



AMENDED BY BY-LAW 156-93
30-98, 56-98

REPEALED BY BY-LAW 179-99

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 234-91

**BEING A BY-LAW OF
THE CORPORATION OF THE CITY OF BRAMPTON
RESPECTING HYDRO-ELECTRIC DEVELOPMENT CHARGES**

WHEREAS the City of Brampton has and will continue to experience growth through Development;

AND WHEREAS Development requires the provision of physical and other services by the City and hydro-electrical services by Brampton Hydro;

AND WHEREAS Council desires to ensure that the Capital Cost of meeting the growth related demands for, or the burden on, City services including those of Brampton Hydro does not place an undue financial burden on the City, Brampton Hydro or its existing taxpayers while, at the same time, ensuring new development contributes no more than the Net Capital Cost attributable to providing the current or historic level of hydro-electric services;

AND WHEREAS the Development Charges Act, 1989, S.O. 1989, c. 58 empowers Council to pass by-laws for the imposition of Development Charges if Development within the City is for uses which would increase the need for services including hydro-electric services and any one or more of the actions set out in subsection 3(1) of the Act are required for such Development;

AND WHEREAS Brampton Hydro has undertaken a study of, among other matters, services, service levels, expected growth, growth related facilities and the costs thereof;

AND WHEREAS Council had before it a report entitled "Brampton Hydro-Electric Commission Development Charges Report" submitted by Brampton Hydro (the "Initial Report");

AND WHEREAS the Initial Report was made available to the public and Council gave notice to the public and held a meeting pursuant to section 4 of the Act on October 7th, 1991, prior to and at which information sufficient for the public to understand

Brampton Hydro's Development Charge proposal was provided to the public and Council heard comments and representations from all persons who applied to be heard (the "Public Meeting");

AND WHEREAS following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS at a special meeting of Council held on October 21st, 1991, Council heard further representations from the public;

AND WHEREAS Brampton Hydro reconsidered the Initial Report in light of the public comments and representations among other matters, amended some of the recommendations made in the Initial Report and produced a report entitled "Brampton Hydro-Electric Commission Development Charges Report" dated October 10th, 1991 (the "Subsequent Report");

AND WHEREAS Council had before it the Initial Report and the Subsequent Report;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRAMPTON HEREBY ENACTS AS FOLLOWS:

1. In this by-law, and including the recitals and schedules hereto, capitalized words have the following meaning:

- (a) "Act" means the Development Charges Act, 1989, S.O. 1989, c. 58;
- (b) "Apartment Dwelling" means a building containing six 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;
- (c) "Brampton Hydro" means the Brampton Hydro-Electric Commission;
- (d) "Building Code Act" means the Building Code Act, R.S.O. 1980, c. 51, as amended;
- (e) "Capital Cost" means costs incurred or proposed to be incurred by Brampton Hydro directly or under an agreement;
 - (i) to acquire land or an interest in land,
 - (ii) to improve land,
 - (iii) to acquire, construct or improve buildings and structures,
 - (iv) to acquire, construct or improve facilities including rolling stock, furniture and equipment, and
 - (v) to undertake studies in connection with any matter under the Act and any of the matters in clauses (d)(i) to (iv) above,

required for the provision of services designated in this by-law within or outside the City, including interest on borrowing for those expenditures under clauses (d)(i), (ii), (iii) and (iv) above that are growth-related;

- (f) "City" means the Corporation of the City of Brampton;
- (g) "Council" means the Council of the City of Brampton;

