

The Corporation of the County of Peterborough

By-law No. 2022-35

A by-law of the Corporation of the County of Peterborough to establish Development Charges

Whereas subsection 2(1) of the Development Charges Act, 1997, S.O. 1997, c. 27, as amended (the “**Act**”) provides that the council of a municipality may by by-law impose development charges against land to pay for increased Capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

And Whereas a Development Charges Background Study for the Corporation of the County of Peterborough (the “**County**”) was prepared by Hemson Consulting Ltd. and dated March 3, 2022 (the “**Study**”) as required by section 10 of the Act, and was presented to Council along with a draft of this by-law as then proposed and was completed within a one-year period prior to the enactment of this by-law;

And Whereas notice of a public meeting was given pursuant to subsection 12(1) of the Act and in accordance with the regulations under the Act, on or before March 16, 2022;

And Whereas copies of the Study and this proposed by-law were made available to the public in accordance with subsections 10(4) and 12(1) of the Act;

And Whereas a public meeting was held on April 6, 2022 in accordance with the Act to hear comments and representations from all persons who applied to be heard (the “**Public Meeting**”);

And Whereas at the Public Meeting, the Council of the County had before it the Study, wherein it is indicated that the development of any land within the County of Peterborough will increase the need for services as defined herein;

And Whereas the Council of the County has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charges proposal at the Public Meeting, and the public was generally afforded the opportunity to make written submissions relating to this proposed by-law and the Study;

And Whereas the Council of the County on May 2, 2022 approved the Study, and supporting staff report dated May 2, 2022;

And Whereas by the recommendations identified in the staff report approved by the Council of the County on May 2, 2022, Council determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, as modified, including any Capital costs, will be met by updating the capital budget and

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forecast for the County and provided that sufficient development charges revenues are generated, where appropriate;

And Whereas by resolution adopted by the Council of the County on May 2, 2022, Council approved the Study, and supporting staff reports, and determined that no further public meetings were required under subsection 12(3) of the Act;

And Whereas by the recommendations identified in the staff report approved by the Council of the County on May 2, 2022 Council determined that the future excess capacity identified in the Study, shall be paid for by the development charges contemplated in the Study, or other similar charges;

And Whereas the Council of the County has given consideration of the use of more than one development charges by-law to reflect different needs for services in different areas, also known as area rating or area specific development charges, and has determined that for the services and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

And Whereas the Study includes a Cost of Growth Analysis that deals with all assets whose Capital costs are intended to be funded under this by-law, and that such assets are considered to be financially sustainable over their full life-cycle;

And Whereas the Council of the County approved the asset management plan outlined in the Study and gave consideration to incorporate the asset management plan identified in the Study within the County's ongoing practices and corporate asset management strategy;

Now Therefore the Council of the Corporation of the County of Peterborough hereby enacts as follows:

1. Definitions

The following words and terms shall have the following definitions in this By-law to the extent that they are not in conflict with any definitions in the Act:

- 1.01 **Act** means the Development Charges Act, 1997, S.O. 1997, c. 27, includes the Regulations passed under the Act.
- 1.02 **Affordable Housing** means Dwelling Units within assisted or social housing programs including Habitat for Humanity and assisted living.
- 1.03 **Agricultural Use** means a bona fide farming operation.

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- 1.04 **Apartment Dwelling** means a building containing three (3) or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements.
- 1.05 **Area Municipality** means a lower-tier municipality that forms part of the County.
- 1.06 **Board of Education** means a “board” as defined in the Education Act, R.S.O. 1990, c. E.2.
- 1.07 **Building or Structure** means a structure occupying an area greater than ten (10) square metres consisting of walls and a roof or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings or an exterior storage tank.
- 1.08 **Building Code** means O. Reg. 332/12.
- 1.09 **Building Code Act** means the Building Code Act, 1992, S.O. 1992, c. 23, and all Regulations passed thereunder.
- 1.10 **Building Permit** means a permit issued in accordance with the Building Code Act.
- 1.11 **Capital Costs** means a “capital cost” as defined in subsection 5(3) of the Act.
- 1.12 **Commercial Use** means, notwithstanding any other provisions of this By-law, lands, Buildings or Structures to be developed for commercial purposes for gain or profit.
- 1.13 **Council** means the Council of the Corporation of the County of Peterborough.
- 1.14 **County** means the Corporation of the County of Peterborough.
- 1.15 **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 Total Floor Area, and includes Redevelopment.
- 1.16 **Development Charges** means a charge imposed pursuant to this By-law.

