

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-068

A by-law to establish development charges generally for
The Corporation of the Town of Oakville, and to
repeal By-laws 2018-001 and 2021-016

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass by-laws for the imposition of development charges against land for increased capital costs required because of the needs for services arising from development in the area to which the by-law applies;

WHEREAS the Council of The Corporation of the Town of Oakville (“Town of Oakville”) has given notice in accordance with section 12 of the Act, of its intention to pass a by-law under section 2 of the said Act;

WHEREAS the Council of the Town of Oakville has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charges proposal at a public meeting held on June 20, 2022;

WHEREAS in accordance with the legislation, the Development Charges Background Study dated May 13, 2022 and proposed By-law were available for public review on May 13, 2022;

WHEREAS at a meeting open to the public held on June 20, 2022, the Council of The Town of Oakville considered the final development charges proposals, received written submissions and heard further comments and representations from the public;

WHEREAS by resolution adopted by Council of The Town of Oakville on June 20, 2022, Council determined that no further public meetings were required under Section 12 of the Act;

WHEREAS the Council of The Town of Oakville had before it a report, entitled Development Charges Background Study, dated May 13, 2022, prepared by Watson & Associates Economists Ltd.;

WHEREAS by resolution adopted by Council of The Town of Oakville on July 12, 2022, Council has indicated that it intends to ensure that the increase in the need for

services attributable to the anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate;

WHEREAS by resolution adopted by Council of The Corporation of the Town of Oakville on July 12, 2022, Council has indicated its intent that the future excess capacity identified in the Development Charges Background Study, dated May 13, 2022, prepared by Watson & Associates Economists Ltd., shall be paid for by the development charges or other similar charges;

COUNCIL ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,

- (1) *accessory dwelling* means a dwelling unit that is naturally or normally incidental to or subordinate in purpose and is exclusively devoted to a single or semi-detached dwelling located on the same lot, and includes but is not limited to a basement apartment, garden suite and in some cases, a mobile home;
- (2) *Act* means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or successor legislation;
- (3) *agricultural development* means a bona fide farming operation (as evidenced by membership of the owner/operator of the farm operation in the Ontario Federation of Agriculture), including greenhouses which are not connected to Regional water services or wastewater services, sod farms and farms for the breeding and boarding of horses, and includes, but is not limited to, barns, silos and other ancillary buildings to such agricultural development but excluding any component thereof that is;
 - (a) A residential use,
 - (b) A commercial use, including but not limited to marijuana production facilities, or
 - (c) Retail development, including but not limited to the breeding, boarding and/or grooming of household pets;
- (4) *ancillary* will have the same definition as *accessory dwelling*;

- (5) *air-supported structure* means a structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure;
- (6) *apartment dwelling* means any dwelling unit within a building containing more than three dwelling units where the units are connected by an interior corridor and includes a dwelling unit within a retirement home or lodge where the unit has its own private sanitary and full culinary facilities. Despite the foregoing, an apartment dwelling includes, those stacked townhouse dwellings that are developed on a block approved for development at a minimum density of sixty (60) units per net hectare pursuant to plans and drawings approved under section 41 of the Planning Act;
- (7) *area of worship* means the area within a *place of worship* in which a religious service, ceremony or other practice is normally held;
- (8) *Assessment Act* means the *Assessment Act*, R.S.O. 1990, c. A. 31, as amended, or successor legislation;
- (9) *back-to-back townhouse dwelling* means a *building* or *structure* containing four or more dwelling units, separated vertically by a common wall, including a rear common wall, that do not have rear yards;
- (10) *basement* means one or more *storeys* of a building located below the *first storey*;
- (11) *bedroom* means a habitable room of at least seven (7) square metres, including a den, study, loft or other similar area, but does not include a living room, dining room or kitchen;
- (12) *board of education* means an English-language district school board, an English-language separate district school board, a French-language district school board and a French-language separate district school board;
- (13) *Building Code Act* means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, or successor legislation;

- (14) *building or structure* means a permanent enclosed structure occupying an area greater than ten square metres (10 m²) and despite the foregoing includes, but is not limited to:
- (a) above grade storage tanks;
 - (b) a permanent air-supported sport structure;
 - (c) an industrial tent;
 - (d) a roof-like structure over a gas-bar or service station;
 - (e) garden centres ancillary to a retail use; and
 - (f) an area attached to and ancillary to a retail development delineated by one or more walls or part walls, a roof-like structure or any of them, but specifically excluding a roof overhang or a patio on a municipal sidewalk ancillary but not attached to a retail development;
- (15) *building permit* means a permit under the *Building Code Act* for construction at or above the *first storey* of a *building or structure*,
- (16) *capital cost* means costs incurred or proposed to be incurred by the *municipality* or a *local board* thereof directly or by others on behalf of, and as authorized by the *municipality* or *local board*,
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct or improve buildings and structures;
 - (d) to acquire, lease, construct or improve facilities including
 - (i) rolling stock with an estimated useful life of seven years or more,
 - (ii) furniture and equipment, other than computer equipment, and

