

Bill No.
2019

By-law C.P.-

A by-law respecting the payment of
Development Charges.

WHEREAS the *Development Charges Act, 1997* S.O. 1997, c.27, as amended authorizes by-laws of the council of a municipality for the imposition of 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.

THEREFORE the Municipal Council of The Corporation of the City of London hereby enacts as follows:

DEVELOPMENT CHARGES BY-LAW

PART I INTERPRETATION

1. Definitions

In this By-law, unless a contrary intention appears,

"Accessory use" means the part of a Development that is incidental, subordinate and exclusively devoted to the principal use;

"Agricultural use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock, raising of other animals for food, fur or fibre, including poultry and fish, aquaculture, apiaries, agro-forestry, maple syrup production, and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment, but excluding in all circumstances any residential or commercial component thereof;

"Arterial" refers to street classifications of Rapid Transit Boulevard, Urban Thoroughfare, Civic Boulevard, Main Street and Rural Thoroughfare in the Council-adopted London Plan;

"Apartment" means a residential building, divided vertically and/or horizontally, containing two or more Dwelling units each of which has an independent entrance either directly from the outside or through a common corridor, hallway or vestibule, and does not include Rowhousing or Semi-detached dwellings;

"Built Area" means the Built Area existing from time to time as identified in the City's Official Plan as approved and identified on Schedule 3;

"Chief Building Official" means the individual appointed by Municipal Council in accordance with the *Building Code Act*;

"City" means the Corporation of the City of London;

"City Engineer" means individual holding the title of City Engineer in accordance with the City's Civic Administration By-law;

"City Services" are services that serve, in whole or in part, growth needs which are normally constructed or provided by the City or its Boards or Commissions, including, but not limited to Roads, Wastewater, Stormwater, Water, Fire, Police, Library, Waste Diversion, Operation Centres, Parks and Recreation, Transit and Growth Studies;

“City Services Reserve Fund” (CSRF) means any one of several reserve funds used as a depository for collection of Development Charges and as a funding source for growth works and administered in accordance with the *Development Charges Act*;

“City Treasurer” means the individual appointed by Municipal Council in accordance with the Municipal Act, 2001;

“Claim” may represent an Owner request for reimbursement from a Development Charge reserve fund or a draw made on the City Services Reserve Fund all in accordance with the provisions made for such work in the Development Charges Background Study and the provisions of this By-law;

“Commercial Building” is a building used for:

- (a) Office or administrative uses, including the practice of a profession, or the carrying on of a business or occupation or where most of the activities in the building provide support functions to an enterprise in the nature of trade, and for greater certainty shall include, but not be limited to, the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, contractor, builder, land Owner, employment agency, security broker, mortgage company, medical clinic; or
- (b) Retail purposes including activities of offering foods, wares, merchandise, substances, articles or things for sale or rental directly to the public and includes offices and storage within the same building, which support, are in connection with, related or ancillary to such uses, or activities providing entertainment and recreation. Retail purposes shall include but not be limited to: conventional restaurants; fast food restaurants; night clubs, concert halls, theatres, cinemas, movie houses, and other entertainment related businesses; automotive fuel stations with or without service facilities; special automotive shops/vehicle repairs/collision services/car or truck washes; vehicle dealerships; commercial truck service establishments, regional shopping centres; community shopping centres; neighbourhood shopping centres, including more than two stores attached and under one ownership; department/discount stores; banks and similar financial institutions, including credit unions (excluding freestanding bank kiosks), money handling and cheque cashing facilities; warehouse clubs or retail warehouses; Food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres (but not a garden centre defined as exempt under section 35 of this By-law), government owned retail facilities, private daycare, private schools, private lodging and retirement homes, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, funeral homes, motels, hotels, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, Passenger stations and depots, Dry cleaning establishments, Laundries, establishments for commercial self-service uses, automotive recycling/wrecking yards, kennels;

