

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2022-31

A bylaw to impose development charges against lands to pay for increased capital costs required because of increased needs for services arising from development within The Regional Municipality of York

WHEREAS Section 2 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the “Act”) authorizes Regional Council to enact a bylaw to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development;

AND WHEREAS a background study dated May 5, 2022, required by Section 10 of the Act, was presented to Regional Council along with a draft of this bylaw as then proposed on March 3, 2022 and was completed within a one-year period prior to the enactment of this bylaw;

AND WHEREAS Regional Council directed that the background study and draft proposed bylaw be made available to the public and such documents were made available to the public 60 days prior to the passage of the bylaw and at least two (2) weeks prior to the public meeting required pursuant to Section 12 of the Act;

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 charges bylaw and that such assets are considered to be financially sustainable over their full life-cycle pursuant to Subsection 10(3) of the Act;

AND WHEREAS notice of the public meeting was provided in accordance with the requirements of Section 12 of the Act and in accordance with the regulations under the Act, and such public meeting was held on March 24, 2022;

AND WHEREAS any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed bylaw;

AND WHEREAS Regional Council resolved on May 26, 2022 that it is the intention of Regional Council to ensure that the increase in need for services identified in connection with the enactment of the bylaw will be met;

AND WHEREAS Regional Council resolved on May 26, 2022 that no further public meeting be required and that this bylaw be brought forward for enactment;

The Council of The Regional Municipality of York hereby enacts as follows:

1.0 DEFINITIONS

1.1 In this bylaw, the following definitions apply:

“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;

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

“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, consisting of more than three (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 may include administrative offices, display areas, show-rooms, training facilities and banquet facilities, but does not include a banquet hall;

“development” means construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or changing the use thereof from nonresidential to residential or from residential to non-residential and includes redevelopment

“development charges” means charges imposed pursuant to this bylaw adjusted in accordance with Section 5;

“duplex” means a building comprising, by horizontal division, two (2) 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 (1) 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 a block identified within a plan of subdivision 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;

“general services” means services in regard to transit, Toronto-York Spadina Subway Extension, Yonge North Subway Extension, police, ambulance services, public health, waste diversion, public works, housing services, court services, growth studies, and long-term care/seniors services;

“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 but not limited to 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 three (3) and not more than eight (8) residents, exclusive of staff;

“hard services” means water services, wastewater services and road services;

“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 four (4) or more storeys above grade, consisting of four (4) or more dwelling units and shall not include a stacked townhouse, which is less than four (4) dwelling units and four (4) storeys above-grade;

“hotel” means a commercial establishment offering lodging to travelers which shall be assessed at a per square foot/per square metre charge and may include, without limitation, other uses such as restaurants, meeting rooms and stores, that are available to guests and/or to the general public. If the combined gross floor area of other such uses are greater than thirty three percent of the combined gross floor area of the lodging quarters, each non-lodging use in the structure will be assessed at the rate applicable to such other uses;

“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;

“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;

“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;

“large apartment” means a dwelling unit in an apartment building, plex or stacked townhouse 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 land, 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 (1) or more persons, but does not include a travel trailer or tent trailer;

“multiple unit dwellings” includes townhouses, 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, 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;

“Region” means The Regional Municipality of York as a municipal corporation and, where the context requires, its geographic area;

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

“region-wide charges” means the development charges imposed with respect to the following services:

- (a) water;
- (b) wastewater;
- (c) roads;
- (d) transit;

- (e) Toronto-York Spadina Subway Extension;
- (f) Yonge North Subway Extension;
- (g) police;
- (h) ambulance services;
- (i) public health;
- (j) waste diversion;
- (k) public works;
- (l) housing services;
- (m) court services;
- (n) growth studies; and
- (o) long-term care/seniors services.

“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 (1) 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 (3) 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 office;

“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 (1) 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 two (2) dwelling units;

“semi-detached triplex” means one (1) of a pair of triplexes divided vertically one (1) from the other by a party wall;

“serviced” for the purposes of Section 3 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 services 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 (1) dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one (1) 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, a plex or a stacked townhouse 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 three (3) dwelling units, being separated from the other vertically and/or horizontally, each dwelling unit having an entrance to grade or where the entrance is shared with no more than two (2) other units at grade.

“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 three (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;

“**triplex**” means a building comprising three (3) dwelling units, each of which has a separate entrance to grade; and

“**university**” has the same meaning as defined in Section 171.1 of the *Education Act*.