- (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c. P.44, as amended, or successor legislation;
 - (e) to undertake studies in connection with any of the matters referred to in subsections 1(15)(a) to (d);
 - (f) to complete the development charge background study under section 10 of the Act; and,
 - (g) includes interest on money borrowed to pay for costs in subsections 1(15) (a) to (d); required for provision of services designated in this By-law within or outside the *municipality*.
- (17) *charitable dwelling* means a part of a residential building or a part of the residential portion of a mixed-use building maintained and operated by a corporation approved under the *Long-Term Care Homes Act*, 2007 S.O. 2007, c.8, as amended or successor legislation as a home or joint home, an institution, or a home for persons requiring residential, specialized or group care and includes a children's residence under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, as amended or successor legislation, and a home for special care under the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended or successor legislation;
- (18) *class* means a group of services combined to create a single service for the purposes of this by-law and as provided in section 7 of the Act;
- (19) *commercial use* means land, buildings or portions thereof used, designed or intended for a non-residential use that is not retail or industrial, and includes uses which serve academic, medical/dental, and cultural needs that are not located within or part of a retail development;
- (20) *council* means the council of the municipality;
- (21) *development* means the 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 usability thereof, and includes *redevelopment*;
- (22) *development charge* means a charge imposed pursuant to this By-law;

- (23) *development charge interest policy and related procedure* means Development Charges Interest Policy F-FPC-007 and related Development Charges Interest Procedure F-FPC-007-001, as may be amended from time to time;
- (24) *dwelling unit* means,
- (a) a room or suite of rooms used, or designed or intended for use, by one or more persons living together, in which full culinary and sanitary facilities are provided for the exclusive use of such person or persons;
 - (b) except in the case of a *special care/special need dwelling*, as defined in this By-law, in which case dwelling unit means either:
 - (i) a room or suite of rooms designated for residential occupancy, used, designed or intended for use by one person with or without exclusive sanitary and/or full culinary facilities;
 - (ii) a room or suite of rooms used, designated for residential occupancy, used, designed or intended for use, by more than one person with no more than two persons sharing a *bedroom* and with sanitary facilities directly connected and accessible to each room; or
 - (iii) every seven (7) square metres of area within a room or suite of rooms used, designed or intended for use, by one or more persons with no more than two persons sharing a *bedroom*.
- (25) *existing industrial building* shall have the same meaning as the term is defined in the *Regulation*, and shall not include self-storage facilities and retail warehouses;
- (26) *first storey* means the *storey* of a building, structure or part thereof, that has its floor closest to *grade* and having its ceiling more than 1.8 metres above *grade*;
- (27) *grade* means the average level of finished ground adjoining a building or structure at all exterior walls;

- (28) *group home* means a residential *building or structure* or the residential portion of a mixed-use building or structure containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act as amended or successor legislation, and includes a correctional *group home*, which may contain an office provided that the office is only used for the operation of the correctional *group home*, but does not include any detention facility operated or supervised by the federal government, or any secure custody and detention facility operated by the provincial government;
- (29) *industrial* means non-residential uses, excluding commercial and retail uses, where the land or buildings, or portions thereof are intended or designed for manufacturing, producing, processing, storing or distribution of something, including research or development in connection with manufacturing, producing or processing something, and the retail sale by a manufacturer, producer or processor of something that they have manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place, as well as office space that is ancillary to the producing, processing, storing or distribution of something at the site, but shall not include self-storage facilities or retail warehouses which shall be considered retail uses;
- (30) *institutional* means development of a building or structure intended for use:
- (a) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
 - (b) as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
 - (c) by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,

