

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 77-2020

**A by-law to impose development charges against lands to pay for increased capital costs required because of increased needs for services arising from development within the Regional Municipality of Peel.**

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

AND WHEREAS, Regional Council has considered the use of more than one development charge by-laws to reflect different needs or 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 it is fair and reasonable that the charges be calculated on a regional-wide and area-specific basis;

AND WHEREAS, the Region has completed and has considered a development charge background study titled "The Regional Municipality of Peel Development Charges Background Study" dated September 18, 2020, as amended, (the "Study") in accordance with Section 10 of the Act;

AND WHEREAS, the Study and the draft proposed By-law were made available to the public pursuant to Section 10 and Section 12 of the Act;

AND WHEREAS, notice of the public meeting was provided in accordance with the requirements of Section 12 of the Act and in accordance with the Regulations under the Act, and such public meeting was held on October 8, 2020;

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

AND WHEREAS, Regional Council has, stated or hereby states that it is the intention of Regional Council to ensure that the increase in need for services identified in connection with the enactment of the By-law will be met;

AND WHEREAS, Regional Council indicated its intent that future excess capacity identified in the Study shall be paid for by development charges or other similar charges;

AND WHEREAS, Regional Council resolved on December 10, 2020 that no further public meeting is required and that this By-law should be brought forward for enactment;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

**1. Definitions**

In this By-law:

"accessory" means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental to and exclusively devoted to a principal use, building or structure;

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

"agricultural society" means an agricultural society within the meaning of Part III of the *Agricultural and Horticultural Organizations Act*, R.S.O. 1990, c. A.9;

"agricultural use" means a use for the purpose of animal husbandry, dairying, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping and any other use customarily carried on for the purposes of a bona fide farming operation, but does not include a residential use on lands that are developed for an agricultural use, and shall not include the growing, processing, production of cannabis or a controlled substance under the *Controlled Substances Act*, S.C. 1996, c. 19, as amended (the "*Controlled Substances Act*");

"air supported structure" means an air supported structure as defined in the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "*Building Code Act*");

"apartment" means:

- a) a dwelling unit in a duplex, triplex, or double duplex,
- b) a dwelling unit in a mixed-use building,
- c) a dwelling unit in a building exceeding three storeys in height where such dwelling unit is served by an enclosed principal entrance from the street level which is common to three or more dwelling units,
- d) a dwelling unit in a special care/special needs facility, or
- e) a dwelling unit in a stacked townhouse building;

"area municipality" means the City of Mississauga, the City of Brampton or the Town of Caledon;

"back-to-back townhouse" means a dwelling unit in a residential building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

"bona fide farmer" means an individual currently actively engaged in a farm operation exclusively for agricultural use with a valid Farm Business Registration number in the area municipality the farm is located;

"building or structure" means a building or structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them or a

structural system serving the function thereof, including an air supported structure, mezzanine or exterior storage tank, but does not include:

- a) a canopy as defined in the *Building Code Act* which has a surface area of less than 100 square metres,
- b) an exterior storage tank where such storage tank constitutes an accessory use, or
- c) a free-standing roof-like structure constructed on lands used for a gas bar or a service station;

"*Building Code Act*" means the *Building Code Act, 1992*, S.O. 1992, c. 23, and all regulations thereunder including the Ontario Building Code;

"By-law" means the Region of Peel Development Charges By-law, 77-2020;

"cannabis" means cannabis as defined in the *Cannabis Act*, S.C. 2018, c. 16;

"Chief Financial Officer" means the Chief Financial Officer of the Region, their delegate, or the person acting in that capacity from time to time;

"Class of Services" means a grouping of any number or combination of services used to create a single service for the purpose of this by-law and as provided in section 7 of the Act and may include parts or portions of the services listed in subsection 2(4) or parts or portions of the capital costs listed in subsection 5(3) in respect of those services;

