

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2019)-20372, as amended by By-law Number (2021)-20643

A by-law for the imposition of
Development Charges and to repeal
By-law Number (2014) – 19692

WHEREAS the City of Guelph will experience growth through development and re-development;

AND WHEREAS development and redevelopment require the provision of physical and other services by the City of Guelph;

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 undue financial burden on the City of Guelph or its taxpayers;

AND WHEREAS subsection 2(1) of the *Development Charges Act, 1997* (the "Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased Capital Costs required because of increased needs for services arising from development of the area to which the by-law applies;

AND WHEREAS a development charges background study has been completed in accordance with the Act;

AND WHEREAS Council has given notice of and held public meetings on the 21st day of January, 2019 in accordance with the Act and the regulations made under it;

And Whereas the City has undertaken a study pursuant to the Act which has provided updated Schedules to By-law (2019)-20372;

And Whereas the Council of the City of Guelph ("Council") has before it a report entitled "City of Guelph 2021 Development Charge Update Study" prepared by Watson & Associates Economists Ltd., dated September 17, 2021 (the "update study")

And Whereas the update study and proposed amending by-law were made available to the public on September 17, 2021 and Council gave notice to the public pursuant to section 12 of the Act;

And Whereas Council, on October 20, 2021 held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

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NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. INTERPRETATION

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 thereto;

“Accessory Use” means where used to describe a building, or structure where the building, or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use in a building, or structure, but is not an Ancillary Dwelling;

“Ancillary Dwelling,” means a residential Building that would be ancillary to a Single Detached dwelling, Semi-Detached Dwelling, or Row Dwelling and includes an accessory dwelling.

“Apartment” see the definition of “Dwelling Unit”;

“Back-to-Back Townhouse Dwelling” see the definition of “Dwelling Unit”;

“Board of Education” has the same meaning as “board” as set out in the *Education Act*, RSO 1990, c E.2, as amended, or any successor thereof;

“Building” means any structure or building as defined in the *Building Code* (O. Reg. 332/12 made under the Building Code Act, as amended, or any successor thereto) but does not include a vehicle;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any successor thereto;

“Cannabis” means:

- (a) a cannabis plant;
- (b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
- (c) any substance or mixture of substances that contains or has on it any part of such a plant; and
- (d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

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

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“Cannabis Production Facilities” means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of Cannabis where a license, permit or authorization has been issued under applicable federal law and does not include such buildings as a greenhouse and agricultural building associated with the use. It includes but is not limited to a building or part thereof solely designed, used, or intended to be used for retail sales of Cannabis.

“Capital Costs” means costs incurred or proposed to be incurred by the City or a Local Board thereof directly or by others on behalf of, and as authorized by, the City 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, construct or improve facilities including,
 - (i) furniture and equipment other than computer equipment,
 - (ii) 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, or any successor thereto, and
 - (iii) rolling stock with an estimated useful life of seven years or more, and
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the development charge background study,

required for the provision of Services designated in this By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

“City” means The Corporation of the City of Guelph or the geographic area of the municipality, as the context requires;

“Class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

“Computer Establishment” means a building or structure used or designed or intended for use as a computer establishment as this term is defined in the Zoning By-law.

“Council” means the Council of The Corporation of the City of Guelph;

“Development” means the construction, erection, or placing of one (1) or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof or any development requiring any of the actions described in section 3.4(a), and includes Redevelopment;

“Development Charge” means a charge imposed with respect to this By-law;

“Dwelling Unit” means a room or group of rooms occupied or designed to be occupied exclusively as an independent and separate self-contained housekeeping unit including a house;

- (a) “Ancillary Dwelling” means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling.
- (b) “Apartment Building” means a Building consisting of three (3) or more Dwelling Units, where access to each unit is obtained through a common entrance or entrances from the street level and subsequently through a common hall or halls, and “Apartment” means a Dwelling Unit in an Apartment Building;
- (c) “Garden Suite” means a Dwelling Unit which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing Dwelling Unit, such Garden Suite is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services;
- (d) “Link Dwelling” means two (2) Single Detached Dwellings sharing a common foundation wall below ground level, but does not include a Semi-Detached Dwelling;
- (e) “Semi-Detached Dwelling” means a Building that is divided vertically into two (2) separate Dwelling Units;
- (f) “Single Detached Dwelling” means a free-standing, separate, detached Building consisting of one (1) Dwelling Unit;
- (g) “Townhouse” means a Dwelling Unit that is within a Building that is divided vertically into three (3) or more separate Dwelling Units and includes a Row Dwelling;