- (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous *Institutes Act, 2017*;
 - (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - (e) as a hospice to provide end of life care;
- (31) *interest rate* means the annual rate of interest calculated at the *development charge interest policy and related procedure*, as may be revised from time to time;
- (32) *live/work unit* means a structure which contains at least three separate residential units and associated non-residential areas, intended for both residential and non-residential uses concurrently, and each shares a common wall or floor with direct access between the residential and non-residential areas;
- (33) *local board* means municipal service board, municipal business corporation, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any part or parts thereof, excluding a conservation authority, any municipal business corporation not deemed to be a local board under O.Reg. 168/03 under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, and any corporation enacted under the *Electricity Act, 1998*, S.O.1998, c.15, Sched. A, as amended, or successor legislation;
- (34) *local services* means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under section 51 of the *Planning Act*, or as a condition of approval under section 53 of the *Planning Act*;
- (35) *long-term care home* means a residential *building or structure* or the residential portion of a *mixed-use building or structure* as defined

within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;

- (36) *mezzanine* means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;
- (37) *mixed-use* means land or buildings used or designed or intended to be used for a combination of non-residential development and residential development;
- (38) *multiple dwelling* means all dwellings other than single detached dwellings, semi-detached dwellings, apartment dwellings, special care/special need dwellings, and accessory dwellings, and includes but is not limited to, back-to-back townhouse dwellings, and the residential portion of a live/work unit;
- (39) *municipality* means The Corporation of the Town of Oakville;
- (40) *non-profit housing* means development of a building or structure intended for use as residential premises by,
 - (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;
- (41) *non-residential* means the use of lands, *buildings or structures* for other than a residential use, including an industrial use, a retail use or a commercial use;
- (42) *official plan* means the Official Plan of the Town of Oakville and any amendments thereto;
- (43) *owner* means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

- (44) *patios* include an area attached to and ancillary to a retail development delineated by one or more walls or part walls, but are not fully enclosed and not intended for year-round operation;
- (45) *place of worship* means a *building or structure*, or part thereof, that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended or successor legislation;
- (46) *Planning Act* means the *Planning Act*, R.S.O. 1990, P. 13, as amended, or successor legislation;
- (47) *redevelopment* means the construction, erection or placing of one or more *buildings or structures* on land where all or part of a *building or structure* has previously been demolished on such land, or changing the use of a *building or structure* from a *residential use* to a *non-residential use* or from a *non-residential use* to a *residential use*, or changing a *building or structure* from one form of *residential use* to another form of *residential use* or from one form of *non-residential use* to another form of *non-residential use*;
- (48) *Regulation* means O. Reg. 82/98 as amended or successor regulation;
- (49) *rental housing* means development of a *building or structure* with four or more dwelling units all of which are intended for use as rented residential premises;
- (50) *residential* means lands, *buildings or structures*, or portions thereof, used, or designed or intended for use as a home or residence of one or more individuals, and shall include but not be limited to a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, a special care/special need dwelling, an accessory dwelling, and the residential portion of a mixed-use *building or structure*;
- (51) *retail* means lands, *buildings or structures*, or portions thereof, used, designed or intended to be used for the sale, lease or rental of any manner of goods, commodities, services or entertainment to the public, for consumption or use, whether directly or through membership, but shall exclude commercial, industrial, hotels/motels/bed and breakfast facilities, as well as offices not located within or as part of a retail development, and self-storage facilities;

- (52) *retirement home* or lodge means a residential building or structure or the residential portion of a mixed-use building or structure which is intended for use as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*; and provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
- (53) *seasonal structure* means a building placed or constructed on land and used, designed or intended for use for a non-residential purpose during a single season of the year where such building is designed to be demolished or removed from the land at the end of the season;
- (54) *semi-detached dwelling* means a building divided vertically into two (2) dwelling units each of which has a separate entrance and access to grade;
- (55) *services* mean services designated in this By-law;
- (56) *single detached dwelling* means a completely detached building containing only one dwelling unit;
- (57) *site hectare* means a site area in hectares, including residential lots or blocks only and excludes any public lands. In the case of a development, any public land required to be dedicated or conveyed shall not be included for the purpose of calculating the site hectares;
- (58) *special care/special need dwellings* mean a residential building or portion thereof;
 - (a) containing more than two (2) dwelling units, which units have a common entrance from street level;
 - (b) where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings but which do not have their own private sanitary and full culinary facilities;
 - (c) that is designed to accommodate individuals with specific needs, including independent permanent living arrangements; and

