

THE CORPORATION OF THE TOWN OF GRAND VALLEY

BY-LAW NO. 2024-33

A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

WHEREAS the Town of Grand Valley will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Town of Grand Valley;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth related demands for or burden on municipal services does not place an excessive financial burden on the Town of Grand Valley or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS the Development Charges Act, 1997 (the "Act") provides that the council of a Town may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a development charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Town of Grand Valley has given notice of and held a public meeting on the 11th day of June, 2024 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAND VALLEY ENACTS AS FOLLOWS:

1. INTERPRETATION

1.1 In this By-law the following items shall have the corresponding meanings:

"Act" means the Development Charges Act, as amended, or any successor thereof;

"accessory use" means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in

purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

"apartment unit" means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor. Notwithstanding the foregoing an apartment unit includes a stacked townhouse dwelling unit;

"back-to-back townhouse dwelling" means a building containing four (4) or more Dwelling Units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area;

"bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

"benefiting area" means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

"board of education" has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

"Building Code Act" means the Building Code Act, S.O. 1992, as amended, or any successor thereof;

"capital cost" means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of and as authorized by the Town or local board,

- (1) to acquire land or an interest in land, including a leasehold interest,
- (2) to improve land,
- (3) to acquire, lease, construct or improve buildings and structures,
- (4) to acquire, construct or improve facilities including,
 - (a) furniture and equipment other than computer equipment, and

- (b) material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
 - (c) rolling stock with an estimated useful life of seven years or more,
- (5) to undertake studies in connection with any matter under the Act and any of the matters in clauses (1) to (4) above, including the development charge background study,

required for the provision of services designated in this by-law within or outside the Town, including interest on borrowing for those expenditures under clauses (1) to (4) above that are growth-related;

"commercial" means any non-residential development not defined under "industrial" or "institutional";

"Council" means the Council of the Town;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;

"development charge" means a charge imposed with respect to this by-law;

"dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

"existing" means the number, use and size that existed as of the date this by-law was passed;

"existing industrial building" means an industrial building or structure existing on a site as of the date this by-laws comes into effect, or the first building or structures constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, or any successor thereof, subsequent to this by-law, for which full development charges were paid;

“farm building” means all or part of a building; that does not contain any area used for residential occupancy, that is associated with and located on land devoted to the practice of farming, as defined by the *Farming and Food Production Protection Act, 1998*, and that is used essentially for the housing of farm equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds. Examples include encompassing barns, silos and other ancillary development to an agricultural use. For greater clarity, farm buildings exclude:

- (1) any building or portion thereof used or intended to be used for any other non-residential use, including, but not limited to: retail sales; commercial services; restaurants; banquet facilities; hospitality and accommodation facilities; gift shops; contractors shops; services related to grooming, boarding, or breeding of household pets; and alcohol or cannabis production or processing facilities;

"gross floor area" means:

- (1) in the case of a residential building or structure, the total area of all floors above the average level of finished ground of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (2) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (a) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (b) loading facilities above or below grade; and

- (c) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

"industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or self-storage facilities.

"institutional" means development of a building or structure intended for use:

- (1) as a long-term care home within the meaning of Subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- (2) as a retirement home within the meaning of Subsection 2 (1) of the Retirement Homes Act, 2010.
- (3) By any institution of the following post-secondary institutions for the objects of the institution:
 - (a) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - (b) a college or university federated or affiliated with a university described in subclause (a); or
 - (c) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act, 2017*;
- (4) As a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (5) As a hospice to provide end of life care;

"Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, 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, including school purposes, of the Town of Grand Valley or any part or parts thereof;

"local services" means those services, facilities or things which are under the jurisdiction of the Town and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

"multiple dwellings" means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

"non-profit housing development" means development of a building or structure intended for use as residential premises by:

- (1) a corporation to which the *Canada Not-for-profit Corporation Act, 2010* applies, that is in good standing under that Act and whose primary objective is to provide housing,
- (2) a corporation without share capital to which the *Canada Not-for-profit Corporation Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing, or
- (3) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act, 2022*;