"college" has the same meaning as defined in Section 171.1 of the *Education Act*, R.S.O. 1990, c. E.2 (the "*Education Act*");

"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, but does not include such actions or redevelopment in relation to a temporary building or structure as defined in this By-law;

"development charge" means a charge imposed pursuant to this By-law;

"distribution centre" means a building or structure primarily used for the storage and distribution of goods, wares, merchandise, substances, articles or things;

"district school board" has the same meaning as defined in the *Education Act*;

"double duplex" means a residential building that consists of two duplexes attached to each other;

"duplex" means a residential building that is divided horizontally into two separate dwelling units, each of with an entrance that is through a common vestibule;

"dwelling unit" means one or more habitable rooms designed, occupied or intended to be occupied as living quarters for a single family or single household and shall, as minimum standard, contain sanitary facilities, accommodation for

sleeping and a kitchen, and for the purposes of this By-law, shall be deemed to include a special care/special needs dwelling;

"existing industrial building" has the meaning prescribed for it under the Regulation;

"farm building" means a farm building as defined in the *Building Code Act*;

"floor" includes a paved, concrete, wooden, gravel or dirt floor;

"grade" means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;

"gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building of all floors above the average level of finished ground adjoining the building at its exterior walls;

"hospital" has the same meaning as defined in the *Public Hospitals Act*, R.S.O. 1990, c. P.40;

"industrial" means land, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of goods, warehousing or bulk storage of goods, distribution centre, truck terminal, research or development in connection with manufacturing, producing or processing of goods, storage, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use; and also includes the growing, processing and production of cannabis or a controlled substance under the *Controlled Substance Act*, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above; and does not include a retail warehouse;

"land" means real property including any buildings, structures or other fixtures situated thereon;

"local board" means a public utility commission, transportation commission, public library board, board of park management, local Board of Health, Police Services Board, planning board or any other board, commission, committee, 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 of an area municipality or of the Region, but does not include a conservation authority established under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;

"mezzanine" has the same meaning as defined in the *Building Code Act*;

"mixed use" means a use or intended use of the same land, building or structure for any two or more uses defined in this By-law;

"mobile temporary sales trailer" means a trailer that is designed to be made mobile, is placed without a foundation on land and is used exclusively for new

residential sales, and concrete piers or sonotubes are deemed not to be foundations for the purposes of this definition;

"non-industrial use" means any use, whether actual or intended, of land, buildings or structures or parts thereof, other than residential or industrial use as those terms are defined in this section, and includes a retail warehouse and a facility for the storage of goods by members of the public for a fee;

"non-residential use" means any use, whether actual or intended, of land, buildings or structures, or parts thereof, other than for residential use as that term is defined in this Section;

"on-farm diversified use" means a building or structure secondary to the principle agricultural use of the property by a bona fide farmer, including home occupations, farm-based home industries and uses that involve the production and sale of value-added agricultural products and excludes uses that involve rental or lease of commercial/industrial space;

"other residential" means a residential use that is not a single-detached residence, a semi-detached residence, an apartment, or a small unit, and includes townhouse and back to back townhouse dwelling units;

"owner" means the registered owner of land, or the owner's authorized representative, who has applied for one or more of the development approvals enumerated in Sub-section 4(1);

"*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P.13 and all regulations thereunder;

"protracted" means in relation to a temporary building or structure, the continuation of its construction, erection, placement on land, alteration or addition for a continuous period exceeding eight months;

"redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of the building or structure has previously been demolished on such land, or the circumstance where one or more existing buildings or structures undergo a change of use;

"Region" means The Regional Municipality of Peel;

"Regional Area" means the area included within an area municipality at the time a development charge pursuant to this By-law is imposed;

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

"religious organization" has the same meaning as defined in the *Religious Organizations' Lands Act*, R.S.O. 1990, c. R.23;

"residential" means in relation to use or development, that which is designed, intended to be used or is used as living accommodation for one or more individuals;

