

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 21-14

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE TOWN OF GRIMSBY.

Whereas the Development Charges Act, 1997 (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;

And whereas a Development Charges Background Study has been completed in accordance with the Act;

And whereas Council has before it a report entitled "Town of Grimsby Development Charge Background Study" prepared by Watson & Associates Economists Ltd. dated December 21, 2020;

And whereas the Council of the Corporation of the Town of Grimsby has given notice of and held a public meeting on the 1st day of February, 2021 in accordance with the Act and the regulations thereto;

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

1.0 Definitions

In this by-law, "Act" means the Development Charges Act, 1997, as amended, or any successor thereto;

"Accessory use" means where used to describe a use, building or structure, that the use, building, or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure, but is not an ancillary residential building;

"ancillary residential building" means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling.

"apartment unit" means any residential dwelling unit within a building containing three or more dwelling units where access to each residential unit

is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;

“back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

“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;

“benefiting area” means an area defined by a map, plan, or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“Board of Education” has the same meaning as that specified in the Education Act or any successor thereto;

“brownfield” means land located within the urban areas as defined from time to time in the Town’s Official Plan, upon which there has been previous agricultural, industrial, institutional, or commercial open lands use or other use as prescribed under the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time, and for which site remediation is required in accordance with a Phase 2 Environmental Site Assessment, and for which a Record of Site Condition has been filed on the Province’s Brownfields Environmental Site Registry pursuant to the *Environmental Protection Act*, R.S.O. 1990 c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time;

“Building Code Act” means the *Building Code Act, 1992*, as mended; or any successor thereto;

“cannabis plant” means a plant that belongs to the genus *Cannabis*.

“Cannabis Production Facilities” means a building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a

licence, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

“capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board,

- i. to acquire land or an interest in land, including a leasehold interest,
- ii. to improve land,
- iii. to acquire, lease, construct or improve buildings and structures,
- iv. to acquire, construct or improve facilities including:
 - a. furniture and equipment other than computer equipment, and
 - b. materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, and
 - c. rolling stock with an estimated useful life of seven years or more, and
- v. to undertake studies in connection with any matter under the Act and any of the matters in clauses (i) to (iv), including the development charge background study required for the provision of services designated in this by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (i), (ii), (iii) and (iv) that are growth- related;

“commercial” means any non-residential development not defined under "institutional" or "industrial";

“Council” means the Council of the municipality;

“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 or usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this by-law.

“dwelling unit” means any part of a building or structure used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

"existing industrial building" means a building or buildings existing on site in the Town of Grimsby on November 8, 2016 or the first building constructed and occupied on a vacant site pursuant to site plan approval under Section 41 of the Planning Act, R.S.O. c.P.13 of the Planning Act subsequent to this by-law coming to effect for which full development charges were paid, and is being used for or in conjunction with:

- i. the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site ("manufacturing") or warehousing related to the manufacturing use carried on in the building or buildings;
- ii. research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
- iii. retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or

- iv. Office or administrative purposes, if they are,
 - a. carried out with respect to manufacturing or warehousing; and
 - b. In or attached to the building or structure used for such manufacturing or warehousing;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use and would include wholesale greenhouse facilities and structures;

“grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

“gross floor area” means the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from other dwelling unit or other portion of a building;

In the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:

- a room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- loading facilities above or below grade; and
- a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, transportation and warehousing or bulk storage of goods, wineries and distilleries, utilities (electric and gas), construction, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club, self-storage or mini-storage facilities;

“institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society, or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship, and special care facilities;

“live/work unit” means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;

“local board” has the same definition as defined in the *Development Charges Act*;

“local services” means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act* as amended or any successor thereto;

“mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment house dwellings;

“municipality” means The Corporation of the Town of Grimsby;

“non-industrial” means all buildings or structures not defined as industrial;

“non-profit housing development” means development of a building or structure intended for use as residential premises by,

- a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

“non-residential use” means a building or structure of any kind whatsoever used, designed, or intended to be used for other than a residential use and includes all commercial, industrial, and institutional uses;

“Official Plan” means the Official Plan adopted for the Town, as amended, and approved;

“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;

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, as amended or any successor thereto;

“Regulation” means any regulation made pursuant to the Act.

