

THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NUMBER 2009-090

Being a by-law to impose and provide for
the payment of development charges for
municipal services in the Town of Caledon

WHEREAS the *Development Charges Act, 1997* 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 the increased need for services arising from development in the area to which the by-law applies;

AND WHEREAS at the direction of the Council of The Corporation of the Town of Caledon, Watson & Associates Economists Ltd. has prepared a development charge background study entitled *Town of Caledon 2009 Development Charge Background Study (inclusive of Background Studies and Proposed By-laws for Bolton Area Specific Charges for Storm Water Management and Related Purposes)* dated 1 June 2009;

AND WHEREAS extracts of the draft *Town of Caledon 2009 Development Charge Background Study* dated 15 May 2009 was reviewed with representatives of the development community at a meeting held on 20 May 2009;

AND WHEREAS notice of a public meeting was given during the week of 23 May 2009 as required by the *Development Charges Act, 1997* and in accordance with Ontario Regulation 82/98;

AND WHEREAS the Council of The Corporation of the Town of Caledon made the *Town of Caledon 2009 Development Charge Background Study* dated 1 June 2009 and a draft version of this by-law available to the public as of 1 June 2009 as required by the *Development Charges Act, 1997*;

AND WHEREAS the Council of The Corporation of the Town of Caledon held a public meeting on 17 June 2009 at which all persons in attendance were provided with an opportunity to make representations relating to the draft version of this by-law as required by the *Development Charges Act, 1997*;

AND WHEREAS, by resolution passed on 7 July 2009, the Council of The Corporation of the Town of Caledon

- (a) adopted the *Town of Caledon 2009 Development Charge Background Study*;
- (b) determined that it was not necessary to hold any further public meetings with respect to this by-law;
- (c) expressed its intention to ensure that the increased need for services arising from development in the area to which this by-law applies will be met; and,
- (d) expressed its intention to ensure that any excess capacity in any existing services of The Corporation of the Town of Caledon will be paid for by new development;

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts as follows:

Definitions

1. (1) In this by-law:

“accessory”, where used to describe a building, structure or use, means a building, structure or use that is subordinate, incidental and exclusively devoted to a principal building, structure or use and that is located on the same land as such principal building, structure or use

“Act” means the *Development Charges Act, 1997*, S.O. 1997, c.27

“agricultural building or structure” means a building or structure that is used for the purposes of or in conjunction with animal husbandry, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a bona fide farmer

“agricultural tourism building or structure” means a building or structure or part of a building or structure located on a working farm of a bona fide farmer for the purpose of providing enjoyment, education or active involvement in the activities of the farm where the principle activity on the property remains as a farm and where products used in the activity are produced on the property and/or are related to farming. The building or structure may be related to activities such as a hay or corn maze; farm related petting zoo; hay rides and sleigh, buggy or carriage rides; farm tours; processing demonstrations; pick-your-own produce; a farm theme playground for children; farm markets; farm produce stands, and farmhouse dining rooms

“apartment dwelling” means a dwelling unit in a building containing more than six dwelling units where the dwelling units are connected by an interior corridor

“bed and breakfast establishment” means a single detached dwelling or part of a single detached dwelling in which guest rooms are provided for hire or pay, with or without meals, for the traveling or vacationing public, but does not include a hotel or motel

“bona fide farmer” means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the Town of Caledon and who shall have owned, actively worked and resided on the subject farm operation for a substantial number of years and excludes the operators of large scale commercial farming operations

“building” means a structure consisting of a wall, roof and floor or any of them;

“commercial building” means a non-residential building other than an agricultural building, an industrial building or an institutional building

“completed” when used with respect to the construction of a green commercial or industrial building, means that the Town’s Chief Building Official or his or her designate is satisfied that such building complies with the applicable building, fire and mechanical requirements of the Ontario Building Code

“country inn” means premises in which temporary lodging or sleeping accommodation are provided to the public and may include accessory services such as a restaurant, meeting facilities, recreation facilities, banquet facilities and staff accommodations. The Premises shall contain a minimum of four (4) and a maximum of twenty-nine (29) guest rooms.