“retail business” means the selling or offering for sale of goods or services by retail;

“semi-detached residence” means a residential building divided vertically, into two separate dwelling units, with at least 50 per cent of the above-grade area of a main wall on one side of each dwelling unit attached to or the same as a main wall on one side of the other dwelling unit;

"service" means a service designated in this By-law or under an agreement pursuant to Section 44 of the Act;

“single detached residence” means a residential building which contains a single dwelling unit, that is not attached to other buildings;

“small residential unit” means any dwelling unit having a total floor area less than or equal to 750 sq. ft.;

“special care/special needs facility” means a building intended for residential use containing more than three dwelling units, which units have a common enclosed entrance from street level, where the occupants have the right to use in common halls, stairs, yards, common rooms and accessory buildings, which units may or may not have exclusive sanitary and/or culinary facilities and are designed to accommodate individuals with special needs, including independent long-term living arrangements, where support for services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels, and includes retirement homes and long-term care homes;

“stacked townhouse” means a building with four or more dwelling units divided horizontally and vertically each with an entrance that is independent or through a shared landing and/or external stairwell;

"temporary building or structure" means a building or structure constructed, erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the usability thereof for a continuous period not exceeding eight months;

"total floor area" means the total of the areas of the floors in a building or structure, whether at, above or below grade measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and

- a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls and partitions,
- b) excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators, washrooms, and the parking of vehicles,
- c) where a building or structure does not have any walls, the total floor area shall be the sum total of the area of land directly beneath the roof of the

building or structure and the total areas of the floors in the building or structure, and

- d) excludes the area of any self-contained structural shelf and rack storage facility permitted by the *Building Code Act*;

"townhouse" means a dwelling unit in a building which consists of more than two attached dwelling units, which are divided vertically above grade by a party wall at least five metres in length and at least two metres in height, and having a yard abutting at least two exterior walls of each dwelling unit, and back-to-back townhouses;

"triplex" means a building or structure that is divided horizontally into three separate dwelling units, each with an entrance that is through a common vestibule;

"truck terminal" means a building, structure or place where, for the purposes of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched;

"university" has the same meaning as defined in Section 171.1 of the *Education Act*; and

"use" means the use of land, a building or a structure.

## **2. Provisions Required Under Section 6 of the Act**

- (1) This By-law applies to the whole of the Regional Area and outside the Regional Area with respect to services of the Region that are provided outside of the Regional Area.
- (2) The rules developed under paragraph 9 of Subsection 5(1) of the Act for determining if a development charge is payable in any particular case, and for determining the amount of the charge, are set forth in Sections 4 through 12 of this By-law.
- (3) How the rules referred to in Subsection 2(2) of this By-law apply to the re-development of land is set forth in Sections 1 ("development") and 10 of this By-law.
- (4) The express statement indicating how the rules provide for exemptions and for indexing of development charges are set forth in Sections 8, 9, 11 and 12 of this By-law.

## **3. Designation of Services**

- (1) The services and classes of services for which development charges are imposed under this By-law are as follows:
  - a) Services
    - i) Services related to a highway – transportation;
    - ii) wastewater;
    - iii) water supply;
    - iv) Peel Regional Police Services;
    - v) Police – O.P.P. (Ontario Provincial Police);

- vi) long term care;
- vii) housing services (including provision of domiciliary shelters);
- viii) public health;
- ix) paramedics; and
- x) waste diversion.

b) Classes of Services

- i) public works (including Transhelp for the disabled);and
- ii) growth studies.

- (2) Components of the development charges for services and classes of services designated in Sub-section (1) above are described in Schedules A, B(1) and B(2) to this By-law.

3.1 Classes of Services

- (1) In accordance with Section 7 of the Act the following classes of services shall include the following:

- a) "Public Works" includes portions of those service that are related to equipment, vehicles and facilities for:

- i) Water supply,
- ii) Wastewater, or
- iii) a highway- transportation

- b) "Growth Studies" includes portions of those services related to studies in respect of any services listed in subsection 3(1) of this By-law.

