



**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2025-152**

A by-law to impose Stormwater Management Fees and Charges

**WHEREAS** sections 8, 9, and 11 of the *Municipal Act*, 2001, S.O. 2001. c. 25, authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of a municipality; and

**WHEREAS** subsection 391(1) of the *Municipal Act*, 2001 provides that sections 9 and 11 of the Act authorize a municipality to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control; and

**WHEREAS** subsection 391(2) of the *Municipal Act*, 2001 provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time; and

**WHEREAS** subsection 391(3) of the *Municipal Act*, 2001 provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets; and

**WHEREAS** subsection 391(4) of the *Municipal Act*, 2001 provides that a fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property; and

**WHEREAS** subsection 391(5) of the *Municipal Act*, 2001 provides that, in the event of a conflict between a fee or charge by-law and the *Municipal Act*, 2001, other than Part XII thereof, or any other act or regulation made under any other act, the by-law prevails; and

**WHEREAS** the Town of Oakville (herein known as the "Town") has constructed, and is operating and maintaining, a stormwater system for the benefit of residents and other property owners in the Town; and

**WHEREAS** it is deemed just that the cost of operating, maintaining, repairing, replacing, and upgrading the stormwater system is paid for by those who benefit from this system; and

**WHEREAS** the Town desires to maintain a dedicated funding option for the long-term enhancement and operation of its existing stormwater system through effective and efficient capital construction, operation, and maintenance programs; and

**WHEREAS** the Town desires to implement a credit program to incentive certain property owners to provide future onsite stormwater management measures; and

**WHEREAS** the creation of a separate stormwater fee to fund such stormwater management program will bring transparency to the actual costs of providing and maintaining the stormwater system with the Town; and

**WHEREAS** effective January 1, 2026, Town of Oakville Council desires to impose a stormwater fee on property owners.

## **COUNCIL ENACTS AS FOLLOWS:**

### **DEFINITIONS**

1. In this by-law:

“Adjustment” means a process by which changes are made to information associated with a property and related Stormwater Management Fee.

“Applicant” means a property owner of a property in the non-residential category that submits a Stormwater Management Fee credit application for the Town approved credit program.

“Assessment Review Board (ARB)” is an independent tribunal under Tribunals Ontario that hears and rules on property assessment and classification disputes, primarily between property owners, MPAC, and sometimes municipalities.

“Billing Inquiry and Appeal” means the process as outlined in Schedule C by which a property owner challenges information that has been associated to their property’s Stormwater Management Fee.

“Billing Error” means an undercharge or overcharge caused by a gross or manifest error in preparation of the Stormwater Management Fee as stated on

the Stormwater Management Bill that is clerical or factual in nature, including the transposition of figures, typographical error, or similar errors.

“By-law” means this Stormwater Management Fees and Charges By-law.

“Council” means the elected council of the Town of Oakville.

“Credit Program” means the Town’s credit program as outlined in Schedule B that encourages a non-residential property owner to reduce the Stormwater Management Fee by implementing onsite stormwater management measures and to recognize existing properties with stormwater management measures already in place.

“MPAC” means the Municipal Property Assessment Corporation.

“Non-residential” means a property that is classified by MPAC as industrial, commercial, institutional, mixed-use uses, vacant development land, and/or golf courses.

“Online Services” means the Town of Oakville centralized web portal that lets residents, businesses, and property owners interact with municipal services digitally.

“Property” means any real property within the Town, including lands and buildings, lands, structures and improvements of any nature and kind in or upon such lands, but excludes real property owned by an entity excluded from municipal user fees and charges.

“Property Owner” means the registered owner of property and any other person, firm, or corporation having control over or possession of the property or any portion thereof, including a property manager, mortgagee in possession, receiver and manager, trustee, and trustee in bankruptcy.

“Property Type” means property classification as determined by O. Reg 282/98 and under the *Assessment Act*, R.S.O. 1990, c. A.31 and classified by MPAC.

“Residential” means a property that is classified by MPAC as a residential condominium, townhome, row house, semi-detached home, linked home, single-detached home, or multi-residential property.

“Stormwater System” refers to the infrastructure owned, maintained, and operated by the Town to manage and remove excess surface water and control stormwater runoff and includes, but is not limited to, the Town’s network of storm

sewer pipes, stormwater management ponds, channels and ditches, culverts, creeks, shoreline and other structures and natural assets.

“Stormwater Management Bill” means the Town’s Stormwater Management Fee as invoiced by the Town either in the same manner as the Town’s property tax billing(s) as an itemized item on the property tax billing(s) or separately as a Stormwater Management Fee-only bill.

“Stormwater Management Fee” means the Town’s stormwater management fees and charges as listed in Schedule A to this By-law imposed pursuant to sections 8, 9, 11 and Part XII of the *Municipal Act*, 2001 and subsequently identified in the Town’s Annual Rates and Fees.

"Stormwater Management Program" means the planning, design, construction, operations, maintenance, renewal of, and enforcement of by-laws associated with the Town’s municipal stormwater system and infrastructure.

