

**The Corporation of the
Municipality of Trent Lakes**

By-law No. B2019-041

A by-law to establish Development Charges

Whereas the Council of the Corporation of the Municipality of Trent Lakes (hereinafter referred to as "the Council") anticipates that the Corporation of the Municipality of Trent Lakes (hereinafter called "the Municipality") will experience additional development, including redevelopment throughout the Municipality in the next ten years and Council further anticipates that this development will increase the need for services;

And Whereas the Development Charges Act, 1997 (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;

And Whereas a development charge background study has been completed in accordance with the Act;

And Whereas the Council of The Corporation of the Municipality of Trent Lakes has given notice of and held a public meeting on the 19th of March, 2019 in accordance with the Act and the regulations thereto;

And Whereas Council desires to ensure that the capital cost of meeting growth-related demands for, or burden on, municipal services does not place a financial burden on the Municipality or its existing taxpayers;

Now Therefore the Council of The Corporation of the Municipality of Trent Lakes hereby enacts as follows:

Definition and Uses:

1. In this By-law, unless a contrary intention appears, a term has the same meaning as that which exists in the Act or any Regulation made pursuant to Section 68 of the Act, both as amended from time to time.
2. In this By-law:
 - a) "Act" means the *Development Charges Act*, as amended, or any successor thereof;
 - b) "Accessory" means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building or structure;
 - c) "Agricultural use" means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, designed or intended to be used for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, bee keeping, dairying, fallow, field crops, fish farming, forestry, fruit farming, horticulture, livestock, market gardening, pasturage, poultry keeping,

the growing, raising, packing, treating, storing, and sale of produce produced on the premises, and other activities customarily carried on in the field of agriculture;

- d) "Bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;
- e) "Board" means a board of education, public school board, secondary school board, Catholic school board, Protestant school board, or a board as defined in Subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2, as amended;
- f) "Building or Structure" means a structure occupying an area greater than ten 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, excluding a farm building;
- g) "Building Code Act" means the *Building Code Act*, S.O. 1992, c.23, as amended, and all Regulations thereto including the Ontario Building Code, 1997, as amended;
- h) "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,
 - i. to acquire land or an interest in land, including a leasehold interest,
 - ii. to improve land,
 - iii. to acquire, lease, construct or improve buildings and structures,
 - iv. to acquire, construct or improve facilities including,
 - 1. furniture and equipment other than computer equipment, and
 - 2. material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
 - 3. rolling stock with an estimated useful life of seven years or more;
 - v. to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study;
 - vi. required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (i) to (v) above that are growth-related;
- i) "Council" means the Council of the Municipality of Trent Lakes;
- j) "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 thereof and includes preparation for such building activity and redevelopment;

- k) "Development Charge" means a charge calculated in accordance with the rules set out in the Development Charges Act, 1997 and imposed against development in the Municipality as set out in this By-law;
- l) "Dwelling Unit" means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one or more persons, containing its own culinary facilities;
- m) "Existing" means the number, use and size that existed as of the date this by-law was passed;
- n) "Farm Building" means any part of a building which is not used for residential purposes and which building is located on 3 or more hectares of land and which building is used solely for farm and farm related activities carried out on the same farm and includes barns, implement sheds, seasonal roadside stands and silos but does not include processing or year round wholesale or retail facilities;
- o) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- p) "Green Energy" means lands, buildings or structures that are not of an accessory use and that:
 - i. form, support or accommodate a system or utility used, designed or intended to convert wind or solar energy into electricity and feed it into the general power grid, and includes such systems or utilities that are subject to the *Green Energy Act* or are participating or intended to participate in the Independent Electricity System Operator's Feed-In Tariff Program, or successor thereof, or similar program;
- q) "Gross Floor Area" means the sum total of the total areas of all 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 centre 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:
 - i. includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls partitions;
 - ii. excludes any parts of the building or structure used for the parking and loading of vehicles; and
 - iii. where a building or structure does not have any walls, the gross floor area of the building or structure shall be the total of the area of all floors, including the ground floor, that are directly beneath the roof of the building or structure;
- r) "Industrial Building" means a building used for or in connection with,