- (d) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels; and
 - (e) includes but is not limited to, *retirement homes or lodges, long-term care homes, charitable homes, group homes* (including correctional group homes) and hospices;
- (59) *stacked townhouse dwelling* means a building containing two or more dwelling units where each dwelling unit is separated horizontally from another dwelling unit by a common wall;
- (60) *storey* means that portion of a building that is:
 - (a) situated between the top of any floor and the top of the floor next above it; or,
 - (b) if there is no floor above it, that portion between the top of such floor and the ceiling above it
- (61) *temporary building* or structure means a *building or structure* used, designed or intended for a *non-residential use*, other than a seasonal structure and a temporary venue, that is constructed or placed upon lands and which is demolished or removed from the lands within three years of building permit issuance, including but not limited to sales trailers, office trailers and industrial tents, provided that such a *building or structure* meets the aforementioned criteria;
- (62) *temporary venue* means a building that is placed or constructed on land and is used, designed or intended for use for a particular event where the event has a duration of 30 days or less and the building is erected immediately before the beginning of the event and is demolished or removed from the land immediately following the end of the event
- (63) *total floor area* means the total area of all floors of *buildings and structures*, above or below grade, measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a *non-residential use* and a *residential use*, except those areas used exclusively for parking garages or structures, but includes the area of a mezzanine; and where a building has only one wall or does not have any walls, the total floor area shall be the total of the area directly beneath any roof-like structure of the building; and

- (64) *Treasurer* means the Treasurer of the municipality or his or her designate.

RULES

2. For the purpose of complying with section 6 of the Act:
- (1) the area to which this By-law applies shall be the area described in section 5 of this By-law;
 - (2) the rules developed under paragraph 9 of subsection 5(1) of the *Act* for determining if development charges are payable under this By-law in any particular case and for determining the amount of the charges shall be as set forth in sections 3, 4, and 12 of this By-law;
 - (3) the rules for exemptions, relief, credits and adjustments shall be as set forth in sections 6, 7, 9, 10, 11, and 13 of this By-law;
 - (4) the indexing of charges shall be in accordance with section 17 of this By-law; and
 - (5) except as set out in the *Act* and this By-law, there are no other credits, exemptions, relief or adjustments in respect of any land in the area to which this By-law applies.

APPROVAL FOR DEVELOPMENT

- 3.
- (1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the rates set out in Schedule “B” (Town Services/Class of Services), which relate to the services/class of services set out in Schedule “A”.
 - (2) Development in the municipality may be subject to one or more by-laws of the municipality and the development charges under this By-law are in addition to any other development charges imposed by the municipality under other by-laws.

Phasing-in of Development Charges

- (3) This By-law does not provide for the phasing in of the schedule of the base rates in Schedule “B”.

Calculation of Development Charges

- (4) The *development* or *redevelopment* of land in the *municipality* may be subject to one or more development charges by-laws of the *municipality*.
- (5) The *development charge* with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (a) in the case of *residential development* or *redevelopment*, or the *residential portion* of a mixed-use or live/work *development* or *redevelopment*, based upon the number and type of *dwelling units*;
 - (b) in the case of *non-residential development* or *redevelopment*, or the non-residential portion of a mixed-use or live/work *development* or *redevelopment*, based upon the total floor area of such *development*.

Development and Redevelopment

- (6) *Council* hereby determines that the *development* or *redevelopment* of lands, *buildings* or *structures* for *residential* and *non-residential uses* will require the provision, enlargement or expansion of services referred to in Schedule "A", including, and without limiting the foregoing, any *capital costs* associated with the *development* or *redevelopment*.

APPROVAL FOR DEVELOPMENT

- 4.
 - (1) Subject to subsection 4(2), development charges shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land to be developed or redeveloped for *residential* and/or *non-residential use*, where the *development* or *redevelopment* requires:
 - (a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;

- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (e) a consent under section 53 of the *Planning Act*;
 - (f) the approval of a description under section 9 of the *Condominium Act*, R.S.O.1992, c.19, as amended or successor legislation; or
 - (g) the issuing of a permit under the *Building Code Act*, in relation to a *building or structure*.
- (2) Subsection 4(1) shall not apply in respect to:
- (a) *local services*, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under section 51 of the *Planning Act*;
 - (b) *local services* to be installed or paid for by the owner as a condition of approval under section 53 of the *Planning Act*;

LANDS AFFECTED

- 5.
- (1) Subject to subsection 6(1) to (6) ("Statutory Exemptions"), and subsections 7(1) to (5) ("Non-Statutory Exemptions"), this By-law applies to all lands in the municipality, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*.

EXEMPTIONS

- 6.
- (1) This By-law shall not apply to land that is owned by and used for the purposes of:
- (a) a *board of education*;
 - (b) a provincial or federal crown agency;
 - (c) a publicly-funded university, community college or a college of applied arts and technology established under the Ontario Colleges of Applied Art and Technology Act, 2002, S.O 2002, c.8, Schedule F, as amended, or
 - (d) any *municipality or local board* thereof.