“Committed Financing” is the funding that has been assigned to the respective growth capital project for works where a contractor/consultant has been engaged and a cost estimate is known;

"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 changing the size or usability thereof, and includes all enlargement of existing Development which creates new Dwelling units or additional Non-residential space and includes work that requires a change of use building permit as per Section C.1.3.1.4 of the Ontario Building Code; and "Redevelopment" has a corresponding meaning;

"Development Agreement" means an agreement between the City and an Owner required as a condition of an approval under Sections 41, 51 or 53 of the Planning Act and Section 9 of the Condominium Act entered into prior to the date this By-law comes into effect;

"Development Charge" means any Development Charge that may be imposed pursuant to this By-law under the *Development Charges Act*;

"Dwelling unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities;

"First storey" is defined as the storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade;

"Force majeure" means any act of God, any act of the Queen's enemies, wars, blockades, insurrections, riots, civil disturbances, landslides, lightening, earthquakes, storms, floods, washouts, fires, or explosions;

"Gross floor area" means the total floor space, 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 the First storey and all storeys or part of storeys (including mezzanines) above the First storey;

"Growth Management Implementation Strategy" (GMIS) is the strategy adopted by Council that provides a framework for the timing and locating of future infrastructure works required to serve growth;

"Industrial building" is a building used for:

- (a) manufacturing, producing, fabricating, assembling, compounding or processing of raw materials, goods, component parts or ingredients where the physical condition of such materials, goods, parts or components is altered to produce a finished or semi-finished tangible product, or the packaging, crating, bottling, of semi-processed goods or materials, but not including any of these activities where they primarily serve retail purposes to the general public;
- (b) storing or distributing something derived from the activities mentioned in a) above and for greater certainty, shall include the operation of a truck terminal, warehouse or depot and does not include self-storage warehousing for use by the general public or retail sales associated with the goods stored or distributed, or accessory storage of a Commercial Building;
- (c) research or development in connection with activities mentioned in (a) above;
- (d) retail sales of goods produced by activities mentioned in section a) at the site where the manufacturing, producing or processing from raw materials or semi-processed goods takes place and for greater certainty, includes the sale of goods or commodities to the general public where such sales are accessory or secondary to the Industrial use, and does not include the sale of goods or commodities to the general public through a warehouse club;
- (e) office or administrative purposes, if they are carried out:
 - i. with respect to the activity mentioned in section (a), and
 - ii. in or attached to the building or structure used for activities mentioned in section a) and
 - iii. for greater certainty, shall include an office building located on the same property as, and used solely to support, the activities mentioned in section a);
- (f) a business that stores and processes data for retrieval, license or sale to end users and are on lands zoned for Industrial uses;
- (g) businesses that develop computer software or hardware for license or sale to end users that are on lands zoned for Industrial uses; or
- (h) and Industrial Use shall have the corresponding meaning;

“Institutional building” is a building used for or designed or intended for use by:

- (a) a government entity, not in the nature of trade;
- (b) an organized body, society or religious group promoting a public or non-profit purpose and shall include but not be limited to: public hospitals, schools, churches and other places of worship, cemetery or burial grounds, a college established under the *Ontario Colleges of Applied Arts and Technology Act*, a university as defined in section 171.1 of the *Education Act*, other buildings used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the *Assessment Act*;
- (c) and Institutional Use shall have the corresponding meaning;

“Lawfully demolished” means a residential or Non-residential building that was demolished according to the provisions of a demolition permit or due to a Force majeure;

“Lawfully existing” with reference to a Dwelling unit means a Dwelling unit:

- (a) that is not prohibited by a By-law passed under section 34 of the *Planning Act* or a predecessor of that section; or
- (b) that is a legal non-conforming use; or
- (c) that is allowed by a minor variance authorized under section 45 of the *Planning Act* or a predecessor of that section;

"Mixed Use Development" means a Development, building or structure used, designed or intended for any combination of Residential, Commercial, Institutional or Industrial uses;

