

BY-LAW No. 2024-036
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD



BEING A BY-LAW TO ESTABLISH WATER TREATMENT PLANT
DEVELOPMENT CHARGES FOR THE CORPORATION OF THE
TOWN OF COLLINGWOOD

WHEREAS subsection 2(1) of the Development Charges Act, 1997 c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies; and

AND WHEREAS the Council of The Corporation of the Town of Collingwood (“Town of Collingwood”) has given Notice in accordance with Section 12 of the Development Charges Act, 1997, of its intention to pass a by-law under Section 2 of the said Act; and

AND WHEREAS the Council of the Town of Collingwood has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a Public Meeting held on April 8th, 2024; and

AND WHEREAS the Council of the Town of Collingwood had before it a report entitled Development Charges Background Study dated February 21st, 2024, as amended if applicable, prepared by Hemson Consulting Ltd., wherein it is indicated that the development of any land within the Town of Collingwood will increase the need for services as defined herein; and

AND WHEREAS the Council of the Town of Collingwood on April 22nd, 2024 approved the applicable Development Charges Background Study, dated February 21st, 2024, as amended if applicable, in which certain recommendations were made relating to the establishment of a development charge policy for the Town of Collingwood pursuant to the *Development Charges Act, 1997*; and

AND WHEREAS by resolution adopted by Council of the Town of Collingwood on April 22nd, 2024, Council determined that the increase in the need for services attributable to the anticipated development as contemplated in the Development Charges Background Study dated February 21st, 2024 as amended, including any capital costs, will be met by updating the capital budget and forecast for the Town of Collingwood, where appropriate; and

AND WHEREAS the Council of the Town of Collingwood on April 22nd, 2024 determined that no additional public meeting was required; and

AND WHEREAS by resolution passed by Council of the Town of Collingwood on April 22nd, 2024, Council determined that the future excess capacity identified in the Development Charges Background Study dated February 21st, 2024 as amended, shall be paid for by the development charges contemplated in the said Development Charges Background Study, or other similar charges; and

AND WHEREAS by resolution passed by Council of the Town of Collingwood on April 22nd, 2024, Council has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as “area rating” or “area specific development charges”, and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis; and

AND WHEREAS the Development Charges Background Study dated February 21st, 2024, as amended includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle; and

AND WHEREAS the Council of the Town of Collingwood will give consideration to incorporating the Asset Management Plan outlined in the Development Charges Background Study within the Town of Collingwood's ongoing practices and Corporate Asset Management Strategy; and

AND WHEREAS the Council of the Town of Collingwood approves the planned level of service for Transit services, as identified in the Development Charges Background Study dated February 21st, 2024 as amended which has been estimated in accordance with the requirements of the Act and Ontario Regulation 82/98.

NOW THEREFORE THE COUNCIL OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,

- (1) **“Act”** means the *Development Charges Act*, S.O. 1997, c. 27;
- (2) **“Administration Service”** means any and all studies carried out by the municipality that are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997*;
- (3) **“Agricultural use”** means a bona fide farming operation;
- (4) **“Air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“Apartment dwelling”** means any dwelling unit within a building containing four or more dwelling units where the units are connected by an interior corridor and includes a stacked townhouse;
- (6) **“Back-to-back townhouse”** mean a building with four or more dwelling units divided vertically including a common rear wall each with an independent entrance and has a yard abutting at least one exterior wall of each dwelling unit;
- (7) **“Bedroom”** means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- (8) **“Board of education”** means a board defined in s.s. 1(1) of the *Education Act*;
- (9) **“Building Code Act”** means the *Building Code Act*, R.S.O. 1992, c.23, as amended;
- (10) **“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;
- (11) **“Cannabis cultivation”** means the use of land, buildings or structures for the growing and cultivation of cannabis;
- (12) **“Cannabis production facility”** means the use of land, buildings or structures for the processing, testing, destruction, packaging and

shipping of cannabis and for the purposes of the by-law is defined as a non-residential use;

- (13) **“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, as set out in Section 5 of the Act;
- (14) **“Council”** means the Council of The Corporation of the Town of Collingwood;
- (15) **“Development”** means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (16) **“Development charge”** means a charge imposed pursuant to this By-law;
- (17) **“Dwelling unit”** means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, including time share units and for the purposes of this By-law includes a residential unit;
- (18) **“Existing Industrial Building”** has the same meaning as in O.Reg. 82/98, as amended;
- (19) **“Farm building”** means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use and excluding cannabis use;
- (20) **“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls;
- (21) **“Gross floor area”** means the aggregate of the total areas of all floors in a building, structure, or dwelling unit 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 includes the floor area of a mezzanine.
- (22) **“Industrial Building”** means a building used for or in connection with,
 - (a) manufacturing, producing, processing, storing or distributing something,
 - (b) research or development in connection with manufacturing, producing or processing something,
 - (c) 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,
 - (d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.