2.0 DESIGNATION OF SERVICES

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

- (a) water;
- (b) wastewater;
- (c) roads;
- (d) transit;
- (e) Toronto-York Spadina Subway Extension;
- (f) Yonge North Subway Extension;
- (g) police;
- (h) ambulance services;
- (i) public health;
- (j) waste diversion;
- (k) public works;
- (l) housing services;
- (m) court services;
- (n) growth studies; and
- (o) long-term care/seniors services.

2.2 The components of the services designated in Section 2.1 are described in Schedule A.

3.0 APPLICATION OF BYLAW RULES

3.1 Development charges shall be payable in the amounts set out in Sections 3.6, 3.9, 3.10 and 3.11 of this bylaw 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).

3.1.1 Development charges shall be calculated in accordance with this bylaw, the background study and all policies contained within the background study dated March 3, 2022, save and except for the development charge credit policy described in Section 11.13 of the background study.

Area to Which bylaw Applies

- 3.2 Subject to Section 3.3, this bylaw applies to all lands in the geographic area of the Region.
- 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* or any successor thereto;
 - (ii) the approval of a minor variance under Section 45 of the *Planning Act* or any successor thereto;
 - (iii) a conveyance of land to which a bylaw passed under subsection 50(7) of the *Planning Act* or any successor thereto applies;
 - (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act* or any successor thereto;
 - (v) a consent under Section 53 of the *Planning Act* or any successor thereto;
 - (vi) the approval of a description under the *Condominium Act, 1998*, or any successor thereto; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992*, or any successor thereto, in relation to a building or structure.
- (b) No more than one (1) development charge for each service designated in Section 2.1 shall be imposed upon any lands, buildings or structures to which this bylaw applies even though two (2) or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.

- (c) Notwithstanding subsection 3.4(b) and notwithstanding any other Section of this bylaw, if two (2) 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 subsections 3.4(d) and 3.4(e) of this bylaw shall be the same as is prescribed in the Regulation.

Exemptions

- 3.5.1** Notwithstanding the provisions of this bylaw, but subject to subsection 3.5.2, development charges shall not be imposed or may be deferred, on terms and conditions, satisfactory to the Region, 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) a hospice;
 - (d) land owned by and used for the purposes of a private school that is exempt from taxation under the *Assessment Act* or any successor thereto;
 - (e) 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* or any successor thereto;
 - (f) non-residential uses permitted pursuant to Section 39 of the *Planning Act* or any successor thereto;
 - (g) agricultural uses;

- (h) development creating or adding an accessory use or structure not exceeding 100 square metres of gross floor area, save and except for any live work units with a retail component; for such units development charges will be payable pursuant to Section 3.10 on the retail component;
- (i) a public hospital receiving aid under the *Public Hospitals Act* or any successor thereto;
- (j) lands vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education, if the development in respect of which the development charges would otherwise be payable is intended to be occupied and used by the university.

3.5.2 The provisions of subsection 3.5.1 shall only apply to exempt or defer, as the case may be, a development described in paragraph (a), (b), (c) or (d) thereof from the payment of development charges if the area municipality in which the development is to be located exempts or defers development charges, as the case may be, with respect to the development in question.

Amount of Charge Residential

3.6 The development charges described in Schedule B 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, according to the type of residential unit, and calculated as follows:

- (a) Region-wide Charges
 - (i) a development charge with respect to each of the general services according to the type of residential use;
 - (ii) a development charge with respect to road services according to the type of residential use;
 - (iii) where the lands, buildings or structures are serviced by regional water services, the development charge with respect to water services according to the type of residential use;
 - (iv) where the lands, buildings or structures are serviced by regional wastewater services, the development charge with respect to wastewater services according to the type of residential use;
- (b) For determining development charges under this bylaw, any residential

dwelling that is less than 700 square feet of total gross floor area shall be deemed a small apartment and pay the corresponding development charge set out in Schedule B.

3.7 Notwithstanding subsection 3.6(a),

- (a) a development charge with respect to regional water services shall not be imposed against the lands identified on the legend shown on Schedule C;
- (b) a development charge with respect to regional wastewater services shall not be imposed against the lands identified on the legend shown on Schedule D;
- (c) A development charge with respect to regional wastewater services shall not be imposed against the lands shown on Schedule E.

Contingent Development Charges

3.8 Thirty days after the happening of an event described in Column 3 of Schedule G, the residential development charge under Section 3.6 which corresponds to the service described in Column 2 of Schedule G shall be increased by the amounts shown in Columns 4, 5, 6 and 7 of Schedule G according to the type of residential unit.