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- 1.17 **Duplex** means a Building that is divided horizontally into two (2) Dwelling Units each of which has an independent entrance either directly or through a common vestibule.
- 1.18 **Dwelling Unit** means a combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for habitation for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.
- 1.19 **Farm Building** means a Building or Structure actually used as part of or in connection with a *bona fide* farming operation and includes barns, silos, and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use. For greater clarity, a Farm Building does not include a commercial building, institutional building, or industrial building on a farm that is secondary to a bona fide farming operation.
- 1.20 **Gross Floor Area** means the Total Floor Area, exclusive of any portion of the Building or Structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles. Private garage, carport, basement, cellar, porch, verandah or sunroom, unless such sunroom is habitable during all seasons of the year, are not included in Gross Floor Area.
- 1.21 **Hunt Camp** means a Building operated without profit or gain for the sole purpose of temporary human habitation at no other times than during established large game and waterfowl hunting seasons. For the purposes of this By-law a Hunt Camp is a Non-Residential Use.
- 1.22 **Industrial Use** means the use of lands, Buildings or Structures in connection with:
- (a) manufacturing, producing, processing, storing or distributing an item;
 - (b) research or development in connection with manufacturing, producing or processing an item;
 - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place;

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- (d) office or administrative purposes, if they are:
- (i) carried out with respect to manufacturing, producing, processing, storage or distribution.
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.
- 1.23 **Institutional Use** means the use of lands, Buildings or Structures for institutional purposes.
- 1.24 **Multiple Residential** means, for the purposes of this By-law, a Townhouse Dwelling or dwelling type other than a single-detached, semi-detached, Duplex or Apartment Dwelling.
- 1.25 **Non-Residential Uses** means land, Buildings or Structures or portions thereof used, or designed or intended to be used for a use other than for a Residential Use.
- 1.26 **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.
- 1.27 **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 Residential Use to Non-Residential Use or from Non-Residential Use to Residential Use.
- 1.28 **Residential Uses** means land, Buildings or Structures or portions thereof used, designed, or intended to be used principally (or primarily) as living accommodation for one or more individuals.
- 1.29 **Semi-Detached Dwelling** means the whole of a Building divided vertically into two (2) separate Dwelling Units.
- 1.30 **Services** means services designated in this By-law including Schedule A to this By-law or in an agreement made pursuant to section 44 of the Act, or both.
- 1.31 **Single Detached Dwelling** means a detached Building containing one (1) principal Dwelling Unit.
- 1.32 **Temporary Building or Temporary Structure** means a Building or Structure constructed or erected or placed on land for a continuous period not exceeding

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eight (8) months, or an addition or alteration to a Building or Structure that has the effect of increasing the Total Floor Area thereof for a continuous period not exceeding eight (8) months.

- 1.33 **Townhouse Dwelling** means a Dwelling Unit in a Building divided vertically into no less than three (3) and no more than eight (8) Dwelling Units attached by common walls extended from the base of the foundation to the roof line, each Dwelling Unit having a separate entrance at grade.
- 1.34 All words and phrases used in this By-law that have been defined in the Act and that are not defined in this By-law shall have the same meaning as those words and phrases in the Act.

2. Imposition of Development Charges

- 2.1 A Development Charge shall be calculated and collected in accordance with the provisions of this By-law and shall be imposed on land to be developed for Residential Use or Non-Residential Use, or both, where the Development 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, 1998, S.O. 1998, c. 19; or
 - (g) the issuing of a permit under the Building Code Act, in relation to a building or structure.