**4. Development Charges Imposed**

- (1) Development charges are imposed against lands that are developed for a use other than an agricultural use if the development requires:
- a) the passing of a By-law or of an amendment to a zoning By-law 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 50 of the *Condominium Act* or under Section 9 of the *Condominium Act*; or
  - g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (2) No more than one development charge for each action described in Subsection 4(1) shall be imposed pursuant to this By-law upon any land to which this By-law applies even though two or more of the actions described in Subsection 4(1) are required for the land to be developed.



- (3) Despite Subsection 4(2), and subject to this By-law and to Section 4 of the Act, if two or more of the actions described in Subsection 4(1) occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by such action, at the time that such action occurs.

## **5. Calculation of Development Charges**

- (1) The development charge with respect to a development shall be calculated as follows:
- a) in the case of residential development, or the residential portion of a mixed use development, based upon the number and type of dwelling units; or
  - b) in the case of non-residential development, or the non-residential portion of a mixed use development, based upon the total floor area of such development.
- (2) Amount of Charge - Residential  
The development charges described in Schedule A to this By-law are imposed on land developed for residential uses including dwelling units accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential component of the mixed use building or structure, according to the type of residential use.
- (3) Amount of Charge - Industrial  
The development charges described in the second column of each table in Schedule B(1) to this By-law are imposed on land developed for industrial uses and, in the case of a mixed use building or structure, on the industrial component of the mixed use, and are calculated with respect to each of the services according to the total floor area of the industrial use.
- (4) Amount of Charge - Non-Residential - Non-Industrial  
The development charges described in the second column of each table in Schedule B(2) to this By-law are imposed on land developed for non-residential - non-industrial uses and, in the case of a mixed use building or structure, on the non-residential - non-industrial component of the mixed use, and are calculated with respect to each of the services according to the total floor area of the non-residential - non-industrial use.
- (5) Amount of Charge - Reduction Where Water or Wastewater Services Are Not Available or Not Approved for Construction Within Two Years  
If either water or wastewater services or both are not available adjacent to any land within the Regional Area at the time a building permit is issued in respect of such land, and Regional Council has not at that time approved in principle the construction within the two years next following the year in which the building permit is issued of either water or wastewater services or both adjacent to such land, the development charge otherwise payable in respect of development on such land shall be reduced in an amount equal to the portion of the charge attributed to each such unavailable and unapproved service in the Schedules to this By-law.

- (6) It is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.
- (7) Where Clause 26.2(1)(a) or (1)(b) of the Act applies to a development for the purposes of determining the amount of the development charge, interest shall be charged on the development charge in accordance with the requirements of Regional Municipality of Peel By-law 21-2020, as amended.

## **6. Timing of Payment**

- (1) The development charges imposed under this By-law shall be payable on the date that the first permit under the *Building Code Act* is issued in relation to a building or a structure on the land to which the development charge applies.
- (2) Notwithstanding Subsection 6(1), where a residential development requires the approval of a plan of subdivision under Section 51 of the *Planning Act* or a consent under Section 53 of the *Planning Act*, the development charges imposed under this By-law with respect to those hard services noted in Schedule A to this By-law shall be payable immediately upon the owner entering into a subdivision agreement or a consent agreement.

(2.1) Subsection 6(2) shall not apply to blocks or lands identified in any subdivision or consent agreement for future development subject to site plan control in accordance with the *Planning Act*, in which case development charges for such future development blocks or lands shall be payable at building permit issuance.

(2.2) For the purposes of Subsection 6(2), where the use or uses to which a block in a plan of subdivision may be put pursuant to a zoning by-law passed under Section 34 of the *Planning Act*, are affected by the use of a holding symbol in the zoning by-law as authorized by Section 36 of the *Planning Act*, the development charges for such blocks shall be payable at building permit issuance.