- (h) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in subsection 5(c) of this by-law and includes the establishment of a commercial parking lot, trailer or mobile home park, the redevelopment of land or the redevelopment, expansion, extension or alteration, or any two or more of them, of a use, building or structure or any two or more of them except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (i) "Development Charge" means a charge imposed with respect to Growth Related Net Capital Costs against land in the City under this by-law;
- (j) "Dwelling Unit" means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one person or jointly by two or more persons, containing its own kitchen and sanitary facilities, with a private entrance from outside the unit itself;
- (k) "Floor Space Index" means the figure obtained by dividing the aggregate of the area of all floors in a building measured between the exterior walls of the building, by the area of the lot to be built upon;
- (l) "Gross Floor Area" means for a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the aggregate of the area of all floors in a building or structure, whether at, above, or below established grade, measured from the exterior of the outside walls, but excluding any parts of the building used for mechanical equipment relating to the operation or maintenance of the building, stairwells or elevators;
- (m) "Growth Related Net Capital Cost" means the portion of the Net Capital Cost of Services that is reasonably attributable to the need for such Net Capital Cost that results or will result from Development in all or a defined part of the City;
- (n) "Industrial Use" means any industrial use permitted in an industrial zone as defined and permitted in the City's Zoning By-laws from time to time;
- (o) "Local Board" means a local board as defined in the Municipal Affairs Act, R.S.O. 1980, c. 302 as amended, other than a Board of Education as defined in subsection 29(1) of the Act;
- (p) "Local Services" means those services, facilities or things which are under the jurisdiction of Brampton Hydro and are within the boundaries of, abut or are necessary to connect lands to Services;
- (q) "Multiple Dwellings" means all dwellings other than Single-Family Detached Dwellings, Semi-Detached Dwellings and Apartment Dwellings;
- (r) "Net Capital Cost" means the Capital Cost less capital grants, subsidies and other contributions made to the City or to Brampton Hydro or that Council or Brampton Hydro anticipates will be made for or in respect of hydro-electric services, including conveyances or payments under sections 40, 50 and 52 of the Planning Act in respect of the Capital Cost;
- (s) "Non-Residential Use" means all uses that are not Residential Uses and includes, without limiting the generality of the foregoing, all commercial, industrial and institutional uses;

- (t) "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;
- (u) "Planning Act" means the Planning Act, 1983, S.O. 1983, c. 1, as amended or any successor legislation;
- (v) "Rate" means the Bank of Canada Bank Rate;
- (w) "Region" means The Regional Municipality of Peel;
- (x) "Regulation" means any regulation made pursuant to the Act;
- (y) "Residential Use" means land or buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodation for one or more individuals;
- (z) "Semi-Detached Dwelling" means a building divided vertically, into two separate dwelling units, with at least 50 percent 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;
- (aa) "Services" means those hydro-electric and related services designated in Schedule "A" to this by-law;
- (ab) "Servicing Agreement" means an agreement relating to the payment of capital contributions in respect of hydro-electric services or the provision of hydro-electric services to specified lands within the City entered into between an Owner or a former Owner and Brampton Hydro before this by-law was enacted; and
- (ac) "Single-Family Detached Dwelling" means a completely detached residential building containing only one dwelling unit.

2. It is hereby declared by Council of the City that all Development of land within the City will increase the need for Services.

- 3. (a) This by-law applies to all lands in the City whether or not the land or use thereof is exempt from taxation under section 3 of the Assessment Act, R.S.O. 1980, c. 31.
- (b) Notwithstanding subsection 3(a) above, this by-law does not apply to the Development of land that is owned by and used for the purposes of:
 - (i) a Board of Education as defined in subsection 29(1) of the Act;
 - (ii) the City or any Local Board thereof; and
 - (iii) the Region or any Local Board thereof.
- (c) Notwithstanding subsection 3(a) above and subsection 17(a) below, where an Owner has filed a valid and complete application for a building permit prior to September 30th, 1991 and has paid the whole of the capital contribution for hydro-electric services applicable to the uses which are the subject matter of the application, the Owner shall not be liable to pay the Development Charges hereunder provided the building permit for which the said application was made is issued within 90 days of the coming into force of this by-law.