“Non-residential” means a Commercial, Institutional or Industrial use but excludes Agricultural use”;

“Nursing Home” means a building which has been built using the long term care facility design and service standards established by the Ministry of Health and Long Term Care, in which rooms or lodging are provided for hire or pay in conjunction with the provision of meals in a designated dining area, personal care 24 hours per day, 7 days per week, nursing services and medical care and treatment, and for purposes of this By-law is deemed to be a Residential use where three beds are equivalent to a two bedroom Apartment unit;

“Official Plan” means the in-force and effect policies of either the 1989 City of London Official Plan or the London Plan, as may be amended from time to time;

"Owner" means the registered Owner of the property and includes the authorized agent in lawful control of the property;

"Parking structure" means an attached or detached building or structure or part thereof,

- (a) that is used principally for the purpose, whether or not for profit, of providing parking space to the general public for a fee; or
- (b) that provides parking space in connection with the use for Residential, Commercial, Industrial or Institutional purposes or any combination thereof of any attached or detached building or structure or part thereof;

“Reserve funds” means the reserve funds, new and continued, under section 21 of this By-law;

“Rowhousing” means a building divided vertically into three or more attached Dwelling units by common walls;

"Semi-detached dwelling" means a building which contains two single Dwelling units which are attached vertically by a common wall;

"Single detached dwelling" means a residential building consisting of one Dwelling unit and not attached to another building or structure;

"Single Source" means that there is more than one source of supply in the open market, but only one source is recommended due to predetermined and approved specifications;

"Source of Financing" means a schedule (or report) issued by the City's Finance Division outlining the source of funding for capital work triggered by Development;

"Statistics Canada Index" means the Statistics Canada Quarterly Construction Price Index, Non-residential (Toronto);

"Temporary garden suite" means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential Dwelling structure;

"Urban Growth Area" (UGA) means the Urban Growth Area existing from time to time as identified in the City's Official Plan as approved and identified on Schedule 3;

"Wastewater" means sanitary sewage including human, commercial and industrial waste, septic waste and greywater and such other matter or substances as is specified by regulations made under clause 75(1)(j) of the Ontario Water Resources Act but does not include Stormwater; and

"Work Plan" is a document prepared by an engineering consultant that outlines the various tasks related to an engineering design. The document will outline the associated construction cost estimate for each task and will serve as an upset cost limit for the engineering design assignment.

PART II RATES AND CALCULATIONS

2. Owner to Pay Development Charge

The Owner of any land in the City of London who develops or redevelops the land or any building or structure thereon shall, at the time mentioned in section 4, pay Development Charges to the City calculated in accordance with the applicable rate or rates in Schedule 1 as described in section 7.

3. Mixed Use Development

- (1) Where the Development of land, or any building or structure thereon is a Mixed Use Development, the Chief Building Official (or designate) shall determine the total Development Charge payable according to the sum of the Development Charges payable on the individual uses.
- (2) The Development Charge on an Accessory use to the principal use of a building shall be determined in accordance with the charges applicable to the principal use, unless the Accessory use is specifically exempted elsewhere in this By-law.

4. Calculation of Development Charge and Time of Payment

A Development Charge under section 2 shall be calculated,

- (1) where a permit is required under the *Building Code Act* in relation to a building or structure, at the time of the issuance of a permit; and
- (2) where no permit is required under that Act for the Development or Redevelopment of the land or any building or structure thereon, at the time of commencing the Development or Redevelopment;

and the Owner shall pay the Development Charge at the earlier of the issuance of the permit or at the commencement of Development or Redevelopment.

5. City Hall Year-end Closure – Deemed Receipt of Application

Where a building permit application is submitted to the Chief Building Official after the close of business prior to the holiday break being the period generally between December 24 and December 31 each year, then the application shall be deemed to be received in the new year.

6. Calculation Form

A calculation form shall be as established by the Chief Building Official in consultation with the City Treasurer, from time to time, to record details of the Development Charge calculation for each building permit application.

