)</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>S - 5803</td>
<td>2415m WM Force main at the bridge from Neagawa Blvd to PS on North Park Property (#9456) - (OAK)</td>
<td>$3,414</td>
<td>$2,123</td>
<td>767</td>
<td>524</td>
<td>3,414</td>
</tr>
</tbody>
</table>

**Sub-total:** $159,088

**Total:** $351,888
## Roads Capital Program & Financing - per Agreements ($000s)

<table>
<thead>
<tr>
<th>ID</th>
<th>Description</th>
<th>Expenditure</th>
<th>Res DC</th>
<th>Tax Capital</th>
<th>Early PMT of Future DC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3985</td>
<td>Britannia Rd - Widening - 2 to 4-Lanes from Tremaine Rd to Regional Rd 25 (MIL) (Regional Rd 6)</td>
<td>$19,282</td>
<td>$2,826</td>
<td>$6,132</td>
<td>$10,323</td>
<td>$19,280</td>
</tr>
<tr>
<td>3990</td>
<td>Tremaine Rd - Widening - 2 to 4-Lanes and realignment from Main Street to Steeles Ave (MIL) (Regional Rd 22)</td>
<td>15,743</td>
<td>2,074</td>
<td>6,101</td>
<td>7,577</td>
<td>15,751</td>
</tr>
<tr>
<td>5136</td>
<td>Tremaine Road - new 4-lane roadway from Tremaine Road (IC)s to Tremaine Road (IC)n (MIL) (Regional Road 22)</td>
<td>26,919</td>
<td>3,985</td>
<td>8,368</td>
<td>14,557</td>
<td>26,910</td>
</tr>
<tr>
<td>3942</td>
<td>Dundas St. - Widening - 4 to 6 lanes from Bronte Rd to Proudfoot Trail (OAK) (Reg. Rd. 5)</td>
<td>20,892</td>
<td>2,690</td>
<td>8,362</td>
<td>9,829</td>
<td>20,882</td>
</tr>
<tr>
<td>5278</td>
<td>Neyagawa Blvd. - Widening - 2 to 4 lanes from Dundas Street to Burnhamthorpe Road (OAK) (Regional Road 4)</td>
<td>15,681</td>
<td>2,019</td>
<td>6,296</td>
<td>7,377</td>
<td>15,693</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$98,517</td>
<td>$13,594</td>
<td>$35,259</td>
<td>$49,664</td>
<td>$98,517</td>
</tr>
</tbody>
</table>
Appendix ‘B’

Draft Proposed By-law
THE REGIONAL MUNICIPALITY OF HALTON
BY-LAW NO. <*>-12

A BY-LAW TO ESTABLISH RESIDENTIAL DEVELOPMENT CHARGES IN RESPECT OF THE RECOVERY OF THE EARLY PAYMENT OF ESTIMATED FUTURE WATER, WASTEWATER AND ROADS DEVELOPMENT CHARGES FOR THE REGIONAL MUNICIPALITY OF HALTON (RECOVERY DC (2012-2021)).

WHEREAS subsection 2(1) of the Act 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 Council has before it the Study;

AND WHEREAS the Study and the proposed development charges by-law 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 March 21, 2012, and Council, through its Administration and Finance Committee, considered the Study, received written submissions and heard comments and representations concerning the Study from all persons who applied to be heard;

AND WHEREAS at a meeting open to the public held on April 11, 2012 Administration and Finance Committee considered the recommendations in Report No. <*> , received written submissions and heard comments and representations concerning the Report from all persons who applied to be heard.

AND WHEREAS at a meeting open to the public held on April 18, 2012, Council approved Report No. <*> and adopted the recommendations in the Report thereby determining 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:

Definitions

1. THAT in this By-law:


   (b) “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;
(c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended or successor legislation;

(d) “apartment dwelling” means a building containing more than one dwelling unit where the units are connected by an interior corridor;


(f) “building” means a permanent enclosed structure occupying an area greater than ten square metres (10 m²);

(g) “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 correctional group 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. 1.990, c. H.12, as amended or successor legislation;

(h) “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) “Council” means the Council of the Region;

(j) “development” means the construction, erection or placing of one or more buildings on land or the making of an addition or alteration to a building that has the effect of increasing the size or usability thereof;

(k) “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 m²) of area within a room or suite of rooms used, designed or intended for use by more than one person as a bedroom;

(l) “Early Payment” means the early payment of estimated future water, wastewater and roads development charges under the Phase 1 and Phase 2 Agreements;

