

REGION OF HALTON

DEVELOPMENT CHARGES BACKGROUND STUDY

For

Recovery of Early Payment for Estimated Future

Water, Wastewater and Roads Development

Charges (Recovery DC)



September 15, 2021

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1. Overview

This background study (study) has been prepared to replace By-law No. 37-17 “A by-law to establish the recovery of early payment for estimated future water, wastewater and roads development charges (“early payments”)” for residential developers, who participated in the 2008/2009 Allocation Program to recover their investment. Pursuant to Section 10 of the *Development Charges Act, 1997* (DCA), Council must complete a background study before passing a new development charges by-law.

In 2009, through Report No. CS-49-09/PW-20-09/LPS80-09 (re: Financial and Implementation Plan for the 2008/2009 Allocation Program) and Report No. CS-78-09/LPS112-09 (re: BILD Proposal re: the Financial and Implementation Plan for the 2008/2009 Allocation Program), Regional Council approved the 2008/2009 Allocation Program with an objective of ensuring that existing taxpayers are not impacted by the cost of the capital infrastructure required to service growth. The 2008/2009 Allocation Program, as approved by Council, required participating residential developers (participating developers) to make an early payment of estimated future development charges for water, wastewater and roads under the provisions of the *Development Charges Act, 1997* (DCA). The Allocation Program also required the implementation of a specific DC, in order to provide for the recovery for the participating developers of the early payment of the future development charges in subsequent allocation programs. This specific DC was to be put in place for a period of 10 years ending December 31st, 2021 to align with the Best Planning Estimates (BPE). The agreements also included a provision to extend the recovery date, at the discretion of the Treasurer, to allow the recovery to continue beyond the agreement ending date in the event that all participating developers in the program had not been fully reimbursed. Development in the recovery area has not proceeded as anticipated in the BPE’s and therefore it is not anticipated that the participating developers will be fully reimbursed by the end of 2021.

Accordingly, the scope of this study is to replace By-law No. 37-17 and continue the current Recovery DC related to the early payment of estimated future development

charges made by the participating developers. This by-law will be in force until the participating developer's entire early payment amount is recovered from the benefitting developers in the recovery DC area or the by-law expires.

The following sections in this study will discuss the cost to be recovered, areas to be affected, anticipated growth, DC calculations, repayment rules, and the Asset Management Plan and Long Range Capital and Operating Costs.

The proposed by-law in Appendix B also reflects definitional modifications, additions and deletions to ensure consistency between the DC By-laws. These changes update the basis for implementing the subject development charge, but have no impact overall on its calculation or quantum.

2. Statutory Process Requirements

To implement the proposed Recovery DC By-law (Appendix B), the following process is required pursuant to DCA:

Process	Date
1. Release of DC Background Study to the Public	September 15, 2021
2. Notice of Public Meeting	At least 20 days prior to Public Meeting
3. Public Meeting under DCA	October 13, 2021
4. Final DC Proposal to Council and Passing of the By-law by Council	November 24, 2021
5. Advertise Notice of passage of DC By-law(s)	Within 20 days of passage
6. Last day for DC By-law(s) Appeal	40 days after passage
7. By-law effective date	January 1, 2022

NOTE: Under the DCA:

- the DC Background Study must be available to the public at least 60 days before the By-law is passed and continue to be available until the by-law

expires (by posting on the municipal website).

- **The DC Background Study AND the By-law must be available to the public at least 2 weeks before the first Public Meeting.**

