# The Corporation of the Township of North Huron

## By-law No. 83-2016
## Respecting
## Development Charges

**WHEREAS** section 2(1) of the Development Charges Act, 1997 S.O. 1997, c 27, authorizes the Council of a municipality to pass By-laws for the imposition of development charges against land located in the municipality where the development of land would increase the need for municipal services as designated in the By-law;

**AND WHEREAS** the Township of North Huron has completed a Development Charge Background Study in accordance with Section 10 of the Development Charges Act, 1997;

**AND WHEREAS** the Council has given notice of its intention to pass a By-Law and held a public meeting in accordance with Section 12 of the Development Charges Act, 1997;

**NOW THEREFORE** the Council of the Township of North Huron hereby **ENACTS** as follows:

## Part I - Definitions

1. **Definitions**

The following terms shall, for the purposes of this By-law have the meanings stated below:

a. "**Apartment, Bachelor**" means a dwelling unit consisting of one bathroom and not more than two (2) habitable rooms, providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms;

b. "**Apartment Building**" means the whole of a structure that contains four or more dwelling units which units have a common entrance from street level and are served by a common corridor and the occupant of which units have the right to use in common the corridors, stairs, elevators, yards or one or more of them, and "apartment" shall mean one such unit located within an apartment building;

c. **"Average Level of Service"** means the average level of service in the municipality for the ten years immediately preceding the preparation of the background study;

d. **"Background Study"** means the study required prior to passage of this By-law of the increases in services, and the capital costs associated therewith, projected as a result of development;

e. **"Bedroom"** means a habitable room larger than 7 square metres, including a den, study or similar area, but does not include a living room, dining room and kitchen;

f. **"Blyth Ward"** includes all properties within the boundaries of the Blyth;

g. **"Capital Costs"** means costs incurred or proposed to be incurred by the Corporation or a local board thereof directly or under an agreement;

(i) Costs to acquire land or an interest in land, including a leasehold interest;

(ii) Costs to improve land;

(iii) Costs to acquire, lease, construct or improve buildings and structures;

(iv) Costs to acquire, lease, construct or improve facilities including;
1. Rolling stock with an estimated useful life of seven years or more,
2. Furniture and equipment, other than computer equipment, and
3. Materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act;

(v) Costs to undertake studies in connection with any of the matters referred to in paragraphs i-iv;

(vi) Costs of the development charge background study; and

(vii) Interest on money borrowed to pay for costs described in paragraphs i-iv

only the capital component of costs to lease anything or to acquire a leasehold interest is included as a capital cost;

h. **"Corporation"** means the Corporation of the Township of North Huron;

i. **"Council"** means the Council of the Corporation;

j. **"Development"** which includes redevelopment, 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 including alterations to the interior of a building that has the effect of changing the size or usability thereof, and includes all enlargement of existing development which creates new dwelling units or additional commercial or institutional space; and "redevelopment" has a corresponding meaning;

k. **"Development Charge"** means a charge imposed for increased capital costs required because of increased need for service arising from development of the area to which this By-law applies;

l. **"Dwelling"** means a building, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding or rooming houses, motels or institutions;

m. **"Dwelling, Duplex"** means the whole of a dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule;

n. **"Dwelling, Multiple"** means all dwellings other than a single detached dwelling, a semi-detached dwelling, a duplex dwelling, a bachelor apartment and an apartment;

o. **"Dwelling, Semi-Detached or Row"** means a residential building, which contains a single dwelling unit, that has one or two vertical walls, but no other parts, attached to other buildings;

p. **"Dwelling, Single Detached"** means a residential building, which contains a single dwelling unit, that is not attached to other buildings;

q. **"Dwelling Unit"** means one or more habitable rooms occupied or designed to be occupied by an individual or family as an independent and separate housekeeping

establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building;

r. **"East Wawanosh Ward"** includes all properties within the boundaries of the East Wawanosh;

s. **"Front-End Payment"** means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under this By-law, to cover the capital costs of the services designated in the agreement that are required to enable land to be developed within the Corporation;

