

# THE CORPORATION OF THE TOWN OF CALEDON

## BY-LAW NO. 2021-65

A By-law to amend By-law 2019-31 which imposes and provides for the payment of development charges for municipal services in the Town of Caledon

WHEREAS Section 19 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (“the *Act*”) provides for amendments to be made to Development Charges By-laws to reflect the *Act*;

AND WHEREAS the Council of The Corporation of the Town of Caledon has determined that amendments should be made to the Town’s Development Charge By-law 2019-31;

AND WHEREAS, in accordance with the *Act*, a development charges background study has been completed in respect of the proposed amendment;

AND WHEREAS the Council of The Corporation of the Town of Caledon has given notice and held a public meeting in accordance with the *Act*;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. By-law 2019-31 shall be amended by adding the following definitions in alphabetical order to subsection 1(1):

“institutional development”, for the purposes of subsection 13(5), 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 institution of the following post-secondary institutions for the objects of the institution:
  - (i) a university in Ontario that receives direct, regular and ongoing operation 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 Institute 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;

“Non-profit housing development”, for the purposes of subsection 13(6), 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 objective is to provide housing;
- (b) a corporation without share capital to which the Canada Not-for-profit Corporation Act applies, that is in good standing under that Act and whose primary objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

“Rental housing”, for the purposes of subsection 13(5), 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. Subsections 2(2) and 2(3) of By-law 2019-31 are deleted and replaced with the following:
  2. (2) As of May 29, 2019, this by-law shall not apply to land proposed for development within
    - (a) the Bolton Business Improvement Area as outlined in By-law No. 80-72, as has been or may be amended; or
    - (b) the Caledon East Commercial Core Area as outlined on Schedule D of the Town of Caledon Official Plan.
3. Subsection 2(4) of By-law 2019-31 shall be renumbered to subsection 2(3).
4. Subsection 4(1) of By-law 2019-31 shall be deleted and replaced with the following:
  4. (1) Development charges shall be imposed in accordance with this by-law in respect of the following services, and classes of services, based on the allocations with respect to residential and non-residential development as contained in Schedules A and C:
    - (a) Roads and Related;
    - (b) Fire Protection Services;
    - (c) Parks and Recreation Services;
    - (d) Library Services;
    - (e) Animal Control;
    - (f) Provincial Offences Act; and
    - (g) Development-Related Studies.
5. Subsection 6(1) of By-law 2019-31 shall be deleted and replaced with the following:
  6. (1) This by-law shall not apply with respect to any of the actions described in subsection 1 of section 3 of this by-law if the only effect of such action is to:
    - (a) permit the enlargement of an existing dwelling unit;
    - (b) permit the creation of one or two additional dwelling units in, or ancillary to, an existing single-detached dwelling, provided that the total gross floor area of the additional dwelling unit or the additional dwelling units is not greater than the gross floor area of the dwelling unit in the existing single-detached dwelling;
    - (c) permit the creation of one additional dwelling unit in, or ancillary to, an existing semi-detached or row dwelling, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the dwelling unit in the existing semi-detached or row dwelling; or
    - (d) permit the creation of one additional dwelling unit in, or ancillary to, any other existing residential building, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the smallest dwelling unit in the existing residential building.

6. The following shall be added as subsection 6(5) of By-law 2019-31:

6. (5) This by-law shall not apply with respect to any of the actions described in subsection 1 of section 3 of this by-law if the only effect of such action is to create of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, as set out in section 2(3) of O.Reg. 82/98.

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units.  The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.  The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.  The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

7. The following subsections shall be added to section 13 of By-law 2019-31:

13. (5) Notwithstanding subsection 13. (1), 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 occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
13. (6) Notwithstanding subsection 13. (1), development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
13. (7) Notwithstanding subsection 13. (1), 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 5. (2) and 5. (3) shall be calculated based on the rates set out in Schedule “A” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “A” on the date of the later planning application.
13. (8) Interest for the purposes of subsections 13. (5), 13. (6) and 13. (7) shall be determined as set out in the Town of Caledon Interest Rate Policy as set out in By-Law No. 2020-96, as amended from time to time.

8. Schedule “A” of By-law 2019-31 shall be deleted and replaced with Schedule “A” attached to this amending By-law.

**Enactment**

This By-law shall come into full force and effect on July 14, 2021.

**Enacted by the Town of Caledon Council this 13th day of July, 2021.**

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Allan Thompson, Mayor

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Laura Hall, Town Clerk