

Consolidated

The Corporation of the Township of Selwyn

By-law Number 2023-053 & 2024-070

A By-law for the Imposition of Development Charges for Roads and Related and Growth-related Studies

Whereas section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”) provides that the council of a municipality may pass By-laws for the imposition of Development Charges against land to pay for increased Capital Costs required because of the need for Services arising from Development in the area to which the By-law applies; and

Whereas the Township of Selwyn will experience growth through development and re-development; and

Whereas development and re-development requires the provision of physical and social services by the Township of Selwyn; and

Whereas Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Township of Selwyn or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services; and

Whereas a development charge background study has been completed in accordance with the Act; and

Whereas the Council of The Corporation of the Township of Selwyn has given notice of and held a public meeting on the 27th day of June, 2023 in accordance with the Act and the regulations thereto; and

Now Therefore the Council of the Corporation of the Township of Selwyn Enacts as Follows:

1. Interpretation

1.1 In this By-law the following items shall have the corresponding meanings:

“Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereof;

“Accessory” means a building that is normally incidental, subordinate and exclusively devoted to a main building that is located on the same lot therewith and includes a private garage that is not attached to the main building in any way and does not include a fence or a sign;

“Ancillary” will have the same definition as “Accessory”;

“Affordable housing unit” means any residential dwelling unit for which the purchase price is at least 25% less than the average purchase price for the same type of residential dwelling unit in the County of Peterborough and any residential dwelling unit where the monthly rent is at or below the

maximum affordable monthly rent amount established by the Residential Rental Standards Board for the Province of Ontario;

“Affordable residential unit” means a residential unit that meets the criteria set out in section 4.1 of the Act.

“Agricultural Use,” means a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, poultry-keeping or any other farming use, and includes the growing, raising, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture and which are not noxious. For the purposes of this by-law, an agricultural use shall exclude retail sales and commercial activities, including but not limited to restaurants, banquet facilities, hospitality and accommodation facilities, gift shops, services related to grooming, boarding, or breeding of household pets, alcohol processing or production facilities, and cannabis production facilities;

“Apartment Dwelling” means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

“Attainable residential unit” means a residential unit that meets the criteria set out in section 4.1 of the Act.

“Bedroom” means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

“Board of Education” means a board defined in subsection 1 (1) of the Education Act, R.S.O. 1990, c. E.2, as amended;

“Building Code Act” means the Building Code Act, 1992, S.O. 1992, c. 23 as amended;

“Cannabis production facility” means a building, structure, or part thereof, designed, used, or intended to be used for any one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis for medical or recreational purposes in accordance with the requirements of a licence as issued by Health Canada in accordance with the *Cannabis Regulations SOR/2018-144*, to the *Cannabis Act, SC 2018, c 16*, the *Controlled Drugs and Substances Act, SC 1996, c 19* and the *Food and Drugs Act, RSC 1985, c F-27*, as amended from time to time, or any successors thereto.

"Capital cost" means capital costs as defined in subsection 5 (3) of the Act.

~~“Capital cost” means costs incurred or proposed to be incurred by the Township or a Local Board thereof directly or by others on behalf of and as authorized by the Township or Local Board;~~

- ~~(a) — to acquire land or an interest in land, including a leasehold interest,~~
- ~~(b) — to improve land,~~
- ~~(c) — to acquire, lease, construct or improve Buildings and structures,~~
- ~~(d) — to acquire, lease, construct or improve facilities including (but not limited to),~~
 - ~~(i) — rolling stock with an estimated useful life of seven years or more,~~
 - ~~(ii) — furniture and equipment other than computer equipment; and~~
 - ~~(iii) — materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990 c. P.44, as amended; and~~
- ~~(e) — interest on money borrowed to pay for costs in (a) to (d).~~

"Commercial" means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

"Council" means the Council of the Corporation of the Township of Selwyn;

"Development" means the construction, erection or placing of one or more Buildings on land or the making of an addition or alteration to a Building that has the effect of increasing the size thereof, and includes Redevelopment;

"Development Charge" means a charge imposed pursuant 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" means the number, use and size that existed as of the date this bylaw was passed;

"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;

"Gross floor area" means:

- (a) in the case of a residential building or structure, 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 any other dwelling unit or other portion of a building; and

- (b) 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:
- (c) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (i) loading facilities above or below grade; and
 - (ii) 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;

“Inclusionary zoning residential units” means residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of that Act.

“Industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include cannabis production facilities or the sale of commodities to the general public through a warehouse club;

“Institutional” means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- (b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
- (c) by any institution of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular, and ongoing operation funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subclause (i); or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;

(d) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

(e) as a hospice to provide end of life care;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, 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, including school purposes, of the municipality or any part or parts thereof

“Local services” means those services, facilities or things which are under the jurisdiction of the Township and are related to a plan of subdivision or within the area to which the plan relates with respect to the lands under sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“Mixed-Use” means a building that is used and/or designated to be used for both residential and non-residential purposes;

“Multiple dwelling” includes all dwellings other than a Single Detached Dwelling, a Semi-detached Dwelling, or Apartment Dwelling;

“Municipality” means The Corporation of the Township of Selwyn;

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

(a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary objective 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 objective is to provide housing; or

(c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

“Non-residential” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan of the Township and any amendments thereto;

“Owner” means the owner of land or a person who has made application for an approval of 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, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended;

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

“Rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“Residential Dwelling means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

"Residential use" means the use of a building or structure or portion thereof for one or more Dwelling Units. This also includes a Dwelling Unit on land that is used for an Agricultural Use;

“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 wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

“Service” (or “Services”) means a service designated in subsection 2.1 to this By- law;

"Servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality;

“Single Detached Dwelling” means a completely detached Building containing only one Dwelling Unit;

“Township" means the area within the geographic limits of the Township of Selwyn; and

"Zoning By-Law" means the Zoning By-Law of the Township of Selwyn or any successor thereof passed pursuant to Section 34 of the *Planning Act*, S.O. 1998.

2. Designation of Services

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

- (a) Roads and Related
- (b) Growth-related Studies

3. 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 section 3.3, this By-law applies to all lands in the Township of Selwyn whether or not the land or use thereof is exempt from taxation under s.13 or the Assessment Act.
- 3.3 Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the municipality or a local board thereof; or
 - (b) a board of education.

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*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act* 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

Exemptions for Residential Units

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) an enlargement to an existing dwelling unit;
 - (b) a second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (c) a third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
 - (d) one residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units; or
 - (e) in an existing rental residential building, which contains four or more residential units, the creation of the greater of one residential unit or one per cent of the existing residential units.
- 3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of additional dwelling units in proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:
- (a) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;
 - (b) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or

structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units; or

- (c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

Exemption for Industrial Development

- 3.7 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.
- 3.8 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable 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 percent of the gross floor area before the enlargement;
 - (b) divide the amount determined under subsection (a) by the amount of the enlargement.
- 3.9 For the purpose of section 3.7 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.
- 3.10 The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this by-law or predecessor.

Other Exemptions

- 3.11 Notwithstanding any provision of this by-law, development charges shall not be imposed with respect to:
 - (a) Non-profit housing;
 - (b) Inclusionary zoning residential units;
 - (c) Hospitals under the *Public Hospitals Act*;
 - (d) Non-residential farm buildings; and
 - (e) Industrial Buildings.

Amount of Charges

Residential

- 3.12 The development charges set out in Schedule A 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, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.13 The development charges described in Schedule A 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, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges

For Redevelopment

- 3.14 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 5 years 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 3.12 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
 - (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 applicable development charges under subsection 3.13, 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.

For Affordable Housing

- 3.15 (1) In determining the average purchase price for a residential dwelling unit in the County of Peterborough as it relates to an affordable housing unit, the average purchase price for the same type of

residential dwelling unit will be calculated for the calendar year next preceding the calendar year in which the completed application for the building permit for the dwelling unit in question is received and shall be determined annually on the basis of information compiled by the Peterborough Real Estate Board or its successor.

