

**The Corporation of the Township of Malahide  
By-law Number 21-63**

Being a by-law to establish development charges for the Corporation of the Township of Malahide

**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997 c. 27*, as amended (hereinafter called "the Act") provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

**AND WHEREAS** the Council of The Corporation of the Township of Malahide has given notice on June 25, 2021 according to section 12 of the *Development Charges Act, 1997 as amended*, of its intention to pass a by-law under Section 2 of the said Act;

**AND WHEREAS** the Council of the Township of Malahide has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on August 12, 2021;

**AND WHEREAS** the Council of the Township of Malahide had before it a report entitled Development Charge Background Study dated June 25, 2021, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Township of Malahide will increase the need for services as defined herein;

**AND WHEREAS** the Council of the Township of Malahide on August 12, 2021, approved the applicable Development Charge Background Study, as amended (if applicable) inclusive of the capital forecast therein, in which certain recommendations were made relating to the establishment of a development charge policy for the Township of Malahide pursuant to the *Development Charges Act, 1997, as amended*;

**AND WHEREAS** the Council of the Township of Malahide on August 12, 2021, determined that no additional public meeting was required to be held as part of the approval process.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MALAHIDE ENACTS AS FOLLOWS:**

**1. Definitions**

In this by-law,

1. "Act" means the *Development Charges Act, 1997, c.27, as amended*;
  2. "administration service" means any and all development-related studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997, as amended*.
  3. "accessory use" means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
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4. "agricultural use" means a bona fide farming operation;
  5. "ancillary residential building" means a residential building or structure that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling;
  6. "apartment unit" means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor and is not a special care/special dwelling unit;
  7. "attached dwelling" means a dwelling in a residential building which contains two or more dwelling units, which dwelling units have one or two vertical walls, but no other parts, attached to other dwelling units;
  8. "bedroom" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
  9. "benefiting area" means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
  10. "board of education" means a board defined in s.s. 1(1) of the *Education Act*;
  11. "bona fide farm uses" means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;
  12. "Building Code Act" means the *Building Code Act, 1992, S.O. 1992, c.23, as amended*;
  13. "cannabis" means:
    - a. cannabis plant;
    - b. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
    - c. any substance or mixture of substances that contains or has on it any part of such a plant; and
    - d. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
  14. "cannabis plant" means a plant that belongs to the genus *Cannabis*;
  15. "Cannabis Production Facilities" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law and does include, but
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is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

16. "capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,

- a. to acquire land or an interest in land, including a leasehold interest;
- b. to improve land;
- c. to acquire, lease, construct or improve buildings and structures;
- d. to acquire, lease, construct or improve facilities including,
  1. rolling stock with an estimated useful life of seven years or more,
  2. furniture and equipment, other than computer equipment, and
  3. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R. O. 1990, c. 57*, and
- e. to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
- f. to complete the development charge background study under Section 10 of the Act;
- g. interest on money borrowed to pay for costs in (a) to (d);

required for provision of services designated in this by-law within or outside the municipality.

17. "charitable dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the Child, Youth and Family Services Act, 2017, S.O. 2017, C. 14, Sched. 1, a psychiatric facility under the Mental Health Act, R.S.O. 1990, c. M.7, long-term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12.

18. "class" means a grouping of services combined to create a single service for the purposes of this by-law and as provided in section 7 of the Development Charges Act;

19. "commercial" means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or

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agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

20. "Condominium Act" means the Condominium Act, 1998, S.O. 1998, Chap. c. 19;
  21. "Corporation" means the Corporation of the Township of Malahide;
  22. "Council" means the Council of the Township of Malahide;
  23. "developer" means a person who undertakes development or redevelopment;
  24. "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 the effect of increasing the size of usability thereof, and includes redevelopment;
  25. "development charge" means a charge imposed pursuant to this By-law with respect to growth related net capital cost;
  26. "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
  27. "exemption" means that no development charge is payable;
  28. "existing" means the number, use and size that existed as of the date this by-law was passed;
  29. "farm building" means that part of a bona fide farming operation that is located upon land which is assessed and used for farm purposes encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
  30. "floor" does not include a storey;
  31. "floor above ground level" means any floor, the entire area of which is located below the lowest level at which the land upon which the building or structure stands abuts any land;
  32. "floor below ground level" means any floor the entire area of which is located below the lowest level at which the land upon which the building or structure stands abuts any land;
  33. "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
  34. "Group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit, supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under a general or special Act and amendments or replacements thereto, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;
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35. "gross floor area" means

