



The Regional Municipality of Durham

Finance and Administration Committee Revised Agenda

Tuesday, May 14, 2024, 9:30 a.m.

Regional Council Chambers

Regional Headquarters Building

605 Rossland Road East, Whitby

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2054.

Note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. Committee meetings may be [viewed via live streaming](#).

	Pages
1. Roll Call	
2. Declarations of Pecuniary Interest	
3. Adoption of Minutes	
3.1 Finance and Administration Committee meeting - April 9, 2024	3
4. Statutory Public Meetings	
There are no statutory public meetings	
5. Presentations	
There are no Presentations	
6. Delegations	
There are no Delegations	
7. Administration	
7.1 Correspondence	
7.2 Reports	
a. Report #2024-A-8	11
Upgrades of Existing Bell Internet and Wide Area Network	
Speed and Internet Edge Firewalls	
8. Finance	
8.1 Correspondence	
*a. Correspondence from The Township of Brudenell, Lyndoch	16

and Raglan

re: Resolution passed at their Council meeting held on May 1, 2024, in support of the resolution by the Town of Bracebridge regarding the request to the Province of Ontario for New Provincial-Municipal Fiscal Framework

Pulled from May 10, 2024 Council Information Package by Councillor Neal

Recommendation: Receive for information

8.2 Reports

- | | | |
|----|---|----|
| a. | Report #2024-F-9
Final Recommendations Regarding Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges | 20 |
| b. | Report #2024-F-10
Recommended Amendments to Regional Development Charges By-law #42-2023 to Remove Phase-in Rates | 85 |

9. Advisory Committee Resolutions

There are no advisory committee resolutions to be considered

10. Confidential Matters

10.1 Reports

- | | |
|----|---|
| a. | Report #2024-F-11
Confidential Report of the Commissioner of Finance -
Regarding a Proposed or Pending Acquisition of Land with
respect to Additional Debenture Financing to Support Land
Acquisition for the New Oshawa/Whitby Depot Project

Under Separate Cover |
|----|---|

11. Other Business

12. Date of Next Meeting

Tuesday, June 11, 2024 at 9:30 AM

13. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

The Regional Municipality of Durham

MINUTES

FINANCE & ADMINISTRATION COMMITTEE

Tuesday, April 9, 2024

A regular meeting of the Finance & Administration Committee was held on Tuesday, April 9, 2024 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:32 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Ashe, Chair
Councillor Leahy, Vice-Chair*
Councillor Garrod
Councillor Lee*
Councillor McDougall
Councillor Schummer*
Councillor Woo*
Regional Chair Henry
***denotes Councillors participating electronically**

Also
Present: Councillor Crawford
Councillor Pickles*
Councillor Wotten*

Staff
Present: E. Baxter-Trahair, Chief Administrative Officer
A. Burgess, Director, Communications & Engagement
S. Ciani, Committee Clerk, Corporate Services – Legislative Services
L. Fleury, Deputy Clerk, Corporate Services – Legislative Services
B. Goodwin, Commissioner of Corporate Services
A. Harras, Regional Clerk/Director of Legislative Services
A. Hector-Alexander, Director, Diversity, Equity, and Inclusion
W. Holmes, General Manager, DRT
J. Hunt, Regional Solicitor/Director of Legal Services, CAO's Office – Legal
R. Inacio, Systems Support Specialist, Corporate Services – IT
J. Kilgour, Acting Deputy General Manager, Maintenance, DRT
L. O'Dell, Director, Human Resources, Corporate Services - HR
K. McDermott, Senior Solicitor, Regional Solicitor's Office
N. Pincombe, Director, Business Planning & Budgets
D. Ramkissoon, Manager, Investment Portfolio
N. Taylor, Commissioner of Finance

2. Declarations of Pecuniary Interest

Councillor Ashe made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 10.1 A) Report #2024-A-6: Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785. He indicated that his son works for the Works Department.

3. Adoption of Minutes

Moved by Councillor Garrod, Seconded by Councillor McDougall,
(16) That the minutes of the regular Finance & Administration Committee meeting held on Tuesday, March 19, 2024, be adopted.

CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Presentations

5.1 Nancy Taylor, Commissioner of Finance & Treasurer and Duane Ramkissoo, Manager, Investment Portfolio, re: Prudent Investor Standard: Adoption and Next Steps (2024-F-6)

N. Taylor and D. Ramkissoo provided a detailed PowerPoint presentation on the Prudent Investor Standard Adoption and Next Steps.

Highlights from the presentation included:

- Path to Prudent Investor Standard (PI)
- Recommended Governance Structure: Join ONE Joint Investment Board (ONE JIB)
- Governance Structure Considerations
 - Options
 - Challenges of establishing an IB or JIB
 - Merits of Joining ONE JIB
 - Outsourced Chief Investment Officer – PH&N
- Financial Considerations
- Next Steps
- Investment Policy Statement (IPS) Update
- Conclusion

Staff responded to questions with respect to the roles of PH&N Institutional as the Outsourced Chief Investment Officer (OCIO) and the ONE Joint Investment Board (ONE JIB) and what would the impact be if the Region wanted to move its investments out of the ONE JIB in the future.

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(17) That the order of the Agenda be altered in order to consider Item 8.2
A) Report #2024-F-6 at this time.
CARRIED

8.2 Reports

A) Prudent Investor: Adoption with ONE Joint Investment Board & Investment Policy Update (2024-F-6)

Report #2024-F-6 from N. Taylor, Commissioner of Finance, was received.

Staff and Keith Taylor, Chief Investment Officer, ONE Investment, responded to questions with respect to the engagement with the local municipalities to discuss forming a Durham Joint Investment Board (JIB); which other local municipalities participate in the ONE JIB; if Durham enters ONE JIB as one of the largest investors are they at the same level as the other investors with respect to representation on the board and fees; the flexibility to transition away from the ONE JIB in the future; the possibility of replacing the Outsourced Chief Investment Officer (OCIO) if investment targets are not being met; the fee structure and the fees the Region is paying; whether it is possible for other local municipalities to join the ONE JIB; how long would it take for other local municipalities to be able join the ONE JIB; whether there is a minimal amount that members of the ONE JIB need to invest; and how investments are managed in changing financial market situations.

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(18) That we recommend to Council:

- A) That the proposed Investment Policy Statement, attached to the Prudent Investor Enabling By-law, be approved;
- B) That the Commissioner of Finance/Treasurer be authorized to execute the ONE Joint Investment Board Agreement, attached to the Prudent Investor Enabling By-law, subject to the final form and content being to the satisfaction of the Commissioner of Finance/Treasurer and the Regional Solicitor;
- C) That the draft Investment Plan ("IP") attached to Report #2024-F-6 of the Commissioner of Finance be received for information; and
- D) That the Prudent Investor Enabling By-law be enacted to authorize investing under the Prudent Investor standard as required by Ontario Regulation 438/97 and authorize execution of the ONE Joint Investment Board Agreement delegating control and management of the Region's money not required immediately to the ONE Joint Investment Board.

CARRIED

6. Delegations

6.1 Lisa-Marie Wilson (Virtual Attendance), re: Women of Ontario Say No

Lisa-Marie Wilson did not appear.

Moved by Councillor McDougall, Seconded by Councillor Garrod,
(19) That the delegation from Lisa-Marie Wilson re: Women of Ontario
Say No be referred to Regional Council.
CARRIED

7. Administration

7.1 Correspondence

There were no Communications to consider.

7.2 Reports

A) The Regional Municipality of Durham 2023 Accessibility (2024-A-4)

Report #2024-A-4 from E. Baxter-Trahair, Chief Administrative Officer, was received. E. Baxter-Trahair and A. Hector-Alexander provided a brief overview of the Accessibility Report and noted the report includes a summary of award recipients.

Moved by Councillor McDougall, Seconded by Councillor Garrod,
(20) That we recommend to Council:

That the Regional Municipality of Durham 2023 Accessibility Report as contained in Attachment #1 to Report #2024-A-4 of the Chief Administrative Officer be received for information.

CARRIED

B) Redacting Public Records Policy (2024-A-5)

Report #2024-A-5 from B. Goodwin, Commissioner of Corporate Services, was received. B. Goodwin advised that the policy allows for the removal of specified personal information posted on the Region's website, if requested.

Staff responded to questions regarding the number of inquiries that have been received with respect to the posting of personal information online; what information can be redacted; and how much work is involved to redact the information.

