

227-2009

Development Charges

To establish development charges for the City of Brampton pertaining to Roads and to repeal By-law 224-2004 and By-Law 111-2008

(Amended by By-law 230-2010)

WHEREAS subsection 2(1) of 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 the development of the area to which the by-law applies;

AND WHEREAS the City has completed and has considered a report entitled “2009 Development Charge Background Study”, the City of Brampton, dated May 28, 2009 (the “Study”), as required by section 10 of the Act;

AND WHEREAS the Study was made available to the public, and Council gave notice to the public of a public meeting, pursuant to section 12 of the Act, which was held on June 22, 2009, and at which the Study was again provided to the public, along with the proposed development charge by-laws, and Council heard representations from all persons who applied to be heard (the “Public Meeting”);

AND WHEREAS by Resolution adopted by Council on August 5, 2009, Council approved the Study, as amended by the matters identified in the staff report dated August 5, 2009;

AND WHEREAS by Resolution adopted by Council on August 5, 2009, Council indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development identified in the Study, as amended, will be met;

AND WHEREAS by Resolution adopted by Council on August 5, 2009, 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 by Resolution adopted by Council on August 5, 2009, Council determined that no further public meetings were required, under section 12 of the Act.

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

Definitions

1. 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 use" means a bona fide farming operation, including sod farms, the breeding and boarding of horses, and greenhouses;

“air-supported structure” means an air-supported structure as defined in the *Building Code Act*;

"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;

“apartment” means a dwelling unit in a duplex, triplex, double duplex or in a mixed use building not exceeding three stories in height and a dwelling unit in a building where such dwelling unit is served by a principal entrance from the street level common to three or more other dwelling units, despite the forgoing, an apartment dwelling includes those stacked townhouse dwellings or back-to-back townhouse dwellings that are developed on a block approved for development at a minimum density of sixty (60) units per hectare pursuant to plans and drawings approved under section 41 of the Planning Act;

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

“board of education” has the same meaning as “board” under the *Education Act*, R.S.O. 1990, ch. E.2;

"building or structure" means a 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, and includes an air-supported structure, mezzanine, and an exterior storage tank, but does not include:

a farm building, or a canopy, or an exterior storage tank where such exterior storage tank constitutes an accessory use;

“*Building Code Act*” means the *Building Code Act*, S.O. 1992, chapter 23, as amended, and all Regulations thereto including the Ontario Building Code, 2006, as amended;

“canopy” means a canopy as defined in the *Building Code Act* and includes a free-standing roof-like structure constructed on lands used for a gas bar or service station;

"City" means The Corporation of the City of Brampton;

“college” has the same meaning as in section 171.1 of the *Education Act*, R.S.O. 1990, ch. E.2;

“Council” means the Council of the Corporation of the City of Brampton;

"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;

"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;

“double duplex” means a separate building that consists of two duplexes attached to each other;

“duplex” means a separate building that is divided horizontally into two separate dwelling units, each of which has a separate entrance either directly or through a common vestibule;

"dwelling unit" means one or more habitable rooms designed or intended to be used together as a single and separate house-keeping unit by one person or jointly by two or more persons, containing its own kitchen and sanitary facilities;

“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;

“industrial use” means land, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing, or processing of raw goods, warehousing or bulk storage of goods, distribution centre, truck terminal, research or development in connection with manufacturing, producing, or processing of raw goods, storage, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, 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” includes buildings or structures;

“large apartment” means, for the purposes of the Schedules attached: an apartment unit having a floor area of more than 750 square feet;

“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 the City or the Region;

“mezzanine” means a mezzanine 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 sono tubes are deemed not to be foundations for the purposes of this definition;

“multiple dwelling” means all dwellings other than single-family detached dwellings, semi-detached dwellings, and apartment dwellings;

“non-industrial use” means the use of land, buildings or structures or parts thereof, used, designed or intended to be used for any use other than for residential use or for industrial use, or for office use, as those terms are defined in this section, and a non-industrial use includes a retail warehouse;

“non-residential use” means the use of land, buildings or structures or portions thereof used, designed or intended to be used for any use other than for residential use as that term is defined in this section;