- a. in the case of a residential building or structure, 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 any other dwelling unit or other portion of a building; and
- b. in the case of 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 total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
  1. a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
  2. loading facilities above or below grade; and
  3. a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

36. "hospice" means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

37. "industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, 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 the sale of commodities to the general public through a warehouse club;

38. "institutional" means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain and shall not include special care/special dwelling units;

39. "institutional development" means development of a building or structure, or portions thereof, intended for use,

- a. as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
  - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
  - c. by any of the following post-secondary institutions for the objects of the institution:
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1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
  2. (ii) a college or university federated or affiliated with a university described in sub-clause (i), or
  3. (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- d. as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
  - e. as a hospice to provide end of life care.
40. "live/work unit" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;
41. "lawfully existing" means a building:
- a. that is not prohibited by a by-law passed under Section 34 of the Planning Act, or a predecessor of that section; or
  - b. that is a legal non-conforming use; or
  - c. that is allowed by a minor variance authorized under Section 45 of the Planning Act, or a predecessor of that section;
42. "Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, 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, including school purposes, of the municipality or any part or parts thereof;
43. "local services" means those services, facilities or things which are under the jurisdiction of the Township of Malahide and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act, R.S.O. 1990, Chap. P.13*, as amended, or any successor thereof;
44. "lot" means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act or successor thereto which meets the minimum lot area requirements under the Township's Zoning By-law;
45. "mixed-use" means land or buildings used or designed or intended to be used for a combination of non-residential development and residential development;
46. "multiple dwellings" means all dwellings other than single-detached, semi-detached, apartments, and special care/special dwelling units;
47. "Municipality" means The Corporation of the Township of Malahide;
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48. "Non-profit housing development" means development of a building or structure intended for use as residential premises by:
- a. a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
  - b. a corporation without share capital to which the Canada Not-for-Profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
  - c. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation;
49. "non-residential use" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;
50. "Official Plan" means the Official Plan adopted for the municipality, as amended and approved;
51. "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;
52. "place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O. 1990, Chap. A.31*, as amended, or any successor thereof;
53. "Planning Act" means the *Planning Act, 1990, R.S.O. 1990, c.P.13, as amended*;
54. "prescribed index" means the price index as prescribed in the Regulation;
55. "rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;
56. "redevelopment" means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development;
57. "regulation" means any regulation made pursuant to the Act;
58. "rental housing" means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
59. "residential dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;
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60. "residential development" means land, buildings or portions thereof used, designed, or intended to be used as living accommodations for one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment unit dwelling, a special care/special need dwelling, an ancillary residential building, and the residential portion of a mixed-use building and "residential use" and "residential purpose" has the same meaning;
61. "residential use" means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;
62. "retirement home or lodge" means a residential building or the portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall, but do not include private culinary facilities and instead where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
63. "row dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
64. "school, private" means a private school defined under the *Education Act* or any successor thereto, being "an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of, or over compulsory school age in any of the subjects of the elementary or secondary school courses of study".
65. "semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;
66. "service" means a service designed in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;
67. "servicing agreement" means an agreement between a landowner and the Municipality relative to the provision of municipal services to specified land within the Municipality;
68. "single detached dwelling" means a completely detached building containing only one dwelling unit and not attached to another structure.
69. "special care/special dwelling unit/room" means a residence in an assisted living facility:
- a. Containing two or more dwelling rooms, which rooms have common entrance from street level; and
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- b. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
- c. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; but
- d. excludes group homes.

70. "Zoning By-Law" means the Zoning By-Law of the Municipality or any successor thereof passed pursuant to Section 34 of the *Planning Act, S.O. 1998*.

## **2. Designation of Services/Classes of Services**

2.1. The categories of services/classes of services for which development charges are imposed under this By-law are as follows:

- (a) Services Related to a Highway;
- (b) Fire Protection Services;
- (c) Parks and Recreation Services;
- (d) Library Services;
- (e) Growth Studies; and
- (f) Water Services.

2.2. The components of the services/classes of services designated in section 2.1 are described in Schedule A.

## **3. APPLICATION OF BY-LAW RULES**

3.1. Development charges shall be payable in the amounts set out in this By-law where:

- (a) the lands are located in the area described in section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

### **Area to Which By-law Applies**

3.2. Subject to section 3.3, this By-law applies to all lands in the Township of Malahide whether or not the land or use thereof is exempt from taxation under s. 3(1) or the *Assessment Act*.