- i. manufacturing, producing, processing, storing or distributing something;
 - ii. research or development in connection with manufacturing, producing or processing something;
 - iii. 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
 - iv. office or administrative purposes, if they are;
 1. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and;
 2. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
 - s) "Institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society, health care organization, or religious group, and shall include, without limiting the generality of the foregoing, places of worship, seniors' residences and special care facilities;
 - t) "Non-residential Development" means development other than residential development as defined herein, and includes development for commercial, farm, industrial, institutional, and Green Energy uses;
 - u) "Owner" means the owner of land or any person authorized by such owner to make one or more applications described in Section 7 of this By-law for the development of such land;
 - v) "Place of Worship," means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.5.0., 1990, as amended;
 - w) "Regulation" means any regulation made pursuant to the Act;
 - x) "Use" means occupation and utilization for a particular purpose, practice or benefit; and
 - y) "Wind Turbine" means a rotary engine that extracts energy from the flow of wind, converts it to mechanical energy by causing a bladed rotor to rotate, and further converts it to electrical energy through an electrical generator.
3. Pursuant to Section 2 of the Act, all uses of any land, buildings or structures upon which Development Charges are imposed within the Municipality are:
- a) a residential development;
 - b) a non-residential development.
4. The Development Charge with respect to the use of any land, buildings or structures 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 of dwelling units;
- b) in the case of non-residential development or the non-residential portion of a mixed-use development based upon the Gross Floor Area devoted to the use.

5. In this By-law

- a) "Residential" means designed, adopted or used as a home or residence of one or more individuals who reside or dwell there permanently or seasonally and includes:
 - i. an "apartment building" means a residential building, consisting of four or more dwelling units, which is not a single detached dwelling, a semi-detached dwelling, a row dwelling, a duplex or a triplex;
 - ii. a "duplex dwelling" means a residential building that is divided horizontally into two dwelling units;
 - iii. "multiple dwellings" means all dwellings other than single-detached, semi-detached, and apartment unit dwellings;
 - iv. a "row dwelling or townhouse" means a residential building containing not less than three units with each unit separated by a common or party wall or walls with a separate outside entrance to each unit;
 - v. a "Park Model Trailer" means a trailer conforming to National Standard of Canada CAN CSA-Z241 .0-92 or similar standard that is up to a maximum size of 50 square metres and designed to facilitate relocation from time to time;
 - vi. a "seasonal dwelling" means a single detached dwelling occupied on a non-permanent basis, the owner(s), occupant(s), having another permanent address, but does not include nursing homes, hotels, motels, tourist homes, bed & breakfast establishments, student residences, barracks, or any other development of an institutional nature and included in the Municipality's Zoning By-law as a non-residential use;
 - vii. a "semi-detached dwelling" means a residential building that is divided vertically into two or more dwelling units, each dwelling unit having one or two vertical walls, but no other parts attached to another structure;
 - viii. "senior apartment" means an apartment building or unit that is occupied by one or more individuals who require accessibility modifications or provincially-funded support services in order to live independently in the community;
 - ix. a "single detached dwelling" means a residential building consisting of one dwelling unit and not attached to another structure;

- x. a "triplex dwelling" means a residential building that is divided into three dwelling units;
- b) "non-residential development" means development other than residential development as defined above, and includes development for commercial, farm, hunt camp, industrial and institutional uses.
 - i. "Institutional Uses" include student residences, nursing homes, and seniors' accommodation which consist of bedrooms with or without private sanitary facilities, plus common areas for kitchen and eating facilities and common recreation/activity areas.

Lands Affected

- 6. Pursuant to Section 2 (7) of the Act, this By-law applies to all lands within the geographic limits of the Corporation of the Municipality, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act, R.S.O., 1990*.

Designated Services

- 7. Pursuant to Section 7 of the Act, the Municipality hereby designates the services listed in Schedule "A" attached hereto and forming part of this By-law as the services for which the Development Charge is imposed.