(2.3) For the purposes of Subsections 6(2), 6(2.1) and 6(2.2), and despite any other provision to this By-law, where a subdivision or consent agreement identifies the number and type of dwelling units proposed for the residential plan of subdivision or consent other than those associated with future development, the number and type of dwelling units so identified shall be used to calculate the development charges payable under Subsection 6(2).

- (3) Notwithstanding Subsections 6(1) and 6(2) of this By-law, where Section 26.1 of the Act applies in respect of any part of a development, the development charges imposed under this By-law, in respect that part of the development to which Section 26.1 of the Act applies only, shall be payable in annual installments in accordance with the requirements of Subsection 26(3) of the Act, and shall be subject to interest in accordance with Regional Municipality of Peel By-law 21-2020, as amended.

- (4) If at the time of issuance of a building permit or permits for any residential development for which payments have been made pursuant to Sub-section 6(2) of this By-law, the total number and/or type of dwelling units for which building permits have been and are being issued is greater than that used for the calculation and payment referred to in Subsection 6(2) of this By-law, an additional payment shall be required and shall be calculated by multiplying the applicable development charges for those services shown in Schedule "A" to this By-law, as may be appropriate, subject to the adjustments in Section 9 of this By-law, by the difference between the number and type of dwelling units for which building permits have been and are being issued and the number and type of dwelling units for which payments have been made pursuant to Subsection 6(2) and this Sub-section.
- (5) If following the issuance of all building permits for all development in a subdivision and for all development in a block within that subdivision that had been intended for future development and for which payments have been made pursuant to Subsection 6(2) and Subsection 5(2) of this By-law, the total number and/or type of dwelling units for which building permits have been issued is less than that used for the calculation and payment referred to in Sub-section 6(2) of this By-law, a refund shall become payable by the Region to the person who originally made the payment referred to in Subsection 6(2) of this By-law, which refund shall be calculated by multiplying the amounts of the development charges in effect at the time such payments were made by the difference between the number and type of dwelling units for which payments were made pursuant to Subsection 6(2) of this By-law and the number and type of dwelling units for which building permits were issued.
- (6) Subsections 6(4) and 6(5) of this By-law shall apply with necessary modifications to a development for which development charges have been paid pursuant to a condition of consent or pursuant to an agreement respecting same.
- (7) Any refunds payable pursuant to Subsections 6(5) or 6(6) of this By-law shall be calculated and paid without interest.
- (8) Notwithstanding any other provision of this By-law, the Region may, in accordance with Section 27 of the Act, enter into an agreement with a person who is required to pay a development charge providing for all or any part of a development charge to be paid before or after it would otherwise be payable.
- (9) Subject to Subsection 6(3) of this By-law, where a development charge applies to land in relation to which a building permit is required, no building permit shall be issued until the development charge has been paid in full.
- (10) Subject to Subsection 6(3) of this By-law, where a development requires an approval described in Section 4 of this By-law after the issuance of a building permit and no development charge was paid at the time of issuance of the building permit, the development charge shall be paid prior to the granting of the approval required under Section 4.

(11) Without limiting the authority of the Region to enter into any other agreement, including an agreement authorized under Region of Peel By-law 21-2020, the Region's Chief Financial Officer is hereby authorized to enter into agreements providing for the payment of all or any part of a non-residential development charge before or after it would otherwise be payable, pursuant to Section 27 of the Act, provided that the agreement to defer the payment of development charges includes, but is not limited to, the following terms and conditions:

- a) security shall be provided in an amount and having form and content that is satisfactory to the Chief Financial Officer, to be realized or drawn upon in the event that the owner does not pay the charge;
- b) the development charges payable shall be indexed in accordance with the semi-annual Development Charges rate adjustment under Section 9 of this By-law;
- c) the period of the deferral does not exceed four years commencing from the signing of the agreement; and
- d) a non-refundable administration fee determined in accordance with Region of Peel By-law 43-2002, as amended, is paid by the person requesting the agreement to cover costs associated with preparing and monitoring the agreement.

