

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 102

BY-LAW NO. DC-0004-2001-097

A by-law for the imposition of development charges for the GO Transit Service

WHEREAS the *Development Charges Act* (the “Act”) provides that the council of a municipality may by-law impose development charges against land to pay for growth-related capital costs required because of increased needs for services;

AND WHEREAS a development charge background study for the Regional Municipality of York dated September 21, 2001 (the “York Study”) and a joint background study for the Region of Durham, Region of Halton, City of Hamilton, Region of Peel, City of Toronto and Region of York, dated June 8, 2001 (the “Overall Study”) which together are the background study (collectively the “Background Study”) required by Section 10 of the Act were received by Regional Council along with a draft of this by-law as then proposed on October 11, 2001;

AND WHEREAS the Council of The Regional Municipality of York has given notice and held a public meeting on the 11th day of October, 2001 in accordance with the Act.

AND WHEREAS Regional Council on October 25, 2001, amended the 2001 Capital Budget and 2002 to 2010 Capital Forecast to include the Region’s share of the GO Transit 2001-2010 development-related capital forecast as approved by the Greater Toronto Services Board all as shown on Tables 4-3 and 4-4 and Appendix “D” of the Overall Study and Tables 2-2 and 2-3 of the York Study;

AND WHEREAS Regional Council at a meeting held on October 25, 2001 expressed its intention that development-related post 2010 capacity identified in the Background Study shall be paid for by development charges or other similar charges;

AND WHEREAS Regional Council resolved on October 25, 2001 that no further public meetings are required pursuant to Section 12 of the Act, and that the Background Study, including the anticipated development assumptions, anticipated capital grants, subsidies and other contributions, the financing plan and the calculation of the development charge be approved and that this by-law be brought forward for enactment.

Now therefore, the Council of The Regional Municipality of York HEREBY ENACTS as follows:

1.0 **DEFINITIONS**

1.1 In this by-law,

“accessory use” means that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;

“apartment” means a dwelling unit in an apartment building;

“apartment building” means a residential building or the residential portion of a mixed use building, other than a triplex, semi-detached duplex, semi-detached triplex, townhouse or stacked townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;

“area municipality” means a city, town or township in the Region;

“bedroom” means any room used, or designed or intended for use, as sleeping quarters and includes a den, study or other similar area;

“development” includes redevelopment;

“development charges” means charges imposed pursuant to this by-law adjusted in accordance with section 5;

“duplex” means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;

“dwelling unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“GO Transit Service” includes stations, sites, parking lots, rolling stock, storage yards, layover facilities, maintenance facilities, tunnels, grade separations, crossings, track, corridor rail expansions, bus terminals, control centres, capital works studies, background studies and financing costs;

“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 any general or special act, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;

“heritage property” means a building or structure which, in the opinion of the local architectural conservation advisory committee is of historic or architectural value or interest, or which has been so designated under the *Ontario Heritage Act*;

“local board” means a local board as defined in the Act;

“multiple unit dwellings” includes plexes, townhouses, stacked townhouses, mobile homes, group homes and all other residential uses that are not included in the definition of “apartment building”, “apartment”, “single detached dwelling” or “semi-detached dwelling”;

“mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;

“mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;

“non-profit” means a corporation without share capital that has objects of a charitable nature;

“plex” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;

“Region” means The Regional Municipality of York;

“Regional Council” means the Council of The Regional Municipality of York;

“residential use” means lands, buildings or structures used, or designed or intended for use as a residence for one or more individuals, and shall include, but is not limited to, a single detached dwelling, a semi-detached dwelling, a townhouse, a stacked townhouse, a plex, an apartment building, a group home, a mobile home and a residential dwelling unit accessory to a non-residential use but shall not include a lodging house licensed by a municipality;

“semi-detached duplex” means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;

“semi-detached dwelling” means a building divided vertically into and comprising 2 dwelling units;

“semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;

“services” means the service designated in section 2.1 of this by-law, which is in addition to the development charges imposed under By-law No. DC-3-98-77 and any other development charges by-laws that are applicable;

“single detached dwelling” and “single detached” means a residential building consisting of one dwelling unit and not attached to another structure;

“stacked townhouse” means a building, other than a plex, townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally and each dwelling unit having an entrance to grade shared with no more than 3 other units;

“townhouse” means a building, other than a plex, stacked townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit separated

vertically from the other by a party wall and each dwelling unit having a separate entrance to grade;

“triplex” means a building comprising 3 dwelling units, each of which has a separate entrance to grade.