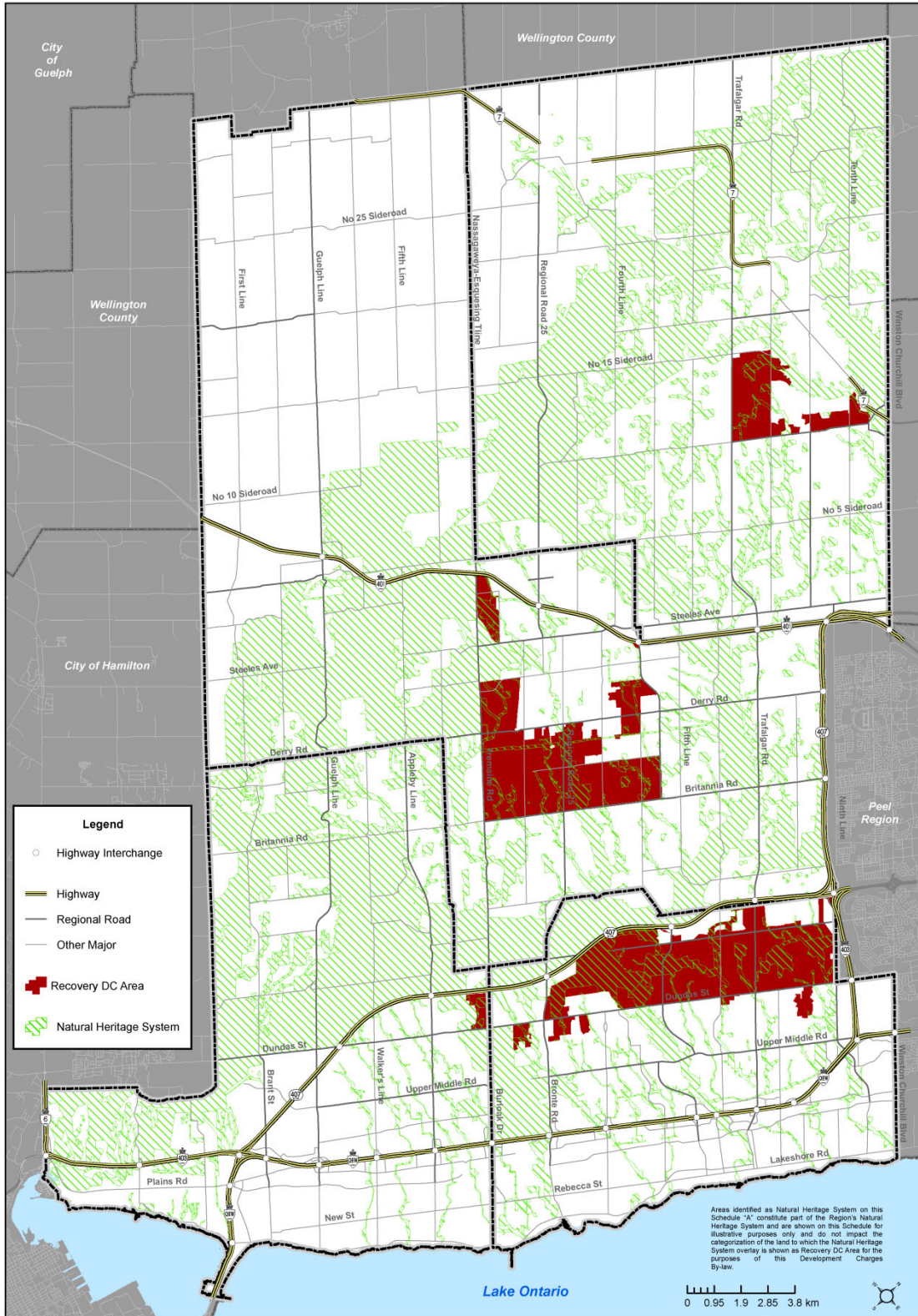
3. Cost to be Recovered

As set out in CS-49-09/PW-20-09\LPS80-09, due to financial challenges in providing infrastructure required to accommodate the 2008/2009 Allocation Program, the participating developers were required to provide additional funding in the form of an early payment of estimated future development charges, in addition to development charges applicable under the Regional DC by-law. In order to provide for the recovery for the participating developers, the Regional Council, by approval of CS-49-09/PW-20-09\LPS80-09 and CS-78-09/LPS112-09, required that the amount of the early payment would be included in a specific DC by-law applicable in subsequent allocation programs and that the recovery would expire at the end of 2021. The agreements also included a provision to extend the recovery date, at the discretion of the Treasurer, to allow the recovery to continue beyond the agreement ending date in the event that all participating developers in the program had not been fully reimbursed. Given that the slower than estimated take-up of the SDE's in the 2012 Allocation Program as a result of various planning reasons and the delay to the commencement of the 2020 Allocation Program (originally anticipated for 2016), the developers have not been fully reimbursed and therefore the end date is being extended.

The amount of the early payments total \$82.0 million, consisting of \$32.4 million for water and wastewater services and \$49.6 million for the roads service. This additional funding was secured under the 2008/2009 Allocation Program Agreements and used to help to finance the water/wastewater and roads infrastructure as set out in Appendix 'A' to this study. Accordingly, the \$82.0 million has been incorporated into the DC calculation to determine the Recovery DCs.

4. Recovery Areas and Period

The cost will be recovered from residential growth that are proceeding to subdivision/building permit using Allocation under the Region's 2012 and 2020 Allocation Programs. The areas that are subject to the Recovery DC by-law (i.e. Recovery by-law area) include lands within Oakville (north of Region Rd. #5 and south of Hwy 407 and part of lands south of Region Rd. 5), Milton (Phase 1-Bristol Survey, Phase 2 Sherwood Survey and Phase 3 Boyne Survey), Halton Hills (north of No 10 Sideroad, east of Trafalgar Road and south of No 15 Sideroad, Georgetown), and part of north Burlington (north of Region Rd. #5, east of Bronte Creek and west of Tremaine Rd) as illustrated in the following map:



Recovery DC Area By-law

GIS Services
December 2016
Produced by Planning Services Office of Sustainability, GIS Services, Halton Region ©
K:\GIS Services\Internal\Corporate Services\ Financial Planning & Budgeting\Recovery_DC_Bylaw _Jan2012\Mxd\Recovery\law.mxd

It should be noted that those residential units that may proceed to development in these areas, using servicing allocations received through the allocation programs implemented prior to 2012, will not be subject to the Recovery DCs as set out in the proposed by-law (Appendix 'B').

5. Anticipated Growth

The calculation of the Recovery DCs in this study, and in the past studies, is based on an estimate of residential units that were planned to be constructed in the applicable area by the end of 2021, based on planning projections approved by Council (Halton Region Best Planning Estimates (BPE), 2011 and the Region's Official Plan (2009)(ROPA39).

Accordingly, the growth projections are consistent with the previous Recovery DC Background Study. A net growth of 22,315 single detached equivalent (SDE) units have been incorporated in the DC calculation as the new residential units that will be subject to the Recovery DC By-law. As noted, this anticipated growth has not occurred for various reasons and as such, the anticipated net growth upon which the Recovery DC was calculated, has not yet materialized to allow for full recovery. Some of the anticipated growth will be occurring during the period beyond of the proposed By-law and will benefit from the infrastructure that was constructed and as such recovery is still required beyond the expiry of the current By-law (August 31, 2022).

6. DC Calculation and Rates

The development charge has been calculated, such that total anticipated growth in residential units (i.e. 22,315 SDEs) will provide total DC collections to fully recover the total cost (i.e. \$82.0 million) as follows:

Total Cost of Credit To Be Recovered	\$	82,095,429
Anticipated SDE Unit Growth (2012-2021)		22,315
\$DC Per SDE	\$	3,679

The result of the calculation above is then distributed by residential dwelling types based on person per unit (PPU) rates as follows:

<u>Residential Unit Type</u>	<u>PPU*</u>	<u>\$DC</u>
Single & Semi-Detached	3.56	\$ 3,679
Multiples		
3 or more Bedrooms	2.76	\$ 2,845
Less than 3 Bedrooms	2.09	\$ 2,157
Apartments		
2 or more Bedrooms	1.92	\$ 1,977
Less than 2 Bedrooms	1.46	\$ 1,502
<u>Special Care/Special Need</u>	<u>1.10</u>	<u>\$ 1,135</u>

* Person Per Unit (or forecasted occupancy rates) by unit category and number of bedrooms are based on statistics Canada custom tabulation provided by dwelling unit and dwelling age

7. Collection and Repayment of Recovery DC

As set out in the proposed by-law (Appendix 'B'), the Recovery DCs is calculated based on the number and type of dwelling units that were expected to proceed under allocation programs between 2012 and 2021. DCs will be payable at the time of subdivision agreement; at the building permit stage where subdivision agreement is not applicable; or in accordance with terms set out in an agreement entered into with the Region under the DCA.