“Town” means the Corporation of the Town of Oakville or where the context requires the geographical jurisdiction of the Corporation of the Town of Oakville.

“Community Infrastructure Commission” means the Town’s Community Infrastructure Commission, or successor commission, including any applicable departments.

## **SCOPE**

2. A Stormwater Management Fee shall be imposed on all Property Owners in the Town in accordance with Schedule A, based on the following:

### Residential Properties

A fixed fee will be imposed on all residential properties based on the rate per residential tier. Residential tiers are as follows:

Low Density Residential Tier: includes single detached houses, farms with residence, and commercial farms

Medium Density Residential Tier: includes semi-detached houses, link houses, row houses

High Density Residential Tier: includes residential condominiums, townhome properties, plexes (duplexes to sixplexes), and multi-residential properties with 7 or more self-contained units

### Non-Residential Properties

A variable fee will be imposed on all non-residential properties as a rate per one hundred square metres of property area based on property type. Separate rates for Non-residential property types include:

Commercial and Industrial

Institutional & Mixed Use

Vacant development land and golf courses

3. The Commissioner of the Community Infrastructure Commission, or their designate, shall be responsible for the administration of this By-law, and shall prescribe all forms necessary to implement this By-law, and may amend such forms from time to time as the Commissioner of Community Infrastructure deems necessary.
4. Council hereby establishes the Stormwater Management Fee as set out in Schedule A, the Credit Program in Schedule B, and the Billing Inquiry and Appeal process in Schedule C of this By-law.

### **EXEMPTIONS**

5. Exemptions from a Stormwater Management Fee include any property owned by an entity excluded from municipal user fees and charges legislation under O. Reg 584/06 of the *Municipal Act, 2001*; or is classified as exempt under the *Assessment Act*, R.S.O. 1990, c.A.31 and recognized as exempt by MPAC with the property tax/class qualifier “E”, excluding properties owned by the Town of Oakville and by the Region of Halton.

### **ADMINISTRATION AND COLLECTION**

6. The Town is hereby authorized to invoice and collect the Stormwater Management Fee pursuant to this By-law and shall be collected by the Town’s Manager, Revenue Services and Taxation.
7. The Town may assign a property type and area for Stormwater Management Fee purposes based on land use information as provided by the *Assessment Act*, MPAC, the Town’s property tax database, and the Town’s Geographic Information System (GIS) database.

8. Unless exempted through clause 5, the Town will include the Stormwater Management Fee, including the payment due date(s) on the Stormwater Management Bill.
9. The Town will issue the Stormwater Management Fee, whether included on the property tax bill or issued as a specific Stormwater Management Fee bill, to the property municipal address, unless the property owner directs or has directed the Town, in writing, to send the bill(s) to a separate mailing address; or, if the property owner has requested electronic delivery of bill, it will be delivered to account on the Town's Online Services with notice of delivery to the specified email address as directed by the property owner.
10. The Stormwater Management Fee imposed by this By-law shall be due and payable on the due date specified on the bill and be payable to the Town of Oakville.
11. Unpaid Stormwater Management Fees constitute a debt of a person to the municipality under section 398(1) of the *Municipal Act*, 2001 and the municipality shall add unpaid fees and charges to the tax roll and collect them in the same manner as municipal taxes, subject to penalty and interest pursuant to section 398(2) of the *Municipal Act*, 2001 and Oakville By-law 2019-121.
12. The Stormwater Management Fee imposed by this By-law shall be adjusted where applicable if there are changes with the property type, property class, structure, lands, or area as directed by MPAC, the Assessment Review Board (ARB), and the Town's Geographic Information System (GIS); or if deemed appropriate due to a Billing Error or pursuant to decision from the Appeal process as outlined in Schedule C. Adjustments will be made retroactively up to a year or up to the date/extent at which is determined in the opinion of the Manager, Revenue Services and Taxation as appropriate, with resulting credits or charges being applied to the property owner's Stormwater Management Fee on account in the Town's billing system.
13. Billing inquiry and appeal decisions made under the Billing Inquiry and Appeal process as outlined in Schedule C shall be final and binding.

### **GENERAL**

14. Schedules A, B, and C shall form and be an integral part of this By-law.
15. Should any part of this By-law, including any part of Schedule A, B, or C be determined by a court of competent jurisdiction to be invalid of no force and

effect, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law, including the remainder of Schedules A, B, and C, as applicable, shall continue to operate and to be in force and effect.

16. Any decision or determination required to be made by the Town or any official of the Town under this By-law shall be made in the sole and absolute discretion of the Town or the Town official.