Development Charges Imposed

- 8. Subject to Section 14 below and Section 6 of the Act, Development Charges as hereinafter provided shall be imposed upon, and shall be applied, calculated and collected in accordance with the provisions of this By-law in connection with the development of all land within the Municipality for residential uses and non-residential uses where,
 - a) the development of the land will increase the need for services, and
 - b) the development requires,
 - i. the passing of a Zoning By-law or of an amendment thereto under section 34 of the Planning Act, R.S.O., 1990,
 - ii. the approval of a minor variance under section 45 of the Planning Act, R.S.O., 1990,
 - iii. a conveyance of land to which a By-law passed under subsection 50 (7) of the Planning Act, R.S.O., 1990,
 - iv. the approval of a plan of subdivision under section 51 of the Planning Act, R.S.O., 1990,
 - v. a consent under section 53 of the Planning Act, R.S.O., 1990,
 - vi. the approval of a description under section 9 of the Condominium Act, or
 - vii. the issuing of a permit under the Building Code Act, in relation to a building or structure.

Development Charges – Amounts

9. Residential – The amount of the Residential Development Charge payable with respect to lands which are the subject of any approvals mentioned in Section 8, above shall be calculated in accordance with Schedule "B", subject to any exemption hereinafter provided.
10. Non-residential – The amount of the Non-Residential Development Charge payable with respect to lands which are the subject of any approvals mentioned in Section 8 above shall be calculated in accordance with Schedule "B", subject to any exemptions hereinafter provided.
11. Development charges will be imposed for park model trailers at the residential apartment dwelling unit rate established in Schedule B to this by-law.

Credits/Annual Adjustments

12. Credit for previous Development Charge Payments and lot levies: A credit shall be applied to the Development Charge calculated in Sections 9 and 10 above for any previous Development Charge or lot levy payment. The onus shall be upon the owner/applicant to provide proof of earlier payments.
13. The Development Charge shall be adjusted annually on January 1st of each year to reflect the change in Construction Prices as reported in the Statistics Canada Quarterly Construction Price Statistics publications (catalog no. 62-007).

Exemptions

14. This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only,
 - a) of permitting the enlargement of an existing dwelling unit;
 - b) of creating a maximum of two additional dwelling units in an existing single detached dwelling where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the dwelling unit already in the building;
 - c) of creating a maximum of one additional dwelling unit in an existing semi-detached dwelling or row dwelling where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building; or
 - d) of creating a maximum of one additional dwelling unit in any other existing residential building where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building.
15. If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable is the following:
 - a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and

- b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
16. For the purpose of this By-law only the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O.Reg 82/98 made under the Act.
17. In this Section, for greater certainty in applying the exemption herein:
- a) the gross floor area of an existing industrial building shall be determined as of the date this By-law comes into force; and
 - b) the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing building and the enlarged area is attached to existing industrial building and is used for or in connection with an industrial purpose as set out in Subsection 1(1) of O.Reg. 82/98. Without limiting the generality of the foregoing, the exemption in this Section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below grade connection such as a service tunnel, foundation, footing or a parking facility.
 - c) for the purpose of interpreting the definition of "existing industrial building" contained in O. Reg. 82/98, regard shall be had for the classification of the lands in question pursuant to the Assessment Act, R. S. O. 1990, c. A.31, as amended, and in particular; whether the lands fall within a tax class such that taxes on the land are payable at an industrial rate; and, whether more than 50% of the gross floor area of the building or structure on the land has an industrial property code for assessment purposes.

Categories of Exempt Uses

18. The following categories of uses are hereby designated as being exempt from the payment of development charges:
- a) land, buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
 - b) lands, buildings or structures owned by and used for the purposes of a board and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31;
 - c) buildings or structures used as public hospitals governed by the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended;
 - d) land, buildings or structures used for institutional church use and exempt from taxation under the Assessment Act, R.S.O. 1990, c.A.31, as amended;
 - e) the development of non-residential farm buildings constructed for bona fide farm uses, which qualify as a farm business, being that which operates with a valid Farm Business Registration Number and is assessed in the Farmland Realty Tax Class;

- f) affordable housing. Council may also waive a development charge for a related use upon request (i.e. Non-profit agency);
- g) for the first 100 kW of generating capacity of a Wind Turbine System or Photovoltaic Generating Installation (Solar Farm);
- h) the first 250 square metres of gross floor area of a new non-residential building; and
- i) accessory uses.

Special Provisions

19. Development Charges are hereby imposed upon all lands that are developed for residential, non-residential and institutional uses, in accordance with Sections 9, 10, and 11 respectively above insofar as;
- a) the growth-related net capital costs are attributable development; and
 - b) Where two or more of the actions described in Section 8(b) are applicable only one Development Charge shall be calculated and collected in accordance with the provisions of this By-law.
 - c) Notwithstanding Subsection (c), if two or more of the actions described in Section 8(b) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule "A", an additional Development Charge on the additional residential units and/or non-residential gross floor area shall be calculated and collected in accordance with the provisions of this By-law.