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- (i) "Back-to-Back Townhouse Dwelling" means a Building where each Dwelling Unit is divided vertically by common walls, including a common rear wall and common side wall, and has an independent entrance to the Dwelling Unit from the outside accessed through the front yard, side yard or exterior side yard and does not have a rear yard;
- (ii) "Cluster Townhouse" means a Townhouse situated on a Lot in such a way that at least one (1) Dwelling Unit does not have legal frontage on a public street;
- (iii) "On-Street Townhouse" means a Townhouse where each Dwelling Unit is located on a separate lot and has legal frontage on a public street;

"Existing Industrial Building" means a Building used for or in connection with,

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

provided that: (A) such industrial Building or Buildings existed on a lot in the City of Guelph on March 1, 1998, or are industrial Building or Buildings constructed and occupied pursuant to site plan approval under section 41 of the Planning Act subsequent to March 1, 1998, for which full Development Charges were paid; and (B) an Existing Industrial Building shall not include a Retail Warehouse;

"Garden Suite" see the definition of "Dwelling Unit";

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

“Gross Floor Area” means:

- (a) in the case of a Non-Residential Use Building, 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 includes the floor area of a Mezzanine; or
- (b) in the case of a mixed-use Building including both Residential Uses and Non-Residential Uses, the total area of the non-residential portion thereof including 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, and includes the floor area of a Mezzanine;

“Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

“Industrial Building” means lands, buildings or structures, or portions thereof, used, designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly (“manufacturing”) of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public (if the retail sales are at the site where the manufacturing takes place) where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club or retail warehouse and does not include self-storage or mini-storage facilities;

“Institutional Development” 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 of the following post-secondary institutions for the objects of the institution:

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- (i) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subclause (1), or
 - (iii) an Indigenous Institute prescribed for the purposes of Section 6 of the Indigenous Institutes 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;

“Interest rate” means the annual rate of interest calculated as per the City’s Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time;

“Live/Work Unit” means a Building or part of a Building which contains both a Dwelling Unit and a Non-Residential Use which share a common wall or floor, and allows for direct access between the Dwelling Unit and Non-Residential Use;

“Local Board” has the same definition as “local board” as defined in the Act;

“Local Services” mean those services, facilities or things which are under the jurisdiction of the City that are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13;

“Lodging House” means a Residential Use Building that is used or designed to provide five (5) or more Lodging Units, which may share common areas of the Building but do not appear to function as a single housekeeping unit, for hire or gain directly or indirectly to persons.

“Lodging Unit” means a room or suite of rooms in a Building designed or intended to be used for sleeping and living accommodation which is not normally accessible to all residents of the Building, and which does not have the exclusive use of both a kitchen and a bathroom, and does not include an Apartment, Accessory Apartment, or a room or suite of rooms within a Special Care/Special Dwelling;

“Lot” means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act or successor thereto which meets the minimum lot area requirements under the Planning Act;

“Mezzanine” means a storey that forms a partial level of a building, such as a balcony

“Multiple Attached Dwelling” shall mean a Building other than a Single Detached Unit, Semi-Detached Unit, Apartment Building, Stacked Townhouse and Special Care/Special Dwelling/Lodging Unit

“Non-profit Housing Development” means development of a building or structure intended for use as residential premises by,

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

“Non-Residential Use” means land, Buildings or structures of any kind whatsoever used or designed or intended for a use other than a Residential Use;

“Owner” means the owner of land or a person who has made application for an approval for the Development of land for which a Development Charge may be imposed;

“Parking Structure” means a Building intended primarily for the temporary parking of vehicles as an Accessory Use to a Non-Residential Use or a Building intended to provide parking as a commercial enterprise.

