



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

255-89

*Number*

To provide for the payment of Capital Contributions in accordance with the Capital Contribution Policy and to provide for other matters relating to the development of land

---

WHEREAS the Council of The Corporation of the City of Brampton (herein called the "City") at its meeting held the 25th day of September, 1989, adopted by resolution an updated Capital Contributions Policy report dated August 1989, prepared by P. J. Marshall, Advisory Services Inc. (herein called the "Capital Contributions Policy");

AND WHEREAS this By-law is enacted for the purpose of providing for the payment of Capital Contributions in accordance with the Capital Contributions Policy;

AND WHEREAS this By-law is also enacted for the purposes of providing for the construction of municipal services, the payment of cash contributions towards the provision of municipal services, and the payment of fees and charges relating to the development of land, all as required by City policy.

Now therefore the COUNCIL of THE CORPORATION OF THE CITY OF BRAMPTON ENACTS as follows:

1.

1.1 The Capital Contribution charges set out in sections 2 and 3 of this By-law (herein collectively called the "charges") are hereby imposed against all lands in the City of Brampton if the development of the lands for residential, commercial, or industrial purposes as defined in the City's zoning by-laws, requires:

1.1.1 the approval of a plan of subdivision under section 50 of the Planning Act, 1983,

1.1.2 the approval of a description under section 50 of the Condominium Act, except where there is an existing agreement for the payment of Capital Contribution charges,

1.1.3 the approval of a zoning by-law or amendment thereto under section 34 of the Planning Act, 1983, or the approval of a minor variance under section 44 of the Planning Act, 1983 that would have the effect of:

- 1.1.3.1 increasing the number of residential dwelling units permitted on the lands;
- 1.1.3.2 changing the land use to a residential, commercial, or industrial land use; or
- 1.1.3.3 increasing the total floor area of a commercial or industrial land use.
- 1.1.4 A consent under section 52 of the Planning Act, 1983 which has the effect of creating a parcel of land on which additional residential dwelling units may be constructed;
- 1.1.5 a consent under section 52 of the Planning Act, 1983 in respect of land which may be used for commercial or industrial purposes and where Capital Contributions have not been previously paid.

1.2 The August 1, 1989 charges imposed by this By-law shall come into effect on the 25th day of September, 1989, and are applicable to:

- 1.2.1 all applications for approval of plans of subdivision which are residential, commercial, or industrial in whole or in part for which a subdivision agreement in a form satisfactory to the City has not been signed by the 24th day of November, 1989;
- 1.2.2 all rezoning applications for which a rezoning/site plan agreement in a form satisfactory to the City has not been signed by the 24th day of November, 1989;
- 1.2.3 all applications for consent where the written notice of decision is not given by the 6th day of October, 1989; and
- 1.2.4 all applications for minor variance where the decision has not become final and binding by the 27th day of October, 1989.
- 1.2.5 all applications for the approval of a description under section 50 of the Condominium Act for which a condominium agreement in a form satisfactory to the City has not been signed by the 24th day of November, 1989.

1.3 The Capital Contributions Policy is hereby adopted as City policy.

2. The residential Capital Contributions charges (herein called the "residential charges") imposed by this By-law are as follows:

<u>DWELLING</u>	<u>TYPES</u>	<u>BASE RATE</u> <u>FEBRUARY 1, 1989</u>	<u>CHARGES ON</u> <u>AUGUST 1, 1989</u>
2.1	Single family, semi-detached, townhouses, and three bedroom apartment units	\$ 6,912.37	\$7,347.98
2.2	Two bedroom apartment units	5,285.93	5,619.04
2.3	Bachelor and one bedroom apartment units	3,252.88	3,457.87
2.4	Senior Citizen Apartments -		A reduction of twenty-five per cent (25%) of the foregoing residential charges shall be allowed.

3. The commercial and industrial Capital Contribution charges (herein called the "commercial and industrial charges") imposed by this By-law are as follows:

3.1 \$5,521.79 as of August 1, 1989 (Base Rate February 1, 1989 \$5,240.26) per acre for the gross acreage of the plan of subdivision, and for the gross acreage of the lands included in rezoning, minor variance, and consent applications.

3.2 In the event the total floor area of all the buildings proposed to be constructed on any lot exceeds fifty per cent (50%) of the total lot area, an additional charge of \$0.2535 as of August 1, 1989 (Base Rate February 1, 1989 \$0.2406) per square foot for each square foot of the total area of the proposed buildings in excess of fifty per cent (50%) of the total lot area.