17. This By-law shall be known as the “Stormwater Management Fees and Charges By-law”.

PASSED this 29<sup>th</sup> day of September, 2025

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MAYOR

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CLERK

**SCHEDULE A TO BY-LAW 2025-152**

**RATES FOR STORMWATER MANAGEMENT FEES AND CHARGES**

<b>Property Category</b>	<b>Property Types</b>	<b>Unit</b>	<b>Rate</b>
Low Density Residential Tier	<ul style="list-style-type: none"> <li>• Single detached houses</li> <li>• Farms with residences</li> <li>• Commercial farms</li> </ul>	Per billing unit	\$273
Medium Density Residential Tier	<ul style="list-style-type: none"> <li>• Semi-detached houses</li> <li>• Link houses</li> <li>• Row houses</li> </ul>	Per billing unit	\$128
High Density Residential Tier	<ul style="list-style-type: none"> <li>• Residential condominiums</li> <li>• Townhome properties</li> <li>• plexes (duplexes to sixplexes)</li> <li>• Multi-residential properties with 7 or more self-contained units</li> </ul>	Per billing unit	\$60
Non-Residential – Institutional/Mixed Use	<ul style="list-style-type: none"> <li>• Institutional</li> <li>• Mixed Use</li> </ul>	Per 100 m <sup>2</sup> property area	\$42
Non-Residential – Commercial/Industrial	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Industrial</li> </ul>	Per 100 m <sup>2</sup> property area	\$51
Non-Residential – Special	<ul style="list-style-type: none"> <li>• Golf courses</li> <li>• Vacant development land</li> </ul>	Per 100 m <sup>2</sup> property area	\$6
Minimum Non-Residential Fee/Bill	<ul style="list-style-type: none"> <li>• All property types</li> </ul>	Total Fee/Bill	\$25

The Stormwater Management Fees are subject to adjustments as may be approved by Council from time to time.

Periodic reviews of stormwater costs and subsequent fees will occur to ensure full cost recovery of the stormwater management program and the principles of establishing the stormwater management fee are maintained.

## SCHEDULE B TO BY-LAW 2025-152

### CREDIT PROGRAM

The Credit Program is intended to provide a Stormwater Management Fee reduction to owners of non-residential property who implement beneficial stormwater management infrastructure on their property. To balance program contribution and encourage the use of stormwater management controls, the maximum amount of credit provided to non-residential property owners is 50% of the total fee amount.

Eligible stormwater management infrastructure includes:

**Peak Flow Reduction:** managing stormwater runoff rates to reduce flood and erosion risk in downstream areas through such measures as stormwater detention and retention ponds, and onsite stormwater storage.

**Water Quality Treatment:** implementing practices, such as water quality ponds, oil and grit separators and low-impact development, to remove or reduce the amount of contaminants in stormwater runoff.

**Runoff Volume Reduction:** reducing the volume of stormwater runoff that leaves a property through such measures as low-impact development and rainwater capture and reuse.

Stormwater Objective	Evaluation Criteria	Maximum Credit Amount	
		Meets Criteria	Goes Beyond Criteria
Peak Flow Reduction	Reduction of 100-year peak flow to pre-development conditions	25%	35%
Water Quality Treatment	80% removal of Total Suspended Solids (TSS)	10%	15%
Runoff Volume Reduction	Percent capture of first 25 mm of rainfall during a single rainfall event	25%	35%
<b>Total Maximum Credit</b>		<b>40%</b>	<b>50%</b>

The Town will require proof of installation, on-going maintenance, and performance of stormwater management infrastructure meeting the above criteria to be eligible for credit. Applicants will need to renew their application every 5 years. Existing stormwater management infrastructure may be eligible.

**SCHEDULE C TO BY-LAW 2025-152**

**BILLING INQUIRY AND APPEAL**

- a. Billing inquiry and appeal shall be allowed under the following situations:
  - i. Incorrect Stormwater Management Fee due to the following reasons:
    - 1) Property type assigned to land parcel;
    - 2) Total land area measurement if not matching MPAC;
    - 3) Effective from and to date of the Stormwater Management Fees and Charges.
- b. A person filing a billing inquiry or appeal may be asked to provide further information to complete review of the inquiry.
- c. The filing of an inquiry does not stay the requirement for payment of the Stormwater Management Fee. Any Stormwater Management Fees billed during the course of the inquiry will be due and payable as per provisions of this By-law.
- d. If it is determined that a billing error has occurred, the Stormwater Management Fees and Charges may be revised in either of the following instances:
  - i. A billing inquiry from a property owner, or
  - ii. An internal adjustment whereby the Town may revise, modify, or amend Stormwater Management Fee. Internal adjustments include but are not limited to an error in preparation of the assessment roll, or because of a decision/change by MPAC or the Assessment Review Board or if the Town has made a Billing Error.

Inquiry Types	Appeal Mechanism	Decision Making Authority	
		Level 1 Appeal	Level 2 Appeal

1. Not Subject to Stormwater Fee	A. Legal exemption	An appellant must file a Request for Review of Stormwater Fee	The outcome of all appeals will first be decided by Stormwater Management Program staff.  Decisions may require further information from the appellant and/or consultation with staff in other sections.	Town of Oakville Appeal Committee
	B. Other exemption			
2. Inaccurate Stormwater Fees and Charges Assessment	A. Incorrect category			
	B. Incorrect tier			
	C. Inaccurate assessment			
3. Incorrect Stormwater Fees and Charges Credit	A. Eligibility for Stormwater Credit			
	B. Amount of Stormwater Credit			