“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, c. A.31, as amended, or any successor thereto;

“Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or any successor thereto;

“Prescribed” means prescribed pursuant to the regulations made under the Act;

“Redevelopment” means the construction, erection or placing of one or more Buildings on land where all or part of a Building has previously been demolished on such land, or changing the use of a Building from a Residential Use to a Non-Residential Use or from a Non-Residential Use to a Residential Use, or changing a Building from one form of Residential Use to another form of Residential Use or from one form of Non-Residential Use to another form of

Non-Residential Use and including any development or redevelopment requiring any of the actions described in section 3.4(a);

“Rental Housing Development” means the residential housing development of a building or structure with four or more Dwelling Units all of which are intended for use as rented residential premises;

“Research Establishment means land, Building or Buildings which is/are used for scientific research, tests or investigations, data collection and manipulation or technical development of information, products or devices for scientific application;

“Residential Use” means land, Buildings or structures of any kind whatsoever used or designed or intended for use as living accommodations for one or more individuals, but does not include land, Buildings, or structures used or designed or intended for use as Short Term Accommodation;

“Retail Warehouse” means a Building used exclusively for the storage and/or distribution of goods destined for a retail or commercial market, and also includes self-storage facilities;

“Row Dwelling” means a Dwelling Unit within a Building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“Semi Detached Unit” see the definition of “Dwelling Unit”

“Service” means a service designated in section 2.1, and “Services” shall have a corresponding meaning;

“Short Term Accommodation” means a Building used or designed or intended for use as a hotel or bed and breakfast as these terms are defined in the Zoning By-Law;

“Single Detached Unit” see the definition of Dwelling Unit

“Site” means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more Lots consolidated under one identical ownership;

“Special Care/Special Dwelling” means a Residential Use Building containing two (2) or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:

- a. Where the occupants have the right to use, in common, halls, stairs, yards, common rooms and accessory buildings;
- b. Which may or may not have exclusive sanitary and/or culinary facilities;

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- c. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- d. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels,

and includes, but is not limited to, retirement houses, nursing homes, group homes (including correctional group homes) and hospices;

“Stacked Townhouse” means one (1) Building or Structure containing two (2) Townhouses divided horizontally; one atop the other; in a building that is divided vertically into three (3) or more separate Dwelling Units.

“Townhouse” see the definition of “Dwelling Unit”;

“University” means the University of Guelph established by *An Act to incorporate the University of Guelph*, S.O., 1964, c. 120, as amended, or any successor thereto;

“University Related Purposes” means those objects and purposes set out in section 3 of *An Act to incorporate the University of Guelph*, S.O. 1964, c. 120, as amended, or any successor thereto;

“Zoning By-Law” means City of Guelph By-law Number (1995)-14864, as amended, or any successor thereof.

2. DESIGNATION OF SERVICES

2.1 The two (2) categories of Services for which Development Charges are imposed under this By-law are as follows:

- i. Water Services;
- ii. Wastewater Services;
- iii. Stormwater Services;
- iv. Services Related to a Highway;
- v. Public Works;
- vi. Fire Protection Services;
- vii. Policing Services;
- viii. Transit Services;
- ix. Library Services;
- x. Parks and Recreation Services;
- xi. Growth Studies;
- xii. Ambulance Services;
- xiii. Provincial Offences Act Services;

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- xiv. Health Services;
- xv. Municipal Parking; and
- xvi. Waste Diversion Services.

2.2 The components of the Services/Class of Services designated in section 2.1 are described in Schedule A.

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 requires any of the approvals set out in section 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 City.

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

- (a) the City or a Local Board thereof;
- (b) a Board of Education; or
- (c) a municipality, or a Local Board of the County of Wellington.

Approvals for Development

- 3.4 (a) Development Charges shall be imposed in accordance with this By-law on all Development which 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 9 of the *Condominium Act, 1998, SO 1998, c 19, as amended, or any successor thereto*;
or

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- (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) Despite section 3.4(a) of this By-law, Development Charges shall not be imposed on Development that requires one of the actions described in section 3.4(a) if the only effect of the action is to:
 - (i) permit the enlargement of an existing Dwelling Unit;
 - (ii) permit the creation of up to two (2) additional Dwelling Units as Prescribed under section 2(3) of the Act, subject to the Prescribed restrictions, in Prescribed classes of existing residential buildings; or
 - (iii) permit the creation of a second dwelling, subject to the Prescribed restrictions, in Prescribed classes of new residential buildings; or
 - (iv) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the small of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling, or row dwelling would be located.</p>
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that have one or two vertical walks, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the small of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling, or row dwelling would be located.</p>

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Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling, or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling, or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling, or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling, or row dwelling to which the proposed new residential building is ancillary.</p>

- (c) No more than one (1) Development Charge for each Service shall be imposed upon any Development to which this By-law applies even though two (2) or more of the actions described in section 3.4(a) are required for the Development.
- (d) Despite section 3.4(c), if two (2) or more of the actions described in section 3.4(a) occur at different times, additional Development Charges shall be imposed if the subsequent action has the effect of increasing the need for Services.