“residential use” means land or buildings, or structures of any kind whatsoever used, designed, or intended to be used as living accommodations for one or more individuals;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent

entrance from the outside and is vertically separated from any abutting dwelling unit;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal walls, but no other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;

“service” (or “service”) means those services designated in Schedule "A" to this by- law;

“servicing agreement” means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes.

“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor;

“Town” means the Corporation of the Town of Grimsby;

2.0 Designation of Services and Classes

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

- (a) Services Related to a Highway;
- (b) Public Works;
- (c) Fire Protection Services;
- (d) Parks and Recreation Services;
- (e) Library Services;
- (f) Stormwater Drainage and Control Services;
- (g) Wastewater Services;
- (h) Water Services; and

(i) Growth Studies.

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

3.0 Application of By-law Rules

3.1 Development charges shall be payable in the amounts set out in this by-law where:

- (a) the lands are located in the area described in Section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the Town of Grimsby.

3.3 This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) The Town of Grimsby or a local board thereof;
- (b) A board as defined in section 1(1) of the Education Act;
- (c) The Region of Niagara or a local board thereof.

Approvals for Development

3.4

- (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
 - (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;

- (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 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 subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:

- (a) Development creating or adding an accessory use or accessory structure not exceeding 10 square metres of gross floor area;
- (b) Bona fide farm (non-residential) buildings including wholesale greenhouse facilities and structures.

Rules with Respect to an Industrial Expansion Exemption

- 3.6 If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charges that is payable in respect of the enlargement is determined in accordance with the following:
- i. Subject to subsection 3.6.iii, if the gross floor area is enlarged by 50 percent or less of the lesser of:
 - a. the gross floor area of the existing industrial building, or
 - b. the gross floor area of the existing industrial building before the first enlargement for which:
 - (i) an exemption from the payment of development charges was granted, or
 - (ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;
 - ii. Subject to subsection 3.6.iii, if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:
 - a. the gross floor area of the existing industrial building, or
 - b. the gross floor area of the existing industrial building before the first enlargement for which:
 - (i) an exemption from the payment of development charges was granted, or
 - (ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection,

The amount of development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (a) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
 - (b) divide the amount determined under subsection (a) by the amount of the enlargement.
 - iii. For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.6.ii, the cumulative gross floor area of any previous enlargements for which:
 - a. an exemption from the payment of development charges was granted, or
 - b. a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.
- For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

Rules with Respect to Exemptions for Intensification of Existing Housing or New housing

- 3.7 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to developments or portions of developments as follows:
- (a) the enlargement to an existing residential dwelling unit;
 - (b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;
 - (c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental

- building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;
- (d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or
- (e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

3.7.1 Notwithstanding subsection 3.7 (b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.7.2 Notwithstanding subsection 3.7 (d), development charges shall be imposed if the additional unit has a gross floor area greater than

- (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing smallest dwelling unit; and

- (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

Residential

- 3.8 The development charges described in Schedule B to this By-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, including the residential component of a live/work unit, according to the type of unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

- 3.9 The development charges described in Schedule B to this By-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, including the non-residential component of a live/work unit, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Reduction of Development Charges with Respect to Redevelopment and Conversion

- 3.10 Despite any other provision of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.8 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
- b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.9 or the calculated rate within the Town of Grimsby Development Charges Background Study, December 21, 2020, by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
- c) where demolition takes place on a brownfield, an application may be made to the Town Treasurer for an extension of time for the redevelopment credit of up to three additional years if the redevelopment has not been able to proceed due to delays in completing the remediation works. This application must be received prior to the expiry of this By-law. This application will be considered by Town Council for approval.
- d) Where an existing Building is converted in whole or in part from one use (hereinafter referred to in this Section as the "First Use") to another use,
 - (i) the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charges rates in respect of the First Use;

- (ii) the First Use shall be the use as confirmed through the Town's Building Division and related permit records;
- (iii) for greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the converted Building or part thereof would have been exempt pursuant to this By-law; and
- (iv) the amount of any credit pursuant to this Section shall not exceed, in total, the amount of the Development Charges otherwise payable pursuant to this By-law with respect to the Redevelopment.