Rules With Respect to Exemptions from Intensification of Existing Housing

(2) This By-law shall not apply to that category of exempt *development* or *redevelopment* described in subsection 2(3) of the Act and section 2 of O.Reg. 82/98 with respect to developments or portions of developments relating to existing residential buildings including structures ancillary to existing residential buildings as follows:

Item	Name of Class of Existing Residential Building	Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
1.	Existing single, detached dwellings	Existing residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
2.	Existing semi-detached dwellings or row dwellings	Existing residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
3.	Existing rental residential buildings	Existing residential rental buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None
4.	Other existing residential buildings	An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

- (3) This By-law shall not apply to that category of exempt *development* or *redevelopment* described in subsection 2(3.1) of the Act and section 2 of O.Reg. 82/98 with respect to developments or portions of developments that would result in the creation of a second dwelling unit in prescribed classes of new residential buildings, including structures ancillary to residential buildings subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3.	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of

			the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.
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- (4) The provisions of sections 3 and 4 above shall be amended without need for an amendment to this By-law such that, if any amendments are made to section 2 of the Regulation as may be applicable and as may be amended from time to time, that the said sections shall continue to incorporate in this By-law any required exceptions.

Rules With Respect to an "Industrial" Expansion Exemption

- (5) This By-law does not apply to the enlargement of the gross floor area of an existing industrial building, if the gross floor area is enlarged by 50 percent or less.
- a. For the purpose of applying this exemption, the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O.Reg. 82/98 made under the *Act*;
 - b. for the purpose of interpreting the definition of "existing industrial building" contained in O. Reg. 82/98, regard shall be had to the classification of the lands in question pursuant to the *Assessment Act*, and in particular:
 - i. whether the lands fall within a tax class such that taxes on the lands are payable at the industrial tax rate; and
 - ii. whether more than fifty percent (50%) of the total floor area of the building has an industrial property code for assessment purposes;
 - c. despite paragraph (b), self-service storage facilities and retail warehouses are not considered to be industrial buildings;
 - d. in particular, for the purposes of applying this exemption, the industrial building is considered existing if it is built, occupied and assessed for property taxation at the time of passage of this By-law;

- e. the exemption applies where there is a bona fide increase in the size of the existing industrial building and the enlarged area is attached to the existing industrial building, and is used for or in connection with an industrial purpose as set out in subsection 1(1) of O. Reg. 82/98 made under the *Act*. Without limiting the generality of the foregoing, this exemption shall not apply where the enlargement is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing or a parking facility; and
 - f. notwithstanding section 6(5)(e), where an expansion on the same lot includes an enlargement of an existing industrial building and/or the construction of an accessory building or structure that is incidental to or subordinate in purpose and exclusively devoted to the existing industrial use, then no development charges shall be payable with respect to that portion of the accessory building or structure that is up to and including 278.7 sq. m. (3,000 sq. ft.), where;
 - i. the total expansion which is exempted from the payment of development charges, including the total of the enlargement of the existing industrial building and the accessory building or structure may be up to but shall not exceed 50% of the total floor area of the existing industrial building;
 - ii. at least two years must have elapsed since the issuance of the building permit for constructing the existing building or structure containing an industrial use on the lot; and
 - g. The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the *total floor area* before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the *municipality* made pursuant to the *Development Charges Act, 1997*, as amended or its predecessor legislation.
- (6) Notwithstanding subsection 6(5), if the gross floor area of an existing industrial building is enlarged by more than 50 percent, development charges shall be calculated and collected in accordance with Schedule "B" on the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.

- 7.
- (1) This By-law shall not apply to land that is owned by and used for the purposes of:
- (a) an *agricultural development*;
 - (b) a *seasonal structure, patio or a temporary venue*;
 - (c) a part of a building or structure that is used as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c. P. 40, as amended, or successor legislation, but does not include any other lands or *buildings or structures* owned by a hospital board that are used for purposes other than as a public hospital;
 - (d) *buildings or structures* owned by and used for the purposes of a conservation authority, unless such *buildings or structures* are used primarily for or in connection with (i) recreational purposes for which the conservation authority charges admission and/or fees, or (ii) any commercial purposes.
- (2) Despite anything else in this By-law, *development charges* shall not be imposed in respect of the gross floor *area of the area* of worship within a *place of worship*.