7. Development Charge Rates Commencing August 4, 2019

On and after August 4, 2019, Development Charges designated in Schedule 1 shall be levied for the uses of land, buildings or structures as defined in section 1 at the total of the rates shown.

8. Development Charge Rates – January 1, 2020 and beyond

- (1) On January 1, 2020 and the first day of January in each year thereafter, Development Charges designated in Schedule 1 shall be levied for the uses of land, buildings or structures as defined in section 1 at the total of the rates shown as adjusted using the following formula:

$$A \times \frac{C}{B} = D$$

Where:

A = the rate shown in Schedule 1;

B = the Statistics Canada Index (see Definitions) for the quarter ending, December, 2018;

C = the Statistics Canada Index for the latest month for which the Index is available (likely the index for the quarter ending in September) in the year preceding the subject year; and

D = the rate for the subject year.

- (2) Every rate derived by adjustment under subsection (1) shall, in the case of residential rates, be correct to the nearest dollar, fifty cents being raised to the next higher dollar, and, in the case of Non-residential rates, be correct to the nearest cent.

9. Allocation of Charge To Reserve Funds

Each Development Charge for City Services received by the City shall be paid into a Reserve fund for each component identified in Schedule 1 as described in section 7 and shall be apportioned according to the proportion that each service component of the rate is of the total rate.

10. Additional Units In Enlarged or Converted Residential Building

Where an existing residential building is enlarged or converted for the purpose of residential use, the number of Dwelling units for which a Development Charge is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the total number of Dwelling units actually existing after the enlargement or conversion;
- B = the number of Dwelling units Lawfully existing immediately before the enlargement or conversion; and
- C = the number of Dwelling units for which a Development Charge is payable, a negative difference being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a residential building or structure prior to its enlargement or conversion, that component of the Development Charge shall be excluded from the rate applied in item B above.

11. Residential Building Converted To Non-Residential Use

Where, in conjunction with a change from a residential use to a Non-residential use, an existing building or structure is enlarged or wholly or partially converted, the Development Charge which is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the Development Charge that would be payable for the Non-residential use at the current rate in respect of the area involved in the enlargement or conversion;
- B = the Development Charge that would be payable at the current rate in respect of the Lawfully existing Dwelling units eliminated by the enlargement, conversion or replacement; and
- C = the Development Charge payable in respect of the area involved in the enlargement or conversion, a negative difference being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a residential building or structure prior to its conversion, that component of the Development Charge shall be excluded from the rate applied in item B above.

12. Non-Residential Building Converted To Residential Use

Where, in conjunction with a change to a residential use from a Non-residential use, an existing building or structure is enlarged or wholly or partially converted, the Development Charge which is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the Development Charge that would be payable at the current rate in respect of the Dwelling units comprising the Gross floor area existing after the enlargement or conversion;
- B = the Development Charge that would be payable at the current rate in respect of the previous Lawfully existing Non-residential Gross floor area involved in the enlargement, conversion or replacement; and

C = the Development Charge payable in respect of the successor residential units, a negative number being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a Non-residential building or structure prior to its conversion, that component of the Development Charge shall be excluded from the rate applied in item B above.

13. Conversion From One Form Of Non-Residential Use To Another Form Of Non Residential Use

Where in conjunction with a change from one form of Lawfully existing Non-residential use to another form of Non-residential use, a Lawfully existing building or structure is wholly or partially converted, no Development Charge will be imposed on the existing Non-residential Gross floor area so converted. However, if there is a conversion plus expansion of a Non-residential use to another form of Non-residential use, the applicable Development Charges would be imposed on the expansion.

Notwithstanding the above, where the building permit for the Non-residential building for which the use is being converted was issued within the past ten (10) years and where the applicant for that permit was not required to pay a Development Charge by virtue of a tax supported program, discount or exemption that reduced or eliminated Development Charges otherwise payable at the time of the permit, the Owner shall pay the portion funded by a taxpayer supported program, discount or exemption at the current rate at the time of issuance of the building permit, and the same shall be returned to the original City funding source (i.e. Reserve fund or General fund) by the City Treasurer, in cooperation with the Chief Building Official.

