

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 46-2015

A by-law to impose development charges against lands to pay for increased capital costs required because of increased needs for services arising from development within the Regional Municipality of Peel.

WHEREAS Section 2 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the "Act") authorizes the Council of the Regional Corporation to enact a By-law to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development;

AND WHEREAS Regional Council passed resolution 2014-593 to direct that a development charge background study be completed;

AND WHEREAS a development charge background study dated May 13, 2015 was presented to Regional Council on May 28, 2015 and was completed within a one-year period prior to the enactment of this By-law;

AND WHEREAS the background study and draft proposed By-law were made available to the public at least 2 weeks prior to the public meeting required pursuant to Section 12 of the Act;

AND WHEREAS notice of the public meeting was provided in accordance with the requirements of Section 12 of the Act and in accordance with the Regulations under the Act, and such public meeting was held on May 28, 2015;

AND WHEREAS any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed By-law;

AND WHEREAS Regional Council has by adopting the 2015 to 2024 Capital Plan on February 19, 2015, stated or hereby states that it is the intention of Regional Council to ensure that the increase in need for services identified in connection with the enactment of the By-law will be met;

AND WHEREAS Regional Council resolved on May 28, 2015 that no further public meeting is required and that this By-law should be brought forward for enactment;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. Definitions

In this By-law:

"accessory" means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental to and exclusively devoted to a principal use, building or structure;

"Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27;

"agricultural society" means an agricultural society within the meaning of Part III of the *Agricultural and Horticultural Organizations Act*, R.S.O. 1990, c. A.9;

"agricultural use" means a use for the purpose of animal husbandry, dairying, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping and any other use customarily carried on for the purposes of a bona fide farming operation, but does not include a residential use on lands that are developed for an agricultural use;

"air supported structure" means an air supported structure as defined in the *Building Code Act*;

"apartment" means:

- (a) a dwelling unit in a duplex, triplex, or double duplex;
- (b) a dwelling unit in a mixed use building not exceeding three storeys in height;
- (c) a dwelling unit in a building exceeding three storeys in height where such dwelling unit is served by an enclosed principal entrance from the street level which is common to three or more other dwelling units; or
- (d) a dwelling unit in a special care/special needs facility;

"area municipality" means the City of Mississauga, the City of Brampton or the Town of Caledon;

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

"bona fide farmer" means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the area municipality;

"building or structure" means a building or structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof, including an air supported structure, mezzanine or exterior storage tank, but does not include:

- (1) a canopy as defined in the *Building Code Act* which has a surface area of less than 100 square metres;
- (2) an exterior storage tank where such storage tank constitutes an accessory use;
- (3) a farm building; or
- (4) a free-standing roof-like structure constructed on lands used for a gas bar or a service station;

"Building Code Act" means the *Building Code Act, 1992*, S.O. 1992, c. 23 and all regulations thereunder including the Ontario Building Code;

"Chief Financial Officer" means the Chief Financial Officer of the Region or the person acting in that capacity from time to time;

"college" has the same meaning as defined in Section 171.1 of the *Education Act*, R.S.O. 1990, c. E.2;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment, but does not include such actions or redevelopment in relation to a temporary building or structure as defined in this By-law;

"development charge" means a charge imposed pursuant to this By-law;

"distribution centre" means a building or structure primarily used for the storage and distribution of goods, wares, merchandise, substances, articles or things;

"district school board" has the same meaning as defined in the *Education Act*, R.S.O. 1990, c. E.2;

"double duplex" means a residential building that consists of two duplexes attached to each other;

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

"dwelling unit" means one or more habitable rooms designed, occupied or intended to be occupied as living quarters for a single family or single household and shall, as minimum standard, contain sanitary facilities, accommodation for sleeping and a kitchen, and for the purposes of this By-law, shall be deemed to include a special care/special needs dwelling;

"existing industrial building" has the meaning prescribed for it under the Regulation;

"farm building" means a farm building as defined in the *Building Code Act*;

"floor" includes a paved, concrete, wooden, gravel or dirt floor;

"grade" means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;

"gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building of all floors above the average level of finished ground adjoining the building at its exterior walls;