“office use” means the use of land, buildings or structures used primarily for, or designed or intended for use primarily for or in connection with office or administrative purposes, provided that the building or structure has an office or administrative component equal to or greater than 50 percent of the total gross floor area of the building or structure. For the purposes of this by-law office use excludes office or administrative uses located in a shopping centre, except where the building or structure has an office or administrative component equal to or greater than 75 percent and is equal to or greater than 3 storeys in height, and excludes office or administrative uses where such uses are accessory to an industrial use;
(By-law 230-2010)

“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;

“Place of Worship” means a place or building or part thereof including accessory buildings or structures that are used for the regular assembly of persons for the practice of religious worship, services or rites. It may include accessory uses such as classrooms for religious instruction, including programs of community social benefit, assembly areas, kitchens, offices of the administration of the place of worship, a single residence for the

faith group leader, and a small scale day nursery, but shall not include a cemetery or more than one dwelling unit;

“planned seniors retirement community” means a housing project consisting of ground-related dwelling units in single family, semi-detached, or multiple dwellings and other amenities, all of which are designed, marketed, developed, and constructed to provide living accommodation for and to meet the needs of senior citizens or older or retired persons on land designated by a resolution of the City Council as a planned seniors retirement community;

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

“public hospital” means a hospital as defined in the *Public Hospitals Act*, R.S.O. 1990, ch. P.40;

“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 for any of the following:

- i) from residential to non-residential,
- ii) from non-residential to residential,
- iii) from industrial to non-industrial and,
- iv) from office to non-office;

“Region” means The Regional Municipality of Peel;

“Regulation” means Ontario Reg.82/98, under the Act;

“residential use” means land, buildings or structures or portions thereof used, designed, or intended to be used as living accommodation within a dwelling unit, for one or more individuals;

“row house” means a building other than an apartment building, that is vertically divided into a minimum of three dwelling units, each of which has independent entrances at grade to the front and the rear of the building, and each of which shares a common wall adjoining dwelling units above grade;

“semi-detached dwelling” means a 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;

“services” means services designated in this by-law or in an agreement under section 44 of the Act, or both;

“Servicing Agreement” means, a servicing agreement, subdivision agreement, condominium agreement, rezoning/site plan agreement or any other agreement requiring the payment of capital contribution or lot levies and the provision of municipal services to

specified lands within the City entered into between the owner or a former owner and the City;

“shelf and rack storage system” means a shelf and rack storage system as defined in the Building Code Act;

“shopping centre” means the premises upon which a group of at least five separate commercial uses have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants;

(By-law 230-2010)

“single detached dwelling” means a completely detached residential building containing only one dwelling unit;

“small apartment”, notwithstanding the definition of an “apartment”, means any residential unit having a total floor area equal to or less than 750 square feet;

“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally from another dwelling unit by a common wall;

“temporary building or structure” means a building or structure constructed or 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 total floor area thereof for a continuous period not exceeding eight months;

“total floor area” means the sum total of the total 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 centre 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; and
- (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 and washrooms; and
- (c) excludes any part of a building or structure above or below grade, used exclusively for the temporary parking of a motor vehicle or used for the provision of loading spaces; and
- (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
- (e) 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 and the total areas of the floors in the building or structure; and

- (f) excludes the area of any self contained structural shelf and rack storage system as defined in the Building Code Act;

“triplex” means a building or structure that is divided horizontally into three separate dwelling units, each of which has a separate entrance through a common vestibule;

“truck terminal” means a building, structure or place where, for the purpose 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 is set out in section 171.1 of the *Education Act*,

“use” means the use of land, a building or a structure.

Rules

2. For the purpose of complying with section 6 of the Act:
 - (a) the area to which this by-law applies shall be the area described in section 3 of this by-law;
 - (b) 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 17 inclusive;
 - (c) the exemptions provided for by such rules shall be the exemptions set forth in sections 18 through 22 inclusive and in section 25, of this by-law, the indexing of charges shall be in accordance with section 15 of this by-law, and there shall be no phasing in as provided in subsection 16(1) of this by-law; and
 - (d) the calculation of development charges payable with respect to redevelopment of land shall be in accordance with the rules set forth in section 23 of this by-law.

Lands Affected

3. This by-law applies to all lands in the geographic area of the City.

Designation of Services

4. It is hereby declared by Council that all development of land within the area to which this by-law applies will increase the need for services.
5. The development charge applicable to a development as determined under this by-law shall apply without regard to the services required or used by an individual development.

6. Development charges shall be imposed under this by-law, for the following categories of services to pay for the increased capital costs required because of increased needs for services arising from development:
Roads Services.

