THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2021-34

A bylaw for the imposition of wastewater works development charges against land in the Village of Nobleton of the Township of King

WHEREAS the *Development Charges Act* (the "Act") provides that the council of a municipality may by law impose development charges against land to pay for growth-related capital costs required because of increased needs for services;

AND WHEREAS a development charge background study has been completed in support of the imposition of development charges;

AND WHEREAS the development charge background study includes an asset management plan that deals with all assets whose capital costs are intended to be funded under the development charge bylaw and that such assets are considered to be financially sustainable over their full life-cycle;

AND WHEREAS the Council of The Regional Municipality of York has given notice and held a public meeting on the 8th day of April, 2021 in accordance with the Act;

AND WHEREAS the Council of The Regional Municipality of York has determined that a further public meeting is not necessary pursuant to Section 12(3) of the Act;

NOW THEREFORE, the Council of The Regional Municipality of York hereby enacts as follows:

1. DEFINITIONS

1.1. In this bylaw,

"**accessory use**" means that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;

"**agricultural use**" means lands, buildings or structures, excluding any portion thereof used as a dwelling unit, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and any other activities customarily carried on in the field of agriculture;

"**apartment building**" means a residential building or the residential portion of a mixed use building, other than a townhouse or a stacked townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;

"**area municipality**" means a city, town or township in the Region;

"**banquet hall**" means a building or part of a building used primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;

"**building permit**" means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure or which permits the construction of the foundation of a building or structure;

"**community use**" means a facility traditionally provided by a municipality which serves a municipal purpose and shall include a community centre, library/research facility, recreation facility and a shelter;

"**convention centre**" means a building with a gross floor area greater than 40,000 square feet which is designed and used primarily to accommodate the following:

a. the assembly of large gatherings of persons for trade, business or educational purposes, or any combination thereof;

b. the display of products or services;

c. accessory uses which may include administrative offices, display areas, show-rooms, training facilities and banquet facilities, but do not include a banquet hall;

"**development**" includes redevelopment;

"**development charges**" means charges in regard to wastewater works services imposed pursuant to this bylaw and adjusted in accordance with section 5;

"**duplex**" means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;

"**dwelling unit**" means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

"**funeral home**" means a building with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;

"future development" means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;

"gross floor area" means, in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether 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 a non-residential and a residential use, excluding, in the case of a building or structure containing an atrium, the sum of the areas of the atrium at the level of each floor surrounding the atrium above the floor level of the atrium, and excluding the sum of the areas of each floor used, or designed or intended for use for the parking of motor vehicles unless the building or structure, or any part thereof, is a retail motor vehicle

establishment or a standalone motor vehicle storage facility or a commercial public parking structure, and, for the purposes of this definition, notwithstanding any other section of this bylaw, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure, and gross floor area shall not include the surface area of swimming pools or the playing surfaces of indoor sport fields including hockey arenas and basketball courts;

"**group home**" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under any general or special Act, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;

"**heritage property**" means a building or structure which, in the opinion of the local architectural conservation advisory committee, is of historic or architectural value or interest, or which has been so designated under the *Ontario Heritage Act*;

"**high rise residential**" means an apartment building that is 4 or more storeys above grade, consisting of four or more dwelling units and shall not include a townhouse or a stacked townhouse;

"**hotel**" means a commercial establishment offering lodging to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;

"**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 the sale of commodities to the general public through a warehouse club;

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

“**industrial/office/institutional**” means lands, buildings or structures used or designed or intended for use for any of an industrial use, office use or institutional use and shall include a convention centre and any other non-residential use which is not a retail use;

"large apartment" means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;

“**live-work unit**” means a unit intended for both residential and non-residential uses concurrently;

“**local board**” means a local board as defined in the Act;

“**mixed-use**” means lands, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;

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

“**multiple unit dwellings**” includes townhouses, stacked and back-to-back townhouses, mobile homes, group homes and all other residential uses that are not included in the definition of “apartment building”, “small apartment”, “large apartment”, “single detached dwelling” or “semi-detached dwelling”;

