

Corporation of the County of Grey

By-Law 5104-21

A By-law to Amend By-law 4950-16 being a By-law to Establish Development Charges for the County of Grey (County Wide General Services Charges)

WHEREAS Subsection 2(1) of the *Development Charges Act, 1997 (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 the development of the area to which the by-law applies;

AND WHEREAS the Council of the Corporation of the County of Grey (Council) enacted By-law 4950-16 on October 4, 2016 to impose such development charges within the County of Grey (By-law);

AND WHEREAS the Act permits municipalities to provide exemptions in respect of the payment of these development charges as well as make amendments to the By-law following a consultation process as prescribed in the Act;

AND WHEREAS Council considers it in the public interest to provide exemptions or deferrals in respect of the payment of development charges on lands used for certain purposes including rental housing, non-profit housing, detached additional dwelling units, developments that have been approved for an incentive through local community improvement plans, and redevelopment development charge credits, in order to encourage certain types of development throughout the County including, but not limited to, affordable housing;

AND WHEREAS the Province has recently amended the Development Charges Act and it is necessary to amend the By-law to align with some of the changes made to the Act;

AND WHEREAS Council have deemed it necessary by resolution CW159-20 that staff proceed with amendments to the 2016 County-Wide Development Charges By-laws as per Staff Report FR-CW-21-20 which addresses the requirements for a scoped Development Charges Background Study;

AND WHEREAS Council held a public information meeting that was held in accordance with the Act on October 22, 2020 (the Public Meeting) where a proposed amending by-law in respect of these changes were considered pursuant to sections 12 and 19 of the Act;

AND WHEREAS Council, by resolution CW05-21 determined pursuant to subsection 12(3) of the Act that changes to the form of the proposed amending by-law made after the Public Meeting and reflected below are minor in nature, and that no further public meeting would be required in respect of them:

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. That for each of items 1 to 6 provided in Schedule "A" to this by-law, Section 1.0 of By-law 4950-16 be amended by inserting the text provided for that item in column #2 at the location in correspondingly set out in column #3.
2. That Section 7.0 of By-law 4950-16 be deleted and replaced with the text provided in Schedule "B" to this By-law.
3. That Section 18.0 of By-law 4950-16 be renumbered to Section 18.1, and that for each of items 1 to 9 provided in Schedule ""C" to this By-law, it be amended by either:
 - 3.1 inserting the text provided for that item in column #3 at the location correspondingly set out in column #4, or
 - 3.2 deleting the text identified for that item in column #2 and inserting in its place the text correspondingly set out in column #3,as the case may be.
4. That the By-law 4950-16 be amended by inserting the text provided in Schedule "D" to this By-law as Sections 18.2, 18.3, and 18.4 immediately after Section 18.1 (as renumbered above) and immediately before the heading above Section 19.
5. That Section 20.1 of By-law 4950-16 be deleted and replaced with the text provided in Schedule "E" to this By-law.
6. That Sections 23.0 and 24.0 of By-law 4950-16 (including the headings immediately preceding each Section) be deleted and replaced with the text provided in Schedule "F" to this By-law.
7. This by-law shall come into force and effect on the day the by-law is enacted and passed.

ENACTED AND PASSED this 14th day of January, 2021.

WARDEN: Selwyn Hicks

CLERK: Heather Morrison

Schedule “A” to By-law 5104-21
Amending Section 1.0 of By-law 4950-16

Column #1 Item	Column #2 Text to insert	Column #3 Location
1	"CIP-incentivized development" means a development that meets the conditions set out in subsection 18.3;	Immediately before: <i>“commercial building” means...’</i>
2	“Deferral and Conditional Exemption Agreement” means an agreement in respect of a development made under section 27 of the Act that meets the conditions set out in subsection 24.3, in addition to any other requirements established by the County for such agreements;	Immediately before <i>“development” means ...’</i>
3	“land lease development” means a land lease community as defined in the Residential Tenancies Act, 2006, S.O. 2006, c. 17; “life lease development” means a life lease development as defined in Ontario Regulation 88/04, as amended, made under the Land Transfer Tax Act, R.S.O. 1990, c. L.6, as amended, but does not include any such life lease development owned by an entity identified in clause 1 of section 2 of that Regulation ;	Immediately before <i>“local board” means ...’</i>
4	“lower-tier municipality” means, in respect of a development, the corporation of the constituent lower-tier municipality of the County of Grey within which the land comprising the development is situated, and where such land is situated in more than one such lower-tier municipality, it means the corporations of all such lower-tier municipalities jointly;	Immediately before <i>“mezzanine” means ...’</i>