Timing and Calculation of Payment

20. The Development Charge shall be calculated as of, and shall be payable on:
- a) the date a building permit is issued in relation to a building or structure on land to which the Development Charge applies, less any amount paid pursuant to subsection (b) after the enactment of this By-law.
21. Notwithstanding Section 20 above, an Owner and the Municipality may enter into an agreement:
- a) providing for the payment of a Development Charge before otherwise required;
 - b) providing for payment of all or any portion of the Development Charge on dates later than the issuing of a building permit or the entering into of a subdivision agreement; or
 - c) whereby an owner provides services in lieu of the payment of all or any portion of a Development Charge.

Demolition Credit

22. In accordance with Subsections 22.a), 22.b), and 22.c), where there is a redevelopment, conversion, demolition or change of use of a building or structure or part thereof, the Development Charges payable by the new or proposed development shall be credited by the amount to which the

previous use of the building or structure was subject to Development Charges at the time this By-law was passed.

- a) A credit shall not be warranted where a building or structure or part thereof was demolished and no building permit has been issued within 5 years from the date of issuance of the demolition permit.
- b) The credit with respect to a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof shall not exceed the amount of the Development Charges payable with respect to new or proposed development.
- c) No credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building or structure or part thereof where the existing building or structure or part thereof would have been exempt from Development Charges in accordance with this By-law.

Payment by Money or the Provision of Services:

23. Payment of Development Charges to the Municipality shall be by;

- a) cash or by cheque.
- b) In the alternative to payment by the means provided in subsection (a), the Municipality may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the Development Charge otherwise payable.

Building Permit Issuance:

24. Where Development Charges apply to land in relation to which a building permit is required, unless an agreement is entered into pursuant to Section 23(b) above, the building permit shall not be issued until the Development Charge has been paid in full.

Development Charge Reserve Funds:

25. All payments received by the Municipality pursuant to this By-law, including income on investments of the reserve funds, shall be apportioned among the reserve funds in accordance with Schedule "B" and paid into the respective reserves as follows:

Withdrawal from Reserve Funds:

26. That no monies be withdrawn from the said Reserve Funds except:

- a) refunds, including interest, if applicable, as hereinafter set out, and
- b) to meet growth related net capital costs for which the Development Charge was imposed, as set out in the Municipality's Development Charges Background Study, subject to any modifications to project definition, budget priority and phasing, as may occur as part of the Municipality's annual Capital Budget process, or amendments to this By-law. Council may withdraw funds from the Municipal Services Reserve Fund based on project definition, budget priority and phasing as aforesaid.

Refunds:

27. Notwithstanding the foregoing, if a Development Charge is paid at the time a building permit is issued and no building proceeds pursuant to the said permit and the building permit has expired, the registered owner may apply to the Treasurer of the Municipality for a refund of the Development Charge paid at the time the building permit was issued within one year of payment to the Municipality provided the building permit is surrendered.

Where this By-law or any Development Charge prescribed under this Bylaw is amended or repealed either by order of the Ontario Municipal Board or by resolution of the Council, the Treasurer shall forthwith calculate and refund the amount of any overpayment as a result of such amendment or repeal.

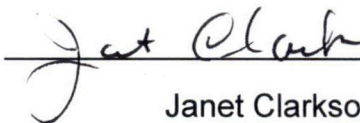
Upon issuing a refund, the Municipality will retain an administrative fee of \$150.00 per building application.

28. Refunds that are required to be paid under Section 29 shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid. The interest rate shall be the Bank of Canada rate on the day the by-law comes into force, updated on the first business day of every January, April, July and October.

Full Force and Effect

29. That By-law No. B2014-061 and By-law No. B2015-020 hereby be repealed.
30. This By-law, known as the "Development Charges By-law, 2019", shall come into force and effect on the date of passage.
31. This By-law shall continue in force and effect until five years from the date of adoption by Council, unless it is repealed at an earlier date.

Read a first, second and third time and passed this 16th day of April, 2019.