t. **"Gross Floor Area"** means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior wall;

u. **"Hard Services"** means sanitary sewage service, water service, fire protection and roads, bridges and sidewalks;

v. **"Local Board"** means a public utility commission, transportation commission, public library board, board of park management, board of health, police service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Corporation or any part or parts thereof, but does not include a board defined in subsection 1(1) of the Education Act;

w. **"Minister"** means the Minister of Municipal Affairs and Housing;

x. **"OMB"** means the Ontario Municipal Board;

y. **"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;

z. **"Services"** means those services designated in section 9 of this By-law or in an agreement made under Part V of this By-law;

aa. **"Soft Services"** means administration and parkland development;

bb. **"Treasurer"** means the treasurer for the Township of North Huron;

cc. **"Wingham Ward"** includes all properties within the boundaries of the Wingham Ward and any properties outside of Wingham Ward within North Huron that are:

(i) created by consent; or
(ii) created by Plan of Subdivision or Condominium; or
(iii) governed by Site Plan Control; or
(iv) are existing lots of record;
(v) and that are allowed to connect to the existing water system or the existing sanitary sewers system or the existing storm water drainage system of the Municipality.

## Part II - Application

2. This By-law applies to all lands in the geographic area of the Corporation. Different charges shall apply to development of land within the Wingham Ward, and Blyth and East Wawanosh Ward, as set out in the schedule of charges.

3. This By-law does not apply to land that is owned by and used for the purposes of;

   a. A board of education;

   b. The Corporation or any local board thereof;

   c. The Corporation of the County of Huron or any local board thereof.

4. No development charge under section 5 is payable where the development;

   a. Is an enlargement of an existing dwelling unit;

   b. Creates one or two additional dwelling units in an existing single detached dwelling if the total gross floor area of the additional dwelling unit or units does not exceed the gross floor area of the existing dwelling unit;

   c. Creates one additional dwelling unit in a semi-detached or row dwelling if the total gross floor area of the additional dwelling unit does not exceed the gross floor area of the existing dwelling unit;

   d. Creates one additional dwelling unit in any other residential dwelling if the total gross floor area of the additional dwelling unit does not exceed the gross floor area of the smallest dwelling unit contained in the building;

   e. Is a place of worship and land used in connection therewith and every churchyard, cemetery, burying ground or burial site that is exempt from taxation under section 3 of the Assessment Act;

   f. Is the enlargement of an existing industrial building if the gross floor area is enlarged by fifty percent or less; or

   g. Is a bona fide non-residential farm building;

   h. Is a redevelopment where a residential unit or units existed on a property prior to a period of not more than five years prior to an application for a building permit(s) for new residential dwellings on the same property. The new units are not subject to a development charge up to and including the original number of units that existed on the site within five years prior to the application for building permit(s) on the property. All units in excess of the original number are subject to the current development charge.

5. Subject to section 6, Development Charges shall be imposed upon and shall be applied, calculated and collected in accordance with the provisions of this By-law on all land to be developed for residential uses, where

   a. The development of the land will increase the need for services; and

   b. The development requires any one of;

      i. The passing of a zoning by-law or of an amendment thereto 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.

viii. All lots of record shall pay a development charge upon issuance of a building permit, where no development charge or lot levy has previously been collected for that lot.

6. Section 5 shall not apply in respect of,

a. Those services, relating to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under Section 51 of the Planning Act; and

b. those services to be installed or paid for by the owner as a condition of approval under Section 53 of the Planning Act.

7. Development charges shall not be imposed to pay for increased capital costs required because of increased needs for any of the following:

a. the provision of cultural or entertainment facilities, including museums, theatres and art galleries but not including public libraries;

b. the provision of tourism facilities including convention centres;

c. the acquisition of land for parks;

d. the provision of a hospital as defined in the Public Hospitals Act;

e. the provision of landfill sites and services;

f. the provision of facilities and services for the incineration of waste; or

g. the provision of headquarters for the general administration of municipalities and local boards.

8. In no event shall a shortfall caused by the exclusion of development charges listed in Section 4 be made up for by increasing the development charge for other development.