Moved by Councillor Garrod, Seconded by Councillor McDougall,
(21) That we recommend to Council:

That the Redacting Online Public Records Policy generally in the form included as Attachment #1 to Report #2024-A-5 of the Commissioner of Corporate Services, be approved.

CARRIED

8. Finance

8.1 Correspondence

There were no Communications to consider.

8.2 Reports

A) Prudent Investor: Adoption with ONE Joint Investment Board & Investment Policy update (2024-F-6)

Report #2024-F-6 from N. Taylor, Commissioner of Finance, was considered earlier in the meeting. See Item 8.2 A) on Page 3.

B) Region of Durham Water Financial Plan #003-301A (2024-F-7)

Report #2024-F-7 from N. Taylor, Commissioner of Finance, was received.

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(22) That we recommend to Council:

- A) That in accordance with Provincial Regulation 453/07, the Water Financial Plan (Provincial #003-301A) as provided in Appendix #1 of Report #2024-F-7 of the Commissioner of Finance, which has been prepared in the Public Sector Accounting Standards format employing tangible capital asset methodology, be approved;
- B) That a copy of the Water Financial Plan and Council Resolution approving the plan be submitted to the Ministry of Municipal Affairs and Housing as prescribed by Ontario Regulation 453/07 under the Safe Drinking Water Act, 2002 which requires owners of municipal drinking water systems to submit a Water Financial Plan to the Province in order to obtain or maintain a Municipal Drinking Water Licence; and
- C) That notification be placed on the Region's website and on the Public Notification section of the Metroland website to advise the public of the availability of Durham's Water Financial Plan, as prescribed by Ontario Regulation 453/07.

CARRIED

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(23) That the foregoing motion (22) of Regional Chair Henry and Councillor McDougall to adopt the recommendations contained in Report #2024-F-7 of the Commissioner of Finance be reconsidered.

CARRIED on a 2/3rds VOTE

Staff responded to questions with respect to Schedule 1 and whether the provincial changes to Development Charge regulations are the reason for the liabilities to outstrip the assets overtime and if this is something that could detrimentally impact the Region when this information is forwarded to the Ministry of Municipal Affairs and Housing.

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(24) That we recommend to Council:

- A) That in accordance with Provincial Regulation 453/07, the Water Financial Plan (Provincial #003-301A) as provided in Appendix #1 of Report #2024-F-7 of the Commissioner of Finance, which has been prepared in the Public Sector Accounting Standards format employing tangible capital asset methodology, be approved;
- B) That a copy of the Water Financial Plan and Council Resolution approving the plan be submitted to the Ministry of Municipal Affairs and Housing as prescribed by Ontario Regulation 453/07 under the Safe Drinking Water Act, 2002 which requires owners of municipal drinking water systems to submit a Water Financial Plan to the Province in order to obtain or maintain a Municipal Drinking Water Licence; and
- C) That notification be placed on the Region's website and on the Public Notification section of the Metroland website to advise the public of the availability of Durham's Water Financial Plan, as prescribed by Ontario Regulation 453/07.

CARRIED

- C) Sole Source Approval of Standing Agreements for the Purchase of Proprietary Durham Region Transit Bus Parts, Farebox and Associated Parts, and Extended System Warranty and Support for the GFI Fare Collection System (2024-F-8)

Report #2024-F-8 from N. Taylor, Commissioner of Finance, was received.

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(25) That we recommend to Council:

- A) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with New Flyer Industries and Prevost (Nova Bus) to continue the sole source purchases of proprietary bus parts at an estimated annual cost of \$700,000 for New Flyer Industries, and \$300,000 for Prevost, to be funded from the annual Durham Region Transit Business Plans and Budget be approved;

- B) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with Garival to continue to sole source the purchase, repairs, required proprietary parts and equipment for fareboxes at an estimated annual cost of \$75,000, to be funded from the annual Durham Region Transit Business Plans and Budget be approved;
- C) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with Garival Inc. to continue to sole source for system warranty and support for the GFI system at an estimated annual cost of \$50,700, to be funded from the annual Durham Region Transit Business Plans and Budget be approved; and
- D) That the Commissioner of Finance be authorized to execute the necessary agreements.

CARRIED

9. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

10. Confidential Matters

10.1 Reports

- A) Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785 (2024-A-6)

Confidential Report #2024-A-6 from B. Goodwin, Commissioner of Corporate Services, was received.

Moved by Regional Chair Henry, Seconded by Councillor McDougall,
(26) That we recommend to Council:

That the recommendations contained in Confidential Report #2024-A-6 of the Commissioner of Corporate Services be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

No

Councillor Garrod
Regional Chair Henry
Councillor Leahy
Councillor Lee
Councillor McDougall
Councillor Schummer
Councillor Woo

None

Members Absent: None

Declarations of Interest: Councillor Ashe, Chair

Councillor Ashe declared a conflict of pecuniary interest on this item earlier in the meeting and did not vote on this item.

11. Other Business

There was no other business to be considered.

12. Date of Next Meeting

The next regularly scheduled Finance & Administration Committee meeting will be held on Tuesday, May 14, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Garrod, Seconded by Councillor McDougall,
(27) That the meeting be adjourned.
CARRIED

The meeting adjourned at 10:21 AM

Respectfully submitted,

K. Ashe, Chair

L. Fleury, Deputy Clerk



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Corporate Services
Report: #2024-A-8
Date: May 14, 2024

Subject:

Upgrades of Existing Bell Internet and Wide Area Network Speed and Internet Edge Firewalls

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That staff be authorized to negotiate and execute an amendment to the existing agreement with Bell Canada for the upgrade of the Region's Internet and wide area network services at Regional Headquarters from 1 gigabit per second (Gbps) to 10 Gbps, including the distributed denial of service protection, at an estimated one-time capital cost of \$42,000 and estimated annual operating costs of \$459,000, to accommodate the increasing Internet usage from various digital initiatives and demand for high-quality content (audio, 4K video, collaboration, etc.);
- B) That the 2024 unbudgeted costs for the upgrade of the Region's Internet and wide area network services at Regional Headquarters estimated at \$501,000 (including \$459,000 in annual operating costs) be approved with funding to be provided at the discretion of the Commissioner of Finance, with future annual costs to be included in the Region's annual Business Plans and Budgets; and
- C) That the 2024 unbudgeted costs for the replacement of the two Internet Edge Cisco firewalls estimated at \$404,000 (including \$148,000 in annual operating costs) be approved with funding to be provided at the discretion of the Commissioner of Finance, with future annual costs to be included in the Region's annual Business Plans and Budgets.

Report:**1. Purpose**

- 1.1 The purpose of this report is to seek approval for unbudgeted upgrades to the network, firewall and related security services at Regional Headquarters including the required procurement and financing approvals, to improve system performance.

2. Previous Reports and Decisions

- 2.1 In December 2013, Regional Council, through [Report #2013-A-54](#), approved an award of contract to Bell Canada for the provision of a wide area network solution through a competitive request for proposal (RFP) process.
- 2.2 In November 2020, Regional Council, through [Report #2020-COW-32](#), approved the extension of the existing agreements and required amendments with Bell Canada for wide area network and Internet access services for a term of seven years.

3. Upgrades to the Region's Internet and Wide Area Network Services

- 3.1 The Internet connection at Regional Headquarters provides service to thousands of employees and members of the public through Wi-Fi each day and through the wide area network at more than 80 Regional facilities. The performance of this service is vital for regional operations including digital participation.
- 3.2 Internet usage has reached over 90 per cent of available bandwidth during office hours, which risks connection timeouts, traffic congestion, and packet loss. This results in decreased performance, particularly for real-time applications such as voice and video conferencing.
- 3.3 Bandwidth usage increases by approximately 40 percent per year, requiring ongoing upgrades to maintain service at current levels.
- 3.4 The Internet and wide area network have been upgraded in the past to meet bandwidth requirements with funding provided through the approved 2012, 2013, 2015, 2016, 2018, and 2020 Business Plans and Budgets.
- 3.5 The ongoing expansion and enhancements continue as new advanced technological capabilities are delivered to new and existing facilities. These capabilities include enhanced collaboration tools (audio and video conferencing, real-time collaboration, telework), cloud services (maintenance management), physical and personal security, and building automation systems, etc.
- 3.6 The Internet upgrade includes applying the Region's existing sophisticated security services to the expanded network capacity at Regional Headquarters. These services protect the Region from distributed denial of service attacks and maintains resilient connections to ensure high network availability.

