Township of Seguin By-law #2024-080

Development Charges By-law

Being a By-law to establish Development Charges for The Corporation of the Township of Seguin.

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (hereinafter called 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 development of the area to which the by-law applies;

AND WHEREAS a Development Charges Background Study for The Corporation of the Township of Seguin (the "**Township**") was prepared by Hemson Consulting Ltd. and dated August 8th, 2024 (the "**Study**") as required by section 10 of the Act, and was presented to Council along with a draft of this by-law as then proposed on August 27th, 2024 and was completed within a one-year period prior to the enactment of this by-law;

AND WHEREAS notice of a public meeting was given pursuant to subsection 12(1) of the Act and in accordance with the regulations under the Act, on or before August 7th, 2024;

AND WHEREAS copies of the Study and this proposed by-law were made available to the public in accordance with subsections 10(4) and 12(1) of the Act;

AND WHEREAS a public meeting was held on August 27th, 2024 in accordance with the Act to hear comments and representations from all persons who applied to be heard (the "**Public Meeting**");

AND WHEREAS at the Public Meeting, the Council of the Township had before it the Study, wherein it is indicated that the development of any land within the Township of Seguin will increase the need for services as defined herein;

AND WHEREAS the Council of the Township has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at the Public Meeting, and the public was generally afforded the opportunity to make written submissions relating to this proposed by-law and the Study;

AND WHEREAS the Council of the Township on October 7th, 2024 approved the Study, in which certain recommendations were made relating to the establishment of a development charge policy for the Township pursuant to the Act;

AND WHEREAS the Council of the Township on October 7th, 2024, Council determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, as modified, including any capital costs, will be met by updating the capital budget and forecast for the Township and provided that sufficient development charge revenues are generated, where appropriate;

AND WHEREAS the Council of the Township approved the Study and determined that no further public meetings were required under subsection 12(3) of the Act;

AND WHEREAS the Council of the Township has determined that the future excess capacity identified in the Study, as modified, shall be paid for by the development charges contemplated in the Study, or other similar charges;

AND WHEREAS the Council of the Township has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific development charges, and has determined that for the services and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

AND WHEREAS the Study includes a Cost of Growth Analysis that deals with all assets whose capital costs are intended to be funded under this by-law, and that such assets are considered to be financially sustainable over their full life-cycle;

AND WHEREAS the Council of the Township approved the asset management plan outlined in the Study and gave consideration to incorporate the asset management plan identified in the Study within the Township's ongoing practices and corporate asset management strategy;

NOW THEREFORE the Council of The Corporation of the Township of Seguin hereby enacts as follows:

Definitions

1. In this by-law,

   (1) "**Act**" means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended or any successor thereto;

   (2) "**agricultural use**" means lands, buildings or structures, excluding any portion thereof used as a dwelling unit or for a commercial use, used or designed or intended for use for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, greenhouses, horticulture, market gardening, pasturage, poultry keeping, and equestrian facilities;

   (3) "**apartment dwelling unit**" means a dwelling unit in an apartment building;

   (4) "**apartment building**" means a residential building, which is not any other residential dwelling type defined in this by-law, consisting of more than four (4) apartment dwelling units, which dwelling units generally have separate entrances onto interior corridors and which corridors give access, directly or through stairwells or elevators, to the exterior of the building through a common principal entrance. For the purposes of this by-law it also includes a stacked townhouse dwelling;

   (5) "**back-to-back townhouse dwelling**" means a building containing a minimum of six (6) and a maximum of sixteen (16) dwelling units that are divided vertically by common walls, including a common rear wall, where each dwelling unit has a separate entrance to grade;

(6) "**bedroom**" means any room used or designed or intended principally for use as sleeping quarters with a window or access to natural light in accordance with the requirements of the Building Code Act and includes a den, a study or other similar area with or without a window or access to natural light but does not include a living room, dining room, or kitchen;

(7) "**board of education**" means a "board" as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended or any successor thereto;

(8) "**bona fide farm use**" means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Municipal Property Assessment Corporation, but "bona fide farm use" shall not include the growing of cannabis, cannabis production facilities, or any other cannabis operations;