(m) “Future Allocation Programs” means water and wastewater allocation programs and roads programs pursuant to 2012 to 2021 (inclusive) financial and implementation plans approved or amended by Council from time to time;

(n) “grade” means the average level of proposed finished ground adjoining a building at all exterior walls;

(o) “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;

(p) “high density apartment” means an apartment dwelling 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;

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

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

(s) “mixed-use” means the use, design or intended use of the same land or building for a combination of non-residential development and residential development;

(t) “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 non-residential uses 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;

(u) “Natural Heritage System” means that part of the Region shown as Natural Heritage System on Schedule “A” to this By-law constitute part of the Region’s Natural Heritage System and are shown on Schedule “A” to this By-law for illustrative purposes only and do not impact the categorization of the land to
which the Natural Heritage System overlay is shown as Recovery DC Area (2012-2021) for the purposes of this By-law;

(v) “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;

(w) “non-residential development” means land, buildings or portions thereof used, designed or intended for a non-residential use;

(x) “non-residential use” means the use of land, buildings or portions thereof for any purpose other than for a residential use;

(y) “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;

(z) “owner” means the owner of land or a person who has made application for an approval for the development of land;

(aa) “Phase 1 Agreements” means agreements, as amended, between the Region and a number of residential developers made pursuant to Report No. CS-49-09/PW-20-09/LPS80-09 as modified by Report No. CS-78-09/LPS112-09 in respect of Phase 1 of the Region’s 2008/2009 Allocation Program under which the developers, among other things, made Early Payments in return for a flow through of development charges towards the reimbursement of such Early Payments;

(bb) “Phase 2 Agreements” means agreements, as amended, between the Region and a number of residential developers made pursuant to Report No. CS-49-09/PW-20-09/LPS80-09 as modified by Report No. CS-78-09/LPS112-09 in respect of Phase 2 of the Region’s 2008/2009 Allocation Program in which the developers made, among other things, Early Payments in return for a flow through of development charges towards the reimbursement of such Early Payments;

(cc) “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended or successor legislation;

(dd) “Recovery Charge” means the amount of the development charge under this By-law toward the reimbursement of the Early Payments;

(ee) “Region” means The Regional Municipality of Halton;

(ff) “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;

(gg) “residential use” means the use of land, buildings or portions thereof as living accommodation for one or more persons;
“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;

“semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

“single detached dwelling” means a completely detached building containing only one (1) dwelling unit;

“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; and


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 4 of this By-law;

(b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if development charges are payable under this By-law in any particular case and for determining the amount of the charges shall be as set forth in sections 8 through 15, inclusive, of this By-law;
(c) there are no exemptions, relief, credits and adjustments in this By-law;
(d) there is no indexing of charges; and
(e) there shall be no phasing-in.

Schedules

3. THAT the following Schedules to this By-law form an integral part of this By-law:

   Schedule “A” Map of the Recovery DC Area (2012 -2021); and
   Schedule “B” Residential Recovery Development Charge.

Lands Affected

4. THAT this By-law applies to the lands in the geographic area of the Region identified as Recovery DC Area (2012 – 2021) on Schedule “A” where such lands require a servicing allocation under a Future Allocation Program.

5. The boundaries on Schedule “A” to this By-law are fixed when they are formed by a combination of such well defined features such as roads, railways, electrical transmission lines, municipal and property boundaries, original township lot or concession lines, streams and topographic features.

6. Where the boundaries on Schedule “A” to this By-law are not fixed in accordance with the Section 5 of this By-law, the boundary shall be determined by the Region’s Director of Planning Services and Chief Planning Officer.

Other Development Charges

7. THAT the development of land in the Region may be subject to one or more development charges by-laws of the Region and the development charges under this By-law are in addition to any other development charges that may be applicable to such development.

Recovery of Early Payments

8. THAT development charges under this By-law shall be imposed for recoveries toward the reimbursement of Early Payments.

Approvals for Development

9. THAT development charges under this By-law shall be imposed against all lands or buildings within the area to which this By-law applies if the development of such lands or buildings 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*;

(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, as amended or section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended or successor legislation; or

(g) the issuance of a permit under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or successor legislation, in relation to a building.

10. THAT notwithstanding section 9 of this By-law, if

(a) two or more of the actions described in section 9 of this By-law 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 under this By-law shall be imposed in respect of such increased, additional or different development permitted by such action or permit.