When the Region collects Recovery DCs under the proposed by-law, the Region will pay out the DC collections to the participating developers on a semi-annual basis, based on their proportionate share of total early payment of the estimated future DCs made under the 2008/2009 Allocation Program Agreement. The proportionate share will reflect individual developer's early payment over the total amount of early payments made under the Allocation Program. In accordance with terms set out in the agreement (section 4.7.b), semi-annual payments of such refund will be returned in the following sequence:

- i) Mattamy (Escarpment) Limited, Mattamy (Milton West) Limited and Mattamy (Brownridge) Limited under agreements with the Region dated April 3, 2008 and June 27, 2008;
- ii) Owners having entered into agreements under Phase 1 of the 2008/2009 Allocation Program; and
- iii) Owners having entered into agreements under Phase 2 of the 2008/2009 Allocation Program.

The Region will place funds collected under the proposed by-law in a separate development charge reserve fund account, to be applied toward the reimbursement of such payments to the participating developers.

8. Recovery Development Charge Rules

Section 6 of the Act requires that a DC by-law must contain the rules developed under paragraph 9 of s.s.5(1). The rules are as set out in the proposed by-law in Appendix 'B', and are summarized as follows:

- Determination of DC – the Recovery DC is imposed if the development requires servicing allocation under the 2012 or 2020 Allocation Programs and requires approvals set out in section 9 of the by-law. The calculation of DCs is based on number and type of dwelling units that are subject to an Allocation Program between 2012-2021;

- Timing of calculation and payment – as set out in section 14 the proposed by-law, the Recovery DC is payable at the execution of the subdivision agreement; at the building permit issuance if the subdivision agreement is not applicable; or in accordance with terms set out in an agreement entered into with the Region under section 27 of the DCA.
- There are no exemptions, relief, credits, indexing or phasing-in of charges as set out in section 2 of the proposed by-law.

9. Asset Management Plan and Long Range Capital and Operating Cost

S.s.10(2)(c) of the DCA, 1997 requires that the Background Study must include an Asset Management Plan related to new infrastructure and an examination of the long-term capital and operating infrastructure, required for each service to which the by-law relates. The Asset Management Plan requirements shall be incorporated into the 2022 DC Background Study prepared in relation to the update of Regional DC By-law 36-17 which includes sustainability for the works undertaken in the 2008/2009 Allocation Program. Further, it is expected that there will be no implications to the Region's long-term capital or operating business plan arising from the proposed by-law (Appendix 'B').

Appendix 'A'

Infrastructure Related To Early Payment for Estimated Future Water, Wastewater and Roads Development Charges

Halton Region
2008/2009 Allocation Program
Water & Wastewater Capital Program & Financing - per Allocation Agreements (\$000's)