"hospital" has the same meaning as defined in the *Public Hospitals Act*, R.S.O. 1990, c. P.40;

"industrial" means land, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of raw goods, warehousing or bulk storage of goods, distribution centre, truck terminal, research or development in connection with manufacturing, producing or processing of raw goods, storage, and

includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above; and does not include a retail warehouse;

"land" means real property including any buildings, structures or other fixtures situated thereon;

"local board" means a public utility commission, transportation commission, public library board, board of park management, local Board of Health, Police Services Board, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes of an area municipality or of the Region, but does not include a conservation authority established under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;

"mezzanine" has the same meaning as defined in the *Building Code Act*, 1992, S.O. 1992, c. 23;

"mixed use" means a use or intended use of the same land, building or structure for any two or more uses defined in this By-law;

"mobile temporary sales trailer" means a trailer that is designed to be made mobile, is placed without a foundation on land and is used exclusively for new residential sales, and concrete piers or sono tubes are deemed not to be foundations for the purposes of this definition;

"non-industrial use" means any use, whether actual or intended, of land, buildings or structures or parts thereof, other than residential or industrial use as those terms are defined in this section, and includes a retail warehouse and a facility for the storage of goods by members of the public for a fee;

"non-residential use" means any use, whether actual or intended, of land, buildings or structures, or parts thereof, other than for residential use as that term is defined in this section;

"on-farm diversified use" means a building or structure secondary to the principal agricultural use of the property by a bona fide farmer, including home occupations, farm-based home industries and uses that involve the production and sale of value-added agricultural products and excludes uses that involve rental or lease of commercial/industrial space;

"other residential" means a residential use that is not a single-detached residence, a semi-detached residence, an apartment, or a small unit;

"owner" means the registered owner of land, or the owner's authorized representative, who has applied for one or more of the development approvals enumerated in Sub-section 4(1);

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

"redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of the building or structure has previously been demolished on such land, or the circumstance where one or more existing buildings or structures undergo a change of use;

"Region" means The Regional Municipality of Peel;

"Regional Area" means the area included within an area municipality at the time a development charge pursuant to this By-law is imposed;

"Regulation" means O. Reg. 82/98 under the Act;

"religious organization" has the same meaning as defined in the *Religious Organizations' Lands Act*, R.S.O. 1990, c. R.23;

"residential" means in relation to use or development, that which is designed, intended to be used or is used as living accommodation for one or more individuals;

"retail business" means the selling or offering for sale of goods or services by retail;

"semi-detached residence" means a residential building divided vertically, into two separate dwelling units, with at least 50 per cent of the above-grade area of a main wall on one side of each dwelling unit attached to or the same as a main wall on one side of the other dwelling unit;

"service" means a service designated in this By-law or under an agreement pursuant to Section 44 of the Act;

"single detached residence" means a residential building which contains a single dwelling unit, that is not attached to other buildings;

"small residential unit" means any dwelling unit having a total floor area less than or equal to 750 sq. ft.;

"special care/special needs facility" means a building intended for residential use containing more than three dwelling units, which units have a common enclosed entrance from street level, where the occupants have the right to use in common halls, stairs, yards, common rooms and accessory buildings, which units may or may not have exclusive sanitary and/or culinary facilities and are designed to accommodate individuals with special needs, including independent long-term living arrangements, where support for services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels, and includes retirement homes and nursing homes;

"stacked townhouse" means a dwelling unit that is not an apartment in a residential building containing more than four dwelling units where each dwelling unit is separated horizontally from at least one other dwelling unit and vertically by at least one other dwelling unit by a common wall;

"temporary building or structure" means a building or structure constructed, erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the usability thereof for a continuous period not exceeding eight months;

"total floor area" means the total of the areas of the floors in a building or structure, whether at, above or below grade measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and

- (a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls and partitions;
- (b) excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators, washrooms, and the parking of vehicles;
- (c) where a building or structure does not have any walls, the total floor area shall be the sum total of the area of land directly beneath the roof of the building or structure and the total areas of the floors in the building or structure; and
- (d) excludes the area of any self-contained structural shelf and rack storage facility permitted by the *Building Code Act*.