Approvals for Development

7. Development charges shall be imposed against all lands, buildings or structures within the area to which this by-law applies, if the development of such lands, buildings or structures requires any of the following approvals:
 - (a) the passing of a zoning by-law or of 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*; or
 - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
8. No more than one development charge for each service designated in section 6 of this by-law shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in section 7 are required before the lands, buildings or structures can be developed.
9. Notwithstanding section 8, if two or more of the actions described in section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
10. Where a development requires an approval described in section 7 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 the approval required under section 7.
11. If a development does not require a building permit but does require one or more of the approvals described in section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted, and such development charge shall be paid prior to the granting of the approval required.

Calculation of Development Charges

12. The development charge with respect to the use of any land, buildings or structures 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;
 - (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; and
 - (c) in the case of non-residential developments, or the non-residential portion of a non-residential mixed use development containing industrial and/or office and/or other non-residential components, based upon the total floor area of the industrial component and based upon the total floor area of the office component, and based on the total floor area of the all other non-residential components, respectively.

Amount of Charge – Residential

13. (1) The development charges described in Schedule A to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit 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.
- (2) Despite subsection 13(1), the development charges described in Schedule A to this by-law for dwelling units larger than 750 square feet in apartment dwellings shall be imposed on all dwelling units in single detached dwellings, semi-detached dwellings and multiple-dwellings constructed in a planned seniors retirement community, provided that the zoning by-law in force for the planned seniors retirement community limits the number of bedrooms in any dwelling unit to 2 bedrooms, and the number of dwelling units in the community and the maximum floor area of the dwelling units to amounts determined by Council in the zoning by-law.
- (3) Despite subsections 13(1), and 13(2) the development charge rates described in Schedule A to this by-law shall be discounted to the rates set out in Schedule C to this by-law, adjusted in accordance with applicable indexing provided that:
 - a. where a site plan application is required and has been submitted to the City, pursuant to section 41 of the Planning Act, for approval of plans and drawings for a development for residential uses, and such application has been accepted by the City, to the satisfaction of the City's Commissioner, Planning, Design and Development, on or before August 31, 2009, (the "City accepted site plan application"); and

- b. a complete building permit application for the building or structure has been accepted by the City on or before April 1, 2010 and the building permit for the buildings or structures is issued on or before September 30, 2010.

Thereafter, for the period commencing on October 1, 2010 and ending on the date that this by-law expires, the full development charges rates described in Schedule A shall be imposed on residential uses of lands, buildings or structures, subject to applicable indexing as set out in subsection 15, and subject to applicable exemptions.

- (4) Notwithstanding, subsection 13(3), where the application for a site plan application, if applicable, or for a building permit application, is for the development of row houses as defined in this bylaw, the development charge payable shall be the amounts set out in Schedule A for row houses and shall be effective as of the date of this bylaw.
- (5) If the development charges required to be paid by subsections 13(1), 13(2), 13(3), or 13(4) or any part of them remains unpaid after they are payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes in accordance with subsection 32(1) of the Act.

Amount of Charge – Non-Residential

- 14. (1) The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures and, in the case of a mixed use building or structure, on the non-residential component of the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.
- (2) Despite clause (1), development charges shall not be imposed on the mechanical portions of buildings that service residential units and which are situated on the same land as all of the residential units that they service.
- (3) Despite subsection 14(1) and subject to subsection 14(4) and subsection 15, the development charges rates described in Schedule B to this by-law shall be discounted to the rates set out in Schedule D to this by-law, plus applicable indexing provided that:
 - a. where a site plan application is required and has been submitted to the City, pursuant to section 41 of the Planning Act, for approval of plans and drawings for a development for non-residential uses, and such application has been accepted by the City, to the satisfaction of the City's Commissioner, Planning, Design and Development, on or before August 31, 2009, (the "City accepted site plan application"); and
 - b. a complete building permit application for the building or structure has been accepted by the City on or before

April 1, 2010 and the building permit for the buildings or structures is issued on or before September 30, 2010; and

Thereafter, for the period commencing on October 1, 2010 and ending on the date that this by-law expires, the full development charges rates described in Schedule B shall be imposed on non-residential uses of lands, buildings or structures, subject to applicable indexing as set out in subsection 15, and subject to applicable exemptions.

