

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 38-17

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 By-law No. 159-01 was amended by By-law 78-12 passed on July 11, 2012;

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. FN-17-17, dated May 10, 2017, entitled "Updates to GO Transit Development Charges (DCs)";

AND WHEREAS the Study and the proposed by-law to further 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 March 22, 2017 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 May 17, 2017, 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 further hereby amended on the date this By-law comes into force by:

- (a) 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 and/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*;”;
- (b) inserting subsection 1(e) as follows:
“bedroom” means a habitable room of at least seven square metres (7m²), including a den, study, loft or other similar area, but does not include a living room, dining room, kitchen or other space;”
- (c) 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 *Long-Term Care Homes Act, 2007* S.O. 2007, c.8, as amended or successor legislation as a home or joint home, an institution, or nursing home for persons requiring residential, specialized or group care and includes a children’s residence under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, 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;”
- (d) deleting subsection 1(i) and inserting the following:
“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 and/or changing the use thereof and development shall include redevelopment;”
- (e) renumbering subsection 1(r)(i) to 1(s)(i);
- (f) 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 non-residential use to a residential use, or changing all or part of a building from one type of residential use to another type of residential use;”

- (g) 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 but not limited to 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;”
- (h) inserting into the second last line of subsection 1(aa) “nursing homes” between “charitable dwellings,” and “group homes (including correctional group homes)”;
- (i) deleting subsection 8(f) and substituting the following therefor:
“the approval of a description under section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended or successor legislation; or”;
- (j) deleting subsection 17(2) and substituting the following therefor:
“THAT notwithstanding subsection (1), 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 section dealing with the timing of payments but may not amend or alter any other provisions or sections of this By-law.”
- (k) deleting in subsection 21(iv) the phrase the Region’s Commissioner of Corporate Services and Treasurer or designate and substituting the phrase the Region’s Commissioner of Finance and/or Treasurer or designate” therefor.
- (l) deleting in subsection 21(v) the phrase the Region’s Commissioner of Corporate Services and Treasurer or designate and substituting the phrase the Region’s Commissioner of Finance and/or Treasurer or designate” therefor.
- (m) inserting the following as subsection 21(vi):
“despite Subsection 21(i), where an owner has submitted an application pursuant to the provisions of the *Planning Act*, and such application has been accepted by the local municipality before the expiration of any demolition credits as noted in Subsection 21(1) or (2) above, but a building permit has not been issued within the timeframes provided for in the applicable Subsection, the owner may request in writing to the Region’s

Commissioner of Finance and/or Treasurer and the Region's Commissioner of Finance and/or Treasurer, or such designate, may extend the time for the expiration of the demolition credits solely 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, provided that in no case shall any single extension be for a period greater than one (1) year from the date of the request from the owner seeking an extension pursuant to this Subsection."

- (n) deleting the period at the end of subsection 21.1(iv) and substituting a semicolon followed by "and";
 - (o) deleting in subsection 21.1(iv) the phrase the Region's Commissioner of Corporate Services and Treasurer or designate and substituting the phrase the Region's Commissioner of Finance and/or Treasurer or designate" therefor.
 - (p) inserting the foregoing as subsection 21.1(v):
"notwithstanding subsections (i) to (iv) above, no credit shall be allowed where the building or part thereof prior to conversion would have been exempt pursuant to this By-law or any predecessor thereof."
 - (q) 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 and a copy or notice of any agreement authorized by this By-law may be registered in the Halton Land Registry Office, Land Titles Division (No. 20) as against title to any land to which this By-law or any such agreement applies in accordance with the provisions of this By-law or Sections 42 and 56 of the Act, or any predecessor thereto.

4. THAT this By-law comes into force on September 1, 2017.

READ and PASSED this 14th day of June, 2017.

REGIONAL CHAIR

REGIONAL CLERK

Report No. FN-17-17

Schedule "One" to By-law No. 38-17

THE REGIONAL MUNICIPALITY OF HALTON

SCHEDULE "A"

| RESIDENTIAL DEVELOPMENT CHARGES* | | | | | | |
|---|---|---|---|---|---|---|
| | Single and Semi Detached | Multiple Dwelling (3 or More Bedrooms) | Multiple Dwelling (Less Than 3 Bedrooms) | Apartments Dwelling (2 or More Bedrooms) | Apartments Dwelling (Less Than 2 Bedrooms) | Special Care/ Special Need and Accessory Dwellings |
| Go Transit Service | \$737.68 | \$616.78 | \$448.75 | \$424.16 | \$288.92 | \$225.40 |

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