Exemptions

3.5.1 Notwithstanding the provisions of this By-law, Development Charges shall not be imposed with respect to:

- (a) Development of land, buildings or structures for University Related Purposes within the University defined area as set out in Schedule C;

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- (b) land, buildings or structures outside the defined area as set out in Schedule C, which are now owned directly or indirectly by the University or on behalf of the University or which may be acquired by the University and which are developed or occupied for University Related Purposes, provided that, where only a part of such land, buildings or structures are so developed, then only that part shall be exempt from the Development Charges specified under this By-law;
- (c) Development for a Place of Worship or for the purposes of a cemetery or burial site exempt from taxation under the Assessment Act;
- (d) Development by a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c.8, Sched. F, as amended, or any successor thereto;
- (e) Development for temporary Non-Residential Uses permitted pursuant to section 39 of the Planning Act;
- (f) Development, solely for the purposes of creating or adding an Accessory Use or accessory structure not exceeding 10 square metres of Gross Floor Area;
- (g) Development of or by a hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended, or any successor thereto;
- (h) The exempt portion of an enlargement of the Gross Floor Area of an Existing Industrial Building in accordance with section 4 of the Act, subject to section 3.5.2 of this By-law;
- (i) Development of a Parking Structure.

3.5.2 For the purposes of the exemption for the enlargement of Existing Industrial Buildings set out in section 3.5.1(h) of this By-law, the following provisions shall apply:

- (a) there shall be an exemption from the payment of Development Charges for one or more enlargements of an Existing Industrial Building, up to a maximum of fifty per cent (50%) of the Gross Floor Area before the first enlargement for which an exemption from the payment of Development Charges was granted pursuant to the Act or under this section of the By-law or any predecessor hereto;
- (b) Development Charges shall be imposed in the amounts set out in this By-law with respect to the amount of floor area of an enlargement that results in the Gross Floor Area of the industrial building being increased by greater than fifty per cent (50%) of the Gross Floor Area of the Existing Industrial Building; and,

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- (c) for greater clarity, Research Establishments and Computer Establishments are not industrial uses of land, buildings or structures under this By-law and do not qualify for the exemption under section 3.5.1(h).

Amount of Charges

Residential

- 3.6 Where a Development Charge is imposed for Development of a Residential Use, the amount of the Development Charges shall be as set out in the appropriate "Residential" column of Schedule B, for the Residential Uses, including any Dwelling Unit(s) accessory to a Non-Residential Use and, in the case of a mixed use building or structure, on the Residential Uses in the mixed use building or structure, including the residential component of a Live/Work Unit, according to the type of residential unit and calculated with respect to each of the Services according to the type of Residential Use.

Non-Residential

- 3.7 Where a Development Charge is imposed for Development of a Non-Residential Use, the amount of the Development Charge shall be as set out in the "Non-Residential" column of Schedule B for the Non-Residential Uses, and in the case of a mixed-use building, on the non-residential component of the mixed-use building, including the non-residential component of a Live/Work unit, according to the type and gross floor area of the non-residential component.

Reduction of Development Charges for Redevelopment

- 3.8 Despite any other provisions of this By-law, where a Building or structure existing on land within 48 months prior to the date that a Development Charge becomes payable for a Redevelopment on the same land 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, the Development Charge otherwise payable with respect to such Redevelopment shall be reduced by the following amounts:
- (a) in the case of a Residential Use Building or in the case of Residential Uses in a mixed-use Building, an amount calculated by multiplying the applicable Development Charge under section 3.6 by the number, according to type, of Dwelling Units that have been or will be destroyed, demolished or converted to another principal use; and
 - (b) in the case of a Non-Residential Use Building or in the case of the Non-Residential Uses in a mixed-use Building, an amount calculated by multiplying the applicable Development Charge under sections 3.7 by the Gross Floor Area that has been or will be demolished or converted to another principal use;

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provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to the Redevelopment. For greater certainty, any amount of the reductions set out above that exceed the amount of the Development Charge otherwise payable with respect to the Redevelopment shall be reduced to zero and shall not be transferred to any other Development or Redevelopment.