"townhouse" means a dwelling unit in a building which consists of more than two attached dwelling units, which are divided vertically above grade by a party wall at least five metres in length and at least two metres in height, and having a yard abutting at least two exterior walls of each dwelling unit, and includes stacked townhouses and back-to-back townhouses;

"triplex" means a building or structure that is divided horizontally into three separate dwelling units, at least two of which have a separate entrance through a common vestibule;

"truck terminal" means a building, structure or place where, for the purposes of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched;

"university" has the same meaning as defined in Section 171.1 of the *Education Act*, R.S.O. 1990, c. E.2;

"use" means the use of land, a building or a structure.

2. Provisions Required Under Section 6 of the Act

- (1) This By-law applies to the whole of the Regional Area and outside the Regional Area with respect to services of the Region that are provided outside of the Regional Area.

- (2) The rules developed under paragraph 9 of Sub-section 5(1) of the Act for determining if a development charge is payable in any particular case, and for determining the amount of the charge, are set forth in Sections 4 through 12 of this By-law.
- (3) How the rules referred to in Sub-section 2(2) apply to the re-development of land is set forth in Sections 1 ("development") and 10 of this By-law.
- (4) The express statement indicating how the rules provide for exemptions and for indexing of development charges are set forth in Sections 8, 9, 11 and 12 of this By-law.

3. Designation of Services

- (1) The services for which development charges are imposed under this By-law are as follows:
 - a) roads;
 - b) wastewater;
 - c) water supply;
 - d) police;
 - e) long term care;
 - f) transhelp (transit for the disabled);
 - g) management and provision of social housing;
 - h) provision of domiciliary shelters;
 - i) paramedics;
 - j) growth studies;
- (2) Components of the development charges for services designated in Sub-section (1) are described in Schedules A, B(1) and B(2) to this By-law.

4. Development Charges Imposed

- (1) Development charges are imposed against lands that are developed for a use other than an agricultural use if the development requires:
 - a) the passing of a By-law or of an amendment to a zoning By-law 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 Sub-section 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 50 of the *Condominium Act* or under Section 9 of the *Condominium Act, 1998*; or
 - g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
- (2) No more than one development charge for each action described in Sub-section 4(1) shall be imposed pursuant to this By-law upon any land to which this By-law applies even though two or more of the actions described in Sub-section 4(1) are required for the land to be developed.

- (3) Despite Sub-section 4(2), and subject to this By-law and to Section 4 of the Act, if two or more of the actions described in Sub-section 4(1) occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by such action, at the time that such action occurs.

5. Calculation of Development Charges

- (1) The development charge with respect to a development shall be calculated as follows:
 - a) in the case of residential development, or the residential portion of a mixed use development, based upon the number and type of dwelling units; or
 - b) in the case of non-residential development, or the non-residential portion of a mixed use development, based upon the total floor area of such development.
- (2) Amount of Charge - Residential
The development charges described in Schedule A to this By-law are imposed on land developed for residential uses including dwelling units accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential component of the mixed use building or structure, according to the type of residential use.
- (3) Amount of Charge - Industrial
The development charges described in the second column of each table in Schedule B(1) to this By-law are imposed on land developed for industrial uses and, in the case of a mixed use building or structure, on the industrial component of the mixed use, and are calculated with respect to each of the services according to the total floor area of the industrial use.
- (4) Amount of Charge - Non-Residential - Non-Industrial
The development charges described in the second column of each table in Schedule B(2) to this By-law are imposed on land developed for non-residential - non-industrial uses and, in the case of a mixed use building or structure, on the non-residential - non-industrial component of the mixed use, and are calculated with respect to each of the services according to the total floor area of the non-residential - non-industrial use.
- (5) Amount of Charge - Reduction Where Water or Wastewater Services Are Not Available or Not Approved for Construction Within Two Years
If either water or wastewater services or both are not available adjacent to any land within the Regional Area at the time a building permit is issued in respect of such land, and Regional Council has not at that time approved in principle the construction within the two years next following the year in which the building permit is issued of either water or wastewater services or both adjacent to such land, the development charge otherwise payable in respect of development on such land shall be reduced in an amount equal to the portion of the charge attributed to each such unavailable and unapproved service in the Schedules to this By-law.