3. Application of This By-Law

- 3.1 This By-law shall apply to all lands within the Corporation of the County of Peterborough.

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- 3.2 Nothing in this By-law prevents the approval authority or Council, as the case may be, from requiring, as a condition of an agreement under sections 51 or 53 of the Planning Act, that the Owner at his or her own expense shall install or pay for local services as the approval authority or Council may require.

4. Calculation of Development Charges – General

- 4.1 The total amount of Development Charges shall be calculated pursuant to Schedule C of this By-law, in accordance with section 26.1 or section 26.2 of the Act.
- 4.2 Where sections 26.1 and 26.2 of the Act do not apply, the total amount of Development Charges shall be calculated as of the date the first Building Permit is issued for Development.
- 4.3 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 or as otherwise required in accordance with the Act.
- 4.4 Notwithstanding Sections 4.1 and 4.2 of this By-law, an Owner and Council may enter into an agreement to provide for the payment in full of a Development Charge before Building Permit issuance or later than the issuing of a Building Permit, in accordance with section 27 of the Act.
- 4.5 If a Development does not require a Building Permit, the Development Charges shall be calculated in full at the rate in effect at the time the applicable approval required for the Development as set out in Section 2.1 of this By-law is granted.

5. Indexing of the Development Charges

- 5.1 Development Charges may be adjusted, without amendment to this By-law, on the first day of January in each year, beginning on January 1, 2023, using the Statistics Canada Quarterly, Non-Residential Building Construction Price Index, in accordance with the Act.

6. Calculation of Development Charges – Residential Uses

- 6.1 Development Charges shall apply to each Dwelling Unit in every Development, whether single-use or mixed-use.
- 6.2 No Development Charges are payable in the following cases:

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- (a) where an existing Dwelling Unit is enlarged, renovated or repaired;
- (b) with the intensification of an existing Dwelling Unit as set out in Section 10 of this By-law; or
- (c) where a Dwelling Unit is demolished and reconstruction or Redevelopment occurs within five (5) years from the date that the Dwelling Unit has been demolished to the satisfaction of the chief building official who has jurisdiction within the applicable Area Municipality.

7. Calculation of Development Charges – Non-Residential Uses

- 7.1 Development Charges shall apply to each Non-Residential Use Building in every Development.
- 7.2 Development Charges shall be payable where the Gross Floor Area of an existing Non-Residential Use Building is enlarged. The Development Charges payable shall be based on the increase in Gross Floor Area.
- 7.3 Community Care Facilities shall be subject to Development Charges for the Non-Residential Uses.
- 7.4 No Development Charges are payable where:
 - (a) a Non-Residential Use Building is demolished and reconstruction or Redevelopment occurs within five (5) years from the date that the Non-Residential Use Building has been demolished to the satisfaction of the chief building official who has jurisdiction within the applicable Area Municipality.
 - (b) a Hunt Camp is less than 112 m² of Gross Floor Area.

8. Exempt Buildings

- 8.1 The following Buildings are exempt from Development Charges:
 - (a) Non-Residential Use Buildings that are used accessory to a *bona fide* agricultural operation shall be exempt from the Development Charges;
 - (b) Buildings owned and used by the County or Area Municipality, or any Board of Education used for school purposes;

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- (c) Temporary Buildings where the Owner has executed an agreement with the County or Area Municipality specifying the Owner's obligation to remove the Building;
- (d) places of worship for religious uses that are exempt from provincial taxes pursuant to the Provincial Land Tax Act, 2006, S.O. 2006, c. 33, Sched. Z.2;
- (e) Buildings or Structures used as public hospitals governed by the Public Hospitals Act, R.S.O. 1990, c P.40;
- (f) Farm Buildings;
- (g) Industrial Uses;
- (h) the first 250 square metres of a Non-Residential Use Building; and
- (i) Affordable Housing.