“development” means the construction, erection or placing of one or more buildings or structures on land and/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 development charge imposed pursuant to this by-law

“duplex dwelling” means a dwelling unit in a building divided horizontally into two dwelling units each of which has a separate entrance

“dwelling unit” means a room or suite of rooms used or 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

“farm based home industry building ” means an accessory building to a single detached dwelling where a small-scale use is located, which is operated by a bona fide farmer, which is located on and is subordinate or incidental to a permitted farm operation; which is associated with limited retailing of products created in whole or in part in the accessory building performed by one or more residents of the farm property and may include a carpentry shop; a craft shop; a metal working shop; a repair shop; a farm equipment repair shop; a farm tractor repair shop; a plumbing shop; an electrical shop; a welding shop ; a woodworking shop; a blacksmith, a building for the indoor storage of school buses, boats, snowmobiles, or similar uses, but shall not include an motor repair shop or vehicle paint shop

“farm winery” and “farm cidery” means buildings or structures used by a bona fide farmer for the processing of juice, grapes, fruit or honey in the production of wines or ciders, including the fermentation, production, bottling, aging or storage of such products as a secondary use to a farm operation. The winery or cidery may include a laboratory, administrative office, hospitality room and retail outlet and, if required, must be licensed or authorized under the appropriate legislation

“garden suite” means a one-storey, free standing, temporary and portable residential structure, with a single dwelling unit containing kitchen and bathroom facilities, which is designed for year round occupancy and is accessory to a single-detached dwelling, but excludes a trailer

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

“green commercial or industrial building” means a commercial or industrial building that:

- (i) is Leadership in Energy and Environmental Design (LEED) certified
- or a commercial or industrial building where:
- (ii) twenty-five (25%) percent of the total amount of energy required for full operation of such building, including all equipment and machinery therein, is provided by a solar hot water system;
 - (iii) ten (10%) percent of the total amount of energy required for full operation of such building, including all equipment and machinery therein, is provided by transpired solar collectors;
 - (iv) five (5%) percent of the total amount of energy required for full operation of such building, including all equipment and machinery therein, is provided by a solar photovoltaic system;
 - (v) all of the employee and visitor parking spaces that are accessory to such building are constructed with permeable pavement; or,
 - (vi) there is a storm water cistern accessory to such building that provides one hundred (100%) percent of the water required to irrigate the lot on which such building is located;

“industrial building” means a building used for or in connection with:

- (i) manufacturing, producing, processing, storing or distributing something;
- (ii) research or development in connection with manufacturing, producing or processing something;
- (iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place; or,
- (iv) office or administrative purposes, if they are,
 - (1) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and,
 - (2) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution

“institutional use” means the use of land, buildings, or structures for a public or non-profit purpose, including a religious, charitable, educational, health or welfare purpose, and without limiting the generality of the foregoing, may include such uses as schools, hospitals, places of worship, recreation facilities, community centres and government buildings

“local board” means a local board as defined in the *Municipal Act, 2001* other than a board defined in subsection 1(1) of the *Education Act*;

“mixed use” means land, buildings or structures used or designed or intended to be used for a combination of residential uses and non-residential uses

“non-residential” means used or designed or intended to be used other than for residential purposes

“outbuilding” means a building that is accessory to a primary or main non-residential building or mixed use building, that is located on the same land as such primary or main non-residential building and that is used for a storage purpose that is accessory to the primary or main use on such land, such as the storage of equipment used to maintain such land or the buildings and structures thereon or the storage of equipment that is ordinarily used for the purposes of the primary or main use on such land, but shall not include a building used for the storage of inventory

“protracted”, in relation to a temporary building or structure, means the existence of such temporary building or structure for a continuous period of more than eight months

“redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure on such land has been or is to be demolished, or changing the use of a building or structure from residential to non-residential or from non-residential to residential

“Regulation” means Ontario Regulation 82/98, as amended

“rehabilitation building” means a non-residential building located on land from which aggregate has been lawfully extracted

“residential” means used or designed or intended to be used as a home or residence of one or more persons