4.

4.1 The residential charges imposed by this By-law shall be calculated and unconditionally paid to the City without protest or qualification prior to the issuance of a building permit for the dwelling unit or for the building in which the dwelling unit is located.

4.2 The commercial and industrial charges imposed by this By-law shall be calculated and unconditionally paid to the City without protest or qualification:

4.2.1 in the case of a rezoning application, minor variance application, or consent application prior to the issuance of any building permits for the lands referred to in the application;

4.2.2 in the case of an application for approval of a condominium description, prior to the approval of the description;

4.2.3 in the case of the approval of a plan of subdivision the entire charge may be paid prior to final approval of the plan, or alternatively, twenty-five per cent (25%) of the charge shall be paid prior to final approval of the plan, and a minimum of twenty-five per cent (25%) of the total charge for the plan

adjusted in accordance with section 5 of this By-law shall be paid annually on the anniversary date of the registration of the plan in each of the three (3) years following registration of the plan, provided that a performance guarantee to ensure full payment of these charges in the form of a letter of credit satisfactory to the City in an amount equal to the unpaid portion of these charges is deposited with the City prior to final approval of the plan, and, further provided that in any event, the total charge for the plan shall be paid in full prior to final acceptance of the works and assumption of the plan by the City; and

- 4.2.4 in the case of the additional charge imposed by section 3.2 of this By-law, prior to issuance of the building permit for the building or buildings which, either by themselves or together with the existing buildings on the lot, have a total floor area which exceeds fifty per cent (50%) of the total lot area.

5.

5.1 Subject to the provisions of section 5.2 of this By-law, the Base Rates set out in this By-law shall be adjusted twice yearly on the 1st days of February and August in each year in relationship to the Composite Component of the Southam Construction Index (Ontario Series), and the land price index set out in Appendix II of the Capital Contributions Policy. This adjustment shall be based on the Index last available prior to the 1st days of February and August respectively in each year, and this Index is to be applied to the gross amount of the charges set out in the Capital Contributions Policy. The Composite Component of the Southam Construction Index (Ontario Series) base at December, 1988 is taken as 134.6, and the land price index base at November/December 1988 is taken as \$215,367.00.

5.2 Both the:

5.2.1 residential urban tableland value of \$272,298.00 August 1, 1989 (February 1, 1989 Base \$249,316.00) per acre, and all other land values set out in the Capital Contributions Policy using this value as a base; and

5.2.2 valleyland, lake-water, lake-perimeter, hazard land value \$11,587.16 August 1, 1989 (Base Rate February 1, 1989 \$10,609.20) per acre set out in the Capital Contributions Policy,

shall be adjusted twice yearly on the 1st days of February and August in each year in direct relationship to the land price index set out in Appendix II to the Capital Contributions policy. These adjustments shall be calculated using the land price index of \$215,367.00 as of November/December 1988 as a base.

6. Every person who develops or redevelops land in the City of Brampton shall, in addition to paying the charges imposed by this By-law, be required to:

6.1 construct or provide all municipal works, services, and utilities which are not included in the service levels upon which the charges are based, and which are required by City policy for the development of the lands;

6.2. in lieu of constructing or providing the whole or any part of the municipal works, services, and utilities referred to in section 6.1, pay the City an amount equal to the cost of constructing or providing these works, services, and utilities in whole or in part;

6.3 pay to the City where required by City policy, all area specific levies relating to the land which is proposed to be developed, such as the Andrew Street road levy.

6.4 pay to the City a contribution in an amount to be determined by the City to the cost of all studies required by the City's Official Plan and any applicable secondary plan as a condition of development of land such as storm water management studies.

6.5 pay to the City, prior to commencing construction of the works, services, and utilities required by section 6.1, a fee in respect of the administration, planning, engineering, and legal costs incurred by the City, calculated in accordance with the formula required by City policy which is set out in the City's standard form of subdivision agreement.

6.6 sign the City's standard form of subdivision agreement or rezoning/site plan agreement in a final form satisfactory to the City, which will incorporate the requirements to pay the charges imposed by this By-law, and the requirements of sections 6.1, 6.2, 6.3, 6.4, and 6.5 of this By-law, provided that these agreements shall not contain any requirements which would contravene the provisions of any Ontario Statute or Regulations thereto.

READ a FIRST, SECOND, and THIRD TIME in Open Council this 25th day of SEPTEMBER, 1989.

  
KENNETH G. WHILLANS MAYOR

  
LEONARD J. MIKULICH CLERK