Type	ID	Description	Expenditure	Financing			
				Res DC	Regional Revolving	Early PMT of Future DC	Total
2008/2009 Allocation - Phase 1							
W	64	Burloak Pumping Station (Zone 2)	\$ 1,476	\$ 918	\$ 332	\$ 226	\$ 1,476
W	3786	1500mm WM on from Burloak WTP to Burloak Pumping Station (Zone 2) (OAK)	1,736	971	525	240	1,736
W	3787	750 mm WM crossing of QEW at Burloak Drive (500m length) (OAK)	394	245	89	60	394
W	3812	600mm WM on Dundas Street from Appleby Line to Tremaine Road (BUR)	909	452	345	111	909
W	3820	Install additional pump capacity at Zone 3 Kitchen Pumping Station at Upper Middle Road & Bronte Road (OAK)	2,025	1,259	455	311	2,025
W	3836	Install additional pump capacity at Zone 5 Kitchen Pumping Station at Upper Middle Road & Bronte (30 ML/d) (OAK)	2,882	1,880	573	429	2,882
W	4975	1500/600mm WM on Rebecca Street from Burloak WPP to Bronte Road (OAK)	5,230	2,797	1,743	690	5,230
W	4976	1350mm WM on Burloak Dr. and Upper Middle Road Easement from Burloak PS to Kitchen Reservoir (OAK)	1,419	803	418	198	1,419
W	4977	1200mm WM on Trafalgar Rd. from Burnhamthorpe Rd. to Britannia Rd. (MIL)	16,811	8,774	6,035	2,002	16,811
W	4978	1200mm WM on Britannia Rd from Trafalgar Rd. to Fourth Line (MIL)	12,973	6,686	4,761	1,526	12,973
W	4979	750mm WM on Fourth Line from Britannia Rd to Zone 5 Booster PS	4,125	2,691	820	614	4,125
W	4980	Zone 5 Booster Pumping Station at Fourth Line (30 ML/d) (MIL)	6,840	4,463	1,359	1,018	6,840
W	5319	600mm WM on Appleby Line from existing 600mm WM on Appleby Line from Harrison Court to Dundas Street (BUR)	641	399	144	98	641
W	5322	600mm WM on Dundas St from new Zone 4 Pumping Station to Oak Park Blvd	4,647	2,395	1,705	546	4,647
W	5534	600mm WM on Appleby Line from Proposed Street A to Appleby Line Reservoir (BUR) (A-W14)	591	368	133	91	591
W	5634	600 mm WM on new North Oakville Road from Dundas to Burnhamthorpe Rd west of 6th Ln	3,421	1,786	1,228	407	3,421
W	5851	1200mm WM on Dundas Street from Tremaine Road to Bronte Road (OAK)	679	342	253	84	679
W	5866	400mm WM on Tremaine Road from Derry Road to Main Street (MIL)	3,248	2,119	645	483	3,248
W	5872	400mm WM on Main Street from Tremaine Road to Scott Boulevard (MIL)	1,876	1,224	373	279	1,876
W	5934	750mm WM on Burloak Drive from Burloak Zone 2 PS to Upper Middle Road (OAK)	698	434	157	107	698
W	5961	600mm WM on Dundas St from Oak Park Blvd to Trafalgar Rd	1,038	535	381	122	1,038
W	6113	Additional Zone 3 Pump at Washburn	770	479	173	118	770
W	3837/3	Zone 5 Lake Based Reservoir (20ML) and Feedermain	10,901	7,112	2,166	1,623	10,901
S	3794	2400 mm WWM from Regional Rd 25 at Lower Base Line across existing private land, under Highway 407 through North Oakville HUSP area on new road alignment to Dundas Street at Third Line (MIL)	4,258	2,356	1,320	581	4,258
S	3799	600 mm WWM from Burnhamthorpe Rd. West on new North Oakville HUSP road to Neyagawa Blvd to new PS (IPFS #3798) (OAK)	842	523	189	129	842
S	3800	750mm WWM on Dundas Street from Eighth Line to Oak Park Blvd. (OAK)	1,300	808	292	199	1,300
S	3867	2100 mm WWM on Regional Rd. 25 from Boyne PS to Lower Base Line (MIL)	1,070	592	332	146	1,070
Sub-total			\$ 92,799	\$ 53,414	\$ 26,944	\$ 12,440	\$ 92,799
2008/2009 Allocation - Phase 2							
W	3812	600mm WM on Dundas Street from Appleby Line to Tremaine Road (BUR)	\$ 8,178	\$ 4,069	\$ 3,106	\$ 1,003	\$ 8,178
W	3817	100 ML/d Zone 4 Booster Pumping Station (MIL)	14,718	9,602	2,925	2,191	14,718
W	3818	1200mm WM on Burnhamthorpe Rd from Neyagawa Blvd to Trafalgar Rd	3,809	2,485	757	567	3,809
W	3824	Burloak WPP Phase 2 Expansion to 110 ML/d (OAK)	1,200	537	530	132	1,200
W	4976	1350mm WM on Burloak Dr. and Upper Middle Road Easement from Burloak PS to Kitchen Reservoir (OAK)	3,412	1,931	1,005	476	3,412
W	5320	1200mm WM on Dundas Street from approximately 400m east of Bronte Road to Proudfoot Trail (OAK)	6,593	4,101	1,481	1,011	6,593
W	5321	1200mm WM on Dundas Street from Proudfoot Trail to Neyagawa Boulevard (under 16 Mile Creek) (OAK)	1,505	936	338	231	1,505
W	5322	600mm WM on Dundas St from new Zone 4 Pumping Station to Oak Park Blvd	7,517	3,875	2,759	884	7,517
W	5525	600mm WM on new Tremaine Road alignment from Main Street to Existing Zone 5 WM North of Highway 401 (MIL)	2,500	1,631	497	372	2,500
W	5526	750mm WM on Louis St. Laurent Avenue from IPFS #5927 approximately 2550 m west to IPFS #5865 WM on new Sherwood Survey road (MIL)	4,515	2,946	897	672	4,515
W	5850	750mm WM on Upper Middle Road from Burloak Drive to Appleby Line (OAK)	-	-	-	-	-
W	5851	1200mm WM on Dundas Street from Tremaine Road to Bronte Road (OAK)	6,115	3,081	2,275	760	6,115
W	5852	1200mm WM on Neyagawa Blvd. from Dundas Street to new Zone 4 PS (ID #3817) (OAK)	8,011	4,983	1,800	1,228	8,011
W	5855	750mm WM on Dundas Street from Sixth Line to WM at Dundas Street and Neyagawa Blvd. (IPFS #5321) (Zone 3 Main) (OAK)	300	187	67	46	300
W	5856	1200 mm WM on (Zone 4 main) on Neyagawa from Zone 4 Booster PS to Burnhamthorpe Rd	4,198	2,739	834	625	4,198
W	5857	750mm WM on Dundas Street from new North Oakville road to Ninth Line (OAK)	500	326	99	74	500
W	5859	750mm WM on Dundas Street from Trafalgar Road to new North Oakville road (OAK)	500	326	99	74	500
W	5865	400mm WM on Tremaine Road. from Louis St. Laurent Ave. to Derry Road (MIL)	1,904	1,242	378	283	1,904
W	5926	1200 mm WM from Zone 3 Kitchen PS to Bronte Road, north on Bronte Road to connect with existing 1200 mm WM at Bronte Road and West Oak Trail (OAK)	2,794	1,738	628	428	2,794
W	5927	750mm WM on Louis St. Laurent Avenue from Fourth Line, approximately 2,350 m west to new Milton South road (MIL)	4,416	2,881	878	657	4,416
W	5947	600 mm WM on Louis St. Laurent from Scott Blvd. to Tremaine Road	1,311	855	261	195	1,311
W	5533	400mm WM on Derry Road from Scott Boulevard to Tremaine Road (MIL)	720	470	143	107	720
S	3797	750 mm Forcemain from Neyagawa Blvd. hung from the bridge (over 16 Mile Creek) to just west of the bridge (old Fourth Line) (OAK)	306	190	69	47	306
S	3798	New wastewater pumping station on North Park Property (OAK)	9,788	6,087	2,200	1,501	9,788
S	3808	Mid Halton WWTP expansion to 125,000 m3/d (OAK)	13,576	6,411	5,449	1,716	13,576
S	4996	2x400 mm WW Forcemain on Dundas Street from new PS (IPFS #4995) to Eighth Line (OAK)	2,891	1,797	650	443	2,891
S	4997	900mm WWM on Dundas Street from just west of bridge (old Fourth Line) to Proudfoot Trail (OAK)	224	139	50	34	224
S	5497	900mm WWM on Dundas Street from Proudfoot Trail to Third Line (OAK)	696	433	156	107	696
S	5734	Mid Halton North Pumping Station Expansion (OAK)	507	315	114	78	507
S	5891	900 mm WWM on Dundas Street from Oak Park Blvd to Harman Gate (OAK)	8,000	4,975	1,798	1,227	8,000
S	5892	900 mm WWM on Dundas Street from Harman Gate to new PS (IPFS #3798) (OAK)	9,718	6,043	2,185	1,490	9,718
S	5893	2nd 750mm Forcemain from Neyagawa Blvd. hung from the Bridge (over 16 Mile Creek) to just west of the bridge (old Fourth Line) (OAK)	5,252	3,266	1,181	805	5,252
S	5901	750 mm WW Forcemain from EG PS east to Burloak Drive north to New Street, west to Appleby Line, north to existing trunk (OAK)	-	-	-	-	-
S	5923	2x750mm Forcemain east of the bridge from Neyagawa Blvd. to PS on North Park Property (IPFS #3798) (OAK)	3,414	2,123	767	524	3,414
Sub-total			\$ 139,088	\$ 82,720	\$ 36,376	\$ 19,992	\$ 139,088
Total			\$ 231,886	\$ 136,134	\$ 63,321	\$ 32,432	\$ 231,886