“**non-profit**” means a corporation without share capital that has objects of a charitable nature;

“**non-residential use**” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use;

“**office**” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a non-profit organization and shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder or land developer;

“**place of worship**” means a building or structure that is used primarily for worship;

“**plex**” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;

“**private school**” means an educational institution operated on a non-profit basis, excluding any dormitory or residence accessory to such private school, that is used primarily for the instruction of students in courses of study approved or authorized by the Minister of Education and Training;

“**Region**” means The Regional Municipality of York;

“**Regional Council**” means the Council of The Regional Municipality of York;

"**Regulation**" means O. Reg. 82/98 under the Act*;*

“**residential use**” means lands, buildings or structures used, or designed or intended for use as a residence for one or more individuals, and shall include, but is not limited to, a single detached dwelling, a semi-detached dwelling, a townhouse, a stacked townhouse, a plex, an apartment building, a group home,

a mobile home and a residential dwelling unit accessory to a non-residential use but shall not include a lodging house licensed by a municipality;

“**residential in-fill use**” means ground-related residential use, such as a single-detached dwelling, semi-detached dwelling, townhouse or stacked townhouse, comprising three lots or less;

“**retail**” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services to the general public for consumption or use and shall include, but not be limited to, a banquet hall, a funeral home, but shall exclude offices;

"retail motor vehicle establishment" means a building or structure used or designed or intended to be used for the sale, rental or servicing of motor vehicles, or any other function associated with the sale, rental or servicing of motor vehicles including but not limited to detailing, leasing and brokerage of motor vehicles, and short or long-term storage of customer motor vehicles. For a retail motor vehicle establishment, gross floor area includes the sum of the areas of each floor used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Region;

“**self storage building**” means a building or part of a building consisting of individual storage units, which are accessible by the users, that are used to provide storage space to the public;

“**semi-detached duplex**” means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;

“**semi-detached dwelling**” means a building divided vertically into and comprising 2 dwelling units;

“**semi-detached triplex**” means one of a pair of triplexes divided vertically one from the other by a party wall;

“**serviced**” for the purposes of sections 3.6, 3.7 and 3.8 means the particular service is connected to or available to be connected to the lands, buildings or structures, or, as a result of the development, will be connected to or will be available to be connected to the lands, buildings or structures;

“**services**” means the service designated in section 2.1 of this bylaw;

“**shelter**” means a building in which supervised short-term emergency shelter and associated support services are provided to individuals who are fleeing situations of physical, financial, emotional or psychological abuse;

“**single detached dwelling**” and “**single detached**” means a residential building consisting of one dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this bylaw;

"**small apartment**" means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;

“**special care facilities**” means lands, buildings or structures used or designed or intended for use for the purpose of providing residential accommodation, supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed, approved or supervised under any special or general Act.

“**stacked townhouse**” means a building, other than a plex, townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally and each dwelling unit having an entrance to grade shared with no more than 3 other units;

"**standalone motor vehicle storage facility**" means a building or structure used or designed or intended for use for the storage or warehousing of motor vehicles that is separate from a retail motor vehicle establishment. For a standalone motor vehicle storage facility, gross floor area includes the sum of the areas of each floor used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Region;

"**townhouse**" means a building, other than a plex, stacked townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit separated vertically from the other by a party wall and each dwelling unit having a separate entrance to grade; and

"**triplex**" means a building comprising 3 dwelling units, each of which has a separate entrance to grade.

2. DESIGNATION OF SERVICES

2.1. The category of service for which development charges are imposed under this bylaw is wastewater works.

2.2. The components of the service designated in subsection 2.1 are described on Schedule A.

3. APPLICATION OF BYLAW - RULES

3.1. Development charges shall be payable in the amounts set out in subsections 3.6, 3.7, and 3.8 of this bylaw where:

a. the lands are located in the area described in subsection 3.2; and

b. the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which Bylaw Applies

3.2. Subject to subsection 3.3, this bylaw applies to all lands within the urban boundary, shown on Schedule B.

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

a. the Region or a local board thereof;

b. a board as defined in section 1(1) of the *Education Act*; or

c. an area municipality or a local board thereof.