(9) "**building**" means a structure that occupies an area greater than 10 square metres consisting of a wall, roof, and floor or any of them, or a structural system servicing the function thereof, including any plumbing, works, fixtures and service systems appurtenant thereto and includes, but is not limited to, an above grade storage tank, mezzanine, air supported structures, and industrial tents, but does not include a free-standing roof-like structure constructed on lands used for a gas bar or a service station

(10) "**Building Code Act**" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or any successor thereto, and all regulations made under it including the Ontario Building Code (O. Reg. 332/12), as amended or any successor thereto;

(11) "**Cannabis Production Facility**" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

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

(a) to acquire land or an interest in land, including a leasehold interest;

(b) to improve land;

(c) to acquire, lease, construct or improve buildings and structures;

(d) to acquire, lease, construct or improve facilities including,

(i) rolling stock with an estimated useful life of seven (7) years or more,

(ii) furniture and equipment, other than computer equipment, and

(iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c. P.44, as amended or any successor thereto;

(e) to undertake studies in connection with any matter under the Act and any of the matters referred to in clauses (a) to (d) inclusive, including the development charge background study required for the provision of services designated in this by-law within or outside the municipality;

(f) to pay interest on borrowing for those expenditures referred to in clauses (a) to (e) inclusive that are growth related;

(13) "**commercial**" means a building or a portion thereof that is used, designed, or intended to be used for: the sale or rental, or offer for sale or rental, of goods or services to the general public for consumption or use; the practice of a profession; the carrying on of a business or occupation; or administrative or professional work as part of a business, and shall include, but not be limited to:

(a) ancillary facilities and uses of any kind that support or are related to the sale, rental or service use;

(b) restaurant uses;

(c) office uses;

(d) hotel/motel uses;

(e) rooming house uses;

(f) storage or warehousing areas which are used, designed or intended to be used in connection with sales, service or rental areas;

(g) warehouse clubs or similar uses;

(h) self-storage units;

(i) secure document storage;

(j) funeral homes;

(k) a branch of a bank or other financial institution, (including credit unions), that offers banking services to consumers and businesses;

(l) the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place; or

(m) all other uses not included under "industrial", "institutional, and "residential" uses under this by-law.

(14) "**complete building permit application**" means a building permit application as defined in the Building Code Act and that is considered complete by the Township's Chief Building Official, including payment of all applicable building permit fees;

(15) "**Council**" means the Council of The Corporation of the Township of Seguin;

(16) "**development**" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 13 of this by-law and includes the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, except interior alterations to an existing building which do not change or intensify the use of land;

(17) "**development charge**" (or "**development charges**") means a charge (or charges) imposed by the Township pursuant to this by-law;

(18) "**duplex dwelling**" means a building that is divided horizontally, into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule;

(19) "**dwelling unit**" means a habitable dwelling comprised of a room or suite of rooms used or designed or intended for use by one (1) or more persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

(20) **"Entry Level Detached Unit"** means a Single Detached Dwelling Unit with a Gross Floor Area of 1,100 square feet or less;

(21) **"Entry Level Semi-Detached Unit"** means a Semi-Detached Dwelling Unit with a Gross Floor Area of 1,100 square feet or less;

(22) "**existing industrial**" means an industrial building or buildings existing on a site in the Township of Seguin on the date of by-law passage or the first building or buildings constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the Planning Act subsequent to the date of by-law passage which full development charges were paid;

(23) "**four-plex dwelling**" means a building that is divided both horizontally and vertically into four (4) dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule;

(24) "**grade**" means the average level of finished ground adjoining a building at all exterior walls;

(25) "**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; and, for the purposes of this definition, in a mixed-use building the gross floor area of any area common to the residential and non-residential parts of such mixed-use building shall be allocated one-half to the residential part of the building and one-half to the non-residential part of the building;

(26) "**hospice**" means an institutional building or a portion thereof not located within a special care/special needs dwelling or a retirement home that is used or designed or intended for use as a residence by persons who are receiving on-

site palliative care, on-site end-of-life care, or who are receiving on-site care due to a terminal illness;