- (4) Despite subsection 14(1) and subsection 14(3) for the period commencing on August 5th, 2010 and ending on August 5th, 2011, or such later date as may be determined by Council through an amendment of this by-law, the development charge rate described in Schedule B to this by-law applicable to the development of non-residential office type uses of lands, building or structures, and the development charge rate applicable to non-residential industrial type uses of lands, buildings or structures, shall be discounted to the rates identified in Schedule D to this by-law (the “discounted industrial and office rate”). The discounted industrial and office rate shall be applied for the purpose of calculating the development charges owing on non-residential office type uses and non-residential industrial type uses, subject to applicable indexing and subject to applicable exemptions. **(By-law 230-2010)**
- (5) In the event that the City’s Chief Building Official gives a written opinion to the City Treasurer that the construction referred to in subsection 14(3) has not been seriously commenced within six (6) months after the date the building permit referred to in subsection 14(3) was issued, the development charge imposed by subsection 14(1) less the amount of the development charge paid in accordance with subsection 14(3), shall become payable on the date of the Chief Building Official’s written opinion to the City Treasurer.
- (6) If the development charges required to be paid by subsection 14(1), 14(3), or 14(4), or if any part of them remains unpaid after they are payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes in accordance with subsection 32(1) of the Act.

Indexing of Development Charges

15. The development charges set out in Schedules A, B, C and D hereto shall be adjusted, without amendment to this by-law, semi-annually on February 1st and August 1st in each year, commencing February 1st, 2010, in accordance with the Statistics Canada Quarterly, Construction Price Statistics (catalogue number 62-007) with the base index value being that in effect on August 1, 2009.

Phasing, Timing of Calculation and Payment

16. (1) The development charges set out in this by-law are not subject to phasing in and are payable in full from the effective date of this by-law, subject to applicable exemptions, credits, and discounts;
- (2) Subject to section 23 of this by-law (with respect to redevelopment) and subsection 16(3) below, the development charge shall be calculated as of, and shall be payable, on the date the first building permit is issued in relation to a building or structure on the land to which the development charge applies;
- (3) 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;
- (4) Notwithstanding subsection 16(3), the City may, in its sole discretion, require an owner to enter into an agreement, including the provision of security for the owner's obligations under agreement, pursuant to section 27 of the Act, providing for all or part of a development charge to be paid before or after it otherwise would be payable. In that event, the terms of such agreement shall then prevail over the provision of this by-law.

Payment By Money or the Provision of Services

17. (1) Payment of development charges shall be by cash or by certified cheque.
- (2) In the alternative to payment by the means provided in subsection (1), the City may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charge otherwise payable, provided that:
 - (a) if the City and the owner cannot agree as to the reasonable cost of doing the work under subsection (2), the dispute shall be referred to Council, whose decision shall be final and binding;
 - (b) if the credit exceeds the amount of the charge for the service to which the work relates,
 - (i) the excess amount shall not be credited against the charge for any other service, unless the City has so agreed in an agreement entered into under section 38 of the Act; and
 - (ii) in no event shall the City be required to make a cash payment to the credit holder.
 - (c) notwithstanding the repeal of By-law 224-2004 and By-Law 111-2008, any credits owing to a landowner, or previous landowner, pursuant to an agreement entered into under section 38 of the Act, prior to the enactment of this by-law, may, at the City's sole discretion, be

recognized and used as a credit under this by-law, pursuant to section 41 of the Act; or

- (d) any credits owing to a landowner, or previous landowner, pursuant to an agreement entered into under section 38 of the Act, either prior to, or after, the enactment of this by-law, which credits do not relate to the category of services covered by this by-law, may, at the City's sole discretion, be recognized and used as a credit under this by-law, pursuant to section 41 of the Act.
- (3) Nothing in this by-law prevents Council 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, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require, and/or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, and/or administrative, processing, or inspection fees.

Rules with Respect to Exemptions for Intensification of Existing Housing

18. (1) This by-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the effect only,
- (a) of permitting the enlargement of an existing dwelling unit;
 - (b) of creating one or two additional dwelling units in an existing single detached dwelling unit;
 - (c) of creating one additional dwelling unit in an existing semi detached dwelling unit; or
 - (d) of creating one additional dwelling unit for any other existing residential building.
- (2) Notwithstanding clauses (1)(b) to (d), a development charge shall be imposed with respect to the creation of one or two additional dwelling units in a dwelling, if the total floor area of the additional one or two dwelling units exceeds the total floor area of the existing dwelling unit in clause (1)(b) and (1)(c), and the smallest existing dwelling unit in clause (1)(d).