Approvals for Development

3.4 a. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,

i. the passing of a zoning bylaw or of an amendment to a zoning bylaw 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 bylaw passed under subsection 50(7) of the *Planning Act* applies;

iv. the approval of a plan of subdivision under section 51 of the *Planning Act*;

v. a consent under section 53 of the *Planning Act*;

vi. the approval of a description under section 50 of the *Condominium Act*; or

vii. the issuing of a permit under the *Building Code Act*, *1992* in relation to a building or structure.

b. No more than one development charge for the service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this bylaw 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.

d. Subsection 3.4(a) shall not apply in respect of an action mentioned in subsection 3.4 (a) (i) to (vii), if the only effect of the action is to:
(i) permit the enlargement of an existing dwelling unit; or

(ii) permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.

e. The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.

f. For greater clarity, prescribed under sections 3.4(d) and 3.4 (e) of this bylaw shall be the same as is prescribed in the Regulation.

Exemptions

3.5. Notwithstanding the provisions of this bylaw, but subject to subsection 3.5.1, development charges shall not be imposed with respect to:

a. the relocation of a heritage house;

b. a building or structure used for a community use owned by a non-profit corporation;

c. land owned by and used for the purposes of a private school that is exempt from taxation under the *Assessment Act*;

d. lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act;

e. non-residential uses permitted pursuant to section 39 of the *Planning Act*;

f. the issuance of a building permit not resulting in the creation of additional non-residential gross floor area;

g. agricultural uses;

h. development creating or adding an accessory use or structure not exceeding 100 square metres of gross floor area; or

i. a public hospital receiving aid under the *Public Hospitals Act*.

3.5.1 The provisions of subsection 3.5 shall only apply to exempt a development described in paragraph a, b or c. thereof from the payment of development charges if the Township of King does not collect development charges with respect to that type of development.

Amount of Charge

Residential

3.6 The development charges described in Schedule C to this bylaw 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, and calculated according to the type of residential unit, where the lands, buildings or structures are serviced by regional wastewater works services.

Non-Residential

Industrial/Office/Institutional Uses

3.7 The development charges described in Schedule D to this bylaw shall be imposed on industrial/office/institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the industrial/office/institutional uses in the mixed use industrial/office/institutional

use, where the lands, buildings or structures are serviced by regional wastewater works services.

Retail Uses

3.8 The development charges described in Schedule D to this bylaw shall be imposed on retail uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the retail uses in the mixed use building or structure, and calculated according to the gross floor area of the retail use, where the lands, buildings or structures are serviced by regional wastewater works services.

Multiple Industrial/Office/Institutional and Retail Uses

3.9 In the case of lands, buildings or structures used or designed or intended for use for both industrial/office/institutional uses and retail uses, the development charges otherwise applicable to such development under both subsections 3.7 and 3.8 shall be determined on the following basis:

a. as between the industrial/office/institutional uses and the retail uses, the principal use of the development shall be that use which has the greater gross floor area, such principal use being the use of 55% or greater of the total gross floor area. If no single use has 55% or greater of the total gross floor area, then the development charge payable on the total gross floor area shall be the average of the two non-residential charges payable;

b. the development charges under either subsection 3.7 or 3.8 applicable to such principal use as determined under paragraph (a), provided that there is a principal use determined under paragraph (a), shall be applied to the total non-residential gross floor area of the development;

c. notwithstanding Subsections 3.9 (a) and 3.9 (b), if any building or structure designed or intended for use for both industrial/office/institutional uses and retail uses, and, where such building or structure contains multiple individually owned units, each unit's payable development charges will be assessed individually based on the predominant use of that unit.

d. Subsections 3.9 (a) and 3.9 (b) do not apply to a retail motor vehicle establishment or a standalone motor vehicle storage facility. Where a retail motor vehicle establishment is one of multiple industrial/office/institutional uses and retail uses in a building or structure, the development charge payable shall be the retail charge. For a retail motor vehicle establishment, where the sum of the areas used, or designed or intended for use for the parking or storage of motor vehicles, excluding the sum of the areas for customer and employee motor vehicles, as determined by the Region, is more than two times greater than the remaining area, the retail rate shall be applied to two times the difference between the gross floor area of the entire retail motor vehicle establishment and the gross floor area of the area used for parking or storage, and any gross floor area above that shall be levied the industrial/office/institutional rate.