“retail” means the use or intended use of land, buildings or portions thereof for the purpose of offering foods, wares, merchandise, substances, articles or things for sale directly to the public or providing services or entertainment to the public. Retail includes, but is not limited to:

- (i) the use or intended use of land, buildings or portions thereof for the rental of wares, merchandise, substances, articles or things;
- (ii) offices and storage used or intended to be used in connection with, related to or ancillary to a retail use; and,
- (iii) conventional restaurants; fast food restaurants; concert halls/theatres/cinemas/movie houses/drive-in theatres; automotive fuel stations with or without service facilities; specialty automotive shops/auto repairs/collision services/care or truck washes; auto dealerships; shopping centres and plazas, including more than two attached stores under one ownership; department/discount stores; banks and similar financial institutions, including credit unions; warehouse clubs and retail warehouses.

“secondary use farm building or structure” means a building or structure secondary to the principal use of the property by a bona fide farmer, including home occupations, farm-based home industries, and uses that involve the production and sale of value-added agricultural products produced from the farm operation on the property.

“semi-detached dwelling” means a dwelling unit in a building divided vertically into two dwelling units each of which has a separate entrance

“service” means a service described in this by-law or in an agreement made under section 44 of the Act

“single-detached dwelling” means a dwelling unit in a completely detached building containing only one dwelling unit

“structure” means anything constructed or erected and requiring location on or in the ground or attached to something having location on or in the ground

“temporary building or structure” means a building or structure that is constructed, erected or placed on land for a continuous period of not more than eight months, or an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof for a continuous period of not more than eight months

“total floor area” means the total of the areas of the floors in a building or structure, whether at, above or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two

uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

- (i) includes space occupied by interior walls and partitions
- (ii) includes, below grade, only the floor area that is used for commercial or industrial purposes
- (iii) includes the floor area of a mezzanine
- (iv) where a building or structure does not have any walls, the total floor area shall be the total area of the land directly beneath the roof of the building or structure and the total areas of the floors in the building or structure
- (v) excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators, washrooms, and the parking and loading of vehicles; and
- (vi) excludes the area of any self contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and

“Town” means The Corporation of the Town of Caledon.

- (2) All words defined in the Act or the Regulation have the same meaning in this by-law as they have in the Act or Regulation unless they are defined otherwise in this by-law.
- (3) All references to the provisions of any statute or regulation or to the Ontario Building Code contained in this by-law shall also refer to the same or similar provisions in the statute or regulation or code as amended, replaced, revised or consolidated from time to time.

Affected Land

- 2. (1) Subject to subsections 2 and 3 of this section, this by-law applies to all land in the Town of Caledon, whether or not such land is exempt from taxation under section 3 of the *Assessment Act*.
- (2) This by-law shall not apply to land within
 - (a) the Bolton Business Improvement Area as outlined in By-law No. 80-72, as has been or may be amended; or
 - (b) the Caledon East Commercial Core Area as outlined on Schedule D of the Town of Caledon Official Plan.
- (3) This by-law shall not apply to land that is owned by and used for the purposes of
 - (a) a board as defined in subsection 1(1) of the *Education Act*;
 - (b) a college or university that is eligible to receive funding from the government of the Province of Ontario;
 - (c) a hospital as defined in section 1 of the *Public Hospitals Act*.
 - (d) the Ontario Provincial Police;
 - (e) the Town or any local board thereof;
 - (f) The Regional Municipality of Peel or any local board thereof; or,
 - (g) any other municipality or local board thereof.

Imposition of Development Charges

3. (1) Subject to subsections 2 and 3 of this section, development charges shall be imposed against land that is to be developed if the development requires:
- (a) the passing of a zoning by-law or of an amendment to a zoning by-law 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*; or,
 - (g) the issuing of a building permit for the construction or erection of a building or structure.
- (2) Only one development charge shall be imposed against land to which this by-law applies even though two or more of the actions described in subsection 1 of this section are required for such land to be developed.
- (3) Notwithstanding subsection 2 of this section, if two or more of the actions described in subsection 1 of this section occur at different times, additional development charges shall be imposed in accordance with this by-law in respect of any additional development permitted by the subsequent action.