(27) "**hospital**" means land, buildings, or structures used, or designed or intended for use as a hospital, as defined in section 1 of the *Public Hospitals Act*, R.S.O 1990, c. P.40, as amended or any successor thereto;

(28) "**hotel/motel**" means a commercial establishment offering lodging to the traveling public and that may provide other services such as restaurants, meeting rooms and retail stores and services that are available to the general public;

(29) "**industrial**" means a building or a portion thereof that is used or designed or intended to be used for:

(a) manufacturing, producing, processing, warehousing, storage or distributing, and including a greenhouse that is not open to the public for retail sales;

(b) agricultural uses;

(c) research or development in connection with manufacturing, producing or processing;

(d) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place; or

(e) office or administrative purposes, if carried out with respect to manufacturing, producing, processing, warehousing, storage or distribution and in the building used for the manufacturing, producing, storage or distribution or attached to the building,

but "industrial" shall not include any use that is considered to be a "commercial", "residential", or "institutional" use as defined in this by-law;

(30) "**institutional**" means a building or a portion thereof that is used or designed or intended to be used by an organized body, society, or religious group for promoting a public or non-profit purpose and shall include, without limiting the generality of the foregoing, a private career college, private post-secondary school, a place of worship, and a hospital, but "institutional" shall not include any use that is considered to be a "commercial", "industrial", or "residential" use as defined in this by-law;

(31) "**local board**" has the same meaning as defined in section 1 of the Act;

(32) "**mezzanine**" means the floor area located between the floor and the ceiling of any room or storey, with or without partitions or other visual obstructions, including an interior balcony but excluding any stairway, and which shall form part of the gross floor area of a building;

(33) "**mixed use**" means any land or building or portion thereof that is used or designed or intended to be used for both residential and non-residential uses;

(34) "**mobile home dwelling**" means any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent or temporary dwelling unit for one or more persons, but does not include a recreational vehicle, travel trailer tent trailer or trailer otherwise designed;

(35) **"multiple dwelling"** means any dwelling that is not a single detached, semi detached or apartment building;

(36) "**non-residential**" means any land or building, or a portion thereof, that is used or designed or intended to be used for a use other than a residential use including, without limiting the generality of the foregoing, a "commercial", "industrial" or "institutional" use;

(37) "**parking structure/garage**" means a building provided exclusively for the purpose of vehicle parking;

(38) "**place of worship**" means that part of a building used or designed or intended to be used for worship and that is exempt from taxation as a place of worship under the *Assessment Act,* R.S.O. 1990, c. A.31, as amended or any successor thereto;

(39) "**Planning Act**" means the *Planning Act,* R.S.O. 1990, c. P.13, as amended or any successor thereto;

(40) "**redevelopment**" means the construction, erection or placing of one or more buildings on land where all or part of a building has previously been demolished on such land, or changing the use of a building from a residential use to a non-residential use or from a non-residential use to a residential use, or changing a building from one form of residential use to another form of residential use or from one form of non-residential use to another form of non-residential use;

(41) "**Regulation**" means O. Reg. 82/98, as amended or any successor thereto, made under the Act;

(42) "**residential**" means a building or a portion thereof that is used or designed or intended to be used as a residence of one (1) or more individuals, and shall include, but is not limited to, a single detached dwelling, a semi-detached dwelling, a duplex dwelling, a semi-detached duplex, a tri-plex dwelling, a four-plex dwelling, a row townhouse, a back-to-back townhouse, a stacked townhouse, an apartment dwelling, a mobile home dwelling, and a residential dwelling unit accessory to a non-residential use;

(43) "**row townhouse dwelling**" means a building containing at least three (3) dwelling units, with each dwelling unit separated vertically from the other(s) by a party wall and with each dwelling unit having an independent entrance directly from the outside;

(44) "**semi-detached dwelling**" means a building divided by a common wall or a connecting wall to contain two (2) dwelling units, each of which has an independent entrance directly from the outside;