14. Replacement Of Demolished Or Destroyed Non-Residential Premises or Dwelling unit(s) with Dwelling units

- (1) In this section and section 15, "specified period" means the period of time that is up to ten (10) years prior to the application for a building permit for a replacement building, except in the Downtown and Old East Areas identified on Schedule 2, in which case, the "specified period" means the period of time that is up to twenty (20) years prior to the application for a building permit for replacement Dwelling units.
- (2) Where a Lawfully existing Non-residential premises ("former premises") or Dwelling unit, is destroyed by a Force majeure or accidental fire, or is Lawfully demolished or removed, the Development Charge payable in respect of a replacement Dwelling unit that is to be constructed, erected or placed on the site of the former Non-residential premises or Dwelling unit shall be calculated using the following formula, so long as the former Non-residential premises or Dwelling unit was destroyed, demolished or removed during the specified period:

$$A - B = C$$

Where:

A = the Development Charge that, were it not for this section, would otherwise be payable at the current rate in respect of the replacement Dwelling unit(s);

B = the Development Charge that would be payable at the current rate in respect of the Non-residential premises or former Dwelling unit(s) (by using the applicable rate for the particular type of unit destroyed, demolished or removed) if that Non-residential premises or Dwelling unit(s) were currently being constructed, erected or placed for the first time; and

C = the Development Charge payable in respect of the successor building or Dwelling unit, a negative number being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a Non-residential premises or Dwelling units prior to its demolition, that component of the Development Charge shall be excluded from the rate applied in item B above.

15. Replacement of Demolished or Destroyed Non-Residential Premises or Dwelling unit(s) with Non- Residential Premises

Where Non-residential premises (“former premises”) or Dwelling units are destroyed by a Force majeure or accidental fire, or are Lawfully demolished or removed, the Development Charge payable in respect of replacement Non-residential premises that are constructed, erected or placed on the site of the former premises shall be calculated using the following formula so long as the former premises were destroyed, demolished or removed during the specified period:

$$A - B = C$$

Where:

- A = the Development Charge that, were it not for this section, would otherwise be payable at the current rate in respect of the Gross floor area of the replacement Non-residential premises;
- B = the Development Charge that would be payable at the current rate in respect of the former Non-residential premises or former Dwelling units (by using the applicable rate for the particular type of Non-residential premises or Dwelling units destroyed, demolished or removed), as the case may be, as if those premises or Dwelling units were currently being constructed, erected or placed for the first time; and
- C = the Development Charge payable in respect of the successor premises, a negative number being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a Non-residential premises or Dwelling units prior to its demolition, that component of the Development Charge shall be excluded from the rate applied in item B above.

16. Phased Building Replacement – prohibition against duplicate use of demolition credit

For greater clarity, the calculation of Redevelopment credits provided in sections 14 and 15 of this By-law (item B in the formulas in those sections) can only be applied once to the construction of replacement buildings on the site of a former Lawfully demolished or replaced unit or Non-residential premises. For the purposes of sections 14 and 15 above, when the first building that replaces a demolished building (the value B exceeds A) the excess can be referred to as “surplus Redevelopment credit.” In the event of subsequent building construction on the same site of a former Lawfully demolished or replaced unit or Non-residential premises, only the value of any surplus Redevelopment credits may be used as item B in the formula derived from the calculation of Development Charges under sections 14 or 15 of this By-law. This may be repeated only until the entire value of the surplus demolition credit has been used up. This provision limits the total demolition credit applied to all charges to the value of the demolition credit on the original building demolished. All of the above is also subject to the restriction that any replacement buildings on the site be built within the specified period as defined in section 15.