Column #1 Item	Column #2 Text to insert	Column #3 Location
5	<p>"not-for-profit developer" means:</p> <ul style="list-style-type: none"> a) any person pursuing development who is a person described in subsection 11.1(3) of Ontario Regulation 82/98, as may be amended from time to time, made under the Act; b) any corporation listed in Schedule 6 to Ontario Regulation 367/11 made under the <i>Housing Services Act</i>, 2011, S.O. 2011, c. 6, Sched. 1, as may be amended from time to time; c) any corporation established under section 13 of the <i>Housing Development Act</i>, R.S.O. 1990, c. H.18, as amended; d) the Grey County and Owen Sound Housing Corporation; e) The Blue Mountains Attainable Housing Corporation; f) Owen Sound Housing Company Limited; g) Habitat for Humanity Grey Bruce; h) Community Living Owen Sound and District; and i) any Ontario Branch of the Royal Canadian Legion; <p>"not-for-profit housing development" means any development pursued by a not-for-profit developer;</p>	Immediately before " <i>owner</i> " means ..."
6	<p>"purpose-built rental housing" means a development that meets the conditions set out in subsection 18.4;</p>	Immediately before " <i>redevelopment</i> " means ...'

Schedule “B” to By-law 5104-21
Amending Section 7.0 of By-law 4950-16

7.0 Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:

- a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act or successor legislation;
- b) the approval of a minor variance under Section 45 of the Planning Act or successor legislation;
- c) a conveyance of land to which a by-law passed under Subsection 50(7) of the Planning Act or successor legislation applies;
- d) the approval of a plan of subdivision under Section 51 of the Planning Act or successor legislation;
- e) a consent under Section 53 of the Planning Act or successor legislation;
- f) the approval of a description under the Condominium Act or successor legislation; or
- g) the issuing of a permit under the Building Code Act or successor legislation in relation to a building or structure,

unless such development is exempted by the Act, as amended from time to time, or by Section 17.

Schedule “C” to By-law 5104-21
Amending Section 18.0 of By-law 4950-16

Column #1 Item	Column #2 Text to replace	Column #2 Text to insert	Column #3 Location to insert
1	18.1	a)	[n/a]
2	18.2	b)	[n/a]
3	18.3	c)	[n/a]
4	18.4	d)	[n/a]
5	18.5	e)	[n/a]
6	18.6	f)	[n/a]
7	18.7	g)	[n/a]
8	[n/a]	h) not-for-profit housing development;	Between “ <i>industrial buildings,</i> ” and “ <i>and</i> ”
9	18.8	i)	[n/a]

Schedule “D” to By-law 5104-21

Amending By-law 4950-16 to add sections 18.2, 18.3, and 18.4

18.2 The following categories of uses:

- a) Purpose-built rental housing; and
- b) CIP-incentivized development,

are hereby designated as being exempt from the payment of development charges provided that the owner of a development involving any such use enters into a Deferral and Conditional Exemption Agreement with the County in respect of that development and that such agreement is fully and completely satisfied at the end of its term, provided that if such agreement is not fully and completely satisfied, then the conditions establishing the development’s inclusion within of the categories of uses above shall not have been met and the development shall not be exempt from the payment of development charges.

18.3 To qualify as CIP-incentivized development, a development must:

- a) Meet at least one of the following four criteria:
 - i) have entered into an agreement with its lower-tier municipality under which it received or shall receive a grant or loan from the lower-tier municipality made or to be made pursuant to section 28(7) of the Planning Act, R.S.O. 1990, c. P.13 and in respect of which funding the lower-tier municipality has received or shall receive a contribution from the County made pursuant to section 28(7.2) of that Act;
 - ii) have entered into an agreement with both its lower-tier municipality and the County by which it shall obtain from one or both of them land or an interest in land to comprise some or all of the development which agreement is made under the authority of section 28(6) of that Act;
 - iii) have all or a portion of its taxes for County purposes cancelled or to be cancelled pursuant to the terms of a by-law enacted by its lower-tier municipality under section 365.1(2) of the Municipal Act, 2001, S.O. 2001, c. 25 and agreed to by the County under section 361.1(4.1) of the same Act;
 - iv) have all or a portion of its taxes for County purposes cancelled or to be cancelled pursuant to the terms of a by-law enacted by the County under section 365.2(7) of the Municipal Act, 2001, S.O. 2001, c. 25;

- b) and be at all times in compliance with the Deferral and Conditional Exemption Agreement as described in section 18.2 in respect of that development during a term from the commencement of the agreement to a date not less than twenty years from the first date on which the development was lawfully permitted to be occupied for residential purposes.