- (6) It is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.

6. Timing of Payment

- (1) The development charges imposed under this By-law shall be payable on the date that a permit under the *Building Code Act* is issued in relation to a building or a structure on the land to which the development charge applies.
- (2) Notwithstanding Sub-section 6(1), in the case of residential development that is not an apartment, the water services, wastewater services and roads services components of the development charges under this By-law shall be payable 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* at the time of execution of the subdivision agreement or an agreement entered into as a condition of a consent.
- (3) If at the time of issuance of a building permit or permits for any residential development for which payments have been made pursuant to Sub-section 6(2), 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 Sub-section 6(2), an additional payment shall be required and shall be calculated by multiplying the applicable development charges for those services shown in Schedule "A" to this By-law, as may be appropriate, subject to the adjustments in Section 9 of this By-law, 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 Sub-section 6(2) and this Sub-section.
- (4) 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 Sub-section 6(2) and Sub-section 5(2), 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 Sub-section 6(2), a refund shall become payable by the Region to the person who originally made the payment referred to in Sub-section 6(2), 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 pursuant to Sub-section 6(2) and the number and type of dwelling units for which building permits were issued.
- (5) Sub-sections 6(3) and 6(4) 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.
- (6) Any refunds payable pursuant to Sub-sections 6(4) or 6(5) shall be calculated and paid without interest.

- (7) Notwithstanding any other provision of this By-law, the Region may, in accordance with Section 27 of the Act, enter into an agreement with a person who is required to pay a development charge providing for all or any part of a development charge to be paid before or after it would otherwise be payable.
- (8) Where a development charge applies to land in relation to which a building permit is required, no building permit shall be issued until the development charge has been paid in full.
- (9) Where a development requires an approval described in Section 4 of this By-law after the issuance of a building permit and no development charge was paid at the time of issuance of the building permit, the development charge shall be paid prior to the granting of the approval required under Section 4.
- (10) Without limiting the authority of the Region to enter into any other agreement, the Region's Chief Financial Officer is hereby authorized to enter into agreements providing for the payment of all or any part of a non-residential - non-industrial development charge before or after it would otherwise be payable, pursuant to Section 27 of the Act, provided that the following conditions are met:
 - a) security is provided in an amount and having form and content that is satisfactory to the Chief Financial Officer, to be realized or drawn upon in the event that the owner does not pay the charge;
 - b) the agreement contains provisions to index the development charges payable by the semi-annual Development Charges rate adjustment under Section 9;
 - c) the period of the deferral does not exceed four years commencing from the signing of the agreement; and
 - d) a non-refundable administration fee of \$500 is paid by the person requesting the agreement to cover costs associated with preparing and monitoring the agreement.
- (11) Without limiting the authority of the Region to enter into any other agreement, the Region's Chief Financial Officer is hereby authorized to enter into agreements providing for the payment of all or any part of an industrial development charge before or after it would otherwise be payable, pursuant to Section 27 of the Act.
- (12) In any agreement made under Sub-section 6(11) of this By-law, the Chief Financial Officer may in his or her discretion require that the owner provide to the Region, or to the Treasurer of the lower tier municipality in which the lands are located, security in an amount and having a form and content satisfactory to the Chief Financial Officer, and to maintain and supplement such security as required, to be drawn upon in the event that there is a change in the use of the building or structure from an industrial use to a non-residential - non-industrial use within such period of time as is provided for in the agreement referred to in Sub-section 6(11) of this By-law.

- (13) Any security provided pursuant to Sub-section 6(12) may be drawn upon to secure the payment of any increased development charge required as a result of a change in the use of the building or structure.