(45) "**single detached dwelling**" means a building containing one (1) dwelling unit

which is freestanding, separate and detached from other main buildings, but does not include a mobile home dwelling;

(46) "**stacked townhouse dwelling**" means a building containing more than four (4) dwelling units, each of which has a vertical and a horizontal wall in common and each of which has an independent entrance directly from the outside;

(47) "**Township**" means The Corporation of the Township of Seguin;

(48) "**Treasurer**" means the Treasurer of the Township appointed by Council pursuant to section 286 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or any successor thereto, and includes his or her designate/deputy; and

(49) "**tri-plex dwelling**" means a building that is divided horizontally, into three dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

Designation of Service

2. It is hereby declared by Council that all development and redevelopment of land within the Township will increase the need for services.

3. (1) The categories of service for which development charges are imposed under this by- law are as follows:

(a) Library Services

(b) Fire Services

(c) Parks and Recreation

(d) Waste Diversion

(e) Services Related to a Highway

(f) Development-Related Studies

(g) Emergency Preparedness

(2) A development charge shall include:

(a) a charge in respect of Library Services;

(b) a charge in respect of Fire Services;

(c) a charge in respect of Parks and Recreation;

(d) a charge in respect of Waste Diversion;

(e) a charge in respect of Services Related to a Highway;

(f) a charge in respect of Development Related Studies; and

(g) a charge in respect to Emergency Preparedness.

Calculation of Development Charges

4. (1) Subject to the provisions of this by-law, development charges against land in the Township shall be imposed, calculated and collected in accordance with the base rates set out in Schedules "B" and "C" which relate to the services set out in Schedule "A" to this by-law.

(2) The development charge with respect to the use of any land or building shall be calculated as follows:

(a) in the case of residential development or redevelopment, or a residential portion of a mixed-use development or redevelopment, the sum of the product of the number of dwelling units of each type multiplied by the corresponding total dollar amount for such dwelling unit type, as set out in Schedule "B";

(b) in the case of non-residential development or redevelopment, or a non-residential portion of a mixed-use development or redevelopment, the development charge shall be the gross floor area of the type of non-residential use multiplied by the corresponding total dollar amount per square metre of gross floor area for the type of non-residential use, as set out in Schedule "C";

(c) where a non-residential development has both commercial and other non-residential uses, development charges will be imposed against the commercial portion and the other non-residential portion gross floor areas of the building as though the uses were separate.

Mobile Home Dwelling Unit

5. (1) The development charges paid in regard to a mobile home dwelling unit shall be refunded in full to the then current owner thereof, upon request and without interest, if the mobile home dwelling unit is demolished or removed within ten (10) years of the issuance of the first building permit relating thereto.

(2) The onus is on the applicant to produce evidence to the satisfaction of the Township, acting reasonably, which establishes that the applicant is entitled to the refund claimed under this section.

No Phase-In of Development Charges

6. The development charges imposed pursuant to this by-law shall not be phased-in.

Applicable Lands

7. This by-law applies to all lands in the Township of Seguin, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or any successor thereto.

Intensification of Existing Housing

8. (1) No development charge shall be imposed for the intensification of existing rental residential buildings, or the creation of additional dwelling units in new or existing residential buildings pursuant to sections 2(3), 2(3.1), 2(3.2) and 2(3.3) of the Act:

(2) Where the requirements pursuant to sections 2(3), 2(3.1), 2(3.2) and 2(3.3) of the Act are not met, development charges shall be calculated and collected in accordance with Schedule "B" for any additional dwelling units.

Exemptions and Discounts for Housing Types

9. This by-law does not apply to the development of land that is owned by and used for the purposes of:

(a) Affordable housing as defined by subsection 4.1 (1) of the Act;

(b) Attainable housing as defined by subsection 4.1 (1) of the Act; and

(c) Non-profit housing as defined by subsection 4.2 (1) of the Act.