Place of Worship

3.10 Despite subsection 3.7, development charges shall not be imposed in respect of the gross floor area of a place of worship to a maximum of 5,000 square feet (or 464.5 square metres) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater.

Reduction of Development Charges Where Redevelopment

3.11 Despite any other provision of this bylaw, where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such

redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, 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 3.6 of this bylaw 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 3.7, 3.8 or 3.9 of this bylaw by the gross floor area that has been or will be demolished or converted to another principal use;

c. provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.

3.11.1 For the purposes of subsection 3.11, the onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, to establish the following:

a. the number of dwelling units that have been or will be demolished or converted to another principal use; or

b. the non-residential gross floor area that has been or will be demolished or converted to another principal use; and

c. in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.

3.11.2 Any building or structure, that is determined to be derelict, or the equivalent of derelict by the municipal council of the area municipality in which the building or structure is located, shall be eligible for development charge credits in accordance with section 3.11.3.

3.11.3 Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 3.11.2 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The development charge credit shall be calculated in accordance with the time requirements between demolition permit issuance and building permit issuance as set out in Schedule E. The amount of development charges payable for any development to which subsections 3.11.2 and 3.11.3 apply, shall be calculated in accordance with subsections 3.11 and 3.11.1.

Reduction of Development Charges Where Gross Floor Area is Increased

3.12 Despite any other provisions of this bylaw, if a development includes the expansion of the gross floor area of an industrial, office or institutional building, the amount of the development charge that is payable in respect of the expansion shall be calculated as follows:

a. If the gross floor area is expanded by fifty percent or less of the original gross floor area of the existing development, the amount of the development charge in respect of the expansion is zero;

b. If the gross floor area is expanded by more than fifty percent of the original gross floor area of the existing development the amount of the development charge in respect of the expansion is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

   i. determine the area by which the expansion exceeds fifty percent of the original gross floor area of the existing development before any expansion; and
   ii. divide the amount under paragraph (b)(i) by the amount of the expansion of the original gross floor area of the existing development.

When amount of development charge is determined

3.13 Where clause (1)(a) or (1)(b) of Section 26.2 of the Act applies to a development for the purposes of determining the amount of the development charge, the development charge payable under this bylaw shall be determined in accordance with section 26.2 and such development charge shall be subject to interest in accordance with the Region's Interest Policy, as may be amended by Regional Council.

Time of Payment of Development Charges

3.14 Development charges imposed under this Section are payable on the date on which a building permit is issued with respect to each dwelling unit, building or structure.

3.15 Despite subsection 3.14, development charges imposed under subsection 3.6 with respect to an approval of a residential plan of subdivision under section 51 of the *Planning Act*, are payable immediately upon the owner entering into the

subdivision agreement respecting such plan of subdivision, on the basis of the following:

a. the proposed number and type of dwelling units in the final plan of subdivision; and

b. with respect to blocks in the plan of subdivision intended for future development, development charges for such blocks shall be payable at building permit issuance.

3.16 For the purposes of paragraph (b) of subsection 3.15, where the use or uses to which a block in a plan of subdivision may be put pursuant to a zoning bylaw passed under section 34 of the *Planning Act* are affected by the use of a holding symbol in the zoning bylaw as authorized by section 36 of the *Planning Act*, the development charges for such blocks shall be payable at building permit issuance.

3.17 For the purposes of subsections 3.15 and 3.16, where a subdivision agreement identifies the number and type of dwelling units proposed for the residential plan of subdivision, the number and type of dwelling units so identified shall be used to calculate the development charges payable under subsection 3.15.