## Part III – Rates and Calculations

9. Development charges against land within the Corporation which is to be developed shall be based upon the following designated services provided by the Corporation:

a. sanitary sewage service, including sewage treatment facilities, trunk sanitary sewers and pumping stations;

b. water services including water supply, treatment and distribution facilities;

c. public works facilities;

d. fire protection;

e. parkland development;

f. administration, including capital growth studies;

10. Subject to the provisions of this Part and this By-law, development charges imposed upon land within the Corporation which is to be developed shall be calculated and collected as set out in Schedule "A" to this By-law.

11. Development charges imposed pursuant to this By-law may be adjusted annually on January 1, without amendment to this By-law, in accordance with the Statistics Canada Consumer Price Index.

## Part IV - Complaints

12. An owner may complain in writing to the Council in respect of the development charge imposed by the Corporation that,

a. the amount of the development charge was incorrectly determined

b. whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined

c. there was an error in the application of this By-law

13. A complaint may not be made under section 12 later than 90 days after the date the development charge, or any part of it, is payable.

14. The complaint must be in writing, must state the complainant's name, the address where notices can be given to the complainant and the reasons for the complaint.

15. The Council shall hold a hearing into the complaint and shall give the complainant an opportunity to make representation at the hearing.

16. The Clerk of the Corporation shall mail a notice of the hearing to the complainant at least fourteen (14) days before the hearing.

17. Council may:

a. dismiss the complaint; or

b. rectify any incorrect determination or error that was the subject of the complaint

18. The Clerk of the Corporation shall mail to the complainant a notice of the Council's decision and of the last day for appealing the decision, which shall be the day that is forty (40) days after the day the decision is made. The notice required under this section must be mailed not later than twenty (20) days after the day the Council's decision is made.

## Part V – Front Ending Agreements

19. The services which may be the subject of a front-ending agreement must be services to which the work relates and to which this By-law relates and are set out below.

    a. sanitary sewage service, including sewage treatment facilities, trunk sanitary sewers and pumping stations;

    b. water service, including water supply and watermains;

20. A front-ending agreement may provide for the following to be included in the cost of the work

    a. the reasonable costs of administering the agreement; and

    b. the reasonable costs of consultants and studies required to prepare the agreement.

21. A front-ending agreement must contain the following:

    a. a description of the work to be done, a definition of the area of the municipality that will benefit from the work and the estimated cost of the work;

    b. the proportion of the cost of the work that will be borne by each party to the agreement;

    c. the method for determining the part of the costs of the work that will be reimbursed by the persons who, in the future, develop land within the area defined in the agreement;

    d. the amount, or a method for determining the amount, of the non-reimbursable share of the costs of the work for the parties and for persons who reimburse parts of the costs of the work; and

    e. a description of the way in which amounts collected from persons to reimburse the costs of the work will be allocated.

22. A front-ending agreement may contain other provisions in addition to those required under section 21.

23. A front-ending agreement may provide for a person who is not a party to the agreement to

    a. pay an amount only if the person develops land and a development charge could be imposed for the development under Section 5.

24. Sections 5, 10 and 11 apply with modifications to amounts a person who is not a party to a front-ending agreement must pay under the agreement.

25. A front-ending agreement may provide for persons who reimburse part of the costs of the work borne by the parties to be themselves reimbursed by persons who later develop land within the area defined in the agreement.

26. A front-ending agreement must not provide for a person to be reimbursed for any part of their non-reimbursable share of the costs of the work as determined under the agreement.

27. A front-ending agreement comes into force on the day the agreement is made.

28. A front-ending agreement that is terminated by the OMB shall be deemed to have never come into force.

29. A person who develops land within the area defined in a front-ending agreement shall pay any amount to the Corporation that the agreement provides upon a building permit being issued for the development unless the front-ending agreement provides for the amount to be payable on a later day or on an earlier day.

30. A front-ending agreement may provide that an amount payable for development that requires approval of a plan of subdivision under section 51 of the Planning Act or a consent under Section 53 of the Planning Act and for which a subdivision agreement or consent agreement is entered into, be payable immediately upon the parties entering into the subdivision or consent agreement.