7. Undetermined Uses

- (1) If at the time a building permit is issued, the use of a non-residential building or structure has not been determined as between industrial or non-residential - non-industrial, the owner, at the Region's discretion, may be permitted to pay development charges in an amount equal to the lowest rate among the candidate uses, provided that the owner shall also submit, maintain, and if required supplement a non-revocable letter of credit, or other form of security, in an amount and upon terms satisfactory to the Chief Financial Officer, to be realized upon by the Region in the event that the building or structure is later determined by the Region to have a use that attracts a higher applicable development charge rate.
- (2) Where the Region requires the payment of development charges at the non-residential - non-industrial rate in accordance with the Schedule B(2) rate under Sub-section 7(1), the amount payable shall be the amount calculated at the rate or rates in effect at the later of the date of issuance of the building permit and the date that the payment of the development charges is received.
- (3) Where the Region determines that the building or structure is an industrial use, the security provided to the Region pursuant to Sub-section 7(1) of this By-law shall be refunded or returned to the owner to the extent such security is not required under Sub-sections 7(1) and 7(2).
- (4) The security provided to the Region pursuant to Sub-section 7(1) of this By-law, shall be increased annually forthwith upon demand by the Region to ensure that the security is adequate to satisfy the owner's potential liability for development charges pursuant to Sub-sections 7(1) and 7(2).

8. Temporary Buildings or Structures

- (1) No development charge is imposed under this By-law in respect of a temporary building or structure so long as its status as a temporary building or structure is maintained in accordance with the provisions of this By-law.
- (2) Upon application being made for the issuance of a permit under the *Building Code Act* in relation to a temporary building or structure on land to which a development charge applies, the Chief Financial Officer may require that the owner enter into an agreement providing for the payment of all or any part of the development charge before or after it would otherwise be payable, pursuant to Section 27 of the Act which agreement may provide that the owner submit security satisfactory to the Chief Financial Officer, to be realized upon in the event that the temporary building or structure becomes protracted and development charges thereby become payable.
- (3) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, nor ever to have been, a temporary building or structure and,

subject to any agreement pursuant to Sub-section 6(10) of this By-law, development charges under this By-law shall become payable forthwith.

9. Indexing

The development charges as set out in the schedules to this By-law shall be adjusted without amendment to this By-law semi-annually on February 1st and August 1st in each year, commencing February 1st, 2016, in accordance with the Statistics Canada Quarterly, Non-Residential Building Construction Price Index (CANSIM Table 327-0043) with the base index value being that in effect on August 1, 2015.

10. Redevelopment

- (1) The rules applicable to development under this By-law are also applicable to redevelopment, subject to Sub-section 10(2) of this By-law.
- (2) Notwithstanding any other provision of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land prior to the date of payment of development charges in respect of the redevelopment, has been demolished or converted to another use in whole or in part on or after November 6, 1991, the development charges otherwise payable with respect to the redevelopment shall be reduced by the aggregate of the following amounts:
 - a) where an industrial use is being redeveloped: an amount calculated by multiplying the development charge under Sub-section 5(3) respectively by the industrial total floor area that has been demolished or converted to another use;
 - b) where a non-residential - non-industrial use is being redeveloped: an amount calculated by multiplying the development charge under Sub-section 5(4) by the non-residential - non-industrial total floor area that has been demolished or converted to another use;
 - c) where a residential use is being redeveloped for a residential use: an amount calculated by multiplying the development charge under Sub-section 5(2) by the number, according to type of dwelling units that have been demolished or converted to another use;
 - d) where a residential use is being redeveloped for a non-residential use: an amount calculated by multiplying that part of the development charge under Sub-section 5(2) and Schedule A which is attributable to water supply, wastewater, regional roads, growth studies and police services by the number, according to type, of dwelling units that have been demolished or converted to another use; and
 - e) where the development would have been exempt prior to the redevelopment or change of use, no credit shall be allowed;

provided that evidence satisfactory to the Chief Financial Officer is provided as to the total floor area or type and number of dwelling units that have been demolished or converted to another use and provided the amount of any credit hereunder shall not exceed, in total or in the aggregate, the amount of the development charges otherwise payable with respect to the redevelopment.