Halton Region

2017 DC Study to Recover Early Payment of Future DCs

Roads Capital Program & Financing - per Agreements (\$000s)

ID	Description	Expenditure	Financing			Total
			Res DC	Tax Capital General	Early PMT of Future DC	
3985	Britannia Rd - Widening - 2 to 4-Lanes from Tremaine Rd to Regional Rd 25 (MIL) (Regional Rd 6)	\$ 19,282	\$ 2,826	\$ 6,132	\$ 10,323	\$ 19,280
3990	Tremaine Rd - Widening - 2 to 4-Lanes and realignment from Main Street to Steeles Ave (MIL) (Regional Rd 22)	15,743	2,074	6,101	7,577	15,751
5136	Tremaine Road - new 4-lane roadway from Tremaine Road (IC)s to Tremaine Road (IC)n (MIL) (Regional Road 22)	26,919	3,985	8,368	14,557	26,910
3942	Dundas St. - Widening - 4 to 6 lanes from Bronte Rd to Proudfoot Trail (OAK) (Reg. Rd. 5)	20,892	2,690	8,362	9,829	20,882
5278	Neyagawa Blvd. - Widening - 2 to 4 lanes from Dundas Street to Burnhamthorpe Road (OAK) (Regional Road 4)	15,681	2,019	6,296	7,377	15,693
Total		\$ 98,517	\$ 13,594	\$ 35,259	\$ 49,664	\$ 98,517

Appendix 'B'
Draft Proposed By-law

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. ▲-21

A BY-LAW TO ESTABLISH RESIDENTIAL DEVELOPMENT CHARGES IN RESPECT OF THE RECOVERY OF THE EARLY PAYMENT OF ESTIMATED FUTURE WATER, WASTEWATER AND ROADS DEVELOPMENT CHARGES FOR THE REGIONAL MUNICIPALITY OF HALTON (RECOVERY DC AREA AND TO REPEAL BY-LAW NO. 37-17

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 **Council** has before it the **Study**;

AND WHEREAS the **Study** and the proposed development charges by-law were made available to the public, **Council** gave notice to the public and held a meeting open to the public, through its Regional Statutory Public Meeting & Hearing Committee, pursuant to section 12 of the **Act** on ▲, 2021, and **Council**, through its Regional Statutory Public Meeting & Hearing Committee, considered the **Study**, received written submissions and heard comments and representations concerning the **Study** from all persons who applied to be heard;

AND WHEREAS at a meeting open to the public held on ▲, 2021, **Council** approved Report No. FN-▲-▲ and adopted the recommendations in the Report thereby determining that no further public meetings were required under section 12 of the **Act**.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

Definitions

1. THAT in this By-law:
 - (a) “**2008/2009 Allocation Program**” means the allocation program pursuant to the 2008/2009 Financial and Implementation Plan contained in Regional Report No. CS-49-09/PW-20-09/LPS80-09 as modified by Regional Report No. CS-78-09/LPS112-09;
 - (b) “**accessory dwelling**” means a dwelling unit that is naturally or normally incidental to or subordinate in purpose and is exclusively devoted to a single detached dwelling or a semi-detached dwelling;

- (c) “**Act**” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended or successor legislation;
- (d) “**apartment dwelling**” means a building containing more than one dwelling unit where the units are connected by an interior corridor. Despite the foregoing, an apartment dwelling includes those stacked townhouse dwellings and/or back-to-back townhouse dwellings that are developed on a block approved for development at a minimum density of sixty (60) units per net hectare pursuant to plans and drawings approved under section 41 of the *Planning Act*;
- (e) “**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;
- (f) “**bedroom**” means a habitable room of at least seven square metres (7 m²), including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen or other space;
- (g) “**building**” means a permanent enclosed structure occupying an area greater than ten square metres (10 m²);
- (h) “**charitable dwelling**” means a part of a residential building or a part of the residential portion of a mixed-use building maintained and operated by a corporation approved under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c. 8, as amended or successor legislation as a home or joint home, or institution or nursing home for persons requiring residential, specialized or group care and includes a children’s residence under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, as amended or successor legislation, and a home for special care under the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended or successor legislation;
- (i) “**correctional group home**” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a twenty-four (24) hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Ministry of Correctional Services as a detention or correctional facility under any general or special act as amended or successor legislation. A correctional group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located;
- (j) “**Council**” means the Council of the Region;