"non-residential use" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

"Official Plan" means the Official Plan adopted for the Town, as amended and approved;

"owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

"place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

"rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

"regulation" means any regulation made pursuant to the Act;

"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;

"residential dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

"residential use" means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

"row townhouse dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

"semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but not other parts, attached to another dwelling unit where the residential units are not connected by an interior corridor;

"service" means a service designed in Schedule "A" to this by-law, and "services" shall have a corresponding meaning;

"servicing agreement" means an agreement between a landowner and the Town relative to the provision of municipal services to specified land within the Town;

"single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure;

"stacked townhouse dwelling" means a building, other than a row townhouse or back to back townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;

"Town" means the area within the geographic limits of the Town of Grand Valley; and "Town" also means the Corporation of the Town of Grand Valley.

2. DESIGNATION OF SERVICES

2.1 The categories and classes of services for which development charges are imposed under this by-law are as follows:

- (1) Road and Related Services;
- (2) Fire Protection Services;
- (3) Parks and Recreation Services;
- (4) Library Services;
- (5) Septage Treatment Services (within the Rural Serviced Area only);
- (6) Wastewater Services (within the Urban Serviced Area only);
- (7) Water Services (within the Urban Serviced Area only); and
- (8) Growth-Related Studies.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this by-law where:

- (1) the lands are located in the area described in section 3.2; and
- (2) the development of the lands requires any of the approvals set out in subsection 3.4.

3.2 Subject to section 3.3, this by-law applies to all lands in the Town of Grand Valley whether or not the land or use thereof is exempt from taxation under section 13 or the *Assessment Act*.

3.3 Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

- (1) the Town or a local board thereof;

- (2) a board of education; or
- (3) the Corporation of the County of Dufferin or a local board thereof;

Approvals for Development

3.4 Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (1) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (2) the approval of a minor variance under section 45 of the *Planning Act*;
- (3) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
- (4) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (5) a consent under section 53 of the *Planning Act*;
- (6) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
- (7) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed.

Exemptions

3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:

- (1) The enlargement of an existing dwelling unit;
- (2) a second residential dwelling unit in an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is

permitted, if all buildings and structures ancillary to the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling cumulatively contain no more than one residential dwelling unit;

- (3) a third residential dwelling unit in an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains any residential dwelling units;
- (4) one residential dwelling unit in a building or structure ancillary to an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling on a parcel of land, if the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains no more than two residential dwelling units and no other building or structure ancillary to the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains any residential dwelling units; or
- (5) in an existing rental residential building, which contains four or more residential dwelling units, the creation of the greater of one residential dwelling unit or one per cent of the existing residential dwelling units.

3.6 Exemption for Industrial Development:

- (1) Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.
- (2) If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - (a) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;

- (b) divide the amount determined under subsection 3.6 (2) (a) by the amount of the enlargement;
- (3) that for greater certainty in applying the exemption in this section, the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged areas for persons, goods, and equipment, and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1.1 of this by-law. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor, or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing, or a parking facility;

3.7 Other Exemptions:

- (1) Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - (a) 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 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university;
 - (b) an accessory use not exceeding 15 square metres;
 - (c) non-residential farm buildings; and
 - (d) places of worship including lands associated with church yards, cemeteries and burial grounds, exempt under section 3 of the Assessment Act, R.S.O. 1990, c. A31, as amended.
 - (e) Affordable residential units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);
 - (f) Affordable and attainable residential units as follows:

- (i) As of the date on which section 4.1 of the Act is proclaimed into force, affordable residential units that meet the criteria set out in subsection 4.1 (2) or 4.1 (3) of the Act shall be exempt from Development Charges
- (ii) As of the date on which subsection 4.1 (4) of the Act is proclaimed into force, attainable residential units that meet the criteria set out in subsection 4.1 (4) of the Act shall be exempt from Development Charges

Amount of Charges

Residential

- 3.8 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.9 The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

- 3.10 Despite any other provisions of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 36 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (1) 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 subsection 3.8 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (2) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.9, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. No credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building or structure or part thereof where the existing building or structure or part thereof would have been exempt from D.C.s in accordance with the by-law.

