

# The Corporation of the Town of Pelham

By-law No. 4431(2022)

## **Being a By-Law To Amend By-Law 4023(2018), as amended, Respecting Development Charges.**

**WHEREAS** the Town of Pelham (the "Town") enacted By-law 4023(2018) 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;

**AND WHEREAS** the Town has undertaken a study pursuant to the Act which has provided updated Schedules to By-law 4023(2018);

**AND WHEREAS** the Council of the Town of Pelham ("Council") has before it a report entitled "Town of Pelham 2021 Development Charge Update Study" prepared by Watson & Associates Economists Ltd., dated December 22, 2021 (the "update study");

**AND WHEREAS** the update study and proposed amending By-law were made available to the public on December 22, 2021 and Council gave notice to the public pursuant to Section 12 of the Act;

**AND WHEREAS** Council, on February 7, 2022 held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

**NOW THEREFORE** Council of the Corporation of the Town of Pelham Enacts as Follows:

1. By-law 4023(2018) is hereby amended as follows:

The purpose of this By-law is to accomplish the following objectives:

a) Addition of Class to the definitions in Section 1 as follows:

"Class" means a grouping of services combined to create a single

service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

- b) Addition of Institutional Development to definitions in Section 1 as follows:

“Institutional Development” means development of a building or structure intended for use:

- i. as a long-term care home within the meaning of Subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ii. as a retirement home within the meaning of Subsection 2 (1) of the Retirement Homes Act, 2010;
- iii. by any of the following post-secondary institutions for the objects of the institution:
  1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
  2. a college or university federated or affiliated with a university described in subclause (1), or
  3. an Indigenous Institute prescribed for the purposes of Section 6 of the Indigenous Institutes Act, 2017;

- c) Addition of Interest Rate to the definitions in Section 1 as follows:

“Interest Rate” means the annual rate of interest calculated as per the Town’s *Timing for Calculation of Development Charge, Instalment and Interest Policy* (S400-09) as may be revised from time to time.

- d) Addition of Non-profit Housing Development to the definitions in Section 1 as follows:

“Non-profit Housing Development” means development of a building or structure intended for use as residential premises by,

- i. 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;
- ii. 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
- iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

e) Addition of Rental Housing to the definitions in Section 1 as follows:

“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;

f) Addition of exemption for University to Section 4, subsection (6), as follows:

New bullet “j) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.”

g) Addition of Section 4(8) for “Rules with Respect to Exemptions for New Development”

“4(8) 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 Regulations to the Development Charges Act, 1997; 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 Regulations to the Development Charges Act, 1997.”

- h) Addition of policies related to the timing of development charges payments. These will be included after Section 14(2) of the development charges by-law:

New Sections:

14(3) Notwithstanding subsections 14(1) and 14(2), Development Charges for Rental Housing and Institutional Developments are due and payable in six equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest as per the Town’s D.C. Interest Policy, payable on the anniversary date each year thereafter.

14(4) Notwithstanding subsections 14(1) and 14(2), Development Charges for Non-profit Housing Developments are due and payable in 21 equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest as per the Town's D.C. Interest policy, payable on the anniversary date each year thereafter.

14(5) Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under section 2 (2) and shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under section 2 (2) shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest as provided in the Town's D.C. Interest Policy.

- i) Schedule "A" is deleted, and the attached Schedule "A" is substituted, therefore.
- j) Schedules "B" is deleted, and the attached Schedule "B" is substituted, therefore.

## 2. Effective Date

This By-law shall come into force and effect at 12:01AM on March 8, 2022.

- 3. Except as amended by this By-law, all provisions of By-law 4023(2018), as amended, are and shall remain in full force and effect.

By-law read a first and second time this 7th day of March, 2022.

By-law read a third time and finally passed this 7th day of March, 2022.

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Marvin Junkin, Mayor

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Holly Willford, Town Clerk

**Schedule "A"**  
**T0 By-law 4023(2018)**  
**Designated Municipal Services/ Classes of Services under This By-law**

Town-Wide D.C.-Eligible Services

- Services Related to a Highway
- Fire Protection Services
- Library Services
- Parks and Recreation Services
- Growth Studies

Urban Area D.C.-Eligible Services

- Water Services
- Wastewater Services

## Schedule "B"

### Schedule of Development Charges

Service	RESIDENTIAL				Special Care/Special Dwelling Units	NON-RESIDENTIAL (per ft <sup>2</sup> of Gross Floor Area)
	Single and Semi- Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom		
<b>Municipal Wide Services:</b>						
Services Related to a Highway	9,330	6,647	6,388	3,906	3,191	5.21
Fire Protection Services	349	249	239	146	119	0.19
Parks and Recreation Services <sup>1</sup>	5,282	3,763	3,616	2,211	1,806	0.74
Library Services	619	441	424	259	212	0.09
Growth Studies <sup>2</sup>	692	493	474	290	237	0.39
<b>Total Municipal Wide Services</b>	<b>16,272</b>	<b>11,593</b>	<b>11,141</b>	<b>6,812</b>	<b>5,565</b>	<b>6.62</b>
<b>Urban Services</b>						
Wastewater Services	2,762	1,968	1,891	1,156	945	1.90
Water Services	1,165	830	798	488	398	0.80
<b>Total Urban Services</b>	<b>3,927</b>	<b>2,798</b>	<b>2,689</b>	<b>1,644</b>	<b>1,343</b>	<b>2.70</b>
<b>GRAND TOTAL RURAL AREA</b>	<b>16,272</b>	<b>11,593</b>	<b>11,141</b>	<b>6,812</b>	<b>5,565</b>	<b>6.62</b>
<b>GRAND TOTAL URBAN AREA</b>	<b>20,199</b>	<b>14,391</b>	<b>13,830</b>	<b>8,456</b>	<b>6,908</b>	<b>9.32</b>

<sup>1</sup> Previously presented as two separate charges for Indoor and Outdoor Recreation Services

<sup>2</sup> Previously presented as Administration