11. Exemptions

- (1) Despite any other provision of this By-law, no development charge is imposed under this By-law respecting:
 - a) land used as a hospital;
 - b) land owned by and used only for the purposes of the Region, the area municipalities or local boards;
 - c) land owned by a district school board and used only for district school board purposes;
 - d) land owned by a college or university and used only for the purposes of a college or university;
 - e) that portion of a building or structure, limited to not more than one room, owned by a religious organization which is reserved for the conduct of group worship, services or rites;
 - f) land owned by an agricultural society and used only for the purposes of an agricultural society;
 - g) the development of land by the installation of a mobile temporary sales trailer.
- (2) No development charge is imposed under this By-law in respect of land developed for an agriculture use including on-farm diversified use.

12. Industrial and Residential Intensification Exemptions

- (1) Despite any other provision of this By-law the terms "existing industrial building" and "floor area" shall, for the purpose of the interpretation of this By-law in connection with Section 4 of the Act (exemption for the enlargement of the gross floor area of an existing industrial building), have the meanings defined for them in the Regulation.
- (2) For the purpose of interpreting the definition of "existing industrial building" contained in the Regulation, regard shall be had for the classification of the lands in question pursuant to the *Assessment Act* and in particular:
 - a) whether the lands fall within a tax class such that taxes on the lands are payable at the industrial tax rate;
 - b) whether more than 50 percent of the gross floor area of the building or structure has an industrial property code for assessment purposes.
- (3) Subject to Sub-section 12(2)(b), distribution centres, warehousing, the bulk storage of goods and truck terminals shall be considered industrial uses.
- (4) For the purpose of the application of Section 4 of the Act to the operation of this By-law:
 - a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under Section 4 of the Act is sought; and

- b) the enlargement of the gross floor area of the existing building:
 - i) shall be attached to the existing industrial building;
 - ii) shall not be attached to the existing industrial building by means only of any one or more tunnel, bridge, canopy, corridor or other passageway, shared below grade connection, foundation, footing or parking facility;
 - iii) shall have an industrial use as set out in this By-law; and
 - iv) shall otherwise qualify as a bona fide increase in the size of the existing building.

- (5) This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the effect only:
 - a) of permitting the enlargement of an existing dwelling unit;
 - b) of creating one or two additional dwelling units in an existing single detached residence;
 - c) of creating one additional dwelling unit in an existing semi-detached residence; or
 - d) of creating one additional dwelling unit in any other existing residential building,

provided that the combined total additional floor area of all additionally created dwelling units does not exceed the floor area of the existing detached or semi-detached residence, or of the smallest existing dwelling unit in the case of any other residential building.

13. Schedules

The following schedules to this By-law are hereby enacted and form an integral part of this By-law:

- Schedule A - Development Charge Rates – Residential
- Schedule B(1) - Development Charge Rates – Industrial
- Schedule B(2) - Development Charge Rates – Non-Residential – Non-Industrial

14. By-law Registration

A certified copy of this By-law may be registered in the By-law register in the Land Registry Office against any or all lands in the Regional area and may be registered against title to any land to which this By-law applies.

15. Date in Force

Regional By-law 79-2012 is repealed on October 5, 2015 and this By-law comes into force and effect on October 5, 2015 save and except for Sub-sections 6(2), 6(3), 6(4), 6(5) and 6(6) of this By-law which shall come into force on February 1, 2016.

16. Interpretation

- (1) All words defined in the Act or the Regulation have the same meaning in this By-law as they have in the Act or the Regulation unless they are defined differently in this By-law.
- (2) All references to the provisions of any statute or regulation or to the Ontario Building Code contained in this By-law shall also refer to the same or similar provisions in the statute or regulation or code as amended, replaced, revised or consolidated from time to time.

17. Severability

If for any reason any provision, section, sub-section or paragraph of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended.

18. Short Title

This By-law may be referred to as the Region of Peel Development Charges By-law, 2015.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 10th day of September, 2015.