11. THAT where a development requires an approval described in section 9 of this By-law after the issuance of a building permit and no development charges have been paid, then development charges under this By-law shall be paid prior to the granting of the approval required under section 9 of this By-law.

**Calculation of Development Charges under this By-law**

12. THAT in the case of residential development, including a dwelling unit accessory to a non-residential development, or the residential portion of a mixed-use development the residential development charges under this By-law with respect to the development of any land or buildings shall be calculated based upon the number and type of dwelling units where such units require a servicing allocation under a Future Allocation Program.

**Amount of Charge**

13. THAT, subject to section 7 of this By-law, development charges shall be imposed on all residential development, including a dwelling unit accessory to a non-residential development and the residential component of a mixed-use building, according to the
number and type of dwelling units on lands within that part of the Region depicted on Schedule “A” to this By-law as Recovery DC Area (2012-2021) where such lands require a servicing allocation under a Future Allocation Program and the development charges payable shall be the charges shown on Schedule “B” to this By-law.

**Timing of Calculation and Payment**

14. **(1)** THAT the development charges under this By-law shall be payable with respect to an approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Planning Act at the time of execution of the subdivision agreement or an agreement entered into as a condition of a consent.

**(B)** THAT development charges payable under this By-law shall be calculated in the case of residential development, including a dwelling unit accessory to a non-residential development, or the residential portion of a mixed-use development, based upon the proposed number and type of dwelling units.

**(C)** THAT, if at the time of issuance of a building permit or permits for any residential development for which payments have been made pursuant to subsection (1), the total number and/or type of dwelling units for which building permits have been and are being issued is greater than that used for the calculation and payment referred to in subsection (1), an additional payment shall be required and shall be calculated by multiplying the applicable development charges shown in Schedule “B” to this By-law, as may be appropriate, by the difference between the number and type of dwelling units for which building permits have been and are being issued and the number and type of dwelling units for which payments have been made pursuant to subsection (1) and this subsection.

**(D)** THAT subject to subsection (6), if following the issuance of all building permits for all development in a subdivision and for all development in a block within that subdivision that had been intended for future development and for which payments have been made pursuant to subsections (1) and (2), the total number and/or type of dwelling units for which building permits have been issued is less than that used for the calculation and payment referred to in subsection (1), a refund shall become payable by the Region to the person who originally made the payment referred to in subsection (1), which refund shall be calculated by multiplying the amounts of the development charges in effect at the time such payments were made by the difference between the number and type of dwelling units for which payments were made pursuant to subsection (1) and the number and type of dwelling units for which building permits were issued.

**(E)** THAT subsections (3) and (4) shall apply with necessary modifications to a development for which development charges have been paid pursuant to a condition of consent or pursuant to an agreement respecting same.

**(F)** THAT any refunds payable pursuant to subsections (4) and (5) shall be calculated and paid without interest.
(G) THAT despite subsection (1) but subject to subsection (8), in the case of a high density apartment the development charges under this By-law shall be payable on the date a building permit is issued in relation to the high density apartment on lands to which the development charges under this By-law apply.

(H) THAT, despite subsection (1), where development charges are not paid under that subsection, the development charges under this By-law shall be calculated as of, and shall be payable on, the date a building permit is issued in relation to a building on land to which the development charges under this By-law apply.

(I) THAT notwithstanding subsections (1) to (8), inclusive, the Region may require and, where so required, an owner shall enter into an agreement, including the provision of security for the owner’s obligations under the agreement, pursuant to section 27 of the Act. The terms of such agreement shall then prevail over the provisions of this By-law.

Payment

15. THAT payment of development charges under this By-law shall be by certified cheque or bank draft.

Interest

16. 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.

Registrations

17. THAT a certified copy of this By-law and a copy or notice of any agreement authorized by this By-law may be registered in the Land Titles Office as against title to any land to which this By-law or any such agreement applies.

Date By-law Effective

18. THAT this By-law comes into force and effect on <*> 2012.

Headings for Reference Only

19. 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

20. 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

21. THAT the short title of this By-law is the “Halton Recovery DC By-law, 2012”.

READ and PASSED this 18th day of April, 2012.

__________________________________________
Regional Chair

__________________________________________
Regional Clerk
SCHEDULE “A”
TO BY-LAW <*>-2012
## SCHEDULE “B”

TO BY-LAW <*>-2012

RESIDENTIAL RECOVERY DEVELOPMENT CHARGE

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