3.18 Notwithstanding subsection 3.14 of this bylaw, where section 26.1 of the Act applies in respect of any part of a development, the development charges imposed under this bylaw, in respect that part of the development to which section 26.1 of the Act applies only, shall be payable in annual installments in accordance with the requirements of subsection 26.1(3) of the Act, and shall be subject to interest in accordance with Region's Interest Policy, as may be amended by Regional Council.

3.19 Despite subsections 3.14 and 3.15, Regional 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.

3.20 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 pursuant to subsection 3.15, the type of dwelling unit for which building permits are being issued is different from that used for the calculation and payment under subsection 3.15, and there has been no change in the zoning affecting such lot or block, and the development charges for the type of dwelling unit for which building permits are being issued were greater at the time that payments were made pursuant to subsection 3.15 than for the type of dwelling unit used to calculate the payment under subsection 3.15, an additional payment to the Region is required, which payment, in regard to such different unit types, shall be the difference between the development charges 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, and the development charges previously collected in regard thereto, adjusted in accordance with subsection 5.1 of this bylaw.

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 subsection 3.15, the total number of dwelling units of a particular type for which building permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under subsection 3.15, and there has been no change in the zoning affecting such lot or block, an additional payment to the Region is required, which payment shall be calculated on the basis of the number of additional dwelling units at the rate prevailing as 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 subsection 3.15, the type of dwelling unit for which building permits are being issued is different from that used for the calculation and payment under subsection 3.15, and there has been no change in the zoning affecting such lot or block, and the development charges for the type of dwelling unit for which building permits are being issued were less at the time that payments were made pursuant to subsection 3.15 than for the type of dwelling unit used to calculate the payment under subsection 3.15, a refund in regard to such different unit types shall be paid by the Region, which refund shall be the difference between the development charges previously collected, adjusted in accordance with subsection 5.1 of this bylaw to the date of issuance of the building permit or permits, and the development charges 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 subsection 3.15, the total number of dwelling units of a particular type for which building permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under subsection 3.15, and there has been no change in the zoning affecting such lot or block, a refund shall be paid by the Region, which refund shall be calculated on the basis of the number of fewer dwelling units at the rate prevailing as at the date of issuance of the building permit or permits.

3.21 Despite subsections 3.20(c) and (d), a refund shall not exceed the amount of the development charges paid under subsection 3.15.

4. PAYMENT BY SERVICES

4.1 Despite the payments required under subsections 3.14 and 3.15, Regional Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this bylaw.

5. INDEXING

5.1 Development charges imposed pursuant to this bylaw shall be adjusted annually, without amendment to this bylaw, commencing on July 1, 2022 and each anniversary of that date thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

6. SCHEDULES

6.1 The following schedules to this bylaw form an integral part thereof:

Schedule A – Components of Service Designated in Subsection 2.1
Schedule B – Lands Subject to this Bylaw
Schedule C – Residential Development Charges
Schedule D – Non-Residential Development Charges
Schedule E - Calculation of Development Charge Credits provided to Derelict Buildings

7. DATE BYLAW IN FORCE

7.1 This bylaw shall come into force on the 1st day of July, 2021.

8. DATE BYLAW EXPIRES

8.1 This bylaw will expire on the 30th day of June, 2026, unless it is repealed at an earlier date.

9. REPEAL

9.1 Bylaw No. 2016-40 is hereby repealed as of the 1st day of July, 2021.

ENACTED AND PASSED on May 27, 2021.

Regional Clerk

Regional Chair

Authorized by Item J.2.5 of the Committee of the Whole of May 13, 2021, adopted by Regional Council at its meeting on May 27, 2021