(d) Development charges payable for Rental Housing Developments as defined in the Act, where all of the Dwelling Units are intended to be used as rented residential premises, shall be reduced based on the number of bedrooms in each Dwelling Unit as follows:

- 3 or more bedrooms – 25% reduction;
- 2 bedrooms – 20% reduction; and
- all other quantities of bedrooms – 15% reduction

Exemption for Municipal and School Board Pursuant to Section 3 of the Act

10. Land owned by and used for the purposes of the Township, the District of Parry Sound or a board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended or any successor thereto, is exempt from a development charge as required by section 3 of the Act.

Exemption for Industrial Development Pursuant to Section 4 of the Act

11. (1) If a development includes the enlargement of the gross floor area of an existing industrial building and if the gross floor area is enlarged by fifty percent (50%) or less before the first enlargement for which an exemption from the payment of development charges was granted pursuant to subsection 4(2) of the Act or this section, the amount of the development charge in respect of the enlargement is zero.

(2) If a development includes the enlargement of the gross floor area of an existing industrial building and if the gross floor area is enlarged by more than fifty percent (50%), development charges in accordance with Schedule "C" are payable on the amount of the enlargement that exceeds fifty percent (50%) of the gross floor

area before the enlargement as required by subsection 4(3) of the Act.

Exemptions

12. (1) Notwithstanding the provisions of this by-law, development charges shall not be imposed under this by-law respecting:

(a) the development of a non-residential farm building used for a bona fide farm use;

(b) an area of worship within a building or structure owned by and used for a place of worship;

(c) land, buildings, or structures owned by and used for a hospital;

(d) land, buildings, or structures owned by and used for a hospice;

(e) land, buildings, or structures used for a temporary use permitted under a Zoning By-law amendment enacted under section 39 of the Planning Act;

(f) the temporary erection of a building without foundation as defined in the Building Code Act for a period not exceeding six (6) consecutive months and not more than six (6) months in any one calendar year on a site for which development charges or lot levies have previously been paid;

(g) the temporary erection of a building without foundation as defined in the Building Code Act for the primary use as a temporary sales trailer on land undergoing development, provided that such building is removed or demolished from the site no later than six (6) months after sales are completed, otherwise development charges shall be calculated and deemed payable in accordance with this by-law;

(h) such owners, uses, or buildings that may be exempt from the payment of development charges as a result of the application of a statute, regulation, or order of the Province of Ontario or the Government of Canada; and

(i) the first 140 square metres of a Non-Residential Use Building.

(2) Notwithstanding the exemption of development charges pursuant to subsection 12(1)(e) of this by-law, the Township may require that an agreement be executed regarding the payment of development charges that would otherwise be paid but for that exemption, with such agreement and any amounts to be paid to be provided immediately prior to building permit issuance or approval of the use. Such amounts shall be refunded, without interest, upon proof of removal or demolition of such building, or the cessation of the use, in accordance with the terms of the agreement.

Development Charges Imposed

13. (1) Development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential or non-residential use or both where the development requires:

(a) the passing of a zoning by-law or 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 any successor thereto; or

(g) the issuing of a permit under the Building Code Act, in relation to a building or structure.

(2) Subsection 13(1) of this by-law shall not apply in respect to:

(a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under section 51 of the Planning Act; or

(b) local services installed or paid for by the owner as a condition of approval under section 53 of the Planning Act.

Local Service Installation

14. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under sections 51 or 53 of the Planning Act that the owner, at his or her own expense, shall install or pay for such local services, within the plan of subdivision or within the area to which the plan relates, as Council may require, or that the owner pay for the local connection to a storm drainage facility and associated administration, processing, or inspection fees, related to the approval or within the area to which the approval relates.

Multiple Charges

15. (1) Where two (2) or more of the actions described in subsection 13(1) of this by-law are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this by-law.

(2) Notwithstanding subsection 15(1) of this by-law, if two or more of the actions described in subsection 13(1) of this by-law occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and non-residential floor area, shall be calculated and collected in accordance with the provisions of this by-law.

(3) If a development does not require a building permit but does require one or more of the actions described in subsection 13(1) of this by-law, then the development

charge shall nonetheless be payable in respect of any increased or additional development permitted by such action.