Description of Services

4. (1) Development charges shall be imposed in accordance with this by-law in respect of the following services based on the following percentages with respect to residential and non-residential development respectively:

	Service	% of Total Charge	
		Residential	Non-Residential
(a)	development-related studies	1.2	2.3
(b)	roads and related structures and installations	64.2	81.6
(c)	Works vehicles and equipment	2.3	4.1
(d)	parkland and trail development	8.7	1.4
(e)	indoor recreation facilities	15.0	2.3
(f)	animal control facilities	0.2	-
(g)	fire facilities, vehicles and equipment	4.1	7.1
(h)	library facilities and materials	4.0	0.7
(i)	Ontario Court of Justice (Provincial Offences) court facilities	0.3	0.5
	Total	100.0	100.0

- (2) The development charges applicable to a development, as determined under this by-law, shall apply without regard to the services required for or to be used by such development.

Calculation of Development Charges

5. (1) The development charges applicable to a development shall be calculated as follows:

- (a) in the case of residential development, or the residential portion of a mixed use development, the development charges shall be based upon the number of dwelling units included in such development; or,
 - (b) in the case of non-residential development, or the non-residential portion of a mixed use development, the development charges shall be based upon the total floor area included in such development.
- (2) The development charges described in Schedule A to this by-law shall be imposed against land that is to be developed for residential uses, including dwelling units accessory to a non-residential use, and, in the case of a mixed use building or structure, on the residential portion of the mixed use building or structure, according to the type of residential development.
 - (3) The development charges described in Schedule A to this by-law shall be imposed against land that is to be developed for non-residential uses and, in the case of a mixed use building or structure, on the non-residential portion of the mixed use building or structure, according to the type of non-residential development.

Residential Intensification

- 6. (1) This by-law shall not apply with respect to any of the actions described in subsection 1 of section 3 of this by-law if the only effect of such action is to:
 - (a) permit the enlargement of an existing dwelling unit;
 - (b) permit the creation of one or two additional dwelling units in an existing single-detached dwelling, provided that the total gross floor area of the additional dwelling unit or the additional dwelling units is not greater than the gross floor area of the dwelling unit in the existing single-detached dwelling;
 - (c) permit the creation of one additional dwelling unit in an existing semi-detached or row dwelling, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the dwelling unit in the existing semi-detached or row dwelling; or
 - (d) permit the creation of one additional dwelling unit in any other existing residential building, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the smallest dwelling unit in the existing residential building.
- (2) Notwithstanding any other provision of this by-law, for the purpose of subsection 1 of this section, the terms "single-detached dwelling", "semi-detached dwelling", "row dwelling" and "gross floor area" shall have the meanings provided for them in the Regulation.

Industrial Expansion

- 7. (1) Notwithstanding any other provision of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge applicable to such development shall be determined as follows:
 - (a) if the gross floor area is enlarged by fifty percent or less, the amount of the development charge in respect of the enlargement shall be zero; or,
 - (b) if the gross floor area is enlarged by more than fifty percent, the amount of the development charge in respect of the enlargement

shall be calculated on the amount by which the enlargement exceeds fifty percent of the gross floor area of the existing industrial building before the enlargement.

- (2) Notwithstanding any other provision of this by-law, for the purpose of subsections 1 and 5 of this section, the terms "existing industrial building" and "gross floor area" shall have the meanings provided for them in the Regulation.
- (3) For the purpose of interpreting the definition of "existing industrial building" in the Regulation, regard shall be had for the classification of the land on which the existing industrial building is located under the *Assessment Act* and in particular:
 - (a) whether the land is within a tax class such that taxes on the land are payable at the industrial tax rate; and,
 - (b) whether more than fifty percent of the gross floor area of the existing industrial building has an industrial property code for assessment purposes.
- (4) For the purpose of applying subsection 1 of this section, the gross floor area of an existing industrial building shall be calculated as it was prior to the first enlargement of such existing industrial building for which an exemption under subsection 1 of this section applies.
- (5) Notwithstanding any other provision of this by-law, development charges shall not be imposed with respect to the construction or erection of a building that is accessory to, and not more than fifty percent of the gross floor area of an existing industrial building or the construction or erection of buildings that are accessory to, and, in total, not more than fifty percent of the gross floor area of an existing industrial building, provided that, prior to a building permit or building permits being issued for such building or buildings, the owner or owners of the land on which such building or buildings are to be constructed or erected enter into a written agreement with the Town which has the effect of counting the floor area of such building or buildings against the exemption provided for in subsection 1 of this section.