(12) In any agreement made under Subsection 6(11) of this By-law, the Chief Financial Officer may in his or her discretion require that the owner provide to the Region, or to the Treasurer of the lower tier municipality in which the lands are located, security in an amount and having a form and content satisfactory to the Chief Financial Officer, and to maintain and supplement such security as required, to be drawn upon in the event that there is a change in the use of the building or structure from an industrial use to a non-residential - non-industrial use within such period of time as is provided for in the agreement referred to in Subsection 6(11) of this By-law.

(13) Any security provided pursuant to Subsection 6(12) of this By-law may be drawn upon to secure the payment of any increased development charge required as a result of a change in the use of the building or structure.

## **7. Undetermined Uses**

(1) If at the time a building permit is issued, the use of a non-residential building or structure has not been determined as between industrial or non-residential - non-industrial, the owner, at the Region's discretion, may be permitted to pay the industrial development charges provided that the owner shall also submit, maintain, and if required supplement a non-revocable letter of credit, or other form of security, in an amount and upon terms satisfactory to the Chief Financial Officer, to be realized upon by the Region in the event that the building or structure is later determined by the Region to have a use that attracts a higher applicable development charge rate. Such an arrangement may be made conditional, at the discretion of the Chief Financial Officer, upon the owner

entering into an agreement with the Region on terms and conditions satisfactory to the Chief Financial Officer.

- (2) Where the Region determines that the building or structure attracts a higher applicable development charge rate in accordance with Subsection 7(1), and the Region requires the payment of development charges at the non-residential - non-industrial rate in accordance with the Schedule B(2) rate under Subsection 7(1) of this By-law, the amount payable shall be the amount calculated at the rate or rates in effect at the later of the date of issuance of the building permit and the date that the payment of the development charges at the non-residential non-industrial rate is received in full.
- (3) Where the Region determines that the building or structure is an industrial use, the security provided to the Region pursuant to Subsection 7(1) of this By-law shall be refunded or returned to the owner to the extent such security is not required under Subsections 7(1) and 7(2) of this By-law.
- (4) The security provided to the Region pursuant to Subsection 7(1) of this By-law, shall be increased annually forthwith upon demand by the Region to ensure that the security is adequate to satisfy the owner's potential liability for development charges pursuant to Subsections 7(1) and 7(2) of this By-law.
- (5) In order for a building or structure to be deemed, either on a final or an interim basis, to be an industrial use for the purpose of this Section, more than 50 percent of the total floor area of the building or structure must be used for industrial purposes, as determined by the Region.

## **8. Temporary Buildings or Structures**

- (1) No development charge is imposed under this By-law in respect of a temporary building or structure so long as its status as a temporary building or structure is maintained in accordance with the provisions of this By-law.
- (2) Upon application being made for the issuance of a permit under the *Building Code Act* in relation to a temporary building or structure on land to which a development charge applies, the Chief Financial Officer may require that the owner enter into an agreement providing for the payment of all or any part of the development charge before or after it would otherwise be payable, pursuant to Section 27 of the Act which agreement may provide that the owner submit security satisfactory to the Chief Financial Officer, to be realized upon in the event that the temporary building or structure becomes protracted and development charges thereby become payable.
- (3) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, nor ever to have been, a temporary building or structure and, subject to any agreement pursuant to Subsection 6(10) of this By-law, development charges under this By-law shall become payable forthwith.

## **9. Indexing**

The development charges as set out in the schedules to this By-law shall be adjusted without amendment to this By-law semi-annually on February 1st and August 1st in each year, commencing August 1st, 2021, in accordance with the latest available issue of the index prescribed in the Regulation, with the base index value being that in effect on August 1, 2020.