3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the Township of Malahide or a local board thereof;
  - (b) a board of education; or
  - (c) the Corporation of the County of Elgin or a local board thereof.
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## Approvals for Development

### 3.4. Approvals for Development

- (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
  - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
  - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
  - (v) a consent under section 53 of the *Planning Act*;
  - (vi) the approval of a description under section 50 of the *Condominium Act, R.S.O. 1990, Chap. C.26*, as amended, or any successor thereof; or
  - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 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 subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) subsequent action has the effect of increasing the need for services.

## Exemptions

### Rules with Respect to Exemptions for Intensification of Existing Housing or New Housing

3.5. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:

- (a) the enlargement to an existing residential dwelling unit;
  - (b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;
  - (c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;
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- (d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or
- (e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

3.5.1 Notwithstanding subsection 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.5.2 Notwithstanding subsection 3.5(d), development charges shall be imposed if the additional unit has a gross floor area greater than:

- a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
- b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

#### Rules with Respect to an Industrial Expansion Exemption

3.6. If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charges that is payable in respect of the enlargement is determined in accordance with the following:

- (a) Subject to subsection 3.8 (c), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
  - (i) the gross floor area of the existing industrial building, or
  - (ii) the gross floor area of the existing industrial building before the first enlargement for which:
    - a. an exemption from the payment of development charges was granted, or

- b. a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;

- (b) Subject to subsection 3.8 (c), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:

- (i) the gross floor area of the existing industrial building, or
- (ii) the gross floor area of the existing industrial building before the first enlargement for which:

- a. an exemption from the payment of development charges was granted, or
- b. a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- c. determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
- d. divide the amount determined under subsection (A) by the amount of the enlargement

- (c) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.8 (b), the cumulative gross floor area of any previous enlargements for which:

- (i) An exemption from the payment of development charges was granted, or
- (ii) A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

- (d) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.7. For the purpose of section 3.6, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

Other Exemptions:

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- 3.8. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
- (a) buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
  - (b) buildings or structures owned by and used for the purposes of a board as defined in Subsection 1(1) of the Education Act, R.S.O. 1990, c.E.2, as amended, and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
  - (c) Non-residential farm buildings constructed for bona fide farm uses;
  - (d) Buildings which are exempt under the Development Charges Act, 1997 or regulations made under the Act;
  - (e) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

#### Amount of Charges

##### Residential

- 3.9. The development charges set out in Schedules B-1 to B-3 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 uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

##### Non-Residential

- 3.10. The development charges described in Schedules B-1 to B-3 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 uses in the mixed-use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

#### Reduction of Development Charges for Redevelopment

- 3.11. Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within four years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
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- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.9 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.10 by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

### Demolition or Removal of Temporary Buildings

#### 3.12. Demolition or Removal of Temporary Buildings

- (a) Where a lawfully existing temporary building or structure is demolished or removed in its entirety from the land on which it is located within 2 years from the date of issuance of the building permit for the construction, erection or placing of the building or structure at such location, the owner of the building or structure may submit a request to the Treasurer, for payment from the Township Growth Reserve Funds of the amount paid at issuance of the building permit toward all or part of the development charge payable under this by-law.
- (b) A request by an owner for a refund of a development charges payment when approved shall be deemed to be a claim eligible for payment as of the time the request was received by the Treasurer for the purposes of this by-law.

### Time of Calculation and Payment of Development Charges

3.13. Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.

3.14. Notwithstanding subsection 3.13 development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent instalment, including interest calculated in accordance with subsection 3.16 of this by-law, continuing on the anniversary of that date.

3.15. Notwithstanding subsections 3.13 and 3.14 development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent instalment, including interest calculated in accordance with subsection 3.16 of this by-law, continuing on the anniversary of that date.

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- 3.16. The annual interest rate to be imposed on developments proceeding with instalment payments subject to subsections 3.14 and 3.15 of this by-law, will be the bank prime rate plus 2% as of the date of occupancy.
- 3.17. Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 3.9 and 3.10 shall be calculated on the rates set out in Schedules B-1 to B-3 on the date of the planning application, including interest as per subsection 3.18. Where both planning applications apply, development charges under subsections 3.9 and 3.10 shall be calculated on the rates, including interest as provided in subsection 3.18, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.18. The annual interest rate to be imposed on developments of land resulting from the approval of a site plan or zoning by-law amendment subject to subsection 3.17 of this by-law, will be 3%.
- 3.19. Despite sections 3.13 to 3.18, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

#### **4. PAYMENT BY SERVICES**

- 4.1. Despite the payment required under subsections 3.9 and 3.10, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

#### **5. INDEXING**

- 5.1. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on the anniversary date of this by-law, in accordance with the prescribed index in the Act.