18.4 To qualify as purpose-built rental housing, a development must:

- a) be rental housing development within the meaning of clause 1 of section 26.1(2) of the Act, as amended, and the regulations made thereunder, being a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- b) not be or be intended to be a land lease development;
- c) not be or be intended to be a life lease development;
- d) not contain or be intended to contain any commercial resort unit, hotel unit, motel unit, inn unit, lodge unit, or hostel unit;
- e) not be or contain a commercial building or an industrial building,
- f) not have any dwelling unit therein occupied by any tenant under any agreement, written or otherwise, providing for a period of occupancy for less than thirty days, nor under any agreement or arrangement which would provide for residential occupancy of that dwelling unit without the protections of the Residential Tenancies Act, 2006, S.O. 2006, c. 17 for their security of tenure applicable to that dwelling unit under that Act, if any;
- g) and be at all times in compliance with the Deferral and Conditional Exemption Agreement as described in section 18.2 in respect of that development during a term from the commencement of the agreement to a date not less than twenty years from the first date on which the development was lawfully permitted to be occupied for residential purposes.

Schedule “E” to By-law 5104-21

Amending Section 20.1 of By-law 4950-16

- 20.1 Despite any other provision of this By-law, where as a result of the redevelopment of land, a building or structure existing on the same land has been demolished in order to facilitate redevelopment, or converted from one principal use to another principal use on the same land, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- a) In the case of a residential building or structure, an amount equivalent to the applicable development charge for the unit type of the existing dwelling that has been or will be demolished or converted to another principal use; or
 - b) In the case of a non-residential building or structure being redeveloped into a residential building or structure, an amount equivalent to \$33.93 per square metre of Gross Floor Area that has been or will be demolished or converted to residential use, such amount per square metre being adjusted annually in accordance with Section 14; or
 - c) In the case of any other non-residential building or structure, an amount calculated by multiplying the applicable development charge by the Gross Floor Area that has been or will be demolished or converted to another principal use; or
 - d) In the case of a mixed-use building or structure, by an amount calculated by the unit type for the existing residential use portion and by gross floor area for the non-residential use portion, of the unit that has been or will be demolished or converted to another principal use.

Schedule “F” to By-law 5104-21
Amending Sections 23.0 and 24.0 of By-law 4950-16

Interest

23.0

- 23.1 The County shall pay interest on a refund under Subsection 18(3) and Subsection 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.
- 23.2 The County may charge interest on deferred and unpaid development charges at a rate permitted under the Act, which rates shall be established by Policy adopted by the County and which may be revised from time to time.

Agreements

24.0

- 24.1 The County may enter into agreements under Sections 27 and 44 of the Act.
- 24.2 The County may adopt policies with respect to the developments in respect of which such agreements may apply, and to the content and minimum terms to be included in such agreements and such policies may, if adopted by County Council, delegate the authority to approve and execute such agreements.
- 24.3 In addition to any such policy a Deferral and Conditional Exemption Agreement shall at a minimum provide as follows:
 - a) payment of any development charges on the land to which the Agreement applies shall be deferred during the period of the Agreement, provided that breach of the terms of the Agreement shall cause any deferred development charges to become immediately payable together with any applicable interest thereon;
 - b) that the development to which the Agreement applies shall not be used for any purpose other than as approved in the Agreement for the period of time of as established for the category of use of the development set out in section 18 above;

- c) the owner of the land that is the subject of the development shall not sell or otherwise transfer its ownership interest in that land or any portion thereof to any other person unless they take such steps as the County may require to bind that further owner to the provisions of the Agreement;
- d) at the County's sole option, notice of the Agreement may be registered on title to the land and if such a notice is registered, such registration shall stand in priority to any encumbrance later registered on that title; and
- e) upon full and complete satisfaction of the terms of the agreement over the period described in clause "b" above, the development shall then be deemed to have been exempt from the development charges deferred under the agreement and the same shall not be payable in respect of the development;

and it may provide for such other matters as the County shall determine.