- (d) Notwithstanding clause 3(b)(iii) above, this by-law applies to the Development for Residential Uses of land owned by:
 - (i) the Region or any Local Board thereof including the Peel Children's Aid Society; or
 - (ii) any corporation owned, controlled or operated by the Region including Peel Non-Profit Housing Corporation.
- 4. (a) Subject to subsections 4(b) and (c) below, no Development Charge is payable where the Development:
 - (i) is an enlargement of an existing Dwelling Unit,
 - (ii) creates one or two additional Dwelling Units in an existing single detached dwelling, or
 - (iii) creates one additional Dwelling Unit in any existing residential building other than a single detached dwelling.
- (b) Notwithstanding subsection 4(a) above, a Development Charge shall be imposed where:
 - (i) the total gross floor area of the additional one or two Dwelling Units exceeds the gross floor area of the existing single detached dwelling, and
 - (ii) in determining the gross floor area of the existing single detached dwelling, the gross floor area shall be the maximum gross floor area in the three years preceding an application for a building permit in respect of the additional one or two Dwelling Units.
- (c) Notwithstanding subsection 4(a) above, a Development Charge shall be imposed if the additional Dwelling Unit has a gross floor area greater than:
 - (i) in the case of the semi-detached or row dwelling, the gross floor area of the existing Dwelling Unit, and
 - (ii) in the case of any other residential building, the gross floor area of the smallest Dwelling Unit contained in the residential building; and
 - (iii) in determining the gross floor area of the semi-detached or row dwelling or of the smallest Dwelling Unit in a residential building, the gross floor area shall be the maximum gross floor area in the three years preceding the application for a building permit in respect of the one additional Dwelling Unit.
- (d) Notwithstanding section 1 of this by-law and for the purposes of this section:
 - (i) "gross floor area" means the total area of all floors above grade of a Dwelling Unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the Dwelling Unit from another Dwelling Unit or other portion of a building;
 - (ii) "semi-detached or row dwelling" means a residential building consisting of one Dwelling Unit having one or two vertical walls, but no other parts, attached to another structure; and

- (iii) "single-detached dwelling" means a residential building consisting of one Dwelling Unit and not attached to another structure.
- 5.
- (a) Council hereby determines that the Development of land, buildings or structures for Residential Uses and Non-Residential Uses has required or will require the provision, enlargement, expansion or improvement of Services.
 - (b) Subject to the provisions of this by-law, including Schedule "C", Development Charges against land shall be calculated, payable and collected in accordance with the rates set out in Schedule "B", which relate to Services.
 - (c) The Development Charge shall be calculated, payable and collected hereunder where the Development requires one or more of the following:
 - (i) the passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;
 - (ii) the approval of a minor variance under section 44 of the Planning Act;
 - (iii) A conveyance of land to which a by-law passed under subsection 49(7) of the Planning Act applies;
 - (iv) the approval of a plan of subdivision under section 50 of the Planning Act;
 - (v) a consent under section 52 of the Planning Act;
 - (vi) the approval of a description under section 50 of the Condominium Act, R.S.O. 1980, c. 84; or
 - (vii) the issuing of a permit under the Building Code Act in relation to a building or structure.
 - (d) Development Charges against land to be developed for mixed Residential Uses and Non-Residential Uses shall be calculated, payable and collected as follows:
 - (i) Development Charges against that portion of the land, buildings or structures to be developed for Residential Uses shall be calculated, payable and collected in accordance with the Development Charge for Residential Uses set out in Schedule "B" hereto; and
 - (ii) Development Charges against that portion of the land, buildings or structures to be developed for Non-Residential Uses shall be calculated, payable and collected in accordance with the Development Charge for Non-Residential Uses set out in Schedule "B" hereto.
6. Once this by-law is in force, except as provided in Schedule "B" the Development Charge applicable to a Development as determined under the by-law shall apply without regard to the Services required or used by any individual Development.
- 7.
- (a) The Development Charge applicable to Residential Uses and Non-Residential Uses shall be calculated, payable and collected as of the date a building permit under the Building Code Act is issued in respect of the building or structure for the use to which the Development Charge applies, unless the Development Charge is to be paid at a different time pursuant to

an agreement entered into between Brampton Hydro and the Owner under section 9 of the Act.