Rules with Respect to Industrial Expansion Exemption

19. (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable under this by-law, is the following:
- (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and

- (b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
- (2) For the purpose of this section, the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in the Regulation made under the Act.
 - (3) 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*, R.S.O. 1990, c.A.31, 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; and
 - (b) whether more than fifty per cent (50%) of the gross floor area of the building or structure has an industrial property code for assessment purposes;
 - (4) Despite subsection (3), distribution centres, warehousing, the bulk storage of goods and truck terminals shall be considered industrial uses.
 - (5) 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 must:
 - (i) be attached to the existing industrial building;
 - (ii) not be attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, shared below-grade connection, foundation, footing, parking facility, service tunnel or service pipe;
 - (iii) be for use or in connection with an industrial purpose as set out in this by-law; and
 - (iv) constitute a bone fide increase in the size of the existing building.

Categories of Exempt Institutions

- 20. (1) The following categories of institutions are hereby designated as being exempt from the payment of development charges:
 - (a) land, buildings or structures used as hospitals governed by the *Public Hospitals Act*, R.S.O. 1990, c. P. 40;

- (b) land, buildings or structures owned by and used for the purposes of the City, the Region, or their local boards, as required by the Act;
 - (c) land, buildings or structures owned by a board of education and used only for school purposes, as required by the Act;
 - (d) land, buildings or structures owned by and used for the purposes of a college or university;
 - (e) land, building or structures used for the purposes of a Place of Worship, excluding that portion of the land, building or structure used for the purposes of:
 - i) private schools
 - ii) banquet halls
 - iii) supportive housing
 - iv) major daycare facilities
 - v) retail or commercial
 - (f) land, buildings or structures used only for the purpose of a temporary office for new residential sales.
- (2) The exemption referred to in this paragraph 20(1)(b) does not apply to the development for residential uses of lands owned by:
- (a) the Region or any local board thereof, including the Peel Children's Aid Society; or
 - (b) any corporation owned, controlled, or operated by the Region, including Peel Non-Profit Housing Corporation.

Agricultural Uses

21. Agricultural uses, as well as farm buildings and other ancillary development to an agricultural use, excluding any residential or commercial uses, shall be exempt from the provisions of this by-law.

Temporary Buildings or Structures

22. (1) Temporary buildings or structures shall be exempt from the provisions of this by-law, so long as the status as a temporary building or structure is maintained in accordance with the provisions of this by-law;
- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, or ever to have been a temporary building or structure, and the development charges required to be paid under this by-law shall become payable on the date the temporary building or structure becomes protracted; and

- (3) Prior to the City issuing a building permit for a temporary building or structure, the City may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to section 27 of the Act, providing for all or part of the development charge required by subsection 22(2) to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this by-law.

Rules with Respect to the Redevelopment of Land

23. (1) Where there is a redevelopment of land on which there is a conversion of space proposed, or on which there was formerly erected a building or structure that will be demolished within a period no longer than 4 months from the date of issuance of a building permit, has been demolished, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this by-law, for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has or will be demolished, as the case may be, calculated by multiplying the number and type of dwelling units being converted or demolished or the non-residential total floor area being converted or demolished by the relevant development charge in effect on the date when the development charge is payable in accordance with this by-law.
- (2) If a credit has been allowed against the development charge otherwise payable and a building permit for the redevelopment has been issued, in advance of the occurrence of the demolition, the owner must complete and provide proof of the demolition no later than 4 months after the issuance of the building permit or the amount for which the development charge credit was provided shall become fully payable.
- (3) A credit in respect of any demolition under this section shall not be given unless the demolition permit was issued on or after October 28, 1991.
- (4) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable under this by-law with respect to the redevelopment.
- (5) For the purposes of this section, 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.

Interest

24. The City shall pay interest on a refund under subsections 17(3), (5) and 24(2) of the Act at a rate equal to the Bank of Canada rate on the date this by-law comes into effect.