- 3.9 For the purposes of determining the 48-month period referred to in section 3.8, the date that a Building is deemed to be demolished shall be the earlier of:
- (a) the date such building or structure was demolished, destroyed or rendered uninhabitable; or
 - (b) if the former building or structure was demolished pursuant to a demolition permit issued before it was destroyed or became uninhabitable, the date the demolition permit was issued.
- 3.10 The reduction of Development Charges referred to in section 3.8 does not apply where the demolished Building, or any part thereof, when originally constructed was exempt from the payment of Development Charges pursuant to this By-law, or any predecessor thereto.

Time of Payment of Development Charges

- 3.11 Development Charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the Development.
- 3.12 Notwithstanding section 3.11, development charges for rental housing and institutional developments (where not otherwise exempt) are due and payable in 6 equal annual payments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.
- 3.13 Notwithstanding section 3.11, development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.
- 3.14 Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under sections 3.6 and 3.7 shall be calculated on the rates set out in Schedules "B-1" and "B-2" on the date of the planning application, including interest. Where both planning applications

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apply, development charges under sections 3.6 and 3.7 shall be calculated on the rates in effect on the day of the later planning application, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.

- 3.15 Despite section 3.11 through 3.14, Council, from time to time and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

Transition, Time of Payment:

- 3.16 (a) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made to the City pursuant to a previous By-law, and:

- (i) the type of Dwelling Unit for which the building permit or permits are being issued is different from that used for the calculation and payment under that By-law; and
- (ii) there has been no change in the zoning affecting such lot or block; and
- (iii) the Development Charges for the type of Dwelling Unit for which the building permit or permits are being issued were lesser at the time that payments were made pursuant to the previous By-law than for the type of Dwelling Unit used to calculate the payment,

an additional payment to the City is required for the Services paid for pursuant to the previous By-law, which additional payment, in regard to such different unit types, shall be the difference between the Development Charges for those Services in respect to the type of Dwelling Unit for which the building permit or permits are being issued, calculated as at the date of issuance of the building permit or permits, and the payment for those Services previously collected in regard thereto, adjusted in accordance with section 5 of this By-law.

- (b) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to a previous By-law, and:

- (i) the total number of Dwelling Units of a particular type for which the building permit or permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under the previous By-law; and
- (ii) there has been no change in the zoning affecting such lot or block,

an additional payment to the City is required for the Services paid for pursuant to the previous By-law, which additional payment shall be calculated on the basis of the number of additional Dwelling Units at the

rate for those Services prevailing at the date of issuance of the building permit or permits for such Dwelling Units.

- (c) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to a previous By-law, and:
- (i) the type of Dwelling Unit for which the building permit or permits are being issued is different than that used for the calculation and payment under the previous By-law; and
 - (ii) there has been no change in the zoning affecting such lot or block; and
 - (iii) the payment made for the type of Dwelling Unit for which building permits or permits are being issued were greater at the time that payments were made pursuant to the previous By-law than for the type of Dwelling Unit used to calculate the payment,

a refund shall be paid by the City for the Services paid for pursuant to the previous By-law in regard to such different unit types, which refund shall be the difference between the payment previously collected by the City for the Services, adjusted in accordance with section 5 of this By-law to the date of issuance of the building permit or permits, and the Development Charges for those Services in respect to the type of Dwelling Unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.

- (d) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to a previous By-law, and
- (i) the total number of Dwelling Units of a particular type for which the building permit or permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under the previous By-law, and
 - (ii) there has been no change in the zoning affecting such lot or block,

a refund shall be paid by the City for the Services paid for pursuant to section 3.11 of the previous By-law, which refund shall be calculated on the basis of the number of fewer Dwelling Units at the rate for those Services prevailing at the date of issuance of the building permit or permits for such Dwelling Units.

3.17 Despite sections 3.13 (c) and (d), a refund shall not exceed the amount of the payment actually made to the City for the Services under a previous By-law.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under section 3.11, Council may agree in accordance with the Act to allow a person to perform work that relates to a

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Service to which this By-law relates, and shall give the person a credit towards the Development Charge in accordance with that agreement.

- 4.2 The amount of the credit referred to in section 4.1 is the reasonable cost of doing the work as agreed by the City and the person to be given the credit.
- 4.3 Despite sections 4.1 and 4.2, 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 as calculated pursuant to the Act.
- 4.4 Any credit referred to in section 4.1 shall be given at such time, and in relation to such Service or Services as set out in the agreement, and as permitted under the Act.
- 4.5 Credits referred to in section 4.1 may be transferable by the City, subject to the terms of the agreement and as permitted under the Act.