- (b) Council directs the Chief Building Official of the City to withhold the issuance of a building permit in relation to a building or structure on land to which the Development Charge applies unless the Development Charge has been paid.
- (c) If a Development requires more than one of the actions mentioned in clauses 5(c)(i) to (vii) inclusive of this by-law and a Development Charge has been paid in respect of one such action, a further Development Charge shall be payable in respect of the subsequent action where the subsequent action has the effect of increasing the demand for Services.
- (d) Where a Development requires an approval mentioned in clauses 5(c)(i) to (vi) inclusive of this by-law, after the issuance of a building permit and no Development Charge has been paid, then the Development Charge shall be paid prior to the granting of approval required by clauses 5(c)(i) to (vi) inclusive.

8. If a Development does not require a building permit, then the Development Charge shall nonetheless be payable and shall be calculated, payable and collected prior to the earliest of any of the approvals required for the Development as mentioned in clauses 5(c)(i) to (vi) inclusive of this by-law being granted.

9. The Development Charges set out in Schedule "B" and Schedule "C" shall be adjusted without amendment to this by-law semi-annually on February 1st and August 1st in each year, commencing on August 1st, 1992, in accordance with the most recent six month change in the Southam Construction Cost Index - Ontario Composite published prior to February 1st and August 1st each year, with the base index value being that in effect on December 31st, 1991.

10. Nothing in this by-law prevents Council on the written advice and consent of Brampton Hydro from requiring, as a condition of any approval given under the Planning Act that the Owner, at the Owner's expense, install such Local Services as Council on the written advice and consent of Brampton Hydro may require.

11. (a) On the written advice and consent of Brampton Hydro, Council, by written agreement, may permit an Owner to commute all or part of the Development Charge in respect of a particular Development by the provision of one or more services in lieu, provided such services in lieu are at a standard that is equal to but not greater than the standard for the equivalent Service for which a Development Charge is payable hereunder. Such agreement shall provide further for a credit equal to the reasonable cost to the Owner of providing the service in lieu, provided that the credit shall not exceed the total amount of the Development Charge payable for that Development.

- (b) Any dispute as to the reasonable cost of providing the services in lieu under subsection 11(a) shall be referred to Council whose decision shall be final and binding.

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

13. (a) This by-law shall be administered by the Treasurer, the Commissioner of Planning and Development and the Chief Building Official of the City.

- (b) Council directs the Treasurer to create a reserve fund or funds separate from any other reserve funds of the City. The Treasurer shall deposit the Development Charges paid under this by-law into the reserve fund or funds created under subsection 13(b) of this by-law and upon written direction from Brampton Hydro shall pay to Brampton Hydro from the said reserve fund or funds any amounts necessary to defray the Net Capital Cost of the Services.
- (c) The amounts contained in the reserve fund or funds established under subsection 13(b) of this by-law shall be invested in accordance with subsection 165(2) of the Municipal Act, R.S.O. 1980, c. 302, as amended.
- (d) The Treasurer of the City shall furnish to Council and Brampton Hydro, in each year on or before June 30th, a statement in respect of the reserve fund or funds established hereunder containing the information required under the Regulation.
- (e) Where any Development Charge, or part thereof, remains unpaid after the date upon which the Development Charge is payable in accordance with subsection 7(a) of this by-law, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

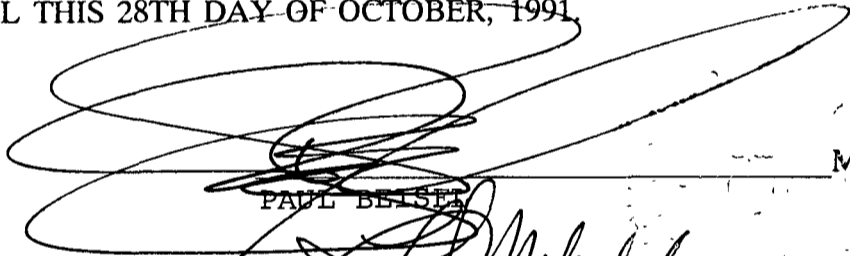
14. If, before the coming into force of this by-law, an Owner or former Owner has paid a capital contribution in respect of hydro-electric services related to a Development to which this by-law applies, then the Owner shall not be required to pay a Development Charge payable hereunder provided the intensity of the Development has not increased. If the intensity of the Development has increased, then subsection 17(b) of this by-law shall apply with the necessary modifications.