Rules with Respect to Partial Exemptions for Certain Lands that are subject to Pre October 28, 1991 Servicing Agreement

25. (1) If the City and an owner, or former owner of land to which this by-law applies, had entered into a Servicing Agreement prior to October 28, 1991:

(i) provided that the owner or former owner of the land paid to the City, prior to October 28, 1991, all or any portion of a capital contribution relating to the development of non-residential lands as required by the terms and provisions of the Servicing Agreement; and

(ii) provided that the owner or former owner of the land did not apply to the City for recognition of a Section 14 credit under the Development Charges Act, 1989, pursuant to the requirements of section 17 of the Regulation, either for the subject parcel of land, or for any other parcel of land that is subject to the same Servicing Agreement; and

(iii) provided that a Section 14 credit under the Development Charges Act, 1989 was not recognized by the City, in writing, for the subject parcel of land, or for any other parcel of land that is subject to the Servicing Agreement; then, during the term of this by-law, the City will recognize a non-transferable partial exemption from the development charges otherwise owing under this by-law, with respect to an undeveloped, non-residential parcel of land that is subject to the Servicing Agreement.

(2) The amount of the partial exemption to be recognized by the City pursuant to subsection 25(1) above, and to be applied in the calculation of development charges owing for the land, under this by-law, shall be based on the amount of the capital contribution actually received by the City, in accordance with the terms and provisions of the Servicing Agreement, pro-rated over all non-residential development lots and development blocks within the area of the lands subject to the Servicing Agreement. In no event shall the value of the exemption exceed the amount paid to the City, in accordance with the terms of the Servicing Agreement.

Front Ending Agreements

26. The City may enter into agreements under section 44 of the Act.

Schedules

27. The following Schedules to this by-law form an integral part of this by-law:

Schedule 'A'	Residential Development Charges
Schedule 'B'	Non-residential Development Charges
Schedule 'C'	Residential Development Charges - Transition

Schedule 'D' Non-Residential Development Charges –
Transition & Industrial Discount

By-law Registration

28. 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 title to any land to which this by-law applies.

Date By-law Effective

29. This by-law comes into force and effect on August 5, 2009.

Date By-law Expires

30. This by-law expires five years after the date on which it comes into force and effect.

Repeal

31. By-law No. 224-2004 and By-Law No.111-2008 are hereby repealed, effective on the date this by-law comes into force and effect.

Headings for Reference Only

32. The headings inserted in this by-law are for convenience and reference only, and shall not affect the construction or interpretation of this by-law.

Interpretation

33. 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.
34. 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 provision in the statute or regulation or code as amended, replaced, revised or consolidated from time to time.

Severability

35. 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, in whole or in part or dealt with in any other way.

Short Title

36. This by-law may be referred to as the City of Brampton Development Charges By-law for Road Services, 2009.

Susan Fennell, Mayor

Peter Fay, City Clerk

Rates are stated as of June 23, 2010. Rates are subject to Semi-Annual Indexing on February 1st and August 1st of each year.

Schedule A to By-Law 227-2009		Amended by By-law 230-2010		
Residential Development Charge				
Service Category	Charge for Singles/Semis	Charge for Rows	Charge for Apartment >750 Sq.Ft.	Charge for Apartment <= 750 Sq.Ft.
Roads, excluding Bramwest / NSTC	\$12,629.27	\$10,419.15	\$8,524.76	\$4,735.98

Schedule B to By-Law 227-2009		Amended by By-law 230-2010	
Non-Residential Development Charge			
Service Category	Non-Residential Non-Industrial use Non-Office Use Charge per Sq.M.	Non-Residential Industrial / Office Use Charge per Sq.M.	
Roads, excluding Bramwest / NSTC	\$83.20	\$41.02	

Schedule C to By-Law 227-2009		Amended by By-law 230-2010	
Residential Development Charge - Transition Discount as per section 13 of the By-Law			
Service Category	Charge for Singles/Semis	Charge for Apartment >750 Sq.Ft.	Charge for Apartment <= 750 Sq.Ft.
Roads, excluding Bramwest / NSTC	\$12,237.83	\$8,998.39	\$4,679.17

Schedule D to By-Law 227-2009		Amended by By-law 230-2010	
Non-Residential Development Charge - Transition Discount as per Section 14 of the By-Law			
Service Category	Non-Residential Non-Industrial use Non-Office Use Charge per Sq.M.	Non-Residential Industrial / Office Use Charge per Sq.M. (Qualify for Transition)	Non-Residential Industrial / Office Use Charge per Sq.M. (Do Not Qualify for Transition)
Roads, excluding Bramwest / NSTC	\$79.62	\$36.88	\$34.82