5. INDEXING

Development Charges pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first anniversary date of this By-law coming into effect and on each anniversary date thereafter, in accordance with the index prescribed in O.Reg. 82/98 made under the Act, as per the Statistics Canada's Non-Residential Building Construction Price Index for the City of Toronto, as may be amended or replaced from time to time, for the most recent available data for the preceding quarter.

6. SCHEDULES

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

- Schedule A - Components of Services/Class of Services Designated in Section 2.1
- Schedule B-1 - Residential and Non-Residential Development Charges
- Schedule B-2 - Residential and Non-Residential Parking Development Charges
- Schedule C - University of Guelph "Defined Areas"

7. CONFLICTS

- 7.1 Where the City and an Owner or former Owner have entered into an agreement with respect to a Development Charge or to provide a credit for the performance of work that relates to a Service to which this By-law or a previous By-law relates, for any land or Development 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.

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7.2 Notwithstanding section 7.1, where a Development which is the subject of an agreement to which section 7.1 applies is subsequently the subject of one or more of the actions described in section 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

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

This By-law shall come into effect at 12:01 A.M. on **March 2, 2019**.

10. DATE BY-LAW EXPIRES

This By-law will expire at 12:01 A.M. on **March 2, 2024** unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

By-law Number (2014)-19692 is hereby repealed as of the date and time of this By-law coming into effect.

12. DATE BY-LAW AMENDED

This By-law, as amended, shall come into force and effect at 12:01 AM on December 13, 2021.

PASSED this 11th day of February, 2019

- MAYOR

- CITY CLERK

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COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN SUBSECTION 2.1

Urban Area D.C.-Eligible Services

Water Services

- Treatment Plants and Storage
- Distribution Systems

Wastewater Services

- Treatment Plant
- Sewers

Stormwater Services

- Stormwater Drainage and Control Services

City-Wide D.C.-Eligible Services

Services Related to a Highway

- Roads and Related Infrastructure
- Bridges and Culverts
- Sidewalks
- Traffic Signals
- Streetlights

Fire Protection Services

- Fire Stations
- Fire Vehicles
- Small Equipment and Gear

Policing Services

- Policing Detachments
- Small Equipment and Gear

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By-law Number (2019)-20372

SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1

Transit Services

- Transit Vehicles
- Transit Facilities
- Other Transit Infrastructure

Library Services

- Library Facilities
- Library Vehicles
- Library Collection Materials

Parks and Recreation Services

- Recreation Facilities
- Parkland Development, Amenities, Amenity Buildings, Trails
- Parks and Recreation Vehicles and Equipment

Ambulance Services

- Ambulance Facilities
- Vehicle Equipment

Provincial Offences Act Services

- Facility Space

Health Services

- Facility Space

Waste Diversion

- Facility Space
- Vehicle Equipment

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By-law Number (2019)-20372

**SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1**

City-Wide D.C.-Eligible Classes

Growth Studies

- Water Services
- Wastewater Services
- Stormwater Services
- Services Related to a Highway
- Fire Protection Services
- Policing Services
- Transit Services
- Library Services
- Parks and Recreation Services
- Ambulance Services
- Provincial Offences Act Services
- Health Services
- Waste Diversion Services

Public Works

- Facilities
 - Services Related to a Highway
 - Water Services
 - Wastewater Services
 - Stormwater Services
 - Transit Services
 - Parks and Recreation Services
 - Fire Protection Services
 - Ambulance Services
 - Policing Services
 - Waste Diversion Services
- Vehicles and Equipment
 - Services Related to a Highway