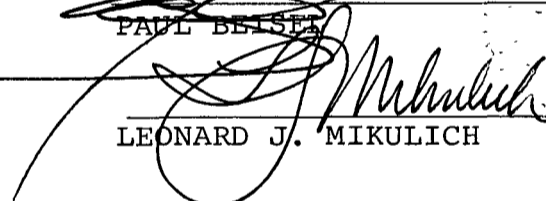
15. If Development involves the demolition of a building or structure, the Owner shall be given a credit against the Development Charge payable hereunder, such that the Development Charge hereunder is payable only in respect of the net increase in residential Dwelling Units or the net increase in load of Non-Residential Uses or both.

- 16. (a) If this by-law is amended or repealed by Council pursuant to an order of the Ontario Municipal Board or is amended or repealed by the Ontario Municipal Board, the Treasurer shall determine within 30 days of the amendment or repeal whether any Owner has overpaid in respect of the Development Charge payable hereunder immediately prior to the repeal or amendment of this by-law and if such an overpayment has been made, the Treasurer shall calculate the amount of such overpayment.
- (b) Any overpayment determined under subsection 16(a), shall be paid to the Owner who made the payment or on whose behalf the payment was made within 30 days of the date of the repeal or amendment of this by-law.
- (c) If the Owner cannot be found or the last address of the Owner is unknown then the repayment obligation under subsection 16(b) is at an end.
- (d) The refund payable under subsection 16(b) shall be paid with interest calculated from the date upon which the overpayment was collected to the date on which the refund is made. Such interest shall be calculated and paid at the Rate in effect from time to time from the date of enactment of this by-law as adjusted in subsection 16(e).
- (e) The Rate in effect on the date of enactment of this by-law shall be adjusted on the first business day of January, 1992 to the Rate to be applicable on that day and thereafter the Rate shall be adjusted four times each year on the first business days of April, July, October and January to the Rate applicable on the day of the adjustment.

17. (a) Notwithstanding the provisions of this by-law, any Servicing Agreement made before the date this by-law comes into force shall remain in full force and effect.
- (b) Notwithstanding subsection 17(a), where Development for Residential Uses or Non-Residential Uses which is the subject of an agreement to which subsection 17(a) applies, is subsequently the subject of one or more of the actions described in subsection 5(c) of this by-law and if the subsequent action has the effect of increasing the demand for Services, an additional Development Charge in respect of the increased Development permitted by that action shall be calculated, payable and collected in accordance with the provisions of this by-law.
18. 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, amended or modified, in whole or in part or dealt with in any other way, notwithstanding that one or more of such provisions, sections, subsections or paragraphs hereof shall have been declared invalid.
19. This by-law shall continue in force and effect for a term not to exceed five (5) years from the date of its coming into force.
20. This by-law comes into force and takes effect on the 28th day of October, 1991.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN
OPEN COUNCIL THIS 28TH DAY OF OCTOBER, 1991.