Non-Residential

Industrial/Office/Institutional Uses

3.9 The development charges described in Schedule F 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 building or structure, and calculated as follows:

- (a) Region-wide Charges
 - (i) a development charge with respect to each of the general services according to the gross floor area of the industrial/office/institutional use;
 - (ii) a development charge with respect to road services according to the gross floor area of the industrial/office/institutional use;
 - (iii) where the lands, buildings or structures are serviced by regional water services, the development charge with respect to water services according to the gross floor area of the industrial/office/institutional use;

- (iv) where the lands, buildings or structures are serviced by regional wastewater services, the development charge with respect to wastewater services according to the gross floor area of the industrial/office/institutional use.

3.9.1 Notwithstanding subsection 3.9(a)(iv), a development charge with respect to regional wastewater services shall not be imposed against the lands shown on Schedule E.

Retail Uses

3.10 The development charges described in Schedule F 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 as follows:

(a) **Region-wide Charges**

- (i) a development charge with respect to each of the general services according to the gross floor area of the retail use;
- (ii) a development charge with respect to road services according to the gross floor area of the retail use;
- (iii) where the lands, buildings or structures are serviced by regional water services, the development charge with respect to water services according to the gross floor area of the retail use;
- (iv) where the lands, buildings or structures are serviced by wastewater services, the development charge with respect to wastewater services according to the gross floor area of the retail use.

3.10.1 Notwithstanding subsection 3.10(a)(iv) a development charge with respect to regional wastewater services shall not be imposed against the lands shown on Schedule E.

Hotel Uses

3.11 The development charges described in Schedule F to this bylaw shall be imposed on hotel uses of lands, buildings or structures and calculated as follows:

(a) **Region-wide Charges**

- (i) a development charge with respect to each of the general services according to the gross floor area of the hotel use;
- (ii) a development charge with respect to road services according to the gross floor area of the hotel use;

- (iii) where the lands, buildings or structures are serviced by regional water services, the development charge with respect to water services according to the gross floor area of the hotel use;
- (iv) where the lands, buildings or structures are serviced by wastewater services, the development charge with respect to wastewater services according to the gross floor area of the hotel use.

3.11.1 Notwithstanding subsection 3.11(a)(iv) a development charge with respect to regional wastewater services shall not be imposed against the lands shown on Schedule E.

Multiple Industrial/Office/Institutional and Retail Uses

3.12 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 Sections 3.9 and 3.10 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 Section 3.9 or 3.10 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 this Section 3.12, 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 3.12(a) and 3.12(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.

Contingent Development Charges

3.13 Thirty days after the happening of an event described in Column 3 of Schedule G, the non-residential development charge under Sections 3.9, 3.10 and 3.11 which corresponds to the service described in Column 2 of Schedule G shall be increased by the amounts shown in Columns 8, 9, and 10 of Schedule G according to the type of non-residential development.

Place of Worship

3.14 Notwithstanding Section 3.9, 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

3.15 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 Section 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 Section 3.9, 3.10, 3.11 or 3.12 of this bylaw by the gross floor area that has been or will be demolished or converted to another principal use. Development charges shall not be reduced under this subsection for 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, being demolished or converted for which

development charges were not imposed or were exempted, or which was not subject to development charges after November 23, 1991;

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.

- 3.15.1** For the purposes of Section 3.15, 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.
- 3.15.2** Any building or structure that is determined to be derelict or the equivalent of derelict prior to issuance of a demolition permit 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 subsection 3.15.3.
- 3.15.3** Any building or structure deemed derelict or the equivalent of derelict in accordance with subsection 3.15.2, 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 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 H. The amount of development charges payable for any development to which subsections 3.15.2 and 3.15.3 apply, shall be calculated in accordance with Section 3.15 and subsection 3.15.1.

Reduction of Development Charges Where Gross Floor Area is Increased

- 3.16** Notwithstanding 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 of the original gross floor

area of the existing development, or less, 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

3.17 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 Region's Development Charge Interest Policy - Under sections 26.1 and 26.2 of the Development Charges Act, 1997, as may be amended by Regional Council.

Time of Payment of Development Charges

3.18 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.

3.18.1 If a use or development of land, buildings or structures does not require the issuance of a building permit but requires one (1) or more of the actions listed in subsection 3.4(a)(i) to (vi) inclusive, a development charge shall be payable and shall be calculated and collected on the earliest of any of the actions listed in subsection 3.4(a)(i) to (vi) being required.