Regional Clerk

Regional Chair

Schedule A to By-law 46-2015
SCHEDULE A
DEVELOPMENT CHARGE RATES – RESIDENTIAL
EFFECTIVE OCTOBER 5, 2015*

REGION OF PEEL				
RESIDENTIAL DEVELOPMENT CHARGE RATES				
(ALL UNITS IN \$ PER DWELLING UNIT)				
PROGRAM	SINGLE & SEMI-DETACHED	APARTMENT (>750 sf)	SMALL UNIT (<=750 sf)	OTHER RESIDENTIAL
WATER SUPPLY	24,887.00	15,232.00	10,075.00	20,389.00
WASTE WATER	11,562.00	7,077.00	4,681.00	9,472.00
REGIONAL ROADS	10,533.00	6,447.00	4,264.00	8,629.00
SUB-TOTAL:	46,982.00	28,756.00	19,020.00	38,490.00
POLICE SERVICES - PRP	461.00	282.00	187.00	378.00
LONG TERM CARE	138.00	84.00	56.00	113.00
TRANSHELP	4.00	2.00	2.00	3.00
SOCIAL HOUSING SHELTERS	618.00	378.00	250.00	506.00
PARAMEDICS	90.00	55.00	36.00	74.00
GROWTH STUDIES	131.00	80.00	53.00	107.00
SUB-TOTAL:	1,517.00	927.00	614.00	1,242.00
TOTAL	48,499.00	29,683.00	19,634.00	39,732.00

TOWN OF CALEDON				
RESIDENTIAL DEVELOPMENT CHARGE RATES				
(ALL UNITS IN \$ PER DWELLING UNIT)				
PROGRAM	SINGLE & SEMI-DETACHED	APARTMENT (>750 sf)	SMALL UNIT (<=750 sf)	OTHER RESIDENTIAL
RATE WITHOUT PRP	48,038.00	29,401.00	19,447.00	39,354.00
POLICE - O.P.P.	0.00	0.00	0.00	0.00
TOTAL	48,038.00	29,401.00	19,447.00	39,354.00

* ALL RATES SUBJECT TO BI-ANNUAL INDEXING ON FEBRUARY 1ST AND AUGUST 1ST OF EACH YEAR

Schedule B(1) to By-law 46-2015
SCHEDULE B(1)

DEVELOPMENT CHARGE RATES – INDUSTRIAL
EFFECTIVE OCTOBER 5, 2015*

REGION OF PEEL DEVELOPMENT CHARGE RATES INDUSTRIAL	
PROGRAM	DEVELOPMENT CHARGE (\$ per m²)
WATER SUPPLY	74.91
WASTE WATER	35.65
REGIONAL ROADS	21.81
SUB-TOTAL:	132.37
POLICE SERVICES - PRP	1.32
GROWTH STUDIES	0.37
SUB-TOTAL:	1.69
TOTAL	134.06

TOWN OF CALEDON DEVELOPMENT CHARGE RATES INDUSTRIAL	
PROGRAM	DEVELOPMENT CHARGE (\$ per m²)
RATE WITHOUT PRP	132.74
POLICE - O.P.P.	0.00
TOTAL	132.74

* ALL RATES SUBJECT TO BI-ANNUAL INDEXING
ON FEBRUARY 1ST AND AUGUST 1ST OF EACH
YEAR

Schedule B(2) to By-law 46-2015
SCHEDULE B(2)
DEVELOPMENT CHARGE RATES – NON-RESIDENTIAL – NON-INDUSTRIAL
EFFECTIVE OCTOBER 5, 2015*

REGION OF PEEL	
DEVELOPMENT CHARGE RATES	
NON-RESIDENTIAL – NON-INDUSTRIAL	
PROGRAM	DEVELOPMENT CHARGE (\$ per m²)
WATER SUPPLY	74.91
WASTE WATER	35.65
REGIONAL ROADS	86.87
SUB-TOTAL:	197.43
POLICE SERVICES - PRP	1.32
GROWTH STUDIES	0.37
SUB-TOTAL:	1.69
TOTAL	199.12

TOWN OF CALEDON	
DEVELOPMENT CHARGE RATES	
NON-RESIDENTIAL – NON-INDUSTRIAL	
PROGRAM	DEVELOPMENT CHARGE (\$ per m²)
RATE WITHOUT PRP	197.80
POLICE - O.P.P.	0.00
TOTAL	197.80

* ALL RATES SUBJECT TO BI-ANNUAL INDEXING ON FEBRUARY 1ST AND AUGUST 1ST OF EACH YEAR