- (k) “**development**” means the construction, erection or placing of one or more buildings on land or the making of an addition or alteration to a building that has the effect of increasing the size or usability and/or changing the use thereof and development shall include redevelopment;
- (l) “**dwelling unit**” means either (i) a room or suite of rooms used, designed or intended for residential use by one or more persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, or (ii) in the case of a special care/special need dwelling, either (1) a room or suite of rooms used, designed or intended for use by one person with or without exclusive sanitary and/or culinary facilities, or (2) a room or suite of rooms used, designed or intended for use by more than one person with no more than two persons sharing a bedroom and with sanitary facilities directly connected and accessible to each room, or (3) every seven square metres (7 m²) of area within a room or suite of rooms used, designed or intended for use by more than one person as a bedroom;
- (m) “**Early Payment**” means the early payment of estimated future water, wastewater and roads development charges under the Phase 1 and Phase 2 Agreements;
- (n) “**Future Allocation Programs**” means water and wastewater allocation programs and roads programs pursuant to financial and implementation plans approved or amended by Council from time to time;
- (o) “**grade**” means the average level of proposed finished ground adjoining a building at all exterior walls;
- (p) “**group home**” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a twenty-four (24) hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act as amended or successor legislation;
- (q) “**high density apartment**” means an apartment dwelling of a minimum of four (4) storeys or containing more than one hundred thirty (130) dwelling units per net hectare pursuant to plans and drawings approved under Section 41 of the *Planning Act*;
- (r) “**local municipality**” means The Corporation of the City of Burlington, the Town of Oakville, the Town of Milton or the Town of Halton Hills;

- (s) “**lot**” means a lot, block or parcel of land capable of being legally and separately conveyed;
- (t) “**mixed-use**” means the use, design or intended use of the same land or building for a combination of non-residential development and residential development;
- (u) “**multiple dwelling**” means a building containing more than one dwelling unit or one or more dwelling units above the first storey of a building containing a non-residential use but a multiple dwelling does not include an accessory dwelling, a single detached dwelling, a semi-detached dwelling, an apartment dwelling, or a special care/special need dwelling;
- (v) “**Natural Heritage System**” means that part of the Region shown as Natural Heritage System on Schedule “A” to this By-law and areas identified as Natural Heritage System on Schedule “A” to this By-law reflect the Region’s Natural Heritage System. The Natural Heritage System is shown on Schedule “A” to this By-law for illustrative purposes only and does not impact the categorization of the land to which the Natural Heritage System overlay is shown as Recovery DC Area (2012-2021) for the purposes of this By-law;
- (w) “**net hectare**” means the total land area of a lot after conveyance or dedication of public road allowances, park and school sites and other lands for public use;
- (x) “**non-residential development**” means land, buildings or portions thereof used, designed or intended for a non-residential use;
- (y) “**non-residential use**” means the use of land, buildings or portions thereof for any purpose other than for a residential use;
- (z) “**nursing home**” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario;
- (aa) “**owner**” means the owner of land or a person who has made application for an approval for the development of land;
- (bb) “**Phase 1 Agreements**” means agreements, as amended, between the Region and a number of residential developers made pursuant to Report No. CS-49-09/PW-20-09/LPS80-09 as modified by Report No. CS-78-09/LPS112-09 in respect of Phase 1 of the Region’s 2008/2009 Allocation Program under which the developers, among other things, made Early Payments in return for a flow through of development charges towards the reimbursement of such Early Payments;

- (cc) **“Phase 2 Agreements”** means agreements, as amended, between the Region and a number of residential developers made pursuant to Report No. CS-49-09/PW-20-09/LPS80-09 as modified by Report No. CS-78-09/LPS112-09 in respect of Phase 2 of the Region’s 2008/2009 Allocation Program in which the developers made, among other things, Early Payments in return for a flow through of development charges towards the reimbursement of such Early Payments;
- (dd) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or successor legislation;
- (ee) **“Recovery Charge”** means the amount of the development charge under this By-law toward the reimbursement of the Early Payments;
- (ff) **“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 previously been demolished, or changing the use of all or part of a building from a non-residential use to a residential use, or changing all or part of a building from one type of residential use to another type of residential use;
- (gg) **“Region”** refers to the geographic area of the Regional Municipality of Halton or the corporation of The Regional Municipality of Halton, as the context requires;
- (hh) **“residential development”** means land, buildings or portions thereof used, designed or intended for residential use and includes but not limited to a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, a garden suite, a special care/special need dwelling, an accessory dwelling and the residential portion of a mixed-use building;
- (ii) **“residential use”** means the use of land, buildings or portions thereof as living accommodation for one or more persons;
- (jj) **“retirement home or lodge”** means a residential building or the residential 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 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;
- (kk) **“semi-detached dwelling”** means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (ll) **“single detached dwelling”** means a completely detached building containing only one (1) dwelling unit;

- (mm) “**special care/special need dwelling**” means a residential building or portion thereof:
- (i) containing two or more dwelling units which units have a common entrance from street level;
 - (ii) where the occupants have the right to use in common with other occupants halls, stairs, yards, common rooms and accessory buildings;
 - (iii) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and
 - (iv) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

and includes, but is not limited to, retirement homes or lodges, charitable dwellings, nursing homes, group homes (including correctional group homes) and hospices;

- (nn) “**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;
- (oo) “**storey**” means that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above it with the first storey being that with the floor closest to grade and having its ceiling more than six feet (6 ft.) (one and eighty three hundredths metres 1.83 m.) above grade; and
- (pp) “**Study**” means the report entitled “▲” dated ▲, and any amendments thereafter or addenda thereto.

Rules

2. THAT 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 4 of this By-law;
 - (b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if development charges are payable under this By-law in any particular case and for determining the amount of the charges shall be as set forth in sections 8 through 15, inclusive, of this By-law;

- (c) there are no exemptions, relief, credits and adjustments in this By-law;
- (d) there is no indexing of charges; and
- (e) there shall be no phasing-in.