9. Redevelopment

- 9.1 In accordance with Sections 9.2, 9.3 & 9.4 where there is a Redevelopment, conversion, demolition or change of use of a Building or Structure or part thereof, the Development Charges payable by the new or proposed Development shall be reduced by the amount of Development Charges which were paid for the previous use of the Building or Structure.
- 9.2 No reduction of Development Charges shall apply where a Building or Structure or part thereof has been demolished and no Building Permit has been issued within five (5) years from the date of issuance of the demolition permit authorizing the demolition of the Building or Structure.
- 9.3 Reduction of Development Charges with respect to a Redevelopment, conversion, demolition, or change of use of a Building or Structure or part thereof shall not exceed the amount of the Development Charges payable with respect to new or proposed Development.
- 9.4 No reduction of Development Charges shall be applied with respect to the Redevelopment, conversion, demolition, or change of use of a Building or Structure or part thereof where the existing Building or Structure or part thereof would be exempt from Development Charges in accordance with this By-law.

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10. Intensification of Existing Housing

10.1 Pursuant to subsections 2(3) and (3.1) of the Act, no Development Charges shall be imposed with respect to the following:

- (a) the enlargement of an existing Dwelling Unit;
- (b) the creation of additional Dwelling Units as prescribed by the Regulation, subject to any restrictions set out in the regulation, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings as set out in the Regulation; or
- (c) the creation of a second Dwelling Unit in prescribed classes of proposed new residential buildings as set out in the Regulation, including Structures ancillary to dwellings, subject to any restrictions as set out in the Regulation.

10.2 Where the requirements of Sections 10.1 (a) (b) or (c) of this By-law are not met, Development Charges shall be calculated and collected in accordance with Schedule "C" for any additional Dwelling Units.

11. Payment of Development Charges

11.1 Development Charges shall be payable in full on the date that the first Building Permit is issued.

11.2 Despite Section 11.1, where multiple Building Permits are required for Development, Development Charges shall be payable in full, on the date that the first Building Permit is issued.

11.3 Despite Section 11.1, if a Development consists of two (2) or more phases that will not be constructed concurrently and are anticipated to be completed in different years, each phase of the Development is deemed to be a separate Development for the purposes of the payment of Development Charges.

11.4 Except as otherwise provided in this By-law, a Building Permit shall not be issued until the Development Charges have been paid in full.

12. Written Agreements with the County

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- 12.1 The County is authorized to enter into the following agreements to provide for:
- (a) a credit for the reasonable cost of providing Services in addition to, or of a greater size or capacity, than would be required under this By-law pursuant to section 38 of the Act whereby the credit shall not exceed the service standard used in the calculation of the Development Charges, and no credit shall be charged to any Development Charges reserve fund prescribed in this By-law or exceed the proportion of the Development Charges related to that Service payable to the County;
 - (b) all or any part of a Development Charge to be paid before or after it would otherwise be payable pursuant to section 27 of the Act; and
 - (c) for front-ending of Services pursuant to section 44 of the Act.
- 12.2 This By-law shall prevail over any previous agreements between a property owner and the County with respect to the payment of impost fees, lot levies or Development Charges. However, where fees or charges have been paid for services included in this By-law pursuant to an agreement that was registered on the title of the lands prior to the enactment of this By-law, the County shall apply that fee or charge to reduce the amount of applicable Development Charges that are payable.

13. Refunds

- 13.1 Refunds of Development Charges that have been paid will be made, without interest, where:
- (a) a Building Permit that was issued for which Development Charges were paid to the County is subsequently revoked;
 - (b) Development Charges have been paid at the time of issuance of a Building Permit and a reduction in accordance with Section 9 of this By-law is subsequently identified, and the Owner files a written request to the Director of Finance that the amount of the reduction be refunded;
 - (c) Development Charges have been paid at the time of or prior to the issuance of a Building Permit and the Building Permit is subsequently revised by the local municipality's Chief Building Official or designate, resulting in an overpayment of Development Charges to the County; or

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- (d) a clerical, typographical, factual or similar error, has occurred with respect to the calculation of a Development Charge which resulted in an overpayment to the County.

- 13.2 Where this By-law or any Development Charges paid hereunder is amended or repealed by order of the Ontario Land Tribunal or by Council or a complaint is allowed by Council or the Ontario Land Tribunal, the County shall forthwith pay the appropriate refund together with interest, calculated in accordance with the Act.