- (23) “**Local board**” means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the municipality or any part or parts thereof;
- (24) “**Local services**” means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- (25) “**Mezzanine**” means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony as defined by the Ontario Building Code;
- (26) “**Multiple dwelling**” means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings and includes, but is not limited to, townhouses, rowhouse and back-to-back townhouses;
- (27) “**Municipality**” means The Corporation of the Town of Collingwood;
- (28) “**Non-residential uses**” means a building or structure used for other than a residential use;
- (29) “**Owner**” means the owner of land or any person authorized by the owner who has made application for an approval for the development of land upon which a development charge is imposed;
- (30) “**Places of worship**” means that part of a building or structure that is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990 C.A. 31, as amended, as a place of worship under the *Assessment Act, 1990*, as amended or any successor thereto;
- (31) “**Planning Act**” means the *Planning Act*, R.S.O. 1990, c.P.-13, as amended;
- (32) “**Redevelopment**” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (33) “**Regulation**” means any regulation made pursuant to the Act;
- (34) “**Residential uses**” means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a dwelling unit, single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;
- (35) “**Semi-detached dwelling**” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (36) “**Services**” means services set out in Schedule “A” to this By-law;
- (37) “**Single-detached dwelling**” means a completely detached building containing only one dwelling unit;

- (38) **“Stacked townhouse”** means a building with four or more dwelling units divided horizontally or vertically each with an entrance that is independent or through a shared landing and/or external stairwell.
- (39) **“Urban services”** means water and wastewater services.
- (40) **“Urban service area”** means an area in the Town where water and wastewater services are provided;

CALCULATION OF DEVELOPMENT CHARGES

- 2. (1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedule “B” which relate to the service set out in Schedule “A”.
- (2) The development charge with respect to the uses of any land, building or structure shall be calculated as follows:
 - a) in the case of residential development or redevelopment or the residential portion of a mixed use development or redevelopment, as the sum of the product of the number of dwelling units of each type multiplied by the corresponding total amount for such dwelling unit type, as set out in Schedule “B”;
 - b) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed use development or redevelopment, as the sum of the product of the gross floor area multiplied by the corresponding total amount for such gross floor area as set out in Schedule “B”;
- (3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the service referenced in Schedule “A”.

PHASE-IN OF DEVELOPMENT CHARGES

- 3. Development charges shall be phased in accordance with the requirements of the Act.

APPLICABLE LANDS

- 4. (1) Subject to Sections 5, 6 and 7, this By-law applies to all lands in the Town of Collingwood, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.-31.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
 - (a) a board of education; and
 - (b) any municipality or local board thereof.
- (3) The Treasurer of the Town of Collingwood shall rebate the water services component and/or the sanitary sewer component of the residential or non-residential development charge to the registered owner who applies, and provides proof satisfactory to the Town of Collingwood, that adequate private water and/or sanitary services, as the case may be, have been installed and are properly functioning so as to provide ample service to the subject lands, where:
 - (a) there is no municipal water and/or municipal sanitary sewer feasibly available within five hundred feet of the building site itself; and

- (b) no municipal water and/or sanitary sewer main service is scheduled to service the subject lands within five years of the date of approval of the building permit issuance.

RULES WITH RESPECT TO EXEMPTIONS AND DISCOUNTS PER THE DEVELOPMENT CHARGES ACT

- 5. (1) Notwithstanding the provisions of this By-law, exemptions and discounts for particular types of development will be made in accordance with the Act as amended;

DISCRETIONARY EXEMPTIONS

- 6. (1) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
 - (a) a hospital as defined under the *Public Hospitals Act*;
 - (b) a place of worship exempt from taxation under the *Assessment Act*;
 - (c) a non-residential farm building; and
 - (d) an air supported structure ancillary to and owned by a school exempt from taxation under the *Assessment Act*.

DEVELOPMENT CHARGES IMPOSED

- 7. (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential uses, where, the development requires,
 - (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
 - (e) a consent under Section 53 of the *Planning Act*;
 - (f) the approval of a description under Section 9 of the *Condominium Act*, R.S.O. 1998, c.19; or
 - (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect to:
 - (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*;
 - (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.