Schedules

3. THAT the following Schedules to this By-law form an integral part of this By-law:

Schedule "A"	Map of the Recovery DC Area and
Schedule "B"	Residential Recovery Development Charge.

Lands Affected

4. THAT this By-law applies to the lands in the geographic area of the Region identified as Recovery DC Area on Schedule "A" where such lands require a servicing allocation under a Future Allocation Program.
5. THAT the boundaries on Schedule "A" to this By-law are fixed when they are formed by a combination of such well-defined features such as roads, railways, electrical transmission lines, municipal and property boundaries, original township lot or concession lines, streams and topographic features.
6. THAT where:
- (a) the boundaries on Schedule "A" to this By-law are not fixed in accordance with the Section 5 of this By-law, the boundary shall be determined by the Region's Director of Planning Services and Chief Planning Officer; and
 - (b) a parcel of land is within two or more areas shown on Schedule "A" to this By-law, the development charges applicable to the area in which each part of the parcel is located shall be applied.

Other Development Charges

7. THAT the development of land in the Region may be subject to one or more development charges by-laws of the Region and the development charges under this By-law are in addition to any other development charges that may be applicable to such development.

Recovery of Early Payments

8. THAT development charges under this By-law shall be imposed for recoveries toward the reimbursement of Early Payments.

Approvals for Development

9. THAT development charges under this By-law shall be imposed against all lands or buildings within the area to which this By-law applies if the development of such lands or buildings requires any of the following:
 - (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, 1998*, S.O. 1998, c. 19, as amended or successor legislation; or
 - (g) the issuance of a permit under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or successor legislation, in relation to a building.
10. THAT notwithstanding section 9 of this By-law, if
 - (a) two or more of the actions described in section 9 of this By-law occur at different times, or
 - (b) a second or subsequent building permit is issuedresulting in increased, additional or different development under this By-law, additional development charges shall be imposed and shall be paid in respect of such increased, additional or different development permitted by such action or permit.
11. THAT where a development requires an approval described in section 9 of this By-law after the issuance of a building permit and no development charges have been paid, then development charges under this By-law shall be paid prior to the granting of the approval required under section 9 of this By-law.

Calculation of Development Charges under this By-law

12. THAT in the case of residential development, including a dwelling unit accessory to a non-residential development, or the residential portion of a mixed-use development the residential development charges under this By-law with respect to the development of any land or buildings shall be calculated based upon the number and type of dwelling units where such units require a servicing allocation under a Future Allocation Program.

Amount of Charge

13. THAT, subject to section 7 of this By-law, development charges shall be imposed on all residential development, including a dwelling unit accessory to a non-residential development and the residential component of a mixed-use building, according to the number and type of dwelling units on lands within that part of the Region depicted on Schedule "A" to this By-law as Recovery DC Area where such lands require a servicing allocation under a Future Allocation Program and the development charges payable shall be the charges shown on Schedule "B" to this By-law.

Timing of Calculation and Payment

14. (1) THAT the development charges under this By-law shall be calculated at the time in accordance with the provisions of Section 26.2 of the Development Charges Act, as may be applicable.
- (2) THAT subject to subsection (3), the development charges under this By-law shall be payable upon a building permit being issued for the proposed development in accordance with Subsection 26 of the Development Charges Act, or if said development is of the type identified in Subsection 26.1 of the Development Charges Act in annual instalments in accordance with Subsection 26.1 of the Development Charges Act.
- (3) THAT with respect to an approval of a plan of subdivision under section 51 of the *Planning Act* or a consent under section 53 of the *Planning Act*, development charges shall be payable at the time of execution of the subdivision agreement or an agreement entered into as a condition of a consent.
- (4) THAT development charges payable under this By-law shall be calculated in the case of residential development, including a dwelling unit accessory to a non-residential development, or the residential portion of a mixed-use development, based upon the proposed number and type of dwelling units.
- (5) THAT, if at the time of issuance of a building permit or permits for any residential development for which payments have been made pursuant to subsection (1), the total number and/or type of dwelling units for which building permits have been and are being issued is greater than that used

for the calculation and payment referred to in subsection (1), an additional payment shall be required and shall be calculated by multiplying the applicable development charges shown in Schedule "B" to this By-law, as may be appropriate, by the difference between the number and type of dwelling units for which building permits have been and are being issued and the number and type of dwelling units for which payments have been made pursuant to subsection (1) and this subsection.

- (6) THAT subject to subsection (8), if following the issuance of all building permits for all development in a subdivision and for all development in a block within that subdivision that had been intended for future development and for which payments have been made pursuant to subsections (2) or (3), the total number and/or type of dwelling units for which building permits have been issued is less than that used for the calculation and payment referred to in subsection (1), a refund shall become payable by the Region to the person who originally made the payment referred to in subsections (2) or (3), which refund shall be calculated by multiplying the amounts of the development charges in effect at the time such payments were made by the difference between the number and type of dwelling units for which payments were made and the number and type of dwelling units for which building permits were issued.
- (7) THAT subsections (5) and (6) shall apply with necessary modifications to a development for which development charges have been paid pursuant to a condition of consent or pursuant to an agreement respecting same.
- (8) THAT any refunds payable by the Region pursuant to section 14(6) shall be calculated and paid without interest.
- (9) THAT despite subsection (2), in the case of a high-density apartment that is not of the type development identifies in subsection 26.1 of the Development Charges Act, the development charges under this By-law shall be payable on the date a building permit is issued in relation to the high density apartment on lands to which the development charges under this By-law apply.
- (10) THAT notwithstanding subsections (1) to (9), inclusive, the Region may require and, where so required, an owner shall enter into an agreement, including the provision of security for the owner's obligations under the agreement, pursuant to section 27 of the Act. The terms of such agreement shall then prevail over the provisions of this section dealing with the timing of payments but may not amend or alter any other provisions or sections of this By-law.