#### **6. SCHEDULES**

- 1.1 The following schedules shall form part of this By-law:

Schedule A:	Components of Services Designated in section 2.1
Schedule B-1:	Residential and Non-Residential Development Charges (September 3, 2021 to September 2, 2022)
Schedule B-2:	Residential and Non-Residential Development Charges (September 3, 2022 to September 2, 2023)
Schedule B-3:	Residential and Non-Residential Development Charges (September 3, 2023 to September 2, 2026)
Schedule C:	Map of Springfield Urban Area

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## **7. CONFLICTS**

7.1 Where the Township of Malahide and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

## **8 SEVERABILITY**

8.1 If, for any reason, any provision 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.

## **9 REPEAL OF CURRENT D.C. BYLAW**

9.1 By-law 19-73 is repealed as of 11:59 PM on September 2, 2021

## **10 DATE BY-LAW IN FORCE**

10.1 This By-law shall come into effect at 12:00 AM on September 3, 2021

## **11 DATE BY-LAW EXPIRES**

11.1 This By-law will expire at 11:59 PM on September 2, 2026, unless it is repealed by Council at an earlier date.

**READ** a **FIRST** and **SECOND** time this 2<sup>nd</sup> day of September, 2021.

**READ** a **THIRD** time and **FINALLY PASSED** this 2<sup>nd</sup> day of September, 2021.



Mayor D. Mennill



Clerk A. Adams



Schedule "A"  
By-law No. 21-63  
Components of Services/Classes of Services Designated in Subsection 2.1

Township-wide D.C.-Eligible Services

Services Related to a Highway

Roads

Depots and Domes

Public Works Facilities, Vehicles and Equipment

Fire Protection Services

Fire Facilities

Fire Vehicles

Small Equipment and Gear

Parks and Recreation Services

Parkland Development, Amenities, and Trails

Recreation Facilities

Recreation Vehicles and Equipment

Library Services

Library Facilities

Water Services

Storage and Distribution Systems

D.C.-Eligible Classes of Services

Growth Studies:

Services Related to a Highway

Fire Protection Services

Parks and Recreation Services

Library Services

Water Services (Springfield)

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Schedule "B-1"  
 By-law No. 21-63  
 Schedule of Development Charges  
 (September 3, 2021 to September 2, 2022)

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
<b>Municipal-wide Services:</b>						
Services Related to a Highway	2,707	2,141	1,655	1,061	872	1.23
Fire Protection Services	2,661	2,104	1,627	1,043	857	1.22
Parks and Recreation Services	1,502	1,188	918	589	484	0.29
Library Services	37	29	23	15	12	0.01
Growth Studies	365	289	223	143	118	0.14
<b>Total Municipal-wide Services</b>	<b>7,273</b>	<b>5,751</b>	<b>4,446</b>	<b>2,851</b>	<b>2,343</b>	<b>2.88</b>

Schedule "B-2"  
 By-law No. 21-63  
 Schedule of Development Charges  
 (September 3, 2022 to September 2, 2023)

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
<b>Municipal-wide Services:</b>						
Services Related to a Highway	3,101	2,452	1,896	1,215	999	1.33
Fire Protection Services	3,048	2,411	1,863	1,195	982	1.33
Parks and Recreation Services	1,721	1,361	1,052	674	555	0.31
Library Services	43	34	26	17	14	0.01
Growth Studies	418	331	256	164	135	0.15
<b>Total Municipal-wide Services</b>	<b>8,330</b>	<b>6,589</b>	<b>5,093</b>	<b>3,265</b>	<b>2,685</b>	<b>3.14</b>

Schedule "B-3"  
 By-law No. 21-63  
 Schedule of Development Charges  
 (September 3, 2023 to September 2, 2026)

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
<b>Municipal-wide Services:</b>						
Services Related to a Highway	3,494	2,763	2,136	1,369	1,126	1.45
Fire Protection Services	3,434	2,716	2,099	1,346	1,106	1.44
Parks and Recreation Services	1,939	1,533	1,185	760	625	0.34
Library Services	48	38	29	19	15	0.01
Growth Studies	471	372	288	185	152	0.16
<b>Total Municipal-wide Services</b>	<b>9,386</b>	<b>7,422</b>	<b>5,737</b>	<b>3,679</b>	<b>3,024</b>	<b>3.40</b>

Schedule "C"  
By-law No. 21-63  
Map of Springfield Urban Area