Time of Calculation and Payment of Development Charges

- 3.11 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 3.12 Notwithstanding subsection 3.11, the timing of calculation and payment of the services related to a highway component of development charge with respect to an approval of a Plan of Subdivision under section 51 of the Planning Act, R.S.O., 1990 as amended, shall be addressed in the subdivision agreement, subject to any applicable exemptions contained in this By-law, and calculated in accordance with subsections 3.8 and 3.9 and of this by-law.
- 3.13 Notwithstanding subsections 3.9 and 3.11, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Town's Council approved development charge interest policy, as may be revised from time to time.
- 3.14 Notwithstanding subsections 3.9 and 3.11, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date

of occupancy, and each subsequent installment, including interest as provided in the Town's Council approved development charge interest policy, as may be revised from time to time.

3.15 Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 3.8 and 3.9 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under subsections 3.8 and 3.9 shall be calculated on the rates, including interest as provided in the Town's Council approved development charge interest policy, as may be revised from time to time, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.

3.16 Despite subsections 3.8 to 3.15, and in accordance with section 27 of the Act, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable.

Class A Office Deferral Program

4.1 Notwithstanding subsections 3.11 to 3.16, the Town of Grimsby may offer a deferral for the payment of development charges for Class A Office developments.

4.2 Eligibility criteria:

4.2.1 Applications must be approved by Council prior to the issuance of the main building permit.

4.2.2 Following approval by Council the Applicant must pay an administration fee which shall be \$500 unless otherwise specified in By-law 20-94 (the Town's Consolidated Fee and Charges By-law) or any successor thereof. Upon the joint

approval of the Town Manager and Director of Finance, where the costs to prepare and administer the deferral agreement will exceed the above administration fee the Town may charge an additional amount to cover such costs and the Applicant must pay this additional charge.

4.2.3 The property must not be in tax arrears and there cannot be any outstanding orders on the property from the Town.

4.2.4 The building must either be in the Town's Employment Area as determined by its Official Plan or, if outside of this area, the development must either provide significant and unique community benefits or the development must provide an important strategic economic advantage to the community as determined at the sole discretion of the Town and in a location approved by the Director of Planning.

4.2.5 The deferral must be recommended by Town Staff after they have conducted an analysis of the request.

4.2.6 The building must be a Class A Office building as determined by the Director of Planning who shall use the following as a guide:

4.2.6.1 New office building with a distinctive design, attractive look, superior exterior finishes on the curtain wall, superior interior quality finishes in the main lobby and common areas, four stories or more and at least 5,000 square meters of leasable/sellable office area.

4.2.7 Applicants must enter into an agreement with the Town.

4.3 Council may refuse to approve an application that meets all of the eligibility criteria if it believes it is not in the best interest of either the Town or the community.

- 4.4 The application to defer the payment of development charges shall be on a form supplied and approved by the Director of Finance.
- 4.5 Payment of development charges will be deferred to whichever is earlier:
 - 4.5.1 Eight months following the issuance of an occupancy permit for a building for which development charges are being deferred, in whole or in part; or
 - 4.5.2 24 months following the issuance of a main building permit for a building for which the development charges are being deferred, in whole or in part.
- 4.6 One additional deferral of payment for up to six months may be given by the Town at its sole discretion.
 - 4.6.1 An administration fee of \$1,000 shall be paid prior to an additional deferral of six months going into effect unless otherwise specified in By-law 20-94 (the Town's Consolidated Fee and Charges By-law) or any successor thereof. Upon the joint approval of the Town Manager and Director of Finance, where the costs to prepare and administer the additional deferral will exceed the above administration fee the Town may charge an additional amount to cover such costs and the Applicant must pay this additional charge prior to the additional deferral going into effect.
- 4.7 Interest on deferred development charges shall be at a rate approved by Council. However, the Development Charges Deferral Agreement may provide for the waiving of any interest if, when due, the development charges are paid on time.
- 4.8 In the event the deferred development charges become payable and remain unpaid, in whole or in part, or on their due date remain unpaid, then by entering into an agreement to defer payment of development charges, the Applicant explicitly agrees that in addition to any other

remedy available to the Town at law the amount of unpaid development charges, plus all accrued interest, shall be added to the tax roll(s) related to the property in a manner deemed appropriate by the Town and collected in the same manner as taxes, including that the applicable interest rate that shall apply shall be the rate the Town charges for unpaid taxes.