- 3.7 Bell Canada was awarded a seven-year contract for Internet and wide area network services through a competitive procurement process. This agreement was extended through [Report #2020-COW-32](#) for a term ending May 1, 2028.
- 3.8 A market study of Internet service providers, including Durham OneNet Inc., will be conducted in advance of the expiry of the current agreement with Bell Canada.

4. Upgrades to the Region's Internet Edge Cisco Firewalls

- 4.1 The current Internet Edge Cisco 2110 firewalls were sourced before the implementation of many Regional digital solutions and are not scalable to handle the increasing Internet usage demand being experienced at Regional Headquarters.
- 4.2 The workload often reaches a critical state during office hours, which results in decreased network performance, including connection timeout, traffic congestion, and package loss for application required internet connections.
- 4.3 The recommended firewall work, will provide superior, seamless network performance for future technologies and internet usage, supporting the organization's innovative requirements while protecting the Region's system, applications, and data against any known and emerging cybersecurity threats.

5. Financial Implications

- 5.1 Section 7.2 of the Region's Purchasing By-Law 16-2020 permits limited tendering through negotiation for additional deliveries by an original supplier for goods and services not included in initial procurement if a change of supplier cannot be made due to interchangeability/interoperability with existing goods and services from initial procurement and would cause significant inconvenience or substantial duplication of cost. It is recommended that staff be authorized to negotiate an amendment to the Region's existing agreement with Bell Canada for Internet and wide area network services under this provision of the Purchasing By-Law. Another service provider would be unable to use Bell Canada's equipment and network to deliver the services, leading to delays in obtaining these urgently required upgrades and substantial duplication of costs in maintaining both services.
- 5.2 OnX, an authorized reseller of Cisco products was awarded a five-year contract in 2023 for the supply of Cisco hardware and software through a competitive procurement process. The proposed acquisition of two Internet Edge Cisco firewalls will be procured under the Region's existing contract with OnX. No amendments to the Region's existing contract with OnX are required for this procurement.
- 5.3 Section 14.2.2 of the Region's Budget Management Policy requires the approval of the Treasurer, CAO, the applicable Standing Committee and Regional Council where unbudgeted capital expenditures in excess of \$50,000 are to be incurred.

- 5.4 The estimated 2024 unbudgeted one-time capital and annual operating costs of \$905,000 for the works outlined in this report are detailed in the following table.

	2024 Estimated Cost
	\$
<u>Capital Items (One-time):</u>	
Network Upgrade Installation	42,000
Firewall Replacement	256,000
Total Capital Costs	298,000
<u>Annual Operating Costs:</u>	
Network	459,000
Firewall	148,000
Total Annual Operating Costs	607,000
Total Estimated 2024 Costs	905,000

- 5.5 It is recommended that financing for the 2024 upgrade of the network services (estimated at \$501,000) and support and security subscriptions for the firewall (estimated at \$404,000) be provided at the discretion of the Commissioner of Finance and that future annual operating costs estimated at \$607,000 be included in future annual Business Plans and Budgets.

6. Relationship to Strategic Plan

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Goal 5: Service Excellence. Objective: To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.
 - 5.1 Optimize resources and partnerships to deliver exceptional quality services and value

7. Conclusion

- 7.1 It is recommended that the network, firewall and related security services at Regional Headquarters be upgraded, including the required procurement and financing approvals, to improve system performance at Regional Headquarters.
- 7.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the recommendations.

Respectfully submitted,

Original signed by

Barb Goodwin, MPA, CPA/CGA,
B.Comm, CPM, CMMIII
Commissioner of Corporate Services

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer




**TOWNSHIP OF
BRUDENELL, LYNDOCH AND RAGLAN**

42 Burnt Bridge Road, PO Box 40
Palmer Rapids, Ontario K0J 2E0
TEL: (613) 758-2061 · FAX: (613) 758-2235

May 1, 2024

The Honourable Doug Ford, Premier of Ontario
Premier's Office
Room 281, Legislative Building, Queen's Park
Toronto, ON M7A 1A1

 Corporate Services Department Legislative Services Division	
Date & Time Received:	May 07, 2024 11:35 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

Dear Mr. Ford,

Re: Township of Brudenell, Lyndoch and Raglan – Supporting the Town of Bracebridge “Request to the Province of Ontario for New Provincial-Municipal Fiscal Framework”

Please be advised that at their last regular meeting of Council on Wednesday May 1st, 2024, the Council for the Corporation of the Township of Brudenell, Lyndoch and Raglan supported the following resolution:

Resolution # 2024-05-01-08
Moved By: Councillor Banks
Seconded by: Councillor Kauffeldt

“Be it resolved that the Council of the Corporation of the Township of Brudenell, Lyndoch and Raglan hereby supports the Town of Bracebridge letter dated March 14th 2024, regarding the request to the Province of Ontario for New Provincial-Municipal Fiscal Framework.

And further that Council directs staff to provide a copy of this resolution to the Premier of Ontario; the Minister of Municipal Affairs and Housing; the Minister of Finance; the Local Member of Provincial Parliament; the Association of Municipalities of Ontario (AMO), the Association of Municipal Managers; Clerks and Treasurers of Ontario (AMTCO); and all Ontario Municipalities.”

CARRIED.

Sincerely,



Tammy Thompson
Deputy Clerk

Cc: Doug Ford, Premier of Ontario
Paul Calandra, Minister of Municipal Affairs and Housing
Peter Bethlenfalvy, Minister of Finance
John Yakabuski, Local Member of Provincial Parliament
Association of Municipal Managers, Clerks and Treasurers of Ontario
(AMTCO)
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities

March 14, 2024

Re: Item for Discussion – Resolution of Support Regarding Request to the Province of Ontario for New Provincial-Municipal Fiscal Framework

At its meeting of March 13, 2024, the Council of the Corporation of the Town of Bracebridge ratified motion #24-GC-053, regarding Resolution of Support Regarding Request to the Province of Ontario for New Provincial-Municipal Fiscal Framework, as follows:

"WHEREAS the current provincial-municipal fiscal arrangements are undermining Ontario's economic prosperity and quality of life;

AND WHEREAS nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly \$4 billion a year;

AND WHEREAS municipal revenues, such as property taxes, do not grow with the economy or inflation;

AND WHEREAS unprecedented population and housing growth will require significant investments in municipal infrastructure;

AND WHEREAS municipalities are being asked to take on complex health and social challenges – like homelessness, supporting asylum seekers and addressing the mental health and addictions crises;

AND WHEREAS inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity;

AND WHEREAS property taxpayers – including people on fixed incomes and small businesses – can't afford to subsidize income re-distribution programs for those most in need;

AND WHEREAS the province can, and should, invest more in the prosperity of communities;

AND WHEREAS municipalities and the provincial government have a strong history of collaboration;

NOW THEREFORE, BE IT RESOLVED THAT the Town of Bracebridge calls on the Province of Ontario commit to undertaking, with the Association of Municipalities of Ontario, a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario;

1000 Taylor Court
Bracebridge, ON
P1L 1R6 Canada

telephone: (705) 645-5264
corporate services and finance fax: (705) 645-1262
public works fax: (705) 645-7525
planning & development fax: (705) 645-4209

AND FURTHER THAT a copy of this motion be sent to the Premier of Ontario; the Minister of Municipal Affairs and Housing; the Minister of Finance; the Local Member of Provincial Parliament; the Association of Municipalities of Ontario; the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO); the Muskoka and Area Indigenous Leadership Table (MAILT); and all Ontario Municipalities."

In accordance with Council's direction, I am forwarding you a copy of the resolution for your reference.

Please do not hesitate to contact me if I can provide any additional clarification in this regard.