Janet Clarkson, Mayor



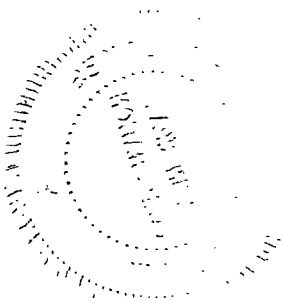
Kari Stevenson, Clerk



Schedule "A" to By-law No. B2019-041

Designated Service Categories for which Development Charges are imposed

1. Roads and Related
2. Fire Services
3. Parks and Recreation
4. Library Services
5. Administration
6. Municipal Parking



Schedule 'B' to By-law No. B2019-041

Schedule of Development Charges

APRIL 16, 2019 - DECEMBER 31, 2019

Service	RESIDENTIAL (\$)			NON-RESIDENTIAL (\$)		
	Single and Semi-Detached Dwelling	Multiples	Apartments	(per sq.m. of Gross Floor Area)		Per 500kW Nameplate Generating Capacity (Green Energy Developments)
				Excl. Aggregate Developments	Aggregate Developments	
Municipal Wide Services:						
Roads and Related	2,657	1,878	1,154	8.00	35.22	3,095
Fire Services	872	616	379	2.62	11.56	1,016
Parks and Recreation	163	115	71	0.26	1.15	-
Library Services	47	33	20	0.07	0.33	-
Administration Studies	335	237	146	1.01	4.44	390
Municipal Parking	12	8	5	0.04	0.16	-
Total Municipal Wide Services	4,085	2,887	1,775	12.00	52.85	4,501

JANUARY 1, 2020 - DECEMBER 31, 2020

Service	RESIDENTIAL (\$)			NON-RESIDENTIAL (\$)		
	Single and Semi-Detached Dwelling	Multiples	Apartments	(per sq.m. of Gross Floor Area)		Per 500kW Nameplate Generating Capacity (Green Energy Developments)
				Excl. Aggregate Developments	Aggregate Developments	
Municipal Wide Services:						
Roads and Related	2,803	1,981	1,218	8.00	35.22	3,095
Fire Services	920	650	400	2.62	11.56	1,016
Parks and Recreation	172	122	75	0.26	1.15	-
Library Services	49	35	21	0.07	0.33	-
Administration Studies	353	250	154	1.01	4.44	390
Municipal Parking	12	9	5	0.04	0.16	-
Total Municipal Wide Services	4,310	3,046	1,873	12.00	52.85	4,501

JANUARY 1, 2021 - DECEMBER 31, 2021

Service	RESIDENTIAL (\$)			NON-RESIDENTIAL (\$)		
	Single and Semi-Detached Dwelling	Multiples	Apartments	(per sq.m. of Gross Floor Area)		Per 500kW Nameplate Generating Capacity (Green Energy Developments)
				Excl. Aggregate Developments	Aggregate Developments	
Municipal Wide Services:						
Roads and Related	2,949	2,084	1,281	8.00	35.22	3,095
Fire Services	968	684	420	2.62	11.56	1,016
Parks and Recreation	181	128	79	0.26	1.15	-
Library Services	52	37	22	0.07	0.33	-
Administration Studies	372	263	162	1.01	4.44	390
Municipal Parking	13	9	6	0.04	0.16	-
Total Municipal Wide Services	4,535	3,205	1,970	12.00	52.85	4,501

JANUARY 1, 2022 - APRIL 15, 2024

Service	RESIDENTIAL (\$)			NON-RESIDENTIAL (\$)		
	Single and Semi-Detached Dwelling	Multiples	Apartments	(per sq.m. of Gross Floor Area)		Per 500kW Nameplate Generating Capacity (Green Energy Developments)
				Excl. Aggregate Developments	Aggregate Developments	
Municipal Wide Services:						
Roads and Related	3,095	2,188	1,345	8.00	35.22	3,095
Fire Services	1,016	718	441	2.62	11.56	1,016
Parks and Recreation	190	134	83	0.26	1.15	-
Library Services	54	38	24	0.07	0.33	-
Administration Studies	390	276	170	1.01	4.44	390
Municipal Parking	14	10	6	0.04	0.16	-
Total Municipal Wide Services	4,760	3,364	2,068	12.00	52.85	4,501