- 4.9 The Applicant agrees that the Development Charges Deferral Agreement may be terminated by the Town Manager, at his or her sole discretion, if a building permit for the proposed development is not applied for within two months of the Town signing the Development Charges Deferral Agreement.
- 4.10 The Applicant agrees that the Town has the right to terminate the Development Charges Deferral Agreement and the deferred development charges, including interest will therefore become due and payable in full in the event of any default or breach of the Agreement by the Applicant with or without notice to the Applicant from the Town.
- 4.11 Notwithstanding anything in this By-law or the Development Charges Deferral Agreement the following shall be considered a default or breach of the agreement:
 - 4.11.1 Where a mortgage, charge, lien, execution, or other encumbrance affecting the property becomes enforceable against the property; or,
 - 4.11.2 Where the owner of the property becomes bankrupt, whether voluntary or involuntary or becomes insolvent or a receiver/manager is appointed with respect to the property; or,
 - 4.11.3 If the construction of the building deviates from what the Director of Planning used to determine the building would be a Class A Office building and the Director of Planning, at his/her sole discretion, then no longer agrees that the building will be Class A Office building; or,

- 4.11.4 Upon the sale of the property unless the Town agrees in writing, prior to the sale, to assign the Development Charges Deferral Agreement to the new owner.
- 4.12 Any attempt to assign this agreement without the written approval of the Town is void.
- 4.13 If there are mixed uses in the building that include uses other than office then only the development charges related to the office space will be deferred unless staff recommend that the additional uses are ancillary to the office use and that the development charges for this area should also be included in the deferral.
- 4.14 Development charges may be deferred in whole or in part.
- 4.15 Council may, at its sole discretion consider applications that do not meet all eligibility criteria.

Payment by Services

- 5.0 Despite the payments required under subsection 3.11, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this by-law.

Indexing

- 6.0 Development charges imposed pursuant to this by-law shall be adjusted annually on January 1st of each year, without amendment to this by-law in accordance with the Act.

Schedules

- 7.0 The following schedules to this by-law form an integral part thereof:

Schedule A - Components of Services Designated in subsection 2.1

Schedule B - Residential and Non-Residential Development Charges

Schedule C - Map Denoting Urban Serviced Lands for which full
Development Charges are imposed.

Date By-law in Force

8.0 This By-law shall come into force on the 22nd day of March, 2021.

Date By-law Expires

9.0 This By-law will expire on the 22nd day of March, 2026 unless it is
repealed at an earlier date.

Read a first time and second time this 22nd day of March, 2021.

Read a third time and finally passed this 22nd day of March, 2021.

J.A. Jordan, Mayor

S. Kim, Town Clerk

Schedule “A”

To By-law 21-14 Components of Services and Classes of Services Designated in Subsection 2.1

D.C.-Eligible Services:

- Services Related to a Highway
- Roads and Related
- Fire Protection Services
- Fire Facilities
- Fire Vehicles
- Fire Small Equipment and Gear
- Parks and Recreation Services
- Parkland Development
- Parkland Amenities
- Parks and Recreation Vehicles and Equipment
- Recreation Facilities
- Library Services
- Library Facilities
- Library Collection Materials

D.C.-Eligible Classes:

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

Schedule "B"
To By-law 21-14
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Gross Floor Area)	Non-Industrial (per sq.ft. of Gross Floor Area)
Town-Wide Services/Classes:							
Services Related to a Highway	4,155	2,635	1,611	2,826	1,468	1.25	2.65
Public Works	185	117	72	126	65	0.06	0.11
Fire Protection Services	1,018	692	646	395	360	0.29	0.65
Parks and Recreation Services	6,809	4,630	4,318	2,640	2,406	0.31	0.67
Library Services	1,695	1,153	1,075	657	599	0.08	0.17
Growth Studies	1,632	1,110	1,035	633	577	0.47	1.00
Total Town-Wide Services/Classes	15,494	10,337	8,757	7,277	5,475	2.46	5.24
Urban Services							
Stormwater Drainage and Control Services	1,293	879	820	501	457	0.15	0.33
Wastewater Services	400	272	254	155	141	0.12	0.25
Water Services	502	341	318	195	177	0.15	0.31
Total Urban Services	2,195	1,492	1,392	851	775	0.42	0.89
GRAND TOTAL RURAL AREA	15,494	10,337	8,757	7,277	5,475	2.46	5.24
GRAND TOTAL URBAN AREA	17,689	11,829	10,149	8,128	6,250	2.88	6.13

Schedule "C" To By-law 21-14 Map of Urban Serviced Area