Yours truly,



**Lori McDonald
Director of Corporate Services/Clerk**



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Finance
Report: #2024-F-9
Date: May 14, 2024

Subject:

Final Recommendations Regarding Seaton Water Supply and Sanitary Sewerage Area
Specific Development Charges

Recommendations:

That the Finance and Administration Committee recommends to Regional Council:

- A) That pursuant to Section 10(1) of the Development Charges Act, 1997, the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges Background Study dated March 12, 2024 be adopted, including the forecasts of anticipated development, the underlying capital forecasts, the development charges calculations and policies contained in the Background Study, and further, that the approval of the capital forecasts in the Background Study indicate Regional Council's intention to ensure that such an increase in need for services will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;
- B) That the Seaton Residential and Non-residential Development Charges for Water Supply and Sanitary Sewerage be imposed, effective July 1, 2024, as set out in one of the following two sets of schedules depending on the timing of the Royal Assent for Bill 185 (Cutting Red Tape to Build More Homes Act, 2024):
 - i. If Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) does not receive Royal Assent prior to June 30th 2024:

Table 1

Region of Durham Recommended Seaton Residential Development Charges \$ Per Dwelling Unit				
Service Category	Phase In	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage		\$	\$	\$
(i) Seaton Landowners Constructed Works	80%	6,165	4,870	2,836
(ii) Regional Constructed Works	80%	1,832	1,447	842
(iii) Regional Attribution	80%	2,120	1,675	975
Subtotal – Sanitary Sewerage		10,117	7,992	4,653
Water Supply				
(i) Seaton Landowners Constructed Works	80%	2,129	1,682	979
(ii) Regional Constructed Works	80%	5,529	4,368	2,543
(iii) Regional Attribution	80%	4,302	3,398	1,978
Subtotal – Water Supply		11,960	9,448	5,500
Total Development Charges (July 1, 2024 to June 30, 2025)	80%	<u>\$22,077</u>	<u>\$17,440</u>	<u>\$10,153</u>
July 1, 2025 to June 30, 2026 (85%)	85%	23,456	18,532	10,788
July 1, 2026 to June 30, 2027 (90%)	90%	24,835	19,621	11,425
July 1, 2027 to June 30, 2028 (95%)	95%	26,216	20,712	12,058

Table 2

Region of Durham Recommended Seaton Institutional Development Charges \$ Per Square Foot Of Gross Floor Area		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	0.68
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.58
Subtotal – Sanitary Sewerage		1.48
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.09
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.54
Subtotal – Water Supply		0.85
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$2.33</u>
July 1, 2025 to June 30, 2026	<u>85%</u>	2.47
July 1, 2026 to June 30, 2027	<u>90%</u>	2.62
July 1, 2027 to June 30, 2028	<u>95%</u>	2.77

Table 3

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	2.05
(ii) Regional Constructed Works	80%	0.66
(iii) Regional Attribution	80%	1.76
Subtotal – Sanitary Sewerage		4.47
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.26
(ii) Regional Constructed Works	80%	0.64
(iii) Regional Attribution	80%	1.64
Subtotal – Water Supply		2.54
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$7.01</u>
July 1, 2025 to June 30, 2026 (85%)	<u>85%</u>	7.45
July 1, 2026 to June 30, 2027 (90%)	90%	7.89
July 1, 2027 to June 30, 2028 (95%)	95%	8.32

Table 4

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	107,931
(ii) Regional Constructed Works	80%	34,155
(iii) Regional Attribution	80%	89,211
Subtotal – Sanitary Sewerage		231,297
Water Supply		
(i) Seaton Landowners Constructed Works	80%	13,229
(ii) Regional Constructed Works	80%	32,766
(iii) Regional Attribution	80%	86,657
Subtotal – Water Supply		132,652
Total Development Charges		<u>\$363,949</u>
July 1, 2025 to June 30, 2026	(85%)	386,696
July 1, 2026 to June 30, 2027	(90%)	409,443
July 1, 2027 to June 30, 2028	(95%)	432,188

- ii. if Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) receives Royal Assent prior to June 30th, 2024 and eliminates the phase in of development charge rates:

Table 5
Region of Durham
Recommended Seaton Residential Development Charges
\$ Per Dwelling Unit

Service Category	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage	\$	\$	\$
(i) Seaton Landowners Constructed Works	7,706	6,088	3,545
(ii) Regional Constructed Works	2,290	1,809	1,053
(iii) Regional Attribution	2,650	2,094	1,219
Subtotal – Sanitary Sewerage	12,646	9,991	5,817
Water Supply			
(i) Seaton Landowners Constructed Works	2,661	2,102	1,224
(ii) Regional Constructed Works	6,911	5,460	3,179
(iii) Regional Attribution	5,377	4,248	2,473
Subtotal – Water Supply	14,949	11,810	6,876
Total Development Charges	<u>27,595</u>	<u>21,801</u>	<u>12,693</u>

Table 6
Region of Durham
Recommended Seaton Institutional Development Charges
\$ Per Square Foot Of Gross Floor Area

Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	0.85
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.73
Subtotal – Sanitary Sewerage	1.85
Water Supply	
(i) Seaton Landowners Constructed Works	0.11
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.68
Subtotal – Water Supply	1.06
Total Development Charges	<u>2.91</u>

Table 7

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	2.56
(ii) Regional Constructed Works	0.82
(iii) Regional Attribution	2.20
Subtotal – Sanitary Sewerage	5.58
Water Supply	
(i) Seaton Landowners Constructed Works	0.33
(ii) Regional Constructed Works	0.80
(iii) Regional Attribution	2.05
Subtotal – Water Supply	3.18
Total Development Charges	<u>8.76</u>

Table 8

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	134,914
(ii) Regional Constructed Works	42,694
(iii) Regional Attribution	111,514
Subtotal – Sanitary Sewerage	289,122
Water Supply	
(i) Seaton Landowners Constructed Works	16,536
(ii) Regional Constructed Works	40,957
(iii) Regional Attribution	108,321
Subtotal – Water Supply	165,814
Total Development Charges	<u>454,936</u>

- C) That the Development Charge policies for the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges as contained in the proposed By-law (Appendix #3), including those related to collection policy and indexing be approved;

- D) That the Seaton Well Interference Policy as provided in Appendix #1 be adopted as of July 1, 2024;
- E) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or by June 30, 2024 be given the option of being processed under the policies and rates of the current Seaton Area Specific Development Charges By-Law #19-2019 or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region.
- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three(3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- F) Subdivision agreements which have been processed according to By-Law #19-2019 must be executed within three months following the termination of By-Law #19-2019, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- Signed Subdivision Agreement received, including all schedules;
 - Payments of fees identified in the agreement received;
 - Securities identified in the agreement received;
 - Prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- G) That the existing complaint procedure as provided in Regional By-law #52-2014 continue for the purpose of conducting hearings, regarding complaints made under Section 20 of the Development Charges Act, 1997;
- H) That Section 12(3) of the Development Charges Act, 1997 requires Regional Council to determine whether a further public meeting is necessary when changes are made to a proposed development charges by-law following a public meeting, and whereas changes were made to the Seaton proposed development charge by-law following the public meeting on March 27, 2024, it is recommended that Regional Council resolve that a further public meeting is not necessary and therefore Council indicate that a second public meeting is not required prior to the passage of the recommended Seaton Area Specific Development Charge By-law;

- I) That the Regional Solicitor be instructed to finalize the proposed Seaton Area Specific Development Charge By-law for presentation to Regional Council for passage and be authorized to modify the by-law if minor changes are required to accommodate the implications of Bill 185;
- J) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that such revised by-law(s) be presented to Council for passage;
- K) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997; and
- L) That the Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials.

Report:**1. Purpose**

- 1.1 The purpose of this report is to provide final recommendations regarding the proposed Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges. These recommendations form the basis for the by-law to be implemented on July 1, 2024 to replace the existing Seaton Area Specific Development Charge By-law #19-2019.

2. Background

- 2.1 The Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges Background Study (2024 Seaton Area Specific Development Charge Background Study) contained the proposed by-law and provided information regarding the proposed development charge policies for review by Regional Council and the public. The background study was made available to the public (free of charge) beginning March 12, 2024 as indicated in the public notice placed in the Toronto Star on February 26 and 29 and on the Regional and Metroland websites. A Public Meeting of Regional Council was held on March 27th, 2024.
- 2.2 An overview of the estimated capital costs and development forecast utilized to calculate the proposed area specific development charge rates for Seaton contained in the proposed development charge by-law and background study was provided in Report #2024-F-5: Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study (Appendix #2).

3. Previous Reports and Decisions

- 3.1 Report #2023-F-29 provided staff authorization to proceed with the public notice, public release of the proposed by-law and background study and the public meeting

for the renewal of the Seaton Area Specific Development Charge By-law (Seaton ASDC By-law).

- 3.2 Report #2024-F-5 provided Council an overview of the proposed Seaton ASDC By-law.

4. Highlights of Final Recommendations Compared to Proposed By-law and Background Study Recommendations

- 4.1 There was one submission received at the March 27, 2024 Public Meeting. The Region did not receive any further written responses. The submission advised that the Seaton Landowners were continuing to review the Background Study (Appendix #4).