3.19 Notwithstanding Section 3.18, development charges with respect to Region-wide Charges imposed under subsection 3.6(a)(ii)(iii) and (iv) 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 Regional development charge agreement respecting such plan of subdivision, on the basis of the following, unless such a plan of subdivision includes blocks intended for future

development, in which case development charges payable for such blocks shall be determined at building permit issuance:

- (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.

3.20 For the purposes of paragraph (b) of Section 3.19, 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.

3.21 For the purposes of Sections 3.19 and 3.20, and notwithstanding any other provision of this bylaw, 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 Section 3.18.

3.22 Notwithstanding Section 3.18 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 Development Charge Interest Policy - Under sections 26.1 and 26.2 of the Development Charges Act, 1997, as may be amended by Regional Council.

3.23 Notwithstanding Sections 3.19 and 3.20, Regional Council, from time to time, and at any time, may authorize agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable.

- (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 Section 3.19, the type of dwelling unit for which building permits are being issued is different from that used for the calculation and payment under Section 3.19, 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 Section 3.19 than for the type of dwelling unit used to calculate the payment under Section 3.19, 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 Section 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 Section 3.19, 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 Section 3.18, 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 Section 3.19, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under Section 3.19, 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 Section 3.19 than for the type of dwelling unit used to calculate the payment under Section 3.19, 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 Section 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 Section 3.19, 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 Section 3.19, 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.

3.24 Notwithstanding subsections 3.23(c) and (d), a refund shall not exceed the amount of the development charges paid under Section 3.19

4.0 PAYMENT BY SERVICES

4.1 Notwithstanding the payments required under Sections 3.18 and 3.19, Regional Council may, by agreement, and in accordance with approved policies, 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.

5.0 INDEXING

5.1 Development charges pursuant to this bylaw shall be adjusted annually, without amendment to this bylaw, commencing on July 1, 2023 and each anniversary of that date thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

6.0 SCHEDULES

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

- Schedule A - Components of Designated Services
- Schedule B - Residential Development Charges
- Schedule C - Lands Exempt from Residential Development Charge in Regard to Regional Water Supply Services (Kleinburg Community)
- Schedule D - Lands Exempt from Residential Development Charge in Regard to Regional Wastewater Services (Kleinburg Community)
- Schedule E - Lands Exempt from Residential and Non-Residential Development Charges in regard to Regional Wastewater Services (Village of Nobleton)
- Schedule F - Non-Residential Development Charges
- Schedule G - Contingent Residential and Non-Residential Development Charges
- Schedule H - Calculation of Development Charge Credits provided to Derelict Buildings

7.0 EFFECTIVE DATE

7.1 This bylaw shall come into force on June 17, 2022 at 12:00:00 a.m. Eastern Standard Time (EST).

8.0 DATE BYLAW EXPIRES

8.1 This bylaw will expire on June 16, 2027 at 11:59:59 p.m. Eastern Standard Time (EST), unless it is repealed at an earlier date.

9.0 REPEAL

9.1 Bylaw Nos. 2017-35 and 2018-42 are hereby repealed effective June 16, 2022 at 11:59:59 p.m. Eastern Standard Time (EST).

ENACTED AND PASSED on May 26, 2022.

Regional Clerk

Regional Chair

*Authorized by Item I.2.7 of the Committee of the Whole dated May 5, 2022,
adopted by Regional Council at its meeting on May 26, 2022*

**SCHEDULE A
COMPONENTS OF DESIGNATED SERVICES**

Services	Service Components
Water	<ul style="list-style-type: none"> • Water Supply • Water Pumping • Water Storage • Water Linear • Water Cost Shared Works • Planning and Studies
Wastewater	<ul style="list-style-type: none"> • Wastewater Treatment • Wastewater Pumping • Wastewater Linear • Wastewater Cost Shared Works • Planning and Studies
Roads	<ul style="list-style-type: none"> • Growth Structures (Grade Separations) • New Interchanges • Midblock Crossings • Growth New Infrastructure (Missing Links) • Growth Widen to 4 lands • Growth Widen to 6 lands • Road Improvements to Support Transit • Reconstruction • Environmental Assessment, Design, Survey, and Property Acquisition for Future Capital Projects • Intersection and Miscellaneous Capital • Transportation Demand Management • Active Transportation Programs and Initiatives • Growth Planning