Redevelopment

8. Subject to section 7 of this by-law, where, in conjunction with the redevelopment of land, a building or structure on such land was demolished in whole or in part on or after November 6, 1991 or is to be demolished in whole or in part or converted from a residential use to a non-residential use or vice-versa, the development charge to be imposed with respect to such redevelopment shall be reduced by the following amounts:
 - (1) in the case of a residential building or the residential portion of a mixed use building or structure, an amount calculated by multiplying the applicable development charge under section 5 of this by-law by the number of dwelling units, according to the type thereof, that have been or are to be demolished or converted to a non-residential use; or,
 - (2) in the case of a non-residential building or the non-residential portion of a mixed use or building or structure, an amount calculated by multiplying the applicable development charge under section 5 of this by-law by the total floor area, according to the type thereof, that has been or is to be demolished or converted to a residential use;

provided that such amounts shall not exceed in total the amount of the development charges to otherwise be imposed with respect to the redevelopment.

Green Commercial and Industrial Buildings

9. (a) Upon application being made for a building permit for the construction of a commercial or industrial building that is intended to be a green

commercial or industrial building a professional architect or engineer shall certify to the Town in writing that such commercial or industrial building is intended to be a green commercial or industrial building.

(b) If a professional architect or engineer has certified that a commercial or industrial building is intended to be a green commercial or industrial building, prior to the issuance of a building permit therefor:

(i) non-residential development charges, discounted in accordance with Schedule B attached hereto, shall be paid to the Town with respect to such commercial or industrial building; and,

(iii) an irrevocable letter of credit issued by a Canadian chartered bank, in a form satisfactory to the Town, in the amount of the discount referred to in paragraph (ii) of this subsection shall be deposited with the Town.

(c) If, within two (2) years after the construction of a commercial or industrial building that is intended to be a green commercial or industrial building has been completed:

(i) an independent consultant who is recognized by the Canada Green Building Council certifies to the Town in writing, with all of the supporting information required by the Town, that such commercial or industrial building meets LEED Certified, LEED Silver, LEED Gold or LEED Platinum, as the case may be; or,

(ii) a professional architect or engineer certifies to the Town in writing that such commercial or industrial building otherwise meets the requirements of a green commercial or industrial building;

the Town shall release the letter of credit referred to in paragraph (iii) of subsection (a) of this section.

(d) If, within two (2) years after the construction of a commercial or industrial building that is intended to be a green commercial or industrial building has been completed:

(i) an independent consultant who is recognized by the Canada Green Building Council has not certified to the Town in writing, with all of the supporting information required by the Town, that such commercial or industrial building meets LEED Certified, LEED Silver, LEED Gold or LEED Platinum, as the case may be; or,

(ii) a professional architect or engineer has not certified to the Town in writing that such commercial or industrial building otherwise meets the requirements of a green commercial or industrial building;

then:

(iii) non-residential development charges, without any discount therefrom, shall be applicable to such commercial or industrial building;

(iv) the amount of the discount referred to in paragraph (ii) of subsection (b) of this section shall immediately become payable to the Town; and,

(v) if the amount of the discount referred to in paragraph (ii) of subsection (b) of this section is not paid to the Town within thirty (30) days after the expiry of such two (2) year period, the Town shall be entitled to draw upon the letter of credit referred to in paragraph (iii) of subsection (a) of this section and to use the proceeds thereof to collect such amount.

- (e) Unless otherwise authorized by the Council of the Town, if the total amount of the discounts referred to in paragraph (ii) of subsection (a) of this section with respect to all commercial and industrial buildings where a professional architect or engineer has certified to the Town that such commercial or industrial building is intended to be a green commercial or industrial building reaches more than two hundred and fifty thousand (\$250,000.00) dollars in any year, this section shall not apply to any commercial or industrial building for the rest of that year.