- 4.2 Subsequent to the Public Meeting on March 27, 2024, the Province released Bill 185, Cutting Red Tape to Build More Homes Act, 2024 on April 10, 2024, which if passed as currently drafted, will have implications for the Seaton area specific development charges:

i) The immediate implications for development charges are that upon Royal Assent, the mandatory 5-year phase in of new development charges will no longer be mandatory. Tables 9 and 10 provide the full calculated residential and non-residential rates respectively that will be in effect if Bill 185 receives Royal Assent prior to June 30, 2024 and the year 1 Phased in Rates (at 80%) if Bill 185 does not receive Royal Assent by June 30, 2024.

ii) Notable other changes to the Act include a revised definition of capital costs by reinstating studies as an eligible capital cost (which were removed from eligibility in the More Homes Built Faster Act, 2022), amongst other changes. Staff will continue to monitor Bill 185's status pertaining to its Royal Assent and the related regulations as it relates to the Seaton Area Specific Development Changes By-law.

- 4.3 The recommendations in this report and the recommended Seaton ASDC By-law (Appendix #3) provide both the potential phase-in rates and the full calculated rates to ensure that the Region is prepared to apply the appropriate rates, depending on the timing that Bill 185 takes effect. For example, if Bill 185 is proclaimed on July 15, 2024 and the phase in requirements are eliminated, the by-law is structured to apply the phased-in rates from July 1 to July 14 and the full rates commencing July 15.

Table 9
Comparison of Seaton Residential ASDC Charges
Full Rate vs Phase in Rates ⁽¹⁾
(For a Single Detached Unit)
For July 1, 2024

	<u>Full Rate</u>	<u>Phase in Rates</u>
Water Supply	\$ 14,949	\$ 11,960
Sanitary Sewerage	12,646	10,117
Total - Water & Sewer	<u>\$ 27,595</u>	<u>\$ 22,077</u>

Note 1: the phase in rates displayed in table 9 represent the year 1 phase in rate of 80%.

Table 10
Comparison of Seaton Non-Residential ASDC Charges
Full Rate vs Phase in Rates ⁽¹⁾
For July 1, 2024

	<u>Full Rates</u>	<u>Phase in Rates</u>
Non-Institutional (per sq ft)		
Water Supply	\$ 3.18	\$ 2.54
Sanitary Sewerage	5.58	4.47
Total	<u>8.76</u>	<u>7.01</u>
Institutional (per sq ft)		
Water Supply	1.06	0.85
Sanitary Sewerage	1.85	1.48
Total	<u>2.91</u>	<u>2.33</u>
Prestige Employment Lands (per hectare)		
Water Supply	165,814	132,652
Sanitary Sewerage	289,122	231,297
Total	<u>\$454,936</u>	<u>\$363,949</u>

Note 1: the phase in rates displayed in table 10 represent the year 1 phase in rate of 80%.

- 4.4 It is estimated that if the Region was required to phase in the Seaton water and sewer area specific development charges over five years, that up to \$9.9 million in water supply costs and \$9.5 million in sanitary sewer capital costs would not be recovered by development charges and would need to be funded by water and sewer user rates. If Bill 185 is passed by July 1, 2024 as currently drafted, these costs will be recovered by development charges and will not need to be funded by water and sewer user revenue.

5. Input / Questions Regarding Proposed Seaton Residential and Non-residential Development Charges

- 5.1 Pursuant to the requirements of the DCA, 1997, Regional Council held a public meeting on March 27, 2024 to receive input on the proposed development charge by-law and policies contained in the background study.
- 5.2 No verbal submissions were made at the public meeting of Council held to consider the proposed Seaton ASDC By-law for water supply and sanitary sewerage.
- 5.3 The only formal correspondence provided to the Region with respect to the proposed Seaton Area Specific Development Charge By-law was a letter (Attachment #4) from the lawyer on behalf of the Trustee for the group of landowners developing lands in the Seaton community. The letter noted that the Seaton Landowners' Group appreciated the timely co-operation from Regional staff, and that they were still reviewing the background study. It was noted that if they had any issues based on their continuing review of the Background Study and supporting material, they would advise the Region in advance of enactment of the Seaton ASDC By-law.
- 5.4 The Region subsequently met with the consultants representing the Seaton Landowners to answer any questions regarding the by-law. They have not provided any further correspondence requesting changes to the background study.

6. Further Considerations by Regional Council per DCA, 1997

Formal Consideration of Need for Further Public Meeting

- 6.1 If the final recommendations vary from the proposed by-law in the 2024 Seaton Area Specific Development Charge Background Study released March 12, 2024, Regional Council is required under the provisions of the DCA to consider whether a second public meeting is required. An additional public meeting would require public notices to be placed providing at least twenty day's notice of such a public meeting.
- 6.2 The only change to the Seaton ASDC by-law from the by-law presented in the March 12 Background Study is that it added an option without the phase-in DC rates over the first four years, without any change to the proposed calculated rates, in order to accommodate the unknown timing of the passing of Bill 185. Accordingly, it is recommended that Council indicate that a second public meeting is not required prior to the passage of the recommended Seaton ASDC By-law.

7. Necessary Approvals and Actions to Support Proposed Development Charge By-law

- 7.1 In order to implement the recommended ASDC By-law, various administrative tasks must be undertaken by the Regional Solicitor, Regional Clerk and Regional Treasurer. These include the notification of the passage of by-laws and preparation

of an information pamphlet.

8. Transition Policies

8.1 The following provides a list of transition policies to be utilized for the implementation of the Seaton ASDC By-law (same transitional policies utilized for prior development charge studies):

- A) Any complete submission of a subdivision agreement received by June 30, 2024 will be provided the option of being processed under the current Seaton Area Specific Development Charge By-law or the new by-law. This will provide developers the option to pay the current development charge rates (i.e. the rates prior to the increase on July 1, 2024). The subdivision agreement must be executed by September 30, 2024; and
- B) Any complete building permit application received prior to June 30, 2024 will be processed at the current rates (prior to the July 1, 2024 increase), assuming the building permit is issued by August 31, 2024 (Written correspondence to the area treasurers is provided advising them of this transition process for building permit applications).

9. Conclusion

9.1 The recommendations in this report will create the necessary new area specific development charge by-law (related charges and policies) for Seaton to allow the appropriate infrastructure to be constructed to accommodate the anticipated development in Seaton in accordance with the existing Seaton Front Ending Agreement and will provide the flexibility to allow the full calculated rate to be implemented upon Bill 185 receiving Royal Assent.

9.2 The Commissioner of Works, the Commissioner of Planning and Economic Development and the Regional Solicitor concur with these recommendations and these departments have assisted throughout the development charge review.

10. Appendices

Appendix #1: Seaton Well Interference Policy

Appendix #2: Report #2024-F-5: Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study

Appendix #3: Recommended Seaton Area Specific Development Charge By-law

Appendix #4: Letter of Correspondence from the Seaton Landowners Group

Additional copies of the 2024 Seaton Development Charge Background Study are available from the Regional Clerk's Office or the Regional website.

Respectfully submitted,

Original Signed By

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer

Appendix #1
Seaton Well Interference Policy

Appendix 1 - Seaton Well Interference Policy

1. Introduction

The Region has an established Well Interference Policy as approved in the 2023 Regional Development Charge Background Study. This policy provides relief to residents in situations where their private well has potentially been negatively impacted by the construction of Regional services. The construction of Regional services does not include Area Municipal servicing impacts due to grading, stormwater management ponds, storm sewers, foundation drain collectors etc. The current policy has been Regional practice since 1999.

The existing Regional Well Interference Policy uses Development Charge revenue to:

- provide a temporary supply of water during construction of Regional Services to the affected homeowner unless the resident is unwilling to cooperate with the Region's investigation into the well interference claim, as determined by the Commissioner of Works; and,
- construct watermains and water services to homes (e.g. only to the front line of homes that have been or will potentially be negatively impacted). Work on private property remains at the homeowner's expense.

These costs are included in the Seaton Area Specific Development Charge Study and are funded 100% from water area specific development charges.

2. Financial Impact

The capital costs included in the 2024-2038 forecast is \$6.1 million, to be recovered from development charges. There is no matching user rate contribution as 100% of the cost associated with the well interference policy is funded by development charges.

3. Recommendations

It is recommended that the Regional Well Interference Policy apply to the Seaton Community.