17. Building Replacement Prior to Demolition

Where a building or structure (“former premises”) is replaced by another building or structure on the same site prior to demolition of the former premises, the Owner of the building or structure who has paid a Development Charge on the construction of the replacement building may submit a request to the Chief Building Official for a refund from the Development Charge Reserve funds for all or part of the Development Charge

paid under this By-law, or a predecessor By-law. The refund shall be granted so long as:

- (1) the former premises is Lawfully demolished or removed from the land within thirty six (36) months from the date the interior final inspection process has been closed by the Chief Building Official or an occupancy permit has been issued where applicable for the replacement building or structure; and
- (2) the replacement building uses the existing municipal services which serviced the former premises.

The refund shall be calculated by determining the Development Charge that would be payable at the current rate in respect of the former premises (by using the applicable current rate for the particular type of Non-residential premises or Dwelling units demolished) as if those former premises were currently being constructed, erected or placed for the first time.

18. Demolition or Removal of Temporary Buildings

Where a building or structure is demolished or removed in its entirety from the land on which it is located within twenty-four months (24) from the date of issuance of the building permit for the construction, erection or placing of the building or structure at such location, the Owner of the building or structure may submit a request to the Chief Building Official for refund from the Reserve funds, of the amount paid at the issuance of the building permit toward all or part of the Development Charge paid under section 2 of this By-law or a predecessor of that section.

19. Revocation or Cancellation of Building Permit

Where, upon the application for a building permit or the issuance of a building permit, an amount is paid toward all or part of the Development Charge payable under section 2 of this By-law or a predecessor of that section, that amount is to be refunded in the event that the application for the building permit is abandoned or the building permit is revoked or surrendered.

PART III RESERVE FUNDS

20. Purpose of the Reserve Funds

The money in the Reserve funds shall be used by the City toward the growth-related portion of capital costs incurred in providing the services listed in Schedule 1 as described in section 7.

21. Reserve Funds – New and Continued

- (1) Ten Reserve funds established by By-law C.P. 1496-244, one for each of the City Service categories shown in Schedule 1 as described in section 7, are hereby continued;
 - (a) The City Treasurer is hereby authorized to transfer the balances and commitments of the City Services Reserve Fund existing on termination of the predecessor Development Charge By-law, as amended, to the respective funds continued under this By-law;
- (2) Two new Reserve funds entitled 'Waste Diversion' and 'Operation Centres' are hereby established for the purpose of administering revenues collected and expended on capital works related to these services as described in the 2019 Development Charges Background Study.

22. Composition of Reserve Funds

- (1) Money deposited into the thirteen Reserve funds referred to in sections 21 may include,
 - (a) the portion relating to each service component of a Development Charge for City Services paid to the City mentioned in Schedule 1 as described in section 7 of this By-law; and
 - (b) interest earnings derived through the investment of the money deposited in the Fund as part of the City's cash management program.

23. Claims for Oversized Works

Re-imbursement for Owner constructed oversizing works shall be in accordance with the provisions of Schedule 4. No payment shall be made from the City Services Reserve Fund and no credit under section 38 of the *Development Charges Act* shall be given except as provided for in an agreement entered into pursuant to the *Planning Act* or the *Development Charges Act*.

24. Reserve Funds for the Purpose of Funding Development Charge Exemptions

- (1) The City Treasurer is authorized to establish such Reserve funds as are deemed necessary for the purpose of financing an exemption under this By-law.
- (2) The Chief Building Official shall, in respect of every building permit issued for any Development Charge otherwise payable but for which an exemption is permitted under this By-law, provide such information from time to time as may be required by the City Treasurer regarding the Development Charges that would have been paid were it not for the exemption.
- (3) The City Treasurer is authorized to transfer from time to time from the Reserve funds mentioned in subsection (1) to the Reserve funds established and continued under section 21 an amount in respect of the Development Charges mentioned in subsection (2) and, in so doing, the City Treasurer shall have regard to the amounts and proportions referred to in section 9 of this By-law.
- (4) The City Treasurer shall provide in the annual estimates of the City such sums as may be considered necessary to make the transfers mentioned in subsection (3), noting that the contributions for any single Development shall be financed over a period of not more than ten years.
- (5) Money deposited in the Reserve fund or funds mentioned in subsection (1) may include,
 - (a) the amount provided in the annual estimates mentioned in subsection (4); and
 - (b) interest earnings derived through the investment of the money deposited in the fund or funds as part of the City's cash management program.
- (6) The money withdrawn from the Reserve funds mentioned in subsection (1) shall be used only for the purpose of transfers to the Reserve funds, under subsection (3).