Temporary Buildings or Structures

10. (1) Notwithstanding any other provision of the by-law, development charges shall not be imposed under this by-law in respect of the construction or erection of a temporary building or structure so long as its status as a temporary building or structure is maintained in accordance with the provisions of this by-law.
- (2) Upon application being made for the issuance of a building permit for the construction or erection of a temporary building or structure to which, but for subsection 1 of this section, development charges apply, the Town may require the owner or owners of the land on which such temporary building or structure is to be constructed or erected to enter into an agreement with the Town pursuant to section 27 of the Act and submit security, satisfactory to the Town, to be realized upon in the event that the temporary building or structure becomes protracted and development charges thereby become payable.
- (3) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, nor ever to have been a temporary building or structure and, subject to any agreement made pursuant to section 27 of the Act, development charges under this by-law shall become payable forthwith.

Exemptions

11. (1) Notwithstanding any other provision of this by-law, development charges shall not apply to
- (a) a country inn,
 - (b) a bed & breakfast establishment,
 - (c) a building or structure used for the purpose of agricultural tourism,
 - (d) a farm based home industry,
 - (e) a farm cidery,
 - (f) a farm winery,
 - (g) a garden suite,
 - (h) a non-residential agricultural building or structure,
 - (i) an outbuilding,
 - (j) a rehabilitation building, and
 - (k) a secondary use farm building or structure.

provided that a development charge, calculated in accordance with this by-law, shall be immediately payable if such bed & breakfast establishment, building or structure used for the purpose of agricultural tourism, farm based home industry, farm cider or winery, garden suite, non-residential agricultural building or structure, outbuilding or rehabilitation building is converted to a use that is not exempt under this by-law.

- (2) Notwithstanding any other provision of this by-law, the Council of the Town may, by resolution, waive the payment of development charges in

whole or in part with respect to land to be developed for an institutional use.

Indexing

12. The development charges described in Schedule A to this by-law shall be adjusted without amendment to this by-law on February 1st and August 1st in each year, commencing on February 1st, 2010, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) with the base index value being that in effect on August 1, 2009.

Payment of Development Charges

13. (1) Development charges, adjusted in accordance with 12 of this by-law to the date of payment, shall be payable:
- (a) in regard to development charges imposed under subsection 2 of section 5 of this by-law, with respect to each dwelling unit in a building or structure for which a building permit is issued, on the date that the building permit is issued; and,
 - (b) in regard to development charges imposed under subsection 3 of section 5 of this by-law, with respect to a building or structure for which a building permit is issued, on the date that the building permit is issued.
- (2) In the alternative to payment by the means provided in subsection 1 of this section, the Town may, by an agreement made under section 38 of the Act with the owner or owners of land that is to be developed, accept the provision of services in full or partial satisfaction of development charges otherwise payable by such owner or owners, provided that:
- (a) if the Town and such owner or owners cannot agree as to the reasonable cost of providing the services, the dispute shall be referred to the Council of the Town and its decision shall be final and binding; and,
 - (b) if the reasonable cost of providing the services exceeds the amount of the development charge for the service to which the work relates:
 - (i) the excess amount shall not be credited against the development charge for any other service, unless the Town has so agreed in an agreement made under section 39 of the Act; and,
 - (ii) in no event shall the Town be required to make a cash payment to such owner or owners.
- (3) Nothing in this by-law shall prevent the Council of the Town from requiring, as a condition of any approval under the *Planning Act*, that the owner or owners of land install such local services as the Council of the Town may require in accordance with the policies of the Town with respect to local services.
- (4) The Town may require the owner or owners of land that is to be developed to enter into an agreement, including the provision of security for the obligations of such owner or owners under the agreement, pursuant to section 27 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable, and the terms of such agreement shall prevail over the provisions of this by-law.

Unpaid Development Charges

14. (1) If a development charge or any part thereof 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.

- (2) If any unpaid development charges are collected as taxes in accordance with subsection 1 of this section, the monies so collected shall be credited to the appropriate development charges reserve fund.