SCHEDULE A
THE REGIONAL MUNICIPALITY OF YORK
COMPONENTS OF SERVICE DESIGNATED IN SUBSECTION 2.1

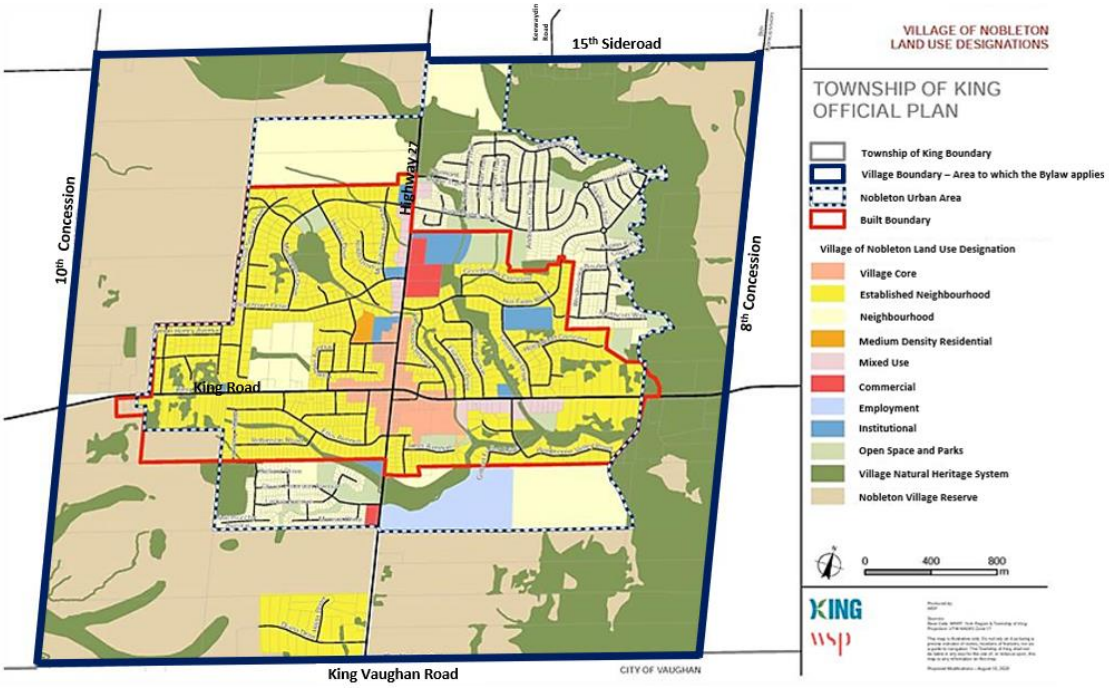
Services:

- Wastewater works

Service Components

- Forcemain and Trunk sewers
- Sewage Pumping Stations
- Water Pollution Control Plant
- Outfall and Wetland
- Engineering

SCHEDULE B
THE REGIONAL MUNICIPALITY OF YORK
LANDS SUBJECT TO THIS BYLAW



SCHEDULE C

THE REGIONAL MUNICIPALITY OF YORK

SCHEDULE OF PER UNIT RESIDENTIAL DEVELOPMENT CHARGES

FOR THE NOBLETON URBAN AREA

Residential	Single and Semi-Detached	Multiple Unit Dwelling	Apartments – 700sq.ft or more	Apartments – Less than 700 sq.ft
Wastewater Works	$14,487	$12,281	$9,075	$6,244

SCHEDULE D

THE REGIONAL MUNICIPALITY OF YORK

SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES

FOR THE NOBLETON URBAN AREA

Non-Residential	Per Square Foot of Gross Floor Area		Per Square Metre of Gross Floor Area	
	Industrial / Office / Institutional	Retail	Industrial / Office / Institutional	Retail
Wastewater Works	$5.85	$5.85	$62.97	$62.97

SCHEDULE E

THE REGIONAL MUNICIPALITY OF YORK

CALCULATION OF DEVELOPMENT CHARGE CREDITS

PROVIDED TO DERELICT BUILDINGS

Number of Months From Date of Demolition Permit to Date of Building Permit Issuance	Credit Provided (%)[1]
Up to and including 48 months	100
Greater than 48 months up to and including 72 months	75
Greater than 72 months up to and including 96 months	50
Greater than 96 months up to and including 120 months	25
Greater than 120 months	0

[1] Credits are calculated as a percentage of the prevailing development charge rates for the class of non-residential development or type of dwelling demolished.