Cap on Coverage

- (3) Notwithstanding subsection 3(5)(b), where there is *non-residential development*, the *development charge* otherwise payable pursuant to this By-law shall be calculated in accordance with the following:
- (a) for the portion of the total floor area of such development that is less than or equal to 2.0 times the area of the lot, the *non-residential development charges* as set out in Schedule "B" applies; and
 - (b) for the portion of the total floor area of such development that is greater than 2.0 times the area of the lot, fifty percent of the *non-residential development charges* as set out in Schedule "B" applies;
 - (c) the land area includes the land area of the parking required for the building, if on a separate lot; and

(d) this section does not apply to *retail use* or *retail development*.

Categories of Exempt Institutions

(4) The following categories of institutions are hereby designated as being exempt from the payment of *development charges*:

- (a) *total floor area* within *non-residential buildings or structures* used solely for the purposes of a non-profit, licensed, day nursery for the exclusive use by children of the employees of the *owner*, provided that the day nursery is owned and operated by the *owner* and located upon the lands used by the *owner's* primary *non-residential use* or *non-residentially* zoned lands owned by the *owner* immediately abutting the lands used by the *owner* for its primary *non-residential use*.

Temporary Buildings

(5) Notwithstanding any other provisions of this by-law, a temporary *building or structure* shall be exempt from the payment of *development charges* provided that:

- (a) prior to the issuance of the *building permit* for the *temporary building or structure*, the *owner* shall provide to the *municipality* securities in the form of a certified cheque or bank draft or a letter of credit acceptable to the *Treasurer* in the full amount of the *development charges* otherwise payable;
- (b) within three (3) years of building permit issuance or any extension permitted in writing by the *Treasurer*, the *owner* shall provide to the *municipality* evidence, to the *municipality's* satisfaction, that the *temporary building or structure* was demolished or removed from the lands within three (3) years of building permit issuance or any extension herein provided, whereupon the *municipality* shall return to the *owner* the securities provided pursuant to subsection (a), without interest;
- (c) in the event that the owner does not provide satisfactory evidence of the demolition or removal of the *temporary building or structure* in accordance with subsection (b), the *temporary building or structure* shall be deemed conclusively not to be a *temporary building or structure* for the purposes of this by-law and the *municipality* shall, without prior notification to the *owner*, transfer

the funds or draw upon the letter(s) of credit provided pursuant to subsection (a) and transfer the amount so drawn into the appropriate development charges reserve funds; and

- (d) the timely provision of satisfactory evidence of the demolition or removal of the *temporary building or structure* in accordance with subsection (b) shall be solely the *owner's* responsibility.

LOCAL SERVICES INSTALLATION

8. Nothing in this By-law prevents *council* from requiring:

- (a) *local services*, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the *owner* as a condition of approval under section 51 of the *Planning Act*;
- (b) *local services* to be installed or paid for by the *owner* as a condition of approval under section 53 of the *Planning Act*.

MULTIPLE CHARGES

- 9.
- (1) Where two or more of the actions described in subsection 4(1) may be required before land to which a *development charge* applies can be developed, only one *development charge* shall be calculated and collected in accordance with the provisions of this By-law.
 - (2) Notwithstanding subsection 9(1), if two or more of the actions described in subsection 4(1) occur at different times, or a second or subsequent building permit is issued, resulting in increased, additional or different development, an additional *development charge* on the additional *residential* units and *non-residential* floor area, shall be calculated and collected in accordance with the provisions of this By-law.

DEVELOPMENT CHARGE CREDITS FOR SERVICES IN LIEU

- 10.
- (1) Council may authorize an owner, through an agreement under section 38 of the Act, to substitute such part of the *development charge* applicable to the *owner's development* as may be specified in the agreement, by the provision at the sole expense of the *owner*, of *services in lieu*. Such agreement shall further specify that where the *owner* provides *services in lieu* in accordance with the agreement, *council* shall give to the *owner* a

credit against the related service component of the development charge in accordance with the agreement provisions and the provisions of section 39 of the *Act*, equal to the reasonable cost to the *Owner* of providing the *services* in lieu. In no case shall the agreement provide for a credit which exceeds the total *development charge* payable by an *owner* to the *municipality* in respect of the *development* to which the agreement relates.

- (2) In any agreement under subsection 10(1), *council* may also give a further credit to the *owner* equal to the reasonable cost of providing *services* in addition to, or of a greater size or capacity, than would be required under this By-law.
- (3) The credit provided for in subsection 10(2) shall not be charged to any *development charge* reserve fund.