31. The Corporation shall place money received under a front-ending agreement into a special account, which shall be used, in accordance with the agreement, only to pay for work provided for under the agreement and to reimburse those who, under the agreement, have a right to be reimbursed.

32. Notwithstanding Section 31, if the Corporation receives money from parties to the agreement to pay for work provided under the agreement, the Corporation shall, if the agreement so provides return to the parties any amounts that are not needed to pay for the work.

33. If an objection to a front-ending agreement is made, the Corporation shall retain any money received from persons who are not parties to the agreement until all the objections to the agreement are disposed of by the OMB.

34. If the OMB makes an order that the agreement be terminated unless amended in accordance with the OMB's order the Corporation shall retain the money until the agreement is either terminated or amended.

35. A person is entitled to be given a credit towards a development charge for the amount of their non-reimbursable share of costs of work under a front-ending agreement.

36. If the work would result in a level of service that exceeds the average level of the service in the ten (10) year period immediately preceding the preparation of the background study for this by-law, the amount of the credit must be reduced in the same proportion that the costs of the work that relate to a level of service that exceeds that average level of service bear to the costs of the work.

37. Credits under Section 34 shall be treated as though they were credits under Section 43.

38. A party to a front-ending agreement may register the agreement or a certified copy of it against the land to which it applies

## Part VI – Reserve Funds

39. The Corporation shall establish a separate reserve fund for each category of service to which the development charge relates.

40. Payments received by the Corporation under Part III of this By-law shall be paid into the reserve fund or funds to which the charge relates and shall be used only for capital costs.

41. Notwithstanding Section 39, the Corporation may borrow money from a reserve fund but if it does so the Corporation shall repay the amount used plus interest at a rate not less than the Bank of Canada rate on the day this By-law comes into force.

42. The Treasurer shall each year on or before such date as the Council may direct, give the Council a financial statement relating to this By-law and reserve funds established under Section 38 and make it available to the public.

43. The Treasurer shall give a copy of the statement required by Section 41 to the Minister of Municipal Affairs and Housing on request.

## Part VII – Credits

44. The Corporation shall give a person a credit towards the development charge in accordance with the agreement if the person performs work that relates to a service to which a development charge by-law relates.

45. The amount of the credit is the reasonable cost of doing the work as agreed by the Corporation and the person who is to be given the credit.

46. No credit may be given for any part of the cost of work that relates to an increase in the level of service that exceeds the average level of service.

47. A credit, or any part of it, may be given before the work for which the credit is given is completed.

48. A credit given in exchange for work done is a credit only in relation to the service to which the work relates.

49. If the work relates to more than one service, the credit for the work must be allocated, in the manner agreed by the Corporation, among the services to which the work relates.

50. The Corporation may agree that a credit given be in relation to another service to which this By-law applies.

51. The Corporation may agree to change a credit so that it relates to another service to which this By-law relates.

52. A credit may not be transferred unless the holder and person to whom the credit is to be transferred have agreed in writing to the transfer, and the Corporation has agreed to the transfer, either in the agreement under which the holder was given the credit or subsequently.

53. The transfer of a credit is not effective until the Corporation transfers it.

54. The Corporation shall transfer a credit upon being requested to do so by the holder, the person to whom the credit is to be transferred or the agent of either of them and being given proof that the conditions in Section 50 are satisfied.

55. A credit that relates to a service may be used only with respect to that part of a development charge that relates to the service.

56. A credit may only be used by the holder, his agent or the transferee in the event that the credit has been transferred by the holder with the approval of the Corporation.

## Part VIII - Administration

57. A Development Charge is payable for a development prior to the issuance of a Building Permit.

58. If any amount is payable under a front-ending agreement by a person who develops land, the Corporation shall not issue a building permit for the development until the amount is paid.

59. Despite Sections 57, the Corporation may enter into an agreement with a person who is

required to pay a development charge providing for all or any part of a development charge to be paid before or after it would otherwise by payable.