2.0 DESIGNATION OF SERVICES

2.1 The category of service for which development charges are imposed under this by-law is the GO Transit Service.

2.2 The components of the service designated in subsection 2.1 are described on Schedule A.

3.0 APPLICATION OF BY-LAW - RULES

3.1 Development charges shall be payable in the amounts set out in subsection 3.6 of this by-law where:

- (a) the lands are located in the area described in subsection 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 subsection 3.3, this by-law applies to all lands in the geographic area of the Region with respect to the GO Transit Service provided within and outside of the Region.

3.3 This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the Region or a local board thereof;
- (b) a board as defined in section 1(1) of the *Education Act*;
- (c) an area municipality or a local board thereof.

Approvals for Development

- 3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for 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*; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992* 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) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- (d) Despite subsections (b) and (c), the development charge imposed under this by-law is in addition to any charge imposed under the Region's Development Charges By-law DC-3-98-77 as amended, and any further amendment or any successor thereto or any other development charge by-law of the Region.

Exemptions

- 3.5.1 Notwithstanding the provisions of this by-law, but subject to subsection 3.5.2, development charges shall not be imposed with respect to:
- (a) the relocation of a heritage house;
 - (b) a building or structure used for a community use owned by a non-profit corporation;
 - (c) the issuance of a building permit not resulting in the creation of an additional residential unit.
- 3.5.2 The provisions of subsection 3.5.1 shall only apply to exempt a development described in paragraph (a) or (b) thereof from the payment of development charges if the area municipality in which the development is to be located does not collect development charges with respect to that type of development.

Amount of Charge

Residential

- 3.6 The development charges described in Schedule B 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 uses in the mixed use building or structure, according to the type of residential unit, and calculated as a development charge with respect to the service according to the type of residential use.

Reduction of Development Charges Where Redevelopment

3.7 Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months 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, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (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 3.6 of this by-law by the number, according to type, of dwelling units that have 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.

Time of Payment of Development Charges

3.8 Subject to subsection 3.10, development charges imposed under this section are payable on the date on which a building permit is issued with respect to each dwelling unit, building or structure.

3.9 Despite subsections 3.8, Regional 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.

3.10 No charge which would become payable under subsection 6.1 on the date that a permit is issued under the *Building Code Act, 1992* is imposed under this by-law provided that both a complete building permit application has been made on or before November 8, 2001 and a permit pursuant to that application is issued on or before January 7, 2002.

4.0 PAYMENT BY SERVICES

4.1 Despite the payments required under subsection 3.8, Regional Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this by-law.

5.0 INDEXING

5.1 Development charges imposed pursuant to this by-law may be adjusted annually, without amendment to this by-law, commencing on the first anniversary date of this by-law and each anniversary date thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics, to a maximum indexing of 3% per annum.

6.0 SCHEDULES

6.1 The following schedules to this by-law form an integral part thereof:

Schedule A - Components of Service Designated in subsection 2.1

Schedule B - Residential Development Charges by Service

7.0 DATE BY-LAW IN FORCE

7.1 This by-law shall come into force on the 8th day of November, 2001.

8.0 DATE BY-LAW EXPIRES

8.1 This by-law will expire on the 31st day of December, 2003, unless it is repealed at an earlier date.

9.0 SHORT TITLE

9.1 This by-law may be referred to as the Region of York GO Transit Services Development Charges By-law, 2001.

ENACTED AND PASSED this 8th day of November, A.D. 2001.

Denis Kelly
Regional Clerk

Bill Fisch
Regional Chair

SCHEDULE "A"

COMPONENTS OF DESIGNATED SERVICES

Services	Service Components
GO Transit	<ul style="list-style-type: none"> • facilities and infrastructure • capital works studies • financing costs • rolling stock

SCHEDULE "B"

RESIDENTIAL DEVELOPMENT CHARGES BY SERVICE

Service	Residential Development Charge (per type of residential unit)			
	Single and Semi-Detached	Multiple Unit Dwelling	Apartments	
			2 or more Bedroom	Less than 2 Bedroom
GO Transit	\$267	\$210	\$154	\$98