PART IV COMPLAINTS

25. Corporate Services Committee to Hear Complaints

The Corporate Services Committee is hereby appointed pursuant to section 23.1 of the *Municipal Act, 2001* to act in the place and stead of Council to deal with complaints under section 20 of the *Development Charges Act*.

26. Grounds of Complaint

An Owner may complain in writing to the Corporate Services Committee (with a copy provided to the Chief Building Official) upon such grounds as are established by and in accordance with the *Development Charges Act* in respect of the Development Charge imposed by the City

- (1) that the amount of the Development Charge was incorrectly determined;
- (2) whether a credit is available to be used against the Development Charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (3) that there was an error in the application of this By-law.

27. When Complaint to be Made

A complaint may not be made under section 26 later than ninety (90) days after the day the Development Charge, or any part of it, is payable.

28. Particulars of Complaint

The complaint must be in writing, must state the complainant's name, the address where notices can be given to the complainant and the reasons for the complaint, which reasons shall be consistent with section 27.

29. Hearing

The Corporate Services Committee shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.

30. Notice of Hearing

The Clerk of the municipality shall mail a notice of the hearing to the complainant at least fourteen (14) days before the hearing.

31. Determination by Council

After hearing the evidence and submissions of the complainant, the Corporate Services Committee shall as soon as practicable make a recommendation to Council on the merits of the complaint and Council may,

- (1) dismiss the complaint; or
- (2) rectify any incorrect determination or error that was the subject of the complaint.

32. Notice of Decision

The Clerk of the municipality shall mail to the complainant a notice of the Council's decision, and of the last day for appealing the decision, which shall be the day that is forty (40) days after the day the decision is made. The notice required under this section must be mailed not later than twenty (20) days after the day the Council's decision is made.

PART V EXEMPTIONS AND EXCEPTIONS

33. City And School Boards Exempt

- (1) In accordance with the *Development Charges Act*, no land is exempt from a Development Charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*, 1997, with the following exceptions:
 - (a) land owned by and used for the purposes of City; and

(b) land owned by and used for the purposes of a board as defined in subsection 1(1) of the *Education Act*.

(2) For the purpose of subsection (1)(a), land owned by and used for the purposes of the City shall include lands owned by the City and used for the purposes of:

- (a) The London Public Library Board;
- (b) The Covent Garden Market Corporation;
- (c) The London Convention Center Corporation;
- (d) The London Transit Commission; or
- (e) London Police Service.

34. Certain Developments Exempt

No Development Charge under section 2 is payable where the Development or Redevelopment;

- (1) is an enlargement of an existing Dwelling unit;
- (2) creates one or two additional Dwelling units in an existing Single detached dwelling if the total Gross floor area of the additional Dwelling unit or units does not exceed the Gross floor area of the Dwelling unit already in the building;
- (3) creates one additional Dwelling unit in a Semi-detached or Rowhousing Dwelling if the Gross floor area of the additional Dwelling unit does not exceed the Gross floor area of the Dwelling unit already in the building;
- (4) creates one additional Dwelling unit in any existing residential building other than a Single detached dwelling, a Semi-detached dwelling or a Rowhousing Dwelling if the Gross floor area of the additional Dwelling unit does not exceed the Gross floor area of the smallest Dwelling unit already in the building;
- (5) creates one Dwelling unit contained within an accessory building per parcel if the Gross floor area of the additional Dwelling unit does not exceed the Gross floor area of the primary Dwelling unit located on the parcel;
- (6) is a parking building or structure;
- (7) is a bona fide Non-residential farm building used for an Agricultural use;
- (8) is a structure that does not have municipally provided water and Wastewater facilities and that is intended for seasonal use only; or
- (9) is a 'Temporary garden suite' installed in accordance with the provisions of the *Planning Act*, as amended;

35. Industrial Use Exemptions

In accordance with the *Development Charges Act*, and except as exempted under part (b) below, 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 in respect of the enlargement is determined in accordance with this section.