- (2) In determining the maximum affordable monthly rent for a residential dwelling unit in the County of Peterborough as it relates to an affordable housing unit, the maximum affordable monthly rent for the same type of residential dwelling unit will be calculated for the calendar year next preceding the calendar year in which the completed application for the building permit for the dwelling unit in question is received and shall be determined annually on the basis of information compiled by the Residential Rental Standards Board for the Province of Ontario.
- (3) The development charge payable for a residential dwelling unit that qualifies as an Affordable Housing Unit in accordance with the definition shall be zero.
- (4) Despite the provisions of subparagraph 3 above, the development charge required by this By-law for a residential dwelling unit shall be paid prior to the issuance of the building permit in accordance with the provisions of this By-law.
- (5) The person to whom the building permit was issued may, upon completion of the initial sale or rental of a residential dwelling unit, apply to the Chief Building Official for a reduction of the Development Charge and shall provide such documentary evidence as is satisfactory to the Chief Building Official that the building qualifies as an Affordable Housing Unit as defined.
- (6) Satisfactory documentary evidence that the building qualifies as an Affordable Housing Unit shall include, but not be limited to:
 - (a) a copy of a Land Transfer Tax Affidavit duly executed in accordance with Section 5 (1.2) of the *Land Transfer Tax Act*;
 - (b) a statement forming part of the electronic document as required by Section 5(1.1) of the *Land Transfer Tax Act*; or
 - (c) a lease contract with the first tenant to occupy the residential dwelling unit.
- (7) Upon receiving an application for reduction of the Development Charge in accordance with subparagraph 5 above, and upon being satisfied that the building qualifies as an Affordable Housing Unit as defined, the Chief Building Official shall refund to the person to whom the building permit was originally issued a sum equal to the Development Charge originally paid upon the issuance of the building permit as provided for in this By-law.

- (8) Once the Lieutenant Governor proclaims in force Section 3 of Schedule 3 of the *More Homes Built Faster Act, 2022*, subparagraphs 1 to 7 above will no longer apply and affordable residential units and attainable residential units will be exempt from development charges in accordance with Section 4.1 of the Act.

Time of Payment of Development Charges

- 3.16 A Development Charge shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted pursuant to the Act or this By-law, on the date a building permit is issued in relation to a Building or structure on land to which a Development Charge applies.
- 3.17 Where a Development Charge applies to land in relation to which a building permit is required, the building permit shall not be issued until the Development Charge has been paid in full.
- 3.18 Notwithstanding subsections 3.16 and 3.17, Development Charges for rental housing and institutional developments are due and payable in six (6) installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Township's Council approved Development Charges Interest Rate Policy, payable on the anniversary date each year thereafter.
- 3.19 Notwithstanding subsections 3.16 and 3.17, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment on or after January 1, 2020, and the building permit was issued within 2 years of the approval, the Development Charges shall be calculated based on the charges in effect on the date the Site Plan or Zoning By-law Amendment application was made, including interest as provided in the Township's Council approved Development Charges Interest Rate Policy.
- 3.20 Despite subsections 3.16 to 3.19, Council from time to time, and at anytime, 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, in accordance with section 27 of the Act.

4. Payment by Services

- 4.1 Despite the payment required under subsections 3.12 and 3.13, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. Indexing

- 5.1 Development charges imposed pursuant to this By-law shall be adjusted annually on January 1, without amendment to this By-law, in accordance with the most recent twelve-month change in the prescribed index in the Act.

6. Schedules

- 6.1 The following schedules shall form part of this By-law:

Schedule A - Residential and Non-Residential Development Charges

7. Conflicts

7.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding subsection 7.1, where a development which is the subject of an agreement to which subsection 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. Severability

8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. Date By-law in Force

9.1 This By-law shall come into effect at 12:01 AM on September 12, 2023.

10. Date By-law Expires

10.1 This By-law will expire as per Section 9 of the Act unless it is repealed by Council at an earlier date.

Passed this 8th day of August, 2023

Sherry Senis, Mayor

Angela Chittick, Clerk

Corporate Seal

Schedule "A" to By-law No. 2024-070

Schedule of Development Charges

Service/Class of Service	Residential Single and Semi-Detached Dwelling	Residential Other Multiples	Residential Apartments – 2 Bedrooms +	Residential Apartments – Bachelor and 1 Bedroom	Non-Residential (Per Sq.Ft. of Gross Floor Area)
Roads and Related	\$ 2,865	\$ 2,142	\$ 2,239	\$ 1,287	\$ 1.85
Growth-related Studies	\$ 128	\$ 96	\$ 100	\$ 58	\$ 0.08

Schedule "A" To By-law 2023-053

Schedule of Development Charges

Service	Residential Single And Semi-Detached Dwelling	Residential Other Multiples	Residential Apartments – 2 Bedrooms +	Residential Apartments – Bachelor And 1 Bedroom	Non-Residential (Per Sq.Ft. Of Gross Floor Area)
Roads and Related	\$ 2,861	\$ 2,139	\$ 2,235	\$ 1,285	\$ 1.83