MAYOR
PAUL BELSER


CLERK
LEONARD J. MIKULICH

SCHEDULE "A"

DESIGNATED HYDRO-ELECTRIC AND RELATED SERVICES

1. Distribution System
2. Administration and Service Centre
3. Vehicles and Equipment
4. Computer
5. Automated Mapping/Facilities Management System
6. Supervisory and Data Acquisition System

SCHEDULE "B"

DEVELOPMENT CHARGES

The Development Charges under this By-Law shall be as follows:

A. RESIDENTIAL USES

Base Rates as of October 28, 1991

- | | |
|--|----------------------------|
| 1. Single-Family Dwellings, Semi-Detached Dwellings and Multiple Dwellings | \$621.00 per Dwelling Unit |
| 2. Apartment Dwellings | \$330.00 per Dwelling Unit |

B. NON-RESIDENTIAL USES

1. All Non-Residential Uses

- | | |
|---|---|
| (a) at 600 volts: | \$5,055.00 per 100 amps of the ampere rating of the main electrical switch for the building or structure; |
| (b) at 208 volts: | \$1,752.00 per 100 amps of the ampere rating of the main electrical switch for the building or structure; |
| (c) at voltages other than 600 volts and 208 volts: | the charges set out in paragraphs B(1)(a) and (b) above shall be prorated accordingly |

SCHEDULE "C"

INTERIM CALCULATION, PAYMENT AND COLLECTION OF NON-RESIDENTIAL DEVELOPMENT CHARGES

Notwithstanding Section 5 and Schedule "B" of this by-law,

1. From the 28th day of October, 1991 to and including the 31st day of December, 1993 the Development Charges payable for:

- (i) land to be developed for Industrial Uses where the Floor Space Index exceeds 0.40; or
- (ii) land to be developed for other Non-Residential Uses where the Floor Space Index exceeds 1.0 and the Gross Floor Area exceeds 9,290 square meters

shall be as follows:

- A. at 600 volts: \$2,140.00 per 100 amps of the ampere rating of the main electrical switch for the building or structure
 - B. at 208 volts: \$740.00 per 100 amps of the ampere rating of the main electrical switch for the building or structure
 - C. at voltages other than 600 volts and 208 volts: the charges set out in paragraphs 1(ii)A and B above shall be prorated accordingly
2. From and after the 1st day January, 1994, the Development Charge for any Non-Residential Use shall be as set out in Schedule "B".

IN THE MATTER OF the Development Charges Act, 1989;

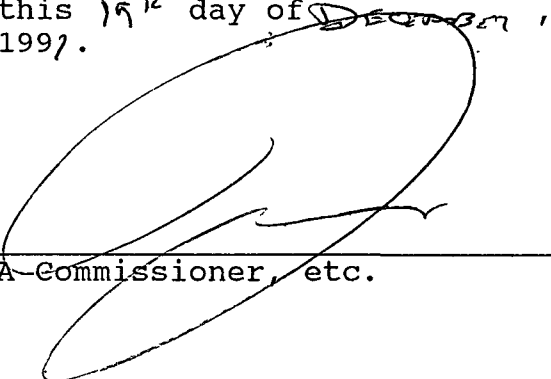
AND IN THE MATTER OF the City of Brampton By-laws 234-91 and 235-91, being by-laws to impose development charges.

DECLARATION

I, LEONARD J. MIKULICH, of the City of Brampton, in the Regional Municipality of Peel, DO SOLEMNLY DECLARE THAT:

1. I am the Clerk of The Corporation of the City of Brampton and as such have knowledge of the matters hereinafter declared.
2. By-laws 234-91 and 235-91 were passed by the Council of The Corporation of the City of Brampton at its meeting held on the 28th day of October, 1991.
3. Written notice of the passing of By-laws 234-91 and 235-91 as required by section 4 (3) of the Development Charges Act, 1989 was given on the 6th day of November, 1991 in the manner and in the form and to the persons and organizations prescribed by the Development Charges Act, 1989.
4. The written notice specified that the 26th day of November, 1991 was the last day for filing a notice of appeal under section 4 (4) of the Development Charges Act, 1989.
5. No notice of appeal under section 4(4) of the Development Charges Act, 1989 was filed within the time allowed for appeal.

DECLARED before me at the)
City of Brampton, in the)
Regional Municipality of Peel)
this 19th day of ~~December~~)
1991.)



A-Commissioner, etc.