## **10. Redevelopment**

- (1) The rules applicable to development under this By-law are also applicable to redevelopment, subject to Subsection 10(2) of this By-law.
- (2) Notwithstanding any other provision of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land prior to the date of payment of development charges in respect of the redevelopment, has been demolished or converted to another use in whole or in part the development charges otherwise payable with respect to the redevelopment shall be reduced by the aggregate of the following amounts:
  - a) where an industrial use is being redeveloped: an amount calculated by multiplying the development charge under Subsection 5(3) of this By-law respectively by the industrial total floor area that has been demolished or converted to another use,
  - b) where a non-residential - non-industrial use is being redeveloped: an amount calculated by multiplying the development charge under Subsection 5(4) of this By-law by the non-residential - non-industrial total floor area that has been demolished or converted to another use;
  - c) where a residential use is being redeveloped for a residential use: an amount calculated by multiplying the development charge under Subsection 5(2) of this By-law by the number, according to type of dwelling units that have been demolished or converted to another use;
  - d) where a residential use is being redeveloped for a non-residential use: an amount calculated by multiplying that part of the development charge under Subsection 5(2) and Schedule A of this By-law which is attributable to all services, save and except long term care and social housing services, by the number, according to type, of dwelling units that have been demolished or converted to another use; and
  - e) where the development would have been exempt prior to the redevelopment or change of use, no credit shall be allowed,

provided that evidence satisfactory to the Chief Financial Officer is provided as to the total floor area or type and number of dwelling units that have been demolished or converted to another use and provided the amount of any credit hereunder shall not exceed, in total or in the aggregate, the amount of the development charges otherwise payable with respect to the redevelopment.

### **(3) Reduction for Demolition**

- a) Demolition of dwelling units in whole shall only reduce the development charges otherwise payable for the redevelopment

where the owner has provided a copy of the original demolition permit for the number and types of units that have been demolished to the Chief Financial Officer or the Treasurer, and:

- (i) The building permit in respect of the redevelopment is issued within five (5) years from the date the demolition permit was issued, and
  - (ii) The redevelopment occurs on the same parcel of land on which the demolished dwelling unit(s) were originally located, or
  - (iii) In cases where a demolition permit was issued in respect of a residential building or structure located on a parcel of land that was later subject to land division, the owner of the original parcel has provided irrevocable direction in writing to the Chief Financial Officer or the Treasurer to apply the credit to the applicable redevelopment.
- b) Demolition of the total floor area of all or part of an industrial or non-residential building or structure will reduce the development charges otherwise payable for the redevelopment, only where the owner has provided a copy of the original demolition permit for the total floor area that was demolished to the Chief Financial Officer or the Treasurer:
  - (i) A building permit in respect of the redevelopment has been issued within ten (10) years from the date the demolition permit was issued, and
  - (ii) Redevelopment occurs on the same parcel of land on which the demolished building or structure, or part thereof, was originally located, or
  - (iii) In cases where a demolition permit was issued in respect of an industrial or non-residential building or structure located on a parcel of land that was later subject to land division, the owner of the original parcel has provided irrevocable direction in writing to the Chief Financial Officer or the Treasurer to apply the credit to the applicable redevelopment.
- c) For the purpose of this Subsection, dwelling units or total floor area accidentally destroyed by fire shall be deemed to have been demolished under a demolition permit issued on the date of the fire.
- d) Notwithstanding Subsections 10(3)(a) and 10(3)(b), for a demolition permit that was issued before the effective date of this By-law, the demolition permit issuance date is deemed to be the effective date of this By-law for the purposes of Subsections 10(3)(a) and 10(3)(b).