DEVELOPMENT CHARGE CREDITS FOR DEMOLITION

11. If a *development* or *redevelopment* involves the demolition of and replacement of a *building or structure*, or the conversion from one principal use to another:
 - (1) A credit shall be allowed against the *development charges* otherwise payable, provided that where a demolition permit for the demolition of a *building or structure* on the site has been issued and not revoked and a building permit has been issued for the *development* or *redevelopment* within five years from the date of the demolition permit.
 - (2) The credit shall be calculated:
 - a. for any portion of a *building or structure* used for *residential uses*, based on the number of *dwelling units* demolished and/or converted multiplied by the applicable *residential development charge* in place at the time the *development charge* is payable; and/or
 - b. for any portion of a *building or structure* used for *non-residential uses*, based on the *total floor area* of the building demolished and/or converted multiplied by the current *non-residential development charge* in place at the time the *development charge* is payable.
 - (3) The credit can, in no case, exceed the amount of the *development charge* that would otherwise be payable. Where the amount of any credit

pursuant to this section exceeds the amount of the *development charge* otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the development that is acceptable to the *Treasurer*.

- (4) For greater certainty, where a building cannot be demolished and/or converted until the new building is constructed, development charges will be payable pursuant to section 12, with any refund related to the demolition credit made, without interest, provided that an application for a refund is made within twelve (12) months after the building permit for the new building is issued. If more than twelve (12) months is required to demolish the existing building, the owner shall make a written request to the *municipality* and the *Treasurer* may extend the time in which the existing building must be demolished in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or desirable and such decision shall be made prior to the issuance of the first building permit for the new building.
- (5) This section does not apply and no credit shall be given for a demolished building or structure, or any part thereof, for which a demolition credit is sought, where (a) the building or structure, or any part thereof, when originally constructed was exempt from the payment of development charges pursuant to this By-law, or any predecessor thereof; or (b) the building or structure was originally constructed prior to imposition of development charges, the building or structure as originally constructed would be exempt under this By-law if it were built as of the date of demolition.

TIME OF CALCULATION AND PAYMENT

12.

- (1) *Development charges* shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the building permit is issued in relation to a *building or structure* on land to which a *development charge* applies.
- (2) Where *development charges* apply to land in relation to which a building permit is required, the building permit shall not be issued until the *development charge* has been paid in full.
- (3) Where *development* or *redevelopment* requires an action described in subsection 4(1) after the issuance of a building permit and no

development charges have been paid, then the *development charges* shall be paid prior to the granting of approval for any action required under subsection 4(1) of this By-law.

- (4) If a *development* or *redevelopment* does not require a building permit but does require one or more of the actions described in subsection 4(1) then, notwithstanding subsection 12(1) above, development charges shall nonetheless be payable prior to the approval of the action described in subsection 4(1).
- (5) Notwithstanding subsections 12(1), 12(2), 12(3) and 12(4), in accordance with section 26.1 of the Act and the *development charge interest policy and related procedure*, development charges for *rental housing* and *institutional* developments are due and payable in 6 installments commencing with the first installment payable on the date of first occupancy certificate issued, or first occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- (6) Notwithstanding subsections 12(1), 12(2), 12(3) and 12(4), in accordance with section 26.1 of the Act and the *development charge interest policy and related procedure*, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of first occupancy certificate issued, or first occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- (7) In accordance with section 26.2 of the Act and the development charge interest policy and related procedure, Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsections 12(1), 12(5) and 12(6) shall be calculated on the rates set out in Schedule “B” on the date of the site plan planning complete application, or zoning amendment complete application if a site plan application does not apply, including interest. Where multiple planning applications of the same type apply, development charges under subsections 12(1), 12(5) and 12(6) shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, including interest.
- (8) *Council* may enter into an agreement with an owner to make any *development charges* payable earlier or later than the date provided for.

EXEMPTIONS, RELIEF AND ADJUSTMENTS NOT CUMULATIVE

13. Only one of the applicable exemption(s), relief or adjustment(s) set out in this By-law shall be applicable to *development* or *redevelopment*. Where the circumstances of a *development* or *redevelopment* are such that more than one exemption, relief or adjustment could apply, only one exemption, relief or adjustment shall apply and it shall be the exemption, relief or adjustment that results in the lowest *development charges* being payable pursuant to this By-law.

DEVELOPMENT NOT AS REFERENCED IN BUILDING PERMIT

- 14.
- (1) Where a building permit is obtained and *development charges* are paid, but the actual *development* or *redevelopment* which is completed is (a) less *total floor area* than what had been planned and paid for, or (b) a different type of *residential use* than originally planned, or (c) has fewer *dwelling units* than originally planned and paid for, then a refund for the excess of the *development charges* paid over the *development charges* which would have been payable for the actual *development* or *redevelopment* which was completed is only payable if:
 - (a) a new *building permit* is obtained reflecting the actual *development* or *redevelopment*; and
 - (b) the application for such new *building permit* is filed within five (5) years of the issuance of the initial *building permit*.
 - (2) Any such refund which may be payable pursuant to subsection 14(1) above by the municipality shall be paid without interest.