Transit	<ul style="list-style-type: none"> ● Facilities ● Vehicles ● Technology ● Bus Rapid Transit Infrastructure
Toronto-York Spadina Subway Extension	<ul style="list-style-type: none"> ● Toronto-York Spadina Subway Extension
Yonge North Subway Extension	<ul style="list-style-type: none"> ● Yonge North Subway Extension
Police	<ul style="list-style-type: none"> ● Facilities ● Land ● Vehicles ● Equipment
Ambulance Services	<ul style="list-style-type: none"> ● Facilities ● Land ● Vehicles
Public Health	<ul style="list-style-type: none"> ● Provision for public health facilities ● Provision for public health vehicles
Waste Diversion	<ul style="list-style-type: none"> ● Facilities ● Growth Studies
Public Works	<ul style="list-style-type: none"> ● Facilities ● Vehicles
Housing Services	<ul style="list-style-type: none"> ● Facilities
Court Services	<ul style="list-style-type: none"> ● Facilities
Growth Studies	<ul style="list-style-type: none"> ● Growth-related studies
Long-Term Care/Seniors Services	<ul style="list-style-type: none"> ● Facilities

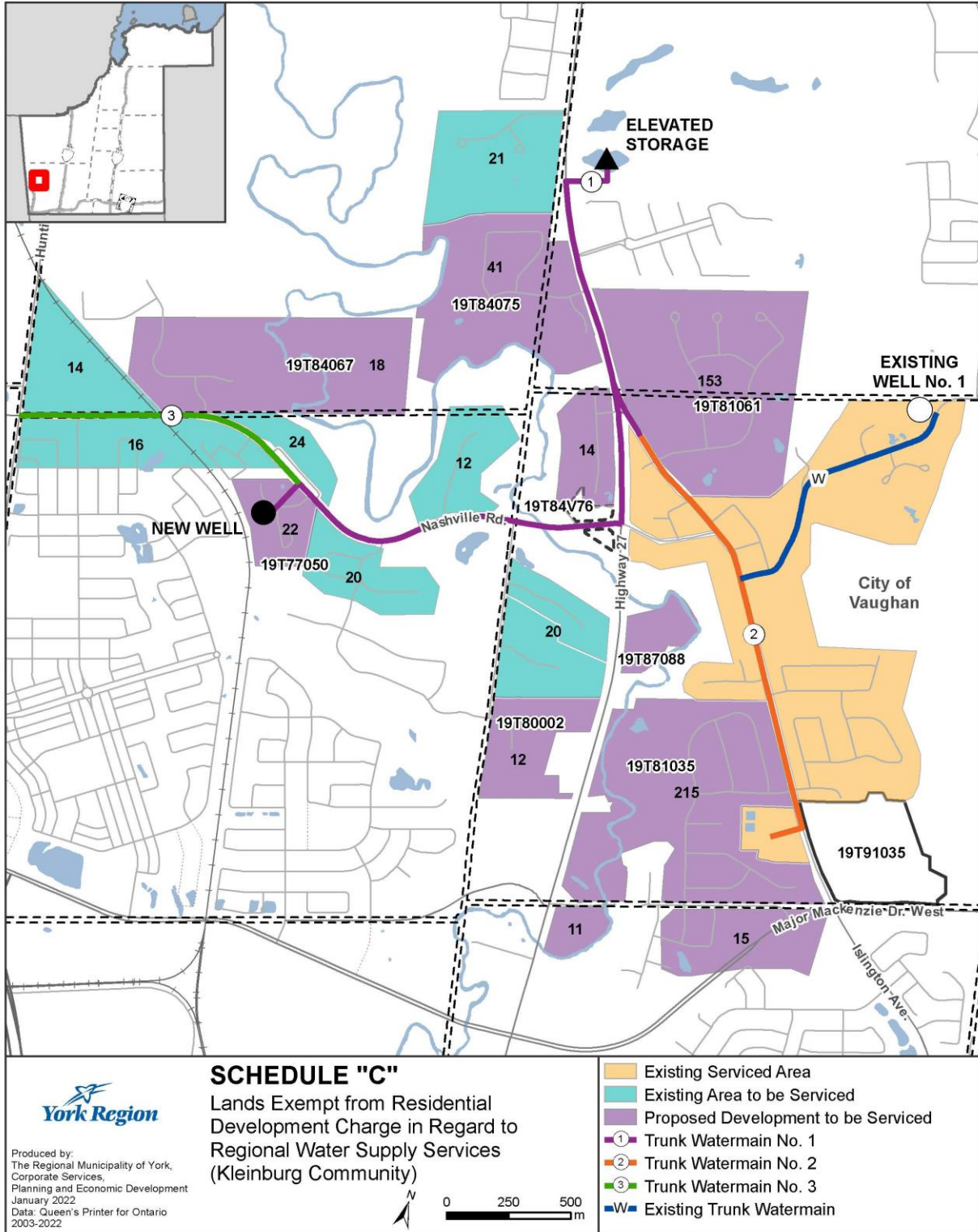
SCHEDULE B
RESIDENTIAL DEVELOPMENT CHARGES
(\$ per unit)