Services in Lieu

16. (1) Council may authorize an owner, through a credit agreement under section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu, as determined by the Township. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the Township in respect of the development to which the agreement relates.

(2) In any agreement under subsection 16(1) of this by-law, Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.

(3) The credit provided for in subsection 16(2) of this by-law shall not be charged to any development charge reserve fund.

Redevelopment

17. In the case of the demolition of all or part of a residential, non-residential, or mixed-use building:

(1) A credit shall be allowed, provided that the land was improved by occupied buildings within the five (5) years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five (5) years from the date the demolition permit has been issued.

(2) If a development or redevelopment involves the demolition of and replacement of a building, or the conversion from one principal use to another, a credit shall be allowed equivalent to:

(a) the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable; and/or

(b) the gross floor area of the building demolished/converted multiplied by the applicable non-residential development charge in place at the time the development charge is payable; and/or

(c) in the case of a mixed-use building,

(i) for the residential portion of the building, the number of dwelling

units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, and

(ii) for the non-residential portion of the building, the gross floor area of the non-residential portion of the building multiplied by the applicable non-residential development charge in place at the time the development charge is payable.

(3) The five (5) year period referred to in subsection 17(1) of this by-law shall be calculated from the date of the issuance of the first demolition permit.

(4) Development charges shall not be reduced under this section where the building that is to be demolished or has been demolished or converted from one principal use to another was, or would have been, exempt from development charges under this by-law.

(5) In no case will a credit exceed the amount of the development charge that would otherwise be payable and no credit is available if the existing land use is exempt from paying development charges under this by-law.

(6) Development charge credits applied under this section shall use the same schedule of development charge rates that are applicable to the proposed development or redevelopment.

(7) No development charge credit shall be granted for the demolition or conversion of any building or structure that was constructed without the payment of development charges under paragraphs 12(1)(e), (f), or (g) of this by-law.

Timing of Calculation and Payment

18. (1) The total amount of development charges shall be calculated and be payable pursuant to this by-law, in accordance with Section 26, Section 26.1, and Section 26.2 of the Act.

(2) Where Section 26.1 and Section 26.2 of the Act do not apply, the total amount of development charges shall be calculated and be payable pursuant to this by-law as of the date the first building permit is issued.

(3) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full or as otherwise required in accordance with the Act.

(4) Notwithstanding subsections 18(1) and (2) of this by-law, an owner and the Township may enter into an agreement to provide for the payment in full of a development charge before building permit issuance or later than the issuing of a building permit, in accordance with section 27 of the Act.

(5) If a development does not require a building permit, the development charge shall be calculated and paid in full at the rate in effect at the time the approval is granted as a condition of the earliest of any of the approvals required for the development as enumerated in subsection 13(1) of this by-law.

Interest Payments

19. (1) The Township may charge interest on the installments required by subsection 26.1(3) of the Act from the date the development charge would have been payable in accordance with Section 26 of the Act to the date the installment is paid.

(2) Where subsections 26.2(1) (a) or (b) of the Act applies, the Township may charge interest on the development charge from the date of the application referred to in the applicable clause to the date the development charge is payable under subsection 26.2(3) of the Act.

(3) The Township may determine, by Council resolution or policy external to this by-law, interest rates in relation to subsections 19(1) and (2) of this by-law.

By-law Registration

20. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

Reserve Funds

21. (1) Monies received from payment of development charges under this by-law shall be maintained in separate reserve funds as per the services set out in Schedule "A", plus interest earned thereon.

(2) Monies received for the payment of development charges shall be used only in accordance with the provisions of section 35 of the Act.

(3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

(4) Where any unpaid development charges are collected as taxes under subsection 21(3) of this by-law, the monies so collected shall be credited to the development charge reserve funds referred to in subsection 21(1) of this by-law.

(5) The Treasurer shall, in each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 43 of the Act and section 12 of the Regulation.

By-law Amendment or Appeal

22. (1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of Council, the Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal in accordance with the provisions of the Act.