RESERVE FUNDS

- 15.
- (1) Monies received from payment of *development charges* shall be maintained in separate reserve funds, by municipal service/class of services, as identified in Schedule A.
 - (2) Monies received for the payment of *development charges* shall be used only in accordance with the provisions of section 35 of the *Act*.
 - (3) *Council* directs the *Treasurer* to divide the reserve funds created hereunder into separate sub-accounts in accordance with the service

categories set out in Schedule "A" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.

- (4) Income received from investment of the development charge reserve funds shall be credited to the development charge reserve funds in accordance with the town's Reserve/Reserve Fund Procedure. Interest collected in accordance with the development charge interest policy and related procedure shall be credited to the development charge reserve funds in relation to which the interest applies.
- (5) Where any *development charge*, or part thereof, remains unpaid after the date that the *development charge* is first payable, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (6) Where any unpaid *development charges* are collected as taxes under subsection 15(5), the monies so collected shall be credited to the development charge reserve funds referred to in subsection 15(1).
- (7) The *Treasurer* shall, in each year, furnish to *council* a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 12 of O.Reg. 82/98.

BY-LAW AMENDMENT OR REPEAL OR COMPLAINT

16.

- (1) Where this By-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal, or successor, or by resolution of the municipal *council*, the *Treasurer* shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection 16(1) shall be paid with interest to be calculated as follows:
 - (a) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (b) the refund shall include the interest owed under this section; and
 - (c) the Bank of Canada interest rate in effect on the date of enactment of this By-law shall be used.

- (3) Where a person disputes or files a complaint regarding the imposition or calculation of development charges under this By-law, the *Treasurer* may, but is not required to, resolve the dispute or complaint in such manner as the *Treasurer* deems appropriate.

BY-LAW INDEXING

17. The development charges set out in Schedule "B" to this By-law shall be adjusted annually on April 1, without amendment to this By-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Construction Price Statistics (Non-residential Building Construction Price Index) or any successor thereto.

BY-LAW REGISTRATION

18. A certified copy of this By-law may be registered on title to any land to which this By-law applies.

SEVERABILITY

19. If, for any reason, any provision, section, subsection or paragraph of this By-law is held to be invalid, it is hereby declared to be the intention of council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

REPEAL

20. Upon the coming into force of this By-law and effective at 12:01 am on July 13, 2022, the current Town of Oakville Development Charge By-laws 2018-001 and 2021-016 are repealed

BY-LAW ADMINISTRATION

21. This By-law shall be administered by the *Treasurer*.

SCHEDULES TO THE BY-LAW

22. The following Schedules to this By-law form an integral part of this By-law:

Schedule A – Schedule of Municipal Service/Class of Services
Schedule B – Schedule of Development Charges

DATE BY-LAW EFFECTIVE

23. This By-law shall come into force and effect at 12:01 am on July 13, 2022.

SHORT TITLE

24. This By-law may be cited as the “Town of Oakville Development Charges By-law, 2022”.

PASSED this 12th day of July, 2022

MAYOR

CLERK

SCHEDULE A
SCHEDULE OF MUNICIPAL SERVICES/CLASS OF SERVICES

- a) Services Related to a Highway
- b) Fire Protection Services
- c) Transit Services
- d) Parks and Recreation Services
- e) By-law Enforcement Services
- f) Library Services
- g) Growth Studies

SCHEDULE B

SCHEDULE OF DEVELOPMENT CHARGES

	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	21,993	16,280	11,038	8,322	6,567	10.08
Transit Services	856	634	430	324	256	0.39
Fire Protection Services	1,524	1,128	765	577	455	0.70
Parks and Recreation Services	18,593	13,763	9,332	7,035	5,552	0.96
Library Services	1,779	1,317	893	673	531	0.09
Growth Studies	568	420	285	215	170	0.25
By-law Enforcement	18	13	9	7	5	0.01
Total Municipal Wide Services/Class of Services	45,331	33,555	22,752	17,153	13,536	12.48

Note: The development charges described in Schedule B are applicable on the date this By-law comes into effect (12:01 am on July 13, 2022). These development charges shall be adjusted annually in accordance with section 17 of this By-law.