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By-law Number (2019)-20372

SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1

City-Wide D.C. Services - In force until September 18, 2022

Parking Services

Parking Spaces

Parking Meters and Equipment

Parking Studies

**Schedule of B-1 to By-law Number (2019)-20372
Schedule of Development Charges
(2018 \$)**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2+ Bedrooms/Stacked Townhouse	Apartments - Bachelor and 1 Bedroom/Stacked Townhouse	Multiple Attached Dwelling	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Classes:						
Services Related to a Highway	5,699	3,163	2,261	4,199	1,881	2.59
Fire Protection Services	316	175	125	233	104	0.15
Policing Services	662	367	263	488	219	0.30
Transit Services	2,750	1,526	1,091	2,026	908	1.32
Public Works, Facilities and Fleet	535	297	212	395	177	0.24
Parks and Recreation Services	8,813	4,891	3,497	6,494	2,910	0.47
Library Services	837	464	332	617	276	0.05
Growth Studies	779	432	309	574	257	0.38
Public Health	301	167	119	222	99	0.03
Provincial Offences Act	7	4	3	6	2	0.00
Ambulance	111	62	44	82	37	0.05
Waste Diversion	550	305	218	405	182	0.13
Total Municipal Wide Services/Classes	21,361	11,853	8,474	15,741	7,052	5.71
Urban Services						
Stormwater Drainage and Control Services	225	125	89	166	74	0.10
Wastewater Services	6,516	3,616	2,585	4,801	2,151	2.95
Water Services	6,893	3,825	2,735	5,079	2,276	3.12
Total Urban Services	13,634	7,566	5,409	10,046	4,501	6.17
GRAND TOTAL MUNICIPAL WIDE	21,361	11,853	8,474	15,741	7,052	5.71
GRAND TOTAL URBAN SERVICED AREA	34,995	19,419	13,883	25,787	11,553	11.88

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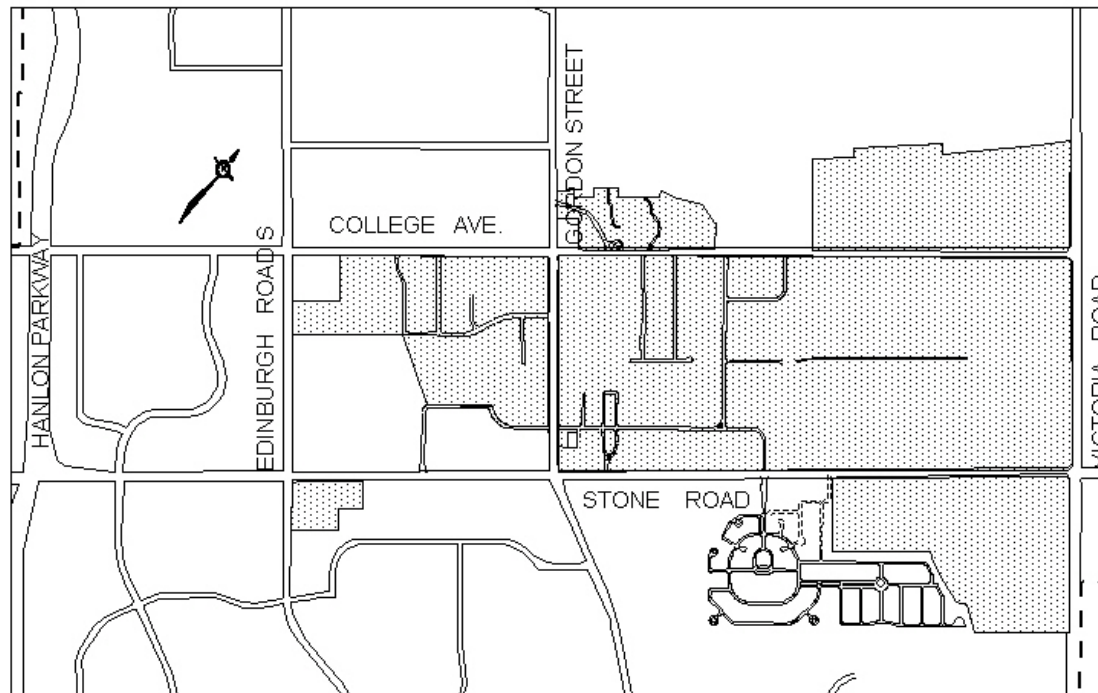
**Schedule B-2 to By-law Number (2019)-20372
Schedule of Development Charges – Parking Services
Effective to September 18, 2022
(2018 \$)**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2+ Bedrooms/Stacked Townhouse	Apartments - Bachelor and 1 Bedroom/Stacked Townhouse	Multiple Attached Dwelling	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services - Municipal Parking						
Municipal parking spaces	1,233	684	489	908	407	0.60
Grand Total Municipal Wide Services - Municipal Parking	1,233	684	489	908	407	0.60

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**By-law Number (2019)-
SCHEDULE C**

**UNIVERSITY OF GUELPH
"DEFINED AREAS"**



 **DEFINED AREA**

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