Phasing In

15. (1) Subject to subsection 2 of this section, the development charges imposed pursuant to this by-law shall be payable in full, subject to any exemptions provided for in this by-law, from and including July 8, 2009.
- (2) Subject to subsection 3 of this section, the development charges described in Schedule A to this by-law shall, subject to the indexing and any exemptions provided for in this by-law, be payable in full with respect to non-retail non-residential development from and including July 8, 2010.
- (3) Subject to subsection 4 of this section, with respect to non-retail non-residential development, development charges calculated at the rate of \$30.83 per square metre upon the total floor area included in such development shall, subject to the indexing and any exemptions provided for in this by-law, be imposed and payable in full from and including July 8, 2009 to and including July 7, 2011.
- (4) With respect to any non-retail non-residential development for which a complete building permit application or a complete site plan application has been or is submitted to the Town on or before August 31, 2009, development charges shall, subject to the indexing and any exemptions provided for in this by-law, be calculated at the rate of \$28.00 per square metre upon the total floor area included in such development, provided that a building permit for such development is issued on or before January 31, 2010.

Effective Date

16. This by-law shall come into force and effect on 7 July 2009.

Repeal

17. By-law No. 2004-118, as amended, shall be and is hereby repealed effective on the date that this by-law comes into force and effect.

Expiry Date

18. This by-law shall expire five years from the date that it comes into force and effect, unless it is repealed at an earlier date by a subsequent by-law.

Registration

19. A certified copy of this by-law may be registered in the by-law register in the Peel Land Registry Office and/or against the title to any land to which this by-law applies.

Severability

20. In the event that any provision of this by-law is found by a court of competent jurisdiction to be invalid, such provision shall be deemed to be severed, and the remaining provisions of this by-law shall remain in full force and effect.

Headings

21. The headings inserted in this by-law are for convenience of reference only and shall not affect the interpretation of this by-law.


Schedules


22. Schedules A and B attached to this by-law shall be deemed to be a part of this by-law.

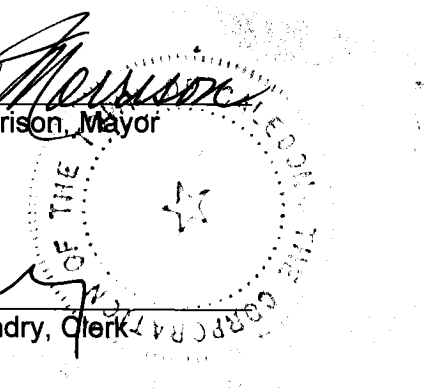
Short Title

23. This by-law may be referred to as the *2009 Town Wide Development Charges By-law*.

READ THREE TIMES AND
FINALLY PASSED IN OPEN
COUNCIL, this 7th DAY of
JULY, 2009


Marilyn Morrison, Mayor


Karen Landry, Clerk



SCHEDULE A

BY-LAW 2009-090

SCHEDULE OF DEVELOPMENT CHARGES

Type of Development	Development Charge
Residential 1.1 Single detached, semi-detached and duplex dwellings 1.2 Apartments larger than 70 s. m. 1.3 Apartment 70 s.m. and smaller 1.4 Other residential dwellings	Development Charge per Dwelling Unit \$18,691.00 \$12,461.00 \$7,314.00 \$14,627.00
Non-residential	Development Charge per square metre of total floor area \$46.71

**SCHEDULE B
BY-LAW 2009-090**

**DEVELOPMENT CHARGE DISCOUNT APPLICABLE TO QUALIFYING
COMMERCIAL AND INDUSTRIAL BUILDINGS**

GREEN MEASURE	INCLUSIONS	DISCOUNT AS A PERCENTAGE OF NON-RESIDENTIAL DEVELOPMENT CHARGE
Green Technologies	Solar hot water system	5% for any inclusion or any combination of inclusions
	Transpired solar collectors	
	Solar photovoltaic system	
	Permeable pavement	
	Storm water cistern	
LEED Certified	Certified and registered with the Green Building Council of Canada as meeting the applicable LEED Canada 1.0 Rating System (or its successor)	20%
LEED Silver		22.5%
LEED Gold		25%
LEED Platinum		27.5%