June 17 2022 to June 16 2027				
Service	Single and Semi- detached Dwelling	Multiple Unit Dwelling	Large Apartment (>=700 sqft)	Small Apartment (<700 sqft)
<u>Hard Services</u>				
Water	8,954	7,450	5,781	3,760
Wastewater	20,944	17,425	13,523	8,795
Roads	25,897	21,546	16,721	10,875
Subtotal Hard Services	55,794	46,421	36,024	23,430
<u>General Services</u>				
Transit	7,689	6,397	4,964	3,229
Toronto-York Spadina Subway Extension	3,448	2,869	2,226	1,448
Yonge North Subway Extension	5,837	4,856	3,769	2,451
Public Works	549	456	354	230
Waste Diversion	362	301	234	152
Police	1,078	897	696	453
Housing Services	1,608	1,338	1,038	675
Public Health	389	323	251	163
Ambulance Services	766	637	494	322
Growth Studies	175	146	113	74
Long Term Care/Seniors Services	0	0	0	0
Court Services	65	54	42	27
Subtotal General Services	21,965	18,275	14,182	9,224
Total	77,758	64,697	50,206	32,654

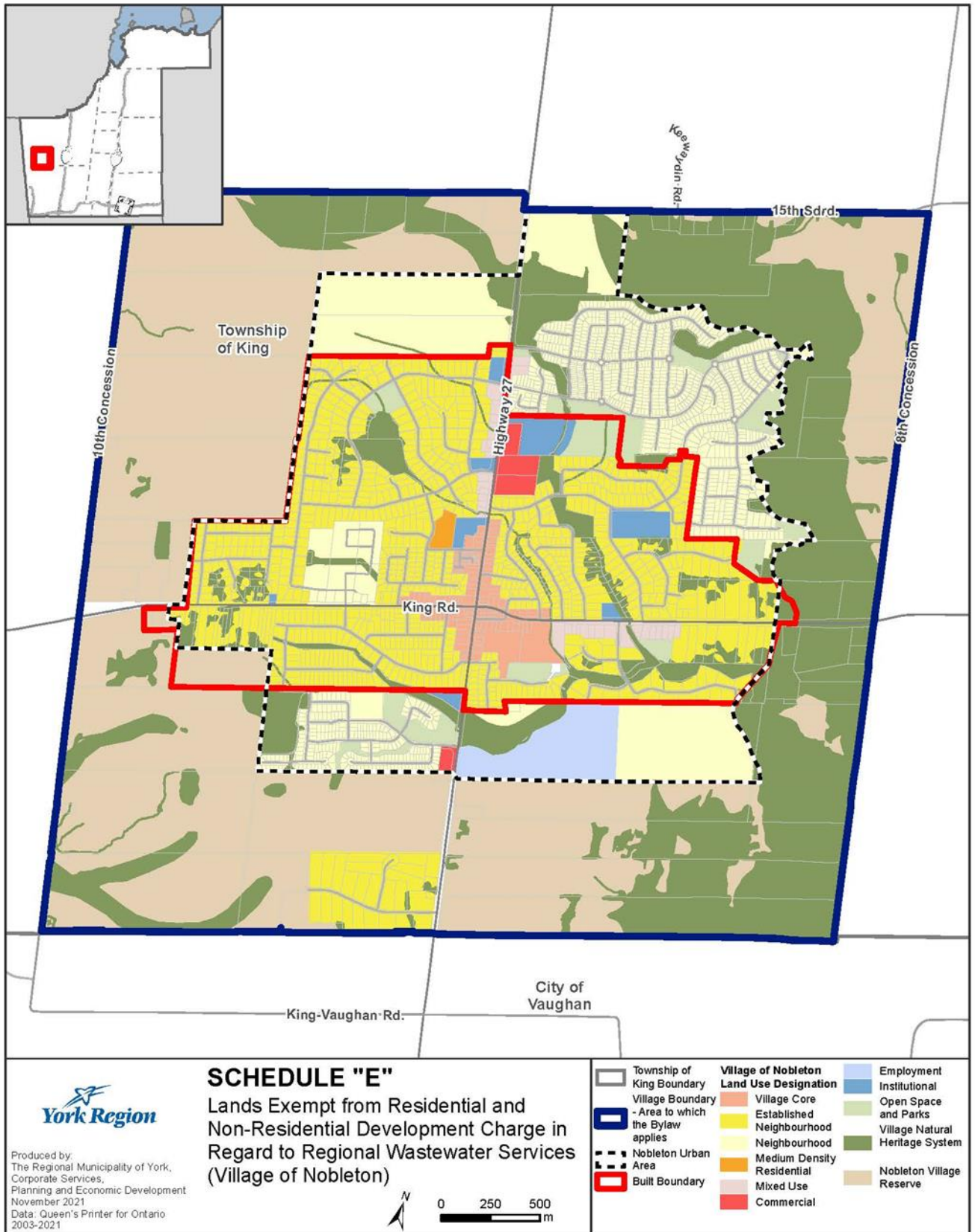
*Village of Nobleton is excluded in this table and is subject to a separate charge for Wastewater Treatment services