## **11. Exemptions**

- (1) Despite any other provision of this By-law, no development charge is imposed under this By-law respecting:
  - a) land used as a hospital;
  - b) land owned by and used only for the purposes of the Region, the area municipalities or local boards;

- c) land owned by a district school board and used only for district school board purposes;
  - d) land owned by a college or university and used only for the purposes of a college or university;
  - e) land owned by an agricultural society and used only for the purposes of an agricultural society;
  - f) the development of land by the installation of a mobile temporary sales trailer;
- (2) No development charge is imposed under this By-law in respect of land developed for an agriculture use including on-farm diversified use.
- (3) Prior to the issuance of the first building permit, a place of religious assembly will receive a partial exemption of development charges equivalent to the development charges attributed to twenty-five percent (25%) of the total floor area of the building or structure. This partial exemption shall not apply to development or redevelopment solely for the purpose of expansion of an existing building or structure.

## **12. Industrial and Residential Intensification Exemptions**

- (1) Despite any other provision of this By-law the terms "existing industrial building" and "floor area" shall, for the purpose of the interpretation of this By-law in connection with Section 4 of the Act (exemption for the enlargement of the gross floor area of an existing industrial building), have the meanings defined for them in the Regulation.
- (2) For the purpose of interpreting the definition of "existing industrial building" contained in the Regulation, regard shall be had for the classification of the lands in question pursuant to the *Assessment Act* and in particular:
- a) whether the lands fall within a tax class such that taxes on the lands are payable at the industrial tax rate;
  - b) whether more than 50 percent of the gross floor area of the building or structure has an industrial property code for assessment purposes.
- (3) Subject to Subsection 12(2)(b) of this By-law, distribution centres, warehousing, the bulk storage of goods and truck terminals shall be considered industrial uses.
- (4) For the purpose of the application of Section 4 of the Act to the operation of this By-law:
- a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under Section 4 of the Act is sought; and
  - b) the enlargement of the gross floor area of the existing building:
    - i) shall be attached to the existing industrial building,
    - ii) shall not be attached to the existing industrial building by means only of any one or more tunnel, bridge, canopy, corridor or other



- passageway, shared below grade connection, foundation, footing or parking facility,
- iii) shall have an industrial use as set out in this By-law; and
- c) shall otherwise qualify as a bona fide increase in the size of the existing building.

- (5) This By-law does not apply with respect to approvals related to residential development that would have the effect only of enlarging an existing dwelling unit or creating up to two additional dwelling units subject to the prescribed restrictions in the prescribed classes of existing residential buildings, as identified in Section 2 of the Act and Section 2 of the Regulation, provided that the combined total additional floor area of all additionally created dwelling units does not exceed the floor area of the existing detached or semi-detached residence, or of the smallest existing dwelling unit in the case of any other residential building. This exemption shall not extend to the non-residential portion of a mixed-use building.

### **13. Schedules**

- (1) The following schedules to this By-law are hereby enacted and form an integral part of this By-law:

Schedule A - Development Charge Rates – Residential  
Schedule B(1) - Development Charge Rates – Industrial  
Schedule B(2) - Development Charge Rates – Non-Residential – Non-Industrial

### **14. By-law Registration**

A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against any or all lands in the Regional Area and may be registered against title to any land to which this By-law applies.

### **15. Date in Force**

Regional By-law 46-2015 is repealed on January 22, 2021 and this By-law comes into force and effect on January 22, 2021.

### **16. Interpretation**

- (1) All words defined in the Act or the Regulation have the same meaning in this By-law as they have in the Act or the Regulation unless they are defined differently in this By-law.
- (2) All references to the provisions of any statute or regulation or to the Ontario Building Code contained in this By-law shall also refer to the same or similar provisions in the statute, regulation or code as amended, replaced, revised or consolidated from time to time.

### **17. Severability**

If for any reason any provision, section, subsection or paragraph of this By-law is held 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.

**18. Short Title**

This By-law may be referred to as the Region of Peel Development Charges By-law, 77-2020.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 10<sup>th</sup> day of December, 2020.

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Deputy Regional Clerk

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Regional Chair