LOCAL SERVICE INSTALLATION

8. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act* that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

MULTIPLE CHARGES

9. (1) Where two or more of the actions described in subsection 7(1) of this By-law are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this By-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 7(1) of this By-law occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and additional gross floor area shall be calculated and collected in accordance with the provisions of this By-law.

SERVICES IN LIEU

10. (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit that exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.
- (2) In any agreement under subsection (1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.
- (3) The credit provided for in subsection (2) shall not be charged to any development charge reserve fund.

RULES WITH RESPECT TO REDEVELOPMENT

11. (1) Despite any other provision of this By-law, where as a result of the redevelopment of land on which a conversion of space has been proposed or a building or structure existing on the same land has been demolished in order to facilitate redevelopment, 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, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under clause 2(2) a) of this By-law by the number, according to type, of the dwelling units that have been or will be demolished; and
- (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under clause

2(2) b) of this By-law by the gross floor area that has been or will be demolished.

- (2) The amount of any reduction or credit permitted under subsection 11(1) of this By-law shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - (3) Notwithstanding subsection 11(1) of the By-law, any reduction or credit applicable there under shall only apply provided that a building permit for the redevelopment is issued within five (5) years of the date of the issuance of a permit for the demolition of any building or structure on the same lands.”
12. A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

TIMING OF CALCULATION AND PAYMENT

13. (1) Development charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) Notwithstanding subsection 13(1) of this By-law, the amount of development charge will be determined in accordance with Section 26, 26.1 and 26.2 of the Act, and any amendments thereof, prior to issuance of the building permit or revision to building permit;
- (3) Notwithstanding subsection 13(1) and 13(2) of this By-law, development charges for Rental Housing and Institutional Developments in accordance with Section 26.1 of the Act and any amendment thereof, are due inclusive of interest established from the date the development charge would have been payable in accordance with Section 26 of the Act, in 6 equal annual payments beginning on the date that is the earlier of:
- (a) the date of the issuance of a permit under the Building Code Act, 1992 authorizing occupation of the building; and
 - (b) the date the building is first occupied and continuing on the following five anniversaries of that date.
- (4) Notwithstanding subsections 13(1), 13(2) and 13(3) of this By-law, the Town may enter into an agreement with any person in accordance with Section 27 of the Act to pay a development charge providing for all or part of the development charge to be paid before or after the time it would otherwise be payable
- (5) Despite the payments required under Section 13 of this By-law, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under Schedule “A”.
- (4) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.

RESERVE FUNDS

14. (1) Monies received from payment of development charges under this by-law shall be maintained in a separate reserve fund for Water Treatment Plant services.

- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.
- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (5) The Treasurer of the Town shall, in each year commencing in 2025 for the 2024 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

BY-LAW AMENDMENT OR APPEAL

15. (1) Where this by-law or any development charge prescribed there under is amended or repealed either by order of the Ontario Land Tribunal or by resolution of Council, the Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
 - (2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows in accordance with the Act or any amendments thereof.
 - (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

BY-LAW INDEXING

16. The development charges set out in Schedule "B" to this By-law shall be adjusted annually commencing January 1, 2025, without amendment to the By-law, in accordance with the most recent twelve-month change in the Statistics Canada Non-residential Building Construction Price Index as prescribed by the Act.

SEVERABILITY

17. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

18. The headings inserted in this by-law are for convenience of reference only and shall not affect the construction of interpretation of this by-law.

BY-LAW REGISTRATION

19. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

BY-LAW ADMINISTRATION

20. This by-law shall be administered by the Town Treasurer.

SCHEDULES TO THE BY-LAW

21. The following Schedules to this by-law form an integral part of this by-law:

Schedule “A” Designated Town Services

Schedule “B” Development Charges

DATE BY-LAW EFFECTIVE

22. This By-law shall come into force and effect on April 23, 2024.

SHORT TITLE

23. This by-law may be cited as the “Town of Collingwood Development Charge By-law.”

CORRECTIONS

24. The Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

ENACTED AND PASSED by the Council this 22nd day of April, 2024

MAYOR

CLERK

SCHEDULE "A"
By-law No. 2024-036

DESIGNATED TOWN SERVICES UNDER THIS BY-LAW

1. Water Treatment Plant

SCHEDULE "B"
By-law No. 2024-036

SCHEDULE OF DEVELOPMENT CHARGES

Service	Residential Charge By Unit Type				Non-Residential Charge per Sqaure Metre
	Single & Semi-Detached	Other Multiples	Apartment 2+ Bedrooms	Apartments 1 or Fewer Bedrooms	
Water Treatment Plant	\$9,563	\$7,114	\$5,691	\$3,557	\$52.01