Attachment No. 1
Well Interference Policy

Well Interference Policy

A. Definition of Terms

Affected Party	Shall be the owner of the property that is subject to a Well Impact.
Connection Fee	Shall be the fee paid by a homeowner for a Water Connection, as defined in the Region's Water System by-law.
Frontage Charge	Shall be the charge paid by a homeowner for a Watermain, as defined in the Region's Water System by-law.
Regional Service	Shall be a Watermain, Water Connection, sanitary sewer, sanitary sewer connection, Regional storm sewer, Regional storm sewer connection or Regional Road and for greater clarity, the construction of Regional services does not include local servicing impacts due to grading, storm water management ponds, storm sewers, foundation drain collectors etc.
Temporary Supply of Water	Shall be a system of supplying water to an Affected Party during the construction period by any method deemed appropriate by the Region.
Water Connection	Shall refer to a water service connection and related appurtenances designed in accordance with Regional standards and located within the road right-of way, between the Watermain and the private property line.
Watermain	Shall refer to a watermain system and related appurtenances designed in accordance with Regional standards.
Well Impact	Shall refer to negative influences on the performance of a well, as determined by the Region, that reasonably, and in light of all available data can be attributed to the construction of a Regional Service.
Works on Private Property	Shall refer to all works outside of the municipal road right-of-way including, but not limited to, underground piping, internal and external plumbing, and the abandonment of unused wells.

B. Policy

1. Well Interference During Construction Provisions

- a) A Temporary Supply of Water will be provided to an Affected Party at no cost during the construction period where there is a direct impact on the existing private well supply. Once a Water Connection is constructed and available for use to the property, this provision no longer applies. This often takes the form of water deliveries and temporary above ground tanks. In order to invoke this aspect of the Policy, there needs to be some evidence of an actual impact related to the construction of Regional services as determined by Regional staff, such as:
 - Lowering of the water level in the well beyond a usable level; and/or
 - Negative impact on the quality of the water.
- b) In the event that the resident is unwilling to cooperate with the Region's investigation into the well interference claim, as determined by the Commissioner of Works, the "During Construction Provisions" of the well interference policy will no longer be available to provide relief to the subject property.

2. Well Interference Provisions Post Construction

- a) When Regional services are constructed, water services will be extended to adjacent properties that have private wells which potentially could be negatively impacted by construction which must be within the urban boundary or abutting the urban boundary and conform with the Region's water service request connection policy.
- b) Once the watermain and water service is constructed to the property line, the temporary water supply is removed and the affected homeowner is given the choice to connect to the Regional service. This offer never expires.
- c) The Region will waive the applicable Frontage Charges and Connection Fee for properties serviced by Regional Water supply under this policy.
- d) The costs of constructing the Works on Private Property, including any plumbing requirements and the abandonment of unused wells will be borne by the property owner.
- e) In the event that an Affected Party is located outside of the water supply service area (outside the urban boundary) or when it is not economically feasible to extend water services to the affected party, a new well may be constructed as an alternative method of addressing a well impact, subject to the approval of Committee of the Whole and Council.

3. Future Redevelopment of the Lands

- a) In the event that a property which has received the benefits of this policy is severed or subdivided in the future, Frontage Charges and Connection Fees will be payable to the Region for any new lots created at the rates in effect at the time of connection of the newly created lots to the Regional water supply system.
- b) In the event that a property which has received the benefits of this policy is rezoned or redeveloped in the future for a different use, Frontage Charges and Connection Fees will be payable to the Region for the property at the rates in effect at the time of rezoning or redevelopment application.

4. Other Matters

- a) Once connected to the Regional water supply system and provided the benefits of the Policy, the residents will be charged for water usage based on water meter readings and Regional water rate policies as approved by Council.
- b) Any existing unconnected properties that are experiencing impacts, where the watermain was previously constructed, will be granted the benefits of the Policy. The Policy is not retroactive to any previously connected properties that paid frontage and connection charges at the time of connection.
- c) Where the Region requests that the developer of a nearby development construct a watermain under the Well Interference Policy, the developer will be compensated for those works upon issuance of the “Completion Acceptance Letter” and provision of supporting documentation in accordance with the terms of the executed subdivision or servicing agreement.
- d) In the event that well monitoring is required, this work is to be completed by the Region and funded by the well interference program.
- e) In the event that there is a dispute with respect to the issue of actual well impact, the Region will request that the Ministry of the Environment, Conservation and Parks review the situation and provide a decision in the matter as a means of resolving the dispute.
- f) That Council approval be required for well interference work that exceeds \$250,000 and approval of the Commissioners of Works and Finance be required for works under \$250,000.

Appendix #2

Report #2024-F-5: Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Finance
Report: #2024-F-5
Date: March 27, 2024

Subject:

Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study

Recommendations:

- A) Report #2024-F-5 be received for information; and
- B) All submissions received by Regional Council and the written submissions received by the Regional Clerk by 5:00 p.m. on April 30, 2024, including those opinions expressed verbally at the March 27, 2024 public meeting, be received and referred to Regional staff for consideration in the preparation of the final development charge recommendations and by-law scheduled to be presented to Regional Council for approval on May 29, 2024.

Report:

1. Purpose

- 1.1 The purpose of this report is to provide information regarding the public meeting of Council to be held in the Regional Council Chambers on March 27, 2024 with regard to the proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges (ASDC) By-law. Regional Council is scheduled to make final decisions on the proposed by-law at the May 29, 2024 regular Regional Council meeting, subsequent to prior public input. The Development Charges Act, 1997 (DCA) permits public representations relating to the proposed by-law to be made to Council by any person who attends the March 27, 2024 public meeting.
- 1.2 The notice of the public meeting has been advertised in the Toronto Star on February 26 and 29 (Attachment #1). In addition, the notice has been posted on the Regional and Metroland websites. The proposed development charge (DC) by-law and background study were available to the public at no cost since March 12, 2024

from the Regional Clerk and were also posted on the Regional website. The public notice, public release of the proposed by-law and background study and the public meeting were authorized by Regional Council on November 29, 2023 (Report #2023-F-29).

- 1.3 The purpose of the March 27, 2024 public meeting of Council is to fulfill the statutory requirement to solicit input from the public and stakeholders and to provide the necessary background information on the proposed new DC by-law. The final by-law is scheduled for discussion in accordance with the Council approved timetable, which permits the public and stakeholders to provide input up to 5:00 p.m. on April 30, 2024. Thus, any decision by Regional Council regarding the proposed by-law will be made during the May 29, 2024 Regional Council meeting (following Finance and Administration Committee on May 14, 2024) to ensure implementation of the new by-law on July 1, 2024.

2. Background

- 2.1 Region-wide Development Charge By-law No. 42-2023 (passed in June 2023) imposes DCs for water supply and sanitary sewerage services, except for the lands located within the Seaton Community (Attachment #2 provides a Map of the Seaton Community). The rationale for excluding the Seaton Community from the calculation of the Region-wide DC for water supply and sanitary sewerage services is that a front-ending agreement was executed to advance the water supply and sanitary sewerage infrastructure required to accommodate the development of the Seaton Community. Area-specific DCs in the Seaton Community for water supply and sanitary sewerage services facilitates, in part, the provision of DC credits.
- 2.2 The first Seaton ASDC By-law (By-law No. 19-2013) was approved by Regional Council in April 2013 for the imposition of water supply and sanitary sewerage area-specific DCs against all lands within the Seaton Community, located in the City of Pickering, that are developed for residential and non-residential uses. The by-law came into effect on November 26, 2015 which is coincident with the effective date of the Seaton Phase 1 Regional Infrastructure Front-ending Agreement (RFEA) between the Region of Durham and the Seaton Landowners Group. The Seaton ASDC By-law was renewed in 2019, at the request of the Seaton Landowners, and became effective on July 1, 2019 (By-law No. 38-2019) and expires on June 30, 2024.
- 2.3 The updated Seaton ASDC By-law for water supply and sanitary sewerage services collects, on an equitable basis, the funds necessary to construct watermains, sanitary sewers, pumping stations, reservoirs, plant capacity and any other water supply and sanitary sewerage capital infrastructure necessary to develop the Seaton Community.
- 2.4 On the residential lands, a per unit DC for water supply and sanitary sewerage services applies, based on three dwelling unit types (i.e. singles and semi-detached units, medium density multiples and one category for apartments).

2.5 Two different non-residential DCs apply to land within the Seaton Community as follows:

- A) The prestige employment lands along Highways 407 and 7 are subject to a land area-based area specific DC (i.e. a per hectare DC). It is a uniform per hectare charge that applies to all forms of non-residential development on these lands; and
- B) A separate non-residential DC applies within the mixed-use area (i.e. non-residential development on lands outside of the prestige employment lands). The non-residential DC within the mixed-use area is imposed on a floor-area basis (per square foot charge), comprised of an institutional and non-institutional DC.