14. Administration

- 14.1 This By-law shall be administered by the Treasurer of the County.

15. Reserve Funds

- 15.1 Monies received from payment of Development Charges shall be maintained in separate reserve funds, and shall be used only to meet the growth-related net Capital costs for which Development Charges were collected under this By-law.
- 15.2 Where any Development Charges, or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll and shall be collected as taxes. Where any unpaid Development Charges are collected as taxes, the monies so collected shall be credited to the applicable Development Charges reserve funds.
- 15.3 The Treasurer shall, in each year on or before July 1, commencing in 2023 for the 2022 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.
- 15.4 The Treasurer shall make available to the public, the statement set out in Section 15.3, as well as a list of projects whose Capital costs were funded under a Development Charges by-law during the year and the manner in which any portion of the Capital cost not funded under the by-law was or will be funded.

16. Interest on Deferrals and Freeze

- 16.1 The County may charge interest on installments required by Section 26.1 (3) of the Act from the date the development charge would have been payable in accordance with Section 26 of the Act to the date the installment is paid.

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- 16.3 The County may determine, by Council resolution or policy external to this by-law, interest rates in relation to subsections 16.1 and 16.2.

17. Schedules

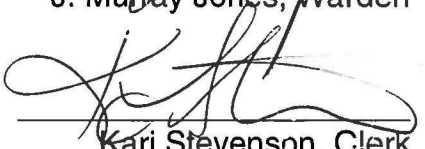
- 17.1 The following schedules to this By-law form an integral part of this By-law;
- (a) Schedule "A" - Classification of Services;
 - (b) Schedule "B" - Components of Development Charges;
 - (c) Schedule "C" – Development Charges Schedule.

18. General

- 18.1 This By-law comes into full force and effect on May 2, 2022 and all other Development Charges by-laws are hereby repealed.
- 18.2 Unless repealed earlier, or unless the term of the By-law is extended by legislation, this By-law expires five (5) years from the day it comes into force.
- 18.3 Where in this By-law the context so requires, words in the singular include the plural and words in the plural include the singular, and words importing the masculine gender include feminine and neutral gender.
- 18.4 Any reference to a statute or regulation in this By-law includes all amendments, consolidations, replacements thereto and any successor legislation.
- 18.5 Any portion of this By-law found to be invalid shall be severed, and the balance of the By-law shall be deemed to be valid and enforceable and shall be construed without reference to the invalid portions.

Read and passed this 2nd day of May, 2022.


J. Murray Jones, Warden


Kari Stevenson, Clerk

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**Schedule “A”
Classification of Services**

Services Related to a Highway
Ambulance Services (Emergency Medical Services)
Long-Term Care
Public Health (Health Unit)
Waste Diversion
Development-Related Studies

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Schedule "B"
Components of Development Charge

Residential Use Charge

Service	Percent of Residential Charge
Services Related to a Highway	91.1%
Ambulance Services (Emergency Medical Services)	0.5%
Long-Term Care	4.6%
Public Health (Health Unit)	0.6%
Waste Diversion	0.2%
Development-Related Studies	3.0%
Total	100.0%

Non-Residential Use Charge

Service	Percent of Non-Residential Charge
Services Related to a Highway	95.5%
Ambulance Services (Emergency Medical Services)	0.6%
Long-Term Care	0.0%
Public Health (Health Unit)	0.6%
Waste Diversion	0.2%

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Development-Related Studies	3.1%
Total	100.0%

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Schedule "C"
Development Charge Schedule

Charge per Unit

Year	Single-Detached, Semi-Detached Duplex (>103m²)*	Multiple Residential Single-Detached. Semi-Detached Duplex (<103m²)*	Apartment Small Multiple Residential (<93m²)*	Non-Residential (per m²)
May 2, 2022 to May 2, 2027	\$10,957	\$9,299	\$6,752	\$39.61

* The areas outlined above represent the Gross Floor Area.