SCHEDULE C

LANDS EXEMPT FROM RESIDENTIAL DEVELOPMENT CHARGE IN REGARD TO REGIONAL WATER SUPPLY SERVICES (KLEINBURG COMMUNITY)



SCHEDULE E
LANDS EXEMPT FROM RESIDENTIAL AND NON-RESIDENTIAL
DEVELOPMENT CHARGES IN REGARD TO REGIONAL WASTEWATER
SERVICES (VILLAGE of NOBLETON)



SCHEDULE "E"

Lands Exempt from Residential and Non-Residential Development Charge in Regard to Regional Wastewater Services (Village of Nobleton)

York Region
 Produced by:
 The Regional Municipality of York,
 Corporate Services,
 Planning and Economic Development
 November 2021
 Data: Queen's Printer for Ontario
 2003-2021



Township of King Boundary	Village of Nobleton Land Use Designation	Employment Institutional
Village Boundary	Village Core	Open Space and Parks
- Area to which the Bylaw applies	Established Neighbourhood	Village Natural Heritage System
Nobleton Urban Area	Neighbourhood	Nobleton Village Reserve
Built Boundary	Medium Density Residential	
	Mixed Use	
	Commercial	

SCHEDULE F
NON-RESIDENTIAL DEVELOPMENT CHARGES

June 17 2022 to June 16 2027						
Service	(\$ per sqft)			(\$ per sqm)		
	Retail	Industrial/ Office/ Institutional	Hotel	Retail	Industrial/ Office/ Institutional	Hotel
Hard Services						
Water	4.22	2.79	0.91	45.42	30.03	9.80
Wastewater	9.9	6.58	2.13	106.56	70.83	22.93
Roads	27.39	8.57	4.53	294.82	92.25	48.76
Subtotal Hard Services	41.51	17.94	7.57	446.81	193.10	81.48
General Services						
Transit	7.90	2.54	1.36	85.03	27.34	14.64
Toronto-York Spadina Subway Extension	3.61	1.14	0.62	38.86	12.27	6.67
Yonge North Subway Extension	5.92	1.96	1.04	63.72	21.10	11.19
				0.00	0.00	0.00
Public Works	0.65	0.16	0.10	7.00	1.72	1.08
Waste Diversion	0.00	0.00	0.00	0.00	0.00	0.00
Police	0.67	0.44	0.14	7.21	4.74	1.51
Housing Services	0.00	0.00	0.00	0.00	0.00	0.00
Public Health	0.02	0.01	0.01	0.22	0.11	0.11
Ambulance Services	0.16	0.10	0.03	1.72	1.08	0.32
Growth Studies	0.13	0.09	0.03	1.40	0.97	0.32
Long Term Care/Seniors Services	0.00	0.00	0.00	0.00	0.00	0.00
Court Services	0.04	0.03	0.01	0.43	0.32	0.11
Subtotal General Services	19.1	6.47	3.34	205.59	69.64	35.95
Total	60.61	24.41	10.91	652.40	262.75	117.43

*Village of Nobleton is excluded in this table and is subject to a separate charge for Wastewater Treatment Services. Numbers may not add up due to rounding.