2.6 There are three separate components of capital works within the residential and non-residential DCs. These components are:

- A) Landowner constructed and financed works;
- B) Region constructed / landowner financed works; and
- C) Regional attributions (mainly prior infrastructure costs and future plant expansions required for subsequent development phases).

3. Previous Reports and Decisions

3.1 Report #2023-F-29 provided staff authorization to proceed with the public notice, public release of the proposed by-law and background study and the public meeting for the renewal of the Seaton ASDC By-law.

4. Highlights of the Proposed Seaton ASDC By-law

4.1 The proposed capital forecasts, and resultant Seaton ASDC rates, are based on the development forecasts of the Seaton Community to 2039. The forecasts have been updated based on the timing of plans of subdivisions in the Seaton Community, development to date and the anticipated timing of services. Additionally, the population and employment forecasts that were completed in preparation of Envision Durham informed the development forecasts for Seaton.

4.2 The proposed Seaton ASDC rates reflect higher infrastructure costs and changes to the residential and non-residential development forecasts, which has had an impact on the rates as discussed below. An interdisciplinary team of staff from Finance, Works, Planning and Economic Development and Legal Services has collaborated to prepare the DC Background Study.

4.3 Based on the updated development forecasts, capital cost estimates and cashflow projections, the following table identifies the calculated area-specific DCs for water supply and sanitary sewerage services applicable to the residential and non-residential uses within the Seaton Community.

Table 1
Proposed Seaton Water Supply and Sanitary Sewer ASDCs
Full Calculated Charges

	Residential (per SDE)	Non-Residential Lands		Prestige Employment Lands I/C/I (per hectare)
		Mixed Use Area Non-Institutional (per sq ft)	Institutional (per sq ft)	
Water Supply				
Region Constructed - Landowner Funded Works	\$ 6,911	\$ 0.80	\$ 0.27	40,957
Regional Attributions	5,377	2.05	0.68	108,321
Landowner Constructed and Funded Works	2,661	0.33	0.11	16,536
Total - Water Supply	14,949	3.18	1.06	165,814
Sanitary Sewerage				
Region Constructed - Landowner Funded Works	2,290	0.82	0.27	42,694
Regional Attributions	2,650	2.20	0.73	111,514
Landowner Constructed and Funded Works	7,706	2.56	0.85	134,914
Total - Sanitary Sewerage	12,646	5.58	1.85	289,122
Total - Water Supply and Sanitary Sewerage				
Region Constructed - Landowner Funded Works	9,201	1.62	0.54	83,651
Regional Attributions	8,027	4.25	1.41	219,835
Landowner Constructed and Funded Works	10,367	2.89	0.96	151,450
Total - Water & Sewer	\$ 27,595	\$ 8.76	\$ 2.91	\$ 454,936

- 4.4 Changes to the DCA in late 2022, resulting from the More Homes Built Faster Act (Bill 23), require any DC by-law (passed on or after January 1, 2022) to phase-in the calculated charges over a five-year period, as shown in Table 2. The phase-in provisions allow for a maximum of 80 per cent of the full calculated charges to be imposed in the first year of a new DC by-law. This phase-in provision applies to both residential and non-residential rates.

Table 2
Phase-in Schedule of Charges under New DC By-laws

Year 1	Year 2	Year 3	Year 4	Year 5
July 1, 2024 to June 30, 2025	July 1, 2025 to June 30, 2026	July 1, 2026 to June 30, 2027	July 1, 2027 to June 30, 2028	July 1, 2028 to June 30, 2029
80%	85%	90%	95%	100%

- 4.5 It is proposed that the phased-in charges apply to the Regional Attribution portions of the ASDC, which works are emplaced and funded by the Region. This approach would require user rate funding to cover the revenue shortfall for the Regional Attribution ASDC during the phase-in period. The phase-in would also apply to the credits earned for the Region Constructed Works and Landowner Constructed Works portion of the ASDC. This approach would delay credit recovery of the upfront funding by the Landowners.

- 4.6 Table 3 provides a comparison of current Seaton ASDC and the proposed full calculated charges. Table 4 provides a comparison of current Seaton ASDC and the Year 1 phased-in residential charges (for July 1, 2024) for a single detached equivalent (SDE) unit. The full calculated SDE residential DC is proposed to decrease from the current Seaton ASDC of \$31,723 per SDE to \$27,595, as shown in Table 3.
- 4.7 The main reason for the decrease in the full calculated charge is due to an increase to the residential development forecast, based on updated information. The capital costs are being allocated over a higher number of residential units which puts downward pressure on the rates. The total Seaton residential development forecast is now estimated at 17,052 SDE units, as compared to 15,274 SDE units in the 2019 Seaton ASDC Background Study.
- 4.8 As well, adjustments have been made to the Seaton ASDC By-law since its adoption in 2019, to accommodate inflationary pressures as follows:
- A) The Seaton ASDC By-law was amended in June 2021 to update the charges to reflect higher capital costs of future projects and projects completed; and
 - B) The Seaton ASDC rates have been indexed for the past two years at nearly 30%, as prescribed in the Seaton ASDC By-law and permitted under the DCA.
- 4.9 The adjustments made to the current Seaton ASDC since 2019 reduces fluctuations in the charges with the renewal of future by-laws.

Table 3
Comparison of Current and Proposed Full Calculated Seaton Residential ASDCs (per SDE)

	Current Rates (By-law No. 38-2019)	Proposed Calculated Rates	Change
Water Supply			
Region Constructed - Landowner Funded Works	\$ 7,990	\$ 6,911	\$ (1,079)
Regional Attributions	5,680	5,377	(303)
Landowner Constructed and Funded Works	3,327	2,661	(666)
Total - Water Supply	16,997	14,949	(2,048)
Sanitary Sewerage			
Region Constructed - Landowner Funded Works	3,360	2,290	(1,070)
Regional Attributions	3,348	2,650	(698)
Landowner Constructed and Funded Works	8,018	7,706	(312)
Total - Sanitary Sewerage	14,726	12,646	(2,080)
Total - Water Supply and Sanitary Sewerage			
Region Constructed - Landowner Funded Works	11,350	9,201	(2,149)
Regional Attributions	9,028	8,027	(1,001)
Landowner Constructed and Funded Works	11,345	10,367	(978)
Total - Water & Sewer	\$ 31,723	\$ 27,595	\$ (4,128)

4.10 Table 4 provides a comparison of the current Seaton ASDC and the Year-1 phased-in residential charges under the new Seaton ASDC By-law for July 1, 2024 (80% phase in applied).

Table 4
Comparison of Current and Year-1 Phased-in Seaton Residential ASDCs for July 1, 2024 (per SDE)

	Current Rates (By-law No. 38-2019)	Proposed Phase-in Rates ⁽¹⁾	Change
Water Supply			
Region Constructed - Landowner Funded Works	\$ 7,990	\$ 5,529	\$ (2,461)
Regional Attributions	5,680	\$ 4,302	(1,378)
Landowner Constructed and Funded Works	3,327	\$ 2,129	(1,198)
Total - Water Supply	16,997	11,960	(5,037)
Sanitary Sewerage			
Region Constructed - Landowner Funded Works	3,360	1,832	(1,528)
Regional Attributions	3,348	2,120	(1,228)
Landowner Constructed and Funded Works	8,018	6,165	(1,853)
Total - Sanitary Sewerage	14,726	10,117	(4,609)
Total - Water Supply and Sanitary Sewerage			
Region Constructed - Landowner Funded Works	11,350	7,361	(3,989)
Regional Attributions	9,028	6,422	(2,606)
Landowner Constructed and Funded Works	11,345	8,294	(3,051)
Total - Water & Sewer	\$ 31,723	\$ 22,077	\$ (9,646)

Notes:

1. Mandatory phase in of 80% is applied to the Regional Attribution payments and the Region Construction and Landowner Constructed credits.

4.11 Table 5 provides a comparison of current non-residential Seaton ASDC with the full calculated DCs for water supply and sanitary sewerage services applicable to the non-residential lands within the Seaton Community.

4.12 The full calculated charges are slightly higher than the current rates, mainly due to the change in the non-residential development forecast since the prior Seaton ASDC Background Study. Unlike the residential development forecast, the forecasts for the non-residential development in this background study are lower than the forecasts utilized in the 2019 Study, based on updated information. The capital costs allocated over a lower forecast of non-residential development (i.e. square footage and acres) puts upward pressure on the charges.