Payment by Money

15. THAT payment of development charges under this By-law shall be by certified cheque or bank draft.

Interest

16. THAT the Region shall pay interest on a refund under subsections 18(3) and 25(2) and section 36 of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

Registrations

17. THAT a certified copy of this By-law and a copy or notice of any agreement authorized by this By-law may be registered in the Land Registry Office (No. 20) as against title to any land to which this By-law or any such agreement applies in accordance with the provisions of this by-law or Sections 42 and 56 of the Act or any predecessor thereto.

Date By-law Effective

18. THAT this By-law comes into force and effect on January 1, 2022 ▲.

Repeals

19. THAT By-law No. 37-17 (being a by-law to establish residential development charges in respect of the recovery of the early payment of estimated future water, wastewater and roads development charges for the Regional Municipality Halton Recovery Area 2012-2021), as amended is hereby repealed on the date this By-law comes into force and effect.

Headings for Reference Only

20. THAT the headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

Severability

21. THAT if, for any reason, any provision, section, subsection, paragraph or clause 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

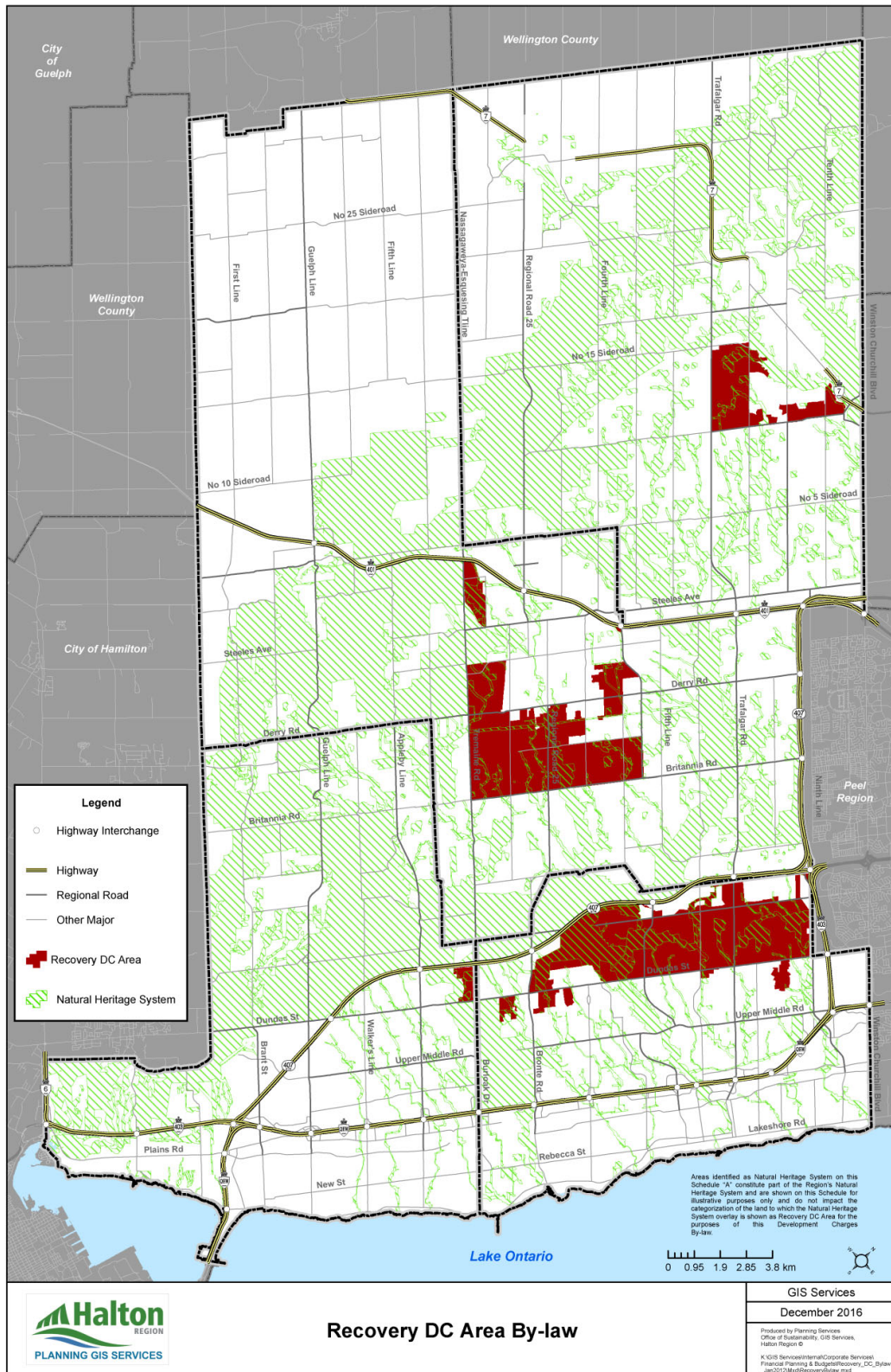
22. THAT the short title of this By-law is the "Halton Recovery DC By-law 2021".

READ and PASSED this ▲ day of ▲, 2021.

REGIONAL CHAIR

REGIONAL CLERK

SCHEDULE "A" TO BY-LAW NO. ▲-21



SCHEDULE “B”
TO BY-LAW NO. ▲-21
RESIDENTIAL RECOVERY DEVELOPMENT CHARGE

PER DWELLING UNIT	\$DC
Single & Semi-Detached Dwelling	\$ 3,679
Multiple Dwelling	
Multiple Dwelling (3 or More Bedrooms)	\$ 2,845
Multiple Dwelling (Less Than 3 Bedrooms)	\$ 2,157
Apartment Dwelling	
Apartment Dwelling (2 or More Bedrooms)	\$ 1,977
Apartment Dwelling (Less Than 2 Bedrooms)	\$ 1,502
Special Care/Special Need and Accessory Dwelling	\$ 1,135