Time of Payment of Development Charges

- 3.11 Development charges imposed under this by-law are calculated, payable, and collected upon issuance of a building permit with respect to each dwelling unit, building or structure.
- 3.12 Notwithstanding subsection 3.11, 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 as provided in the Town's Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
- 3.13 Where the development of land results from the approval of a Site Plan or Zoning Bylaw Amendment made on or after January 1, 2020, and the issuance of the building permit occurred within the prescribed amount of time since the application was approved, the Development Charges under subsections 3.11 and 3.12 shall be calculated based on the rates set out in Schedule "B" on the date the planning application was made, including interest as provided in the

Town's Council approved Development Charge Interest Policy. Where both planning applications apply Development Charges under subsections 3.11 and 3.12 shall be calculated on the rates, including interest as provided in the Town's Council approved Development Charge Interest Policy, set out in Schedule "B" on the date of the later planning application.

- 3.14 Despite subsections 3.11, 3.12, and 3.13, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

Discounts for Rental Housing

- 3.15 The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- (1) Three or more bedrooms – 25% reduction;
- (2) Two bedrooms – 20% reduction; and
- (3) All other bedroom quantities – 15% reduction.

4. PAYMENT BY SERVICES

- 4.1 Despite the payment required under subsections 3.8 and 3.9, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this by-law.

5. INDEXING

- 5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on August 7 of each year, beginning in 2025, in accordance with the prescribed index in the Act.

6. SCHEDULES

- 6.1 The following schedules shall form part of this by-law:

Schedule A - Services Designated in section 2.1

Schedule B - Residential and Non-Residential Development Charges

7. CONFLICTS

- 7.1 Where the Town and an owner or former owner have entered into an agreement with respect to land within the area to which this by-law applies, and a conflict exists between the provisions of this by-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
- 7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4, an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this by-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

- 8.1 If, for any reason, any provision of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

- 9.1 This by-law shall come into effect at 12:01 AM on July 17, 2024.

10. DATE BY-LAW EXPIRES

- 10.1 This by-law will expire at 12:01 AM on July 17, 2034, unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

- 11.1 By-law No. 2019-42, as amended, is hereby repealed as of the date and time of this by-law coming into effect.

ENACTED AND PASSED this 16th day of July, 2024.



Steve Soloman – Mayor



Meghan Townsend – CAO/Clerk

**THE CORPORATION OF THE TOWN OF GRAND VALLEY
SCHEDULE "A" TO BY-LAW NO. 2024-33**

COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2(4)

TOWN-WIDE SERVICES

Roads and Related

Fire Protection Services

Parks and Recreation Services

Library Services

URBAN SERVICED AREA SERVICES

Water Services

Wastewater Services

RURAL SERVICED AREA SERVICES

Septage Treatment Services

CLASSES OF SERVICES

Growth-Related Studies

THE CORPORATION OF THE TOWN OF GRAND VALLEY
SCHEDULE "B" TO BY-LAW NO. 2024-33
SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Municipal Wide Services:					
Roads and Related	11,098	9,667	7,249	3,603	4.25
Fire Protection Services	3,792	3,303	2,477	1,231	1.45
Parks and Recreation Services	3,129	2,726	2,044	1,016	0.50
Library Services	2,770	2,413	1,809	899	0.44
Growth Related Studies	422	368	276	137	0.18
Total Municipal Wide Services	21,211	18,477	13,855	6,886	6.82
Urban Services					
Water Services	8,399	7,316	5,486	2,727	0.96
Wastewater Services	46,226	40,267	30,195	15,008	4.99
Total Urban Services	54,625	47,583	35,681	17,735	5.95
Rural Services					
Septage Services	327	285	214	106	0.00
Total Rural Services	327	285	214	106	0.00
GRAND TOTAL URBAN AREA	75,836	66,060	49,536	24,621	12.77
GRAND TOTAL RURAL AREA	21,538	18,762	14,069	6,992	6.82