SCHEDULE G
CONTINGENT RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES

Project Number	Project Description	Scheduled Increase	Residential Development Charges (\$ per Unit)				Non-residential Development Charges (\$ per sqft)		
			Single and Semi-detached	Multiple Unit Dwelling	Large Apartment (>=700 sqft)	Small Apartment (<700 sqft)	Retail	Industrial/ Office/ Institutional	Hotel
1	Highway 404 Interchange at 19th Avenue	The local municipality transfers responsibility of 19th Avenue between Leslie Street and Woodbine Avenue to York Region and York Region adopts an Official Plan Amendment and/or amends the Regional Roads Consolidation Bylaw as required.	415	345	268	174	0.42	0.14	0.07
2	Midblock Crossing - Highway 400 north of Rutherford Road	Approval of a local official plan amendment, secondary plan, or development area plan for the redevelopment of, or portion of, the Canada's Wonderland property, or identification of any other transportation analysis, as deemed warranted by the Region of York, identifying the need for the crossing.	171	142	110	72	0.17	0.06	0.03
3	Midblock Crossing - Highway 400 south of Highway 7 (Regional	City of Vaughan's commitment to construct the crossing and inclusion in the capital program.	406	338	262	171	0.41	0.14	0.07

Project Number	Project Description	Scheduled Increase	Residential Development Charges (\$ per Unit)				Non-residential Development Charges (\$ per sqft)		
			Single and Semi-detached	Multiple Unit Dwelling	Large Apartment (>=700 sqft)	Small Apartment (<700 sqft)	Retail	Industrial/ Office/ Institutional	Hotel
	Share)								
4	Langstaff Road - Jane Street to Keele Street	A two-part trigger as follows: <ul style="list-style-type: none"> • Approval of an Environmental Assessment • Regional Council funding commitment to implement the project 	2,020	1,680	1,304	848	2.05	0.68	0.36
5	Elgin Mills Road - Woodbine Avenue to Warden Avenue	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	107	89	69	45	0.11	0.04	0.02
6	Elgin Mills Road - Warden Avenue to Kennedy Road	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	107	89	69	45	0.11	0.04	0.02

Project Number	Project Description	Scheduled Increase	Residential Development Charges (\$ per Unit)				Non-residential Development Charges (\$ per sqft)		
			Single and Semi-detached	Multiple Unit Dwelling	Large Apartment (>=700 sqft)	Small Apartment (<700 sqft)	Retail	Industrial/ Office/ Institutional	Hotel
7	Elgin Mills Road - Kennedy Road to McCowan Road	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	196	163	126	82	0.20	0.07	0.03
8	Elgin Mills Road - McCowan Road to Highway 48	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	109	91	70	46	0.11	0.04	0.02
9	Kirby Road - Weston Road to Jane Street	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	402	334	259	169	0.41	0.13	0.07

Project Number	Project Description	Scheduled Increase	Residential Development Charges (\$ per Unit)				Non-residential Development Charges (\$ per sqft)		
			Single and Semi-detached	Multiple Unit Dwelling	Large Apartment (>=700 sqft)	Small Apartment (<700 sqft)	Retail	Industrial/ Office/ Institutional	Hotel
10	Kirby Road - Jane Street to Keele Street	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	110	92	71	46	0.11	0.04	0.02
11	Kirby Road - Keele Street to Dufferin Street	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	99	83	64	42	0.10	0.03	0.02
12	19th Avenue - Leslie Street to Woodbine Avenue	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	388	323	250	163	0.39	0.13	0.07

Project Number	Project Description	Scheduled Increase	Residential Development Charges (\$ per Unit)				Non-residential Development Charges (\$ per sqft)		
			Single and Semi-detached	Multiple Unit Dwelling	Large Apartment (>=700 sqft)	Small Apartment (<700 sqft)	Retail	Industrial/ Office/ Institutional	Hotel
13	19th Avenue - Woodbine Avenue to Warden Avenue	The local municipality transfers jurisdiction of this section of road to York Region and York Region adopts an Official Plan Amendment and/or amends the regional Roads Consolidation Bylaw as required.	82	68	53	34	0.08	0.03	0.01
14	Langstaff Road - Weston Road to Jane Street	Commitment by the York Region to construct the road link of Langstaff Road between Jane Street to Keele Street.	236	197	153	99	0.24	0.08	0.04
15	Langstaff Road - Keele Street to Dufferin Street	Commitment by the York Region to construct the road link of Langstaff Road between Jane Street to Keele Street.	174	145	113	73	0.18	0.06	0.03
16	Steeles Avenue - Jane Street to Kennedy Road (YR Share)	TBDA two-part trigger as follows: - York Region executes an agreement with the City of Toronto to cost share works on Steeles Avenue west of Kennedy Road - Commitment by senior levels of government to partner with the Region of York and the City of Toronto to construct rapid transit on Steeles Avenue	437	364	282	184	0.44	0.15	0.08

**SCHEDULE H
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.