- (1) For the purpose of this section, the term "existing Industrial building" shall have the same meaning as that term has in the Regulation made pursuant to the *Development Charges Act*.
- (2) If the Gross floor area of an existing Industrial building is enlarged by 50 per cent or less, the amount of the Development Charge in respect of the enlargement is zero.
- (3) If the Gross floor area of an existing Industrial building is enlarged by more than 50 per cent, the amount of the Development Charge in respect of the

enlargement is the amount of the Development Charge that would otherwise be payable multiplied by the fraction determined as follows:

- (a) Determine the amount by which the enlargement exceeds 50 per cent of the Gross floor area before the enlargement.
 - (b) Divide the amount determined under paragraph 1 by the amount of the enlargement.
- (4) For greater certainty in applying the exemption in this section, the Gross floor area of an existing Industrial building is enlarged where there is a bona fide increase in the size of the existing Industrial building, the enlarged area is attached to the existing Industrial building, there is a direct means of ingress and egress from the existing Industrial building to and from the enlarged area for persons, goods and equipment and the existing Industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in Regulation made pursuant to the *Development Charges Act*. 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 parking facility.
- (5) The exemption for an existing Industrial building provided by this section shall be applied up to a maximum of 50 percent of the Gross floor area before the first enlargement for which an exemption from the payment of Development Charges was granted pursuant to this By-law or any previous Development Charges By-law of the City made pursuant to the *Development Charges Act* or its predecessor legislation.

36. City Services Reserve Fund – Institutional Discount

Development Charges identified on Schedule 1 as described in section 7 shall be reduced by 50% with respect to the following:

- (1) lands, buildings or structures used or to be used for a public hospital as defined under the *Public Hospitals Act*, and used for the purposes set out in the Act;
- (2) lands, buildings or structures that are exempt from taxation under the enabling legislation of a college established under the *Ontario Colleges of Applied Arts and Technology Act* or a university as defined in section 171.1 of the *Education Act*, and used for the purposes set out under such enabling legislation;
- (3) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground; and
- (4) other land, buildings or structures used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the *Assessment Act*.

37. Development Outside Urban Growth Area

Where a Development occurs outside the Urban Growth Area as shown in Schedule 3 to this By-law, the Development Charge payable under section 2 with respect to rates in section 7 shall exclude the following rate service components identified in Schedule 1 as described in section 7: Wastewater, Water Distribution and Stormwater.

PART VI TRANSITIONAL

38. Permit Applications Submitted on or before August 3, 2019

Notwithstanding section 4, where a permit required under the *Building Code Act* in relation to a building or structure has been submitted on or before August 3 2019, a Development Charge under section 2 shall be calculated at the time of the application for the permit.

PART VII MISCELLANEOUS

39. Administration of By-law

(1) The administration of this By-law, except as otherwise provided in this section, is assigned to the Chief Building Official.

(2) The administration of Part III is assigned to the City Treasurer.

40. Former By-laws Repealed

By-law C.P.-1496-244 of the Corporation of the City of London, respecting Development Charges is hereby repealed effective August 4, 2019.

41. Commencement

This By-law comes into force on August 4, 2019 or, in the event of an appeal pursuant to the *Development Charges Act*, in accordance with that Act.

PASSED in Open Council on May 21, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 21, 2019
Second Reading – May 21, 2019
Third Reading – May 21, 2019