(2) Refunds that are required to be paid under subsection 22(1) of this by-law shall be paid with interest to be calculated as follows:

(a) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid; and

(b) the Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.

(3) Refunds that are required to be paid under subsection 22(1) of this by-law shall include the interest owed under this section.

By-law Indexing

23. (1) The development charges set out in Schedules "B" and "C" to this by-law shall be adjusted annually, as of January 1, 2026 and annually thereafter on January 1, while this by-law is in force, without amendment to this by-law, in accordance with the most recent twelve-month change in the Statistics Canada Non-residential Building Construction Price Index for Toronto.

Refunds or Corrections

24. Refunds or partial refunds of development charges that have been paid will be made, without interest, where:

(1) a building permit is cancelled, revoked, or amended for any reason prior to the commencement of construction resulting in an overpayment of development charges to the Township, subject to the payment of the applicable refund request fee as set by the Township from time to time in its Fees and Charges By-law, as amended; or

(2) an internal clerical error, including the transposition of figures, a typographical or similar error, has occurred with respect to the calculation of a development charge which resulted in an overpayment to the Township.

25. Additional payment of development charges shall be made where a clerical or factual error, including the transposition of figures, a typographical or similar error, has occurred with respect to the calculation of a development charge under this by-law or any other by-law which resulted in an underpayment to the Township or any other government entity.

Severability

26. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be considered to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

Headings for Reference Only

27. 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.

General

28. This by-law shall be administered by the Township's Treasury Department.

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

30. The onus is on the property owner to produce evidence to the satisfaction of the Township which establishes that the owner is entitled to any exemption, credit, or refund claimed under this by-law.

31. Only one of the applicable exemption(s), relief, or adjustment(s) set out in this by-law shall be applicable to development or redevelopment. Where the circumstances of a development or redevelopment are such that more than one exemption, relief, or adjustment could apply, only one exemption, relief, or adjustment shall apply and it shall be the exemption, relief, or adjustment that results in the lowest development charges being payable pursuant to this by-law.

Schedules to the By-law

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

    Schedule "A" - Designated Township Services under this by-law

    Schedule "B" - Residential Development Charges

    Schedule "C" - Non-Residential Development Charges

Date By-law Effective and Repeal of Existing By-laws

33. This by-law shall come into full force and effect on January 1st, 2025

Date By-law Expires

34. This by-law expires ten (10) years after the day on which it comes into force.

Short Title

35. This by-law may be cited as the "Township of Seguin Development Charge By-law, 2024"

READ a FIRST, SECOND and THIRD TIME and PASSED this 7th day of October, 2024.



Ann MacDiarmid,
Mayor

Craig Jeffery,
Clerk

Schedule "A"

To By-law No. 2024-080

Designated Township Services Under This By-law

1. Library Services
2. Fire Services
3. Parks and Recreation
4. Waste Diversion
5. Services Related to a Highway
6. Development Related Studies
7. Emergency Preparedness

Schedule "B"

To By-law No. 2024-080

Schedule of Residential Development Charges

Service	Residential Charge By Unit Type			
	Singles & Semis	Entry Level Singles & Semis (GFA of 1,100 sq.ft. or less)	Rows & Other Multiples	Apartments
Library Services	$410	$308	$303	$247
Fire Services	$1,350	$1,013	$996	$813
Parks & Recreation	$1,912	$1,434	$1,411	$1,152
Waste Diversion	$202	$152	$149	$122
Services Related To A Highway	$1,443	$1,082	$1,065	$869
Development-Related Studies	$114	$86	$84	$68
Emergency Preparedness	$35	$26	$26	$21
TOTAL CHARGE	**$5,466**	**$4,100**	**$4,034**	**$3,292**

Schedule "C"

To By-law No. 2024-080

Schedule of Non-Residential Development Charges

Service	Charge Per Square Metre
Library Services	$0.00
Fire Services	$10.24
Parks & Recreation	$0.00
Waste Diversion	$1.54
Services Related To A Highway	$10.94
Development-Related Studies	$0.86
Emergency Preparedness	$0.26
TOTAL CHARGE	**$23.84**