



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2021-016

A by-law to amend By-law 2018-001, Town of Oakville Development Charge By-law, 2018.

WHEREAS the Council of The Corporation of the Town of Oakville (“Town of Oakville”) enacted By-law 2018-001 pursuant to the Development Charges Act, 1997, S.O. 1997, c. 27, as amended (the “Act”), which Act authorizes Council to pass by-laws for the imposition of development charges against land;

WHEREAS the Town has undertaken a study pursuant to the Act which has provided an updated Schedule B to By-law 2018-001;

WHEREAS the Council of the Town of Oakville has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charges proposal at public meeting held on February 22, 2021;

WHEREAS in accordance with the legislation, the Development Charge Update Study dated January 28, 2021 and proposed amended By-law were available for public review on January 28, 2021;

WHEREAS at a meeting open to the public held on February 22, 2021, the Council of The Town of Oakville considered the final development charges proposals, received written submissions and heard further comments and representations from the public;

WHEREAS by resolution adopted by Council of The Town of Oakville on March 29, 2021, Council determined that no further public meetings were required under Section 12 of the Act;

WHEREAS at the February 22, 2021 meeting, the Council had before it a report, entitled Development Charges Update Study, dated January 28, 2021, prepared by Watson & Associates Economists Ltd.;

COUNCIL ENACTS AS FOLLOWS:

1. Section 1 of By-law 2018-001 is amended by adding the following definitions:
 - (15.1) *class* means a group of services combined to create a single service for the purposes of this By-law and as provided in section 7 of the Act;
 - (24.1) *institutional development* means development of a building or structure intended for use,
 - (a) as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*;
 - (b) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;
 - (c) by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*;
 - (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - (e) as a hospice to provide end of life care;
 - (24.2) *interest* means the annual rate of interest calculated at the Town of Oakville's Development Charge Interest Policy and related Procedure;
 - (29.1) *non-profit housing* means development of a building or structure intended for use as residential premises by,
 - (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

(37.1) *rental housing* means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

2. Subsection 3(1) of By-law 2018-001 is deleted and replaced with the following
3. (1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the rates set out in Schedule “B” (Town Services/Class of Services), which relate to the services/class of services set out in Schedule “A”.
3. Section 6 of By-law 2018-001 is amended by adding the following subsections (7) and (8):

Rules with Respect to Exemptions for New Development

- (7) Notwithstanding the provisions of this By-law, no development charge shall be payable where the development:
 - (a) is limited to the creation of an additional dwelling unit as prescribed in prescribed classes of new residential buildings as set out in the Regulation; and
 - (b) is limited to the creation of an additional dwelling unit ancillary to a new dwelling unit for prescribed classes of new residential buildings as set out in the Regulation.
 - (8) Notwithstanding the provisions of this By-law, no development charge shall be payable where the development consists of the creation of the greater of one additional unit and 1% of the existing units in an existing residential rental building containing four or more dwelling units as set out in the Regulation.
4. Section 12 of By-law 2018-001 is amended by adding the following subsections and renumbering subsections 12(5) and 12(6) to 12(8) and 12(9) respectively:

Installments

- (5) Notwithstanding subsections 12(1), 12(2), 12(3) and 12(4), development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of

first occupancy certificate issued, or first occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

- (6) Notwithstanding subsections 12(1), 12(2), 12(3) and 12(4), development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of first occupancy certificate issued, or first occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

Rate Freeze

- (7) Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsections 12(1), 12(5) and 12(6) shall be calculated on the rates set out in Schedule “B” on the date of the site plan planning application, or zoning amendment application if a site plan application does not apply, including interest. Where multiple planning applications apply, development charges under subsections 12(1), 12(5) and 12(6) shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, including interest.

5. Section 15 of By-law 2018-001 is amended by deleting subsection 15(1) and replacing with the following:

15.(1) Monies received from payment of development charges shall be maintained in separate reserve funds, by municipal service/class of services, as identified in Schedule “A”.

6. Section 22 of By-law 2018-001 is deleted and replaced with the following:

22. The following Schedules to this By-law form an integral part of this By-law:

Schedule “A” - Schedule of Municipal Services/Class of Services
Schedule “B” – Schedule of Development Charges

- 7. Schedule “A” of By-law 2018-001 is deleted and the attached Schedule “A” is substituted therefor.
- 8. Schedule “B” of By-law 2018-001 is deleted and that attached Schedule “B” is substituted therefor.
- 9. This By-law shall come into force and effect at 12:01 am on April 1, 2021.
- 10. Except as amended by this By-law, all provisions of By-law 2018-001, as amended, are and shall remain in full force and effect.
- 11. This By-law may be cited as the “Town of Oakville Development Charge Amending By-law, 2021.”

PASSED this 29th day of March, 2021

Rob Burton Mayor

Vicki Tytaneck Town Clerk

SCHEDULE A

SCHEDULE OF MUNICIPAL SERVICES/CLASS OF SERVICES

1. Services Related to a Highway
2. Fire Protection Services
3. Public Transit
4. Municipal Parking
5. Parks and Recreation
6. Library Services
7. General Government (Growth Studies)

SCHEDULE B

SCHEDULE OF DEVELOPMENT CHARGES

Residential Development Charges

(By Type of Residential Use – per dwelling Unit)

Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Accessory/Special Dwelling Units
Municipal Wide Services:					
Services Related to a Highway	17,329	12,625	9,313	5,616	5,280
Transit Services	655	477	352	212	200
Fire Protection Services	897	653	482	291	273
Parks and Recreation	13,997	10,197	7,522	4,536	4,265
Library Services	1,109	808	596	359	338
General Government (Studies)	490	357	263	159	149
Total Municipal Wide Services	34,477	25,117	18,528	11,173	10,505

Municipal Parking Development Charges - Effective until September 18, 2022

Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Accessory/Special Dwelling Units
Municipal Wide Services:					
Municipal Parking	400	291	215	130	122

Total Development Charges Payable

Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Accessory/Special Dwelling Units
Development Charges Payable:					
Effective until September 18, 2022	34,877	25,408	18,743	11,303	10,627
Effective September 19, 2022	34,477	25,117	18,528	11,173	10,505

Non-Residential Development Charge

Service	NON-RESIDENTIAL	
	(per ft ² of Gross Floor Area)	(per m ² of Gross Floor Area)
Municipal Wide Services:		
Services Related to a Highway	8.46	91.06
Transit Services	0.29	3.12
Fire Protection Services	0.44	4.74
Parks and Recreation	0.70	7.53
Library Services	0.06	0.65
General Government (Studies)	0.23	2.48
Total Municipal Wide Services	10.18	109.58

Municipal Parking Development Charges - Effective until September 18, 2022

Service	NON-RESIDENTIAL	
	(per ft ² of Gross Floor Area)	(per m ² of Gross Floor Area)
Municipal Wide Services:		
Municipal Parking	0.17	1.83

Total Development Charges Payable

Service	NON-RESIDENTIAL	
	(per ft ² of Gross Floor Area)	(per m ² of Gross Floor Area)
Development Charges Payable:		
Effective until September 18, 2022	10.35	111.41
Effective September 19, 2022	10.18	109.58