60. The total amount of a development charge payable under an agreement under Section 59 is the amount of the development charge that would be determined under this By-law on the day specified in the agreement or, if no such day is specified, at the earlier of,

    a. the time the development charge or any part of it is payable under the agreement; and the time the development charge would have been payable in the absence of the agreement.

61. An agreement under Section 59 may allow the Corporation to charge interest, at a rate stipulated in the agreement, on that part of the development charge paid after it would otherwise be payable.

62. Nothing in this by-law prevents the Council from passing subsequent development charges by-laws applying to the area covered under this by-law.

63. A certified copy of this by-law may be registered against the land to which it applies.

64. Where a development charge or any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

65. This By-law shall be administered by the Chief Building Official.

66. This By-law shall come into force and effect on _____ (date).

67. This By-law shall continue in force and effect for a period not to exceed five (5) years from the date of passage, unless it is repealed at an earlier date by a subsequent By-law.

68. This By-law may be cited as the Development Charges By-law.

69. That By-law No. 43-2011 shall be repealed upon this By-law coming into force and effect.

READ a First and Second time this 19th day of September, 2016.

_____
Neil Vincent, Reeve

CORPORATE SEAL

_____
Kathy Adams, Clerk

READ a Third time and finally passed this _____ day of _____, 2016.

_____
Neil Vincent, Reeve

CORPORATE SEAL

_____
Kathy Adams, Clerk

**Appendix 'A'**
**Township of North Huron**
**Development Charge Amounts**

| **Wingham Ward** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Residential Type | Persons Per Unit | Sanitary Sewage Service | Water Services | Transportation | Firefighting | Parks and Recreation | Administration | **Total** |
| Single and Semi-Detached | 2.5 | $3,453.13 | $0.00 | $754.29 | $52.89 | $270.00 | $574.09 | **$5,104.38** |
| Multiple Units and Townhouses | 2.1 | $2,900.63 | $0.00 | $633.60 | $44.43 | $226.80 | $482.23 | **$4,287.68** |
| Apartments (2 bedrooms +) | 1.5 | $2,071.88 | $0.00 | $452.57 | $31.73 | $162.00 | $344.45 | **$3,062.63** |
| Apartments (Bachelor and 1 bedroom) | 1.1 | $1,519.38 | $0.00 | $331.89 | $23.27 | $118.80 | $252.60 | **$2,245.93** |

| **Blyth Ward** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Residential Type | Persons Per Unit | Sanitary Sewage Service | Water Services | Transportation | Firefighting | Parks and Recreation | Administration | **Total** |
| Single and Semi-Detached | 2.5 | $0.00 | $912.30 | $754.29 | $52.89 | $270.00 | $574.09 | **$2,563.56** |
| Multiple Units and Townhouses | 2.1 | $0.00 | $766.34 | $633.60 | $44.43 | $226.80 | $482.23 | **$2,153.39** |
| Apartments (2 bedrooms +) | 1.5 | $0.00 | $547.38 | $452.57 | $31.73 | $162.00 | $344.45 | **$1,538.14** |
| Apartments (Bachelor and 1 bedroom) | 1.1 | $0.00 | $401.41 | $331.89 | $23.27 | $118.80 | $252.60 | **$1,127.97** |

| **East Wawanosh Ward** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Residential Type | Persons Per Unit | Sanitary Sewage Service | Water Services | Transportation | Firefighting | Parks and Recreation | Administration | **Total** |
| Single and Semi-Detached | 2.5 | $0.00 | $0.00 | $754.29 | $52.89 | $270.00 | $574.09 | **$1,651.26** |
| Multiple Units and Townhouses | 2.1 | $0.00 | $0.00 | $633.60 | $44.43 | $226.80 | $482.23 | **$1,387.06** |
| Apartments (2 bedrooms +) | 1.5 | $0.00 | $0.00 | $452.57 | $31.73 | $162.00 | $344.45 | **$990.76** |
| Apartments (Bachelor and 1 bedroom) | 1.1 | $0.00 | $0.00 | $331.89 | $23.27 | $118.80 | $252.60 | **$726.55** |