4.13 The full calculated non-residential charges would be higher if the adjustments mentioned previously did not take place (i.e. amendment to the by-law in 2021 and the indexing of nearly 30% over the previous two years).

Table 5
Comparison of Current and Full Calculated Non-residential ASDCs
(per sq ft and per hectare)

	Current Rates	Proposed	
	(By-law No. 38-2019)	Calculated	Change
Non-Institutional (per sq ft)	Rates		
Water Supply	\$ 2.86	\$ 3.18	\$ 0.32
Sanitary Sewerage	5.52	5.58	0.06
Total	8.38	8.76	0.38
Institutional (per sq ft)			
Water Supply	0.99	1.06	0.07
Sanitary Sewerage	1.91	1.85	(0.06)
Total	2.90	2.91	0.01
Prestige Employment Lands (per hectare)			
Water Supply	139,291	165,814	26,523
Sanitary Sewerage	267,201	289,122	21,921
Total	\$ 406,492	\$ 454,936	\$ 48,444

4.14 Table 6 provides a comparison of current non-residential Seaton ASDC and the Year 1 phased-in non-residential charges for July 1, 2024 (80% phase in applied).

Table 6
Comparison of Current and Year 1 Non-residential ASDCs for July 1, 2024
(per sq ft and per hectare)

	Current Rates	Proposed	
	(By-law No. 38-2019)	Phase-in	Change
Non-Institutional (per sq ft)	Rates ⁽¹⁾		
Water Supply	\$ 2.86	\$ 2.54	\$ (0.32)
Sanitary Sewerage	5.52	4.47	(1.05)
Total	8.38	7.01	(1.37)
Institutional (per sq ft)			
Water Supply	0.99	0.85	(0.14)
Sanitary Sewerage	1.91	1.48	(0.43)
Total	2.90	2.33	(0.57)
Prestige Employment Lands (per hectare)			
Water Supply	139,291	132,652	(6,639)
Sanitary Sewerage	267,201	231,297	(35,904)
Total	\$ 406,492	\$ 363,949	\$ (42,543)

Notes:

1. Mandatory phase in of 80% is applied to the Regional Attribution payments and the Region Construction and Landowner Constructed credits.

5. Proposed Changes to the Seaton ASDC By-law

- 5.1 In order to minimize the amount of user rate funding required to finance DC shortfalls, the proposed Seaton ASDC By-law continues to include the following policies:
- A) Minimal discretionary exemptions; and
 - B) The per hectare charge on the prestige employment lands will eliminate the exemption provided for the expansion of an industrial building.
- 5.2 Several changes to the Seaton ASDC By-law are proposed, in order to align with Regional Development Charge By-law No. 42-2023. These include:
- A) Broadening the definition of a bedroom to meet the area requirements of the Ontario Building Code; and
 - B) Broadening the definition of apartment building to include stacked townhouses.
- 5.3 Several changes to the Seaton ASDC By-law are being made to reflect changes to the DCA legislation through the More Homes, More Choice Act (Bill 108), the COVID-19 Economic Recovery Act, 2020 (Bill 197), the More Homes Built Faster Act (Bill 23) and the Affordable Homes, Good Jobs Act, 2023 (Bill 134). This includes exemptions for non-profit housing, secondary units and affordable housing, discounts for rental housing and the five-year phase in of both the ASDC payments and DC credits.

6. Staff Consultation to Date

- 6.1 Staff have sent letters to the local development industry (representatives of the Durham Homebuilders Association and the Building Industry and Land Development Association), the local Chambers of Commerce and Boards of Trade with an offer to meet and discuss the proposed DC by-law. Regional staff have also advised the local area municipalities of the Seaton ASDC By-law renewal.
- 6.2 Staff have also sent a letter to the Trustee representing the Seaton Landowners Group, advising of the timetable and opportunities to provide comments as part of the public process. Staff have met numerous times with the consultants representing the Seaton Landowners Group in preparation of the Seaton ASDC Background Study.

7. Next Steps

- 7.1 The DCA and associated regulations require that Regional Council hold at least one public meeting to receive public representation on the proposed Seaton Water Supply and Sanitary Sewer ASDC By-law and Background Study.
- 7.2 The Public meeting will be held on March 27, 2024 during the regular meeting of Regional Council to provide the public an opportunity to comment on the proposed Seaton ASDC By-law.

- 7.3 Any verbal or written input offered by the public during the public meeting on March 27, 2024 will be considered. The DCA permits public representations relating to the proposed by-laws from any person who attends the March 27, 2024 meeting.
- 7.4 The public notice, which advised of the public meeting of Regional Council to be held on March 27, 2024, have also advised that written submissions by the public received by the Regional Clerk by 5 p.m. on April 30, 2024, will be considered in preparing the final recommendations and by-law.
- 7.5 On May 29, 2024, Regional Council will consider the following:
- A) the approval of the capital forecasts contained in the Seaton ASDC Background Study as required by the DCA;
 - B) the approval of the Seaton ASDC Background Study as constituting Council's Development Charge Background Study for the purposes of section 10 of the DCA; and,
 - C) the approval of the final recommendations and Seaton ASDC By-law.
- 7.6 If the proposed by-law is changed following the March 27, 2024 public meeting, Regional Council must also formally consider whether a second public meeting is required. Council's decision in this regard should be reflected in an appropriately worded resolution. Further, Council's decision will be final and not subject to review by a court or the Ontario Land Tribunal (OLT).
- 7.7 The recommendations presented by staff to the Finance and Administration Committee (on May 14, 2024) and Regional Council on May 29, 2024 will have given due consideration to the public input received.

8. Relationship to Strategic Plan

- 8.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- A) Ensuring the Region's DC By-law is in conformity with the DCA, supporting Goal 5 (Service Excellence).

9. Conclusion

- 9.1 In accordance with the public consultation process previously approved by Regional Council, it is recommended that this report be received for information with final recommendations regarding the proposed Seaton ASDC By-law to be presented to the Finance and Administration Committee on May 14, 2024 and to Regional Council on May 29, 2024.
- 9.2 Further, it is recommended that all submissions received by Regional Council and the written submissions received by the Regional Clerk by 5 p.m. on April 30, 2024, including those opinions expressed verbally or in writing at the March 27, 2024 public meeting, be received and referred to Regional staff for consideration in the

preparation of the final Seaton ASDC recommendations and by-law.

9.3 The Planning and Economic Development, Works and Corporate Services - Legal departments have worked on the Seaton ASDC Background Study and reviewed this report.

10. Attachment

Attachment #1: Seaton Area Specific Development Charge By-law Public Notice

Attachment #2: Map of Seaton Community

Respectfully submitted,

Original Signed By _____

N. Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By _____

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1
Seaton Area Specific Development Charge By-law Public Notice



**REGIONAL MUNICIPALITY OF DURHAM
NOTICE OF PUBLIC MEETING
REGARDING AREA SPECIFIC DEVELOPMENT CHARGES
FOR THE WATER SUPPLY AND SANITARY SEWERAGE
SERVICES IN THE SEATON COMMUNITY
OF THE CITY OF PICKERING**

On March 27, 2024 the Council of the Region of Durham will hold a public meeting, pursuant to Section 12 of the Development Charges Act, 1997. This public meeting will be held to present the proposed Area Specific Development Charges By-law and the related underlying background study and to obtain public input on that proposed by-law and study regarding water supply and sanitary sewerage services in the Seaton Community of the City of Pickering.

The public meeting is to be held:

Wednesday, March 27, 2024
9:30 a.m.
The Regional Municipality of Durham Headquarters
Council Chambers
605 Rossland Road East
Whitby, Ontario

In order that sufficient information is made available to the public, copies of the proposed by-law and the background study will be made available as of March 12, 2024, upon request. The documents will also be posted on the Regional website, at durham.ca, on March 12, 2024.

To submit written correspondence to Regional Council, contact Legislative Services by email at clerks@durham.ca, or mail your comments to the Regional Clerk, Regional Municipality of Durham, 605 Rossland Road East, Whitby, ON L1N 6A3 by 5:00 PM on Tuesday April 30, 2024.

If you wish to make a delegation before Regional Council at the public meeting, submit your request in writing to delegations@durham.ca by noon on Tuesday, March 26, 2024. Members of the public who register in advance of the meeting will be provided with the details to delegate electronically. Please note that this meeting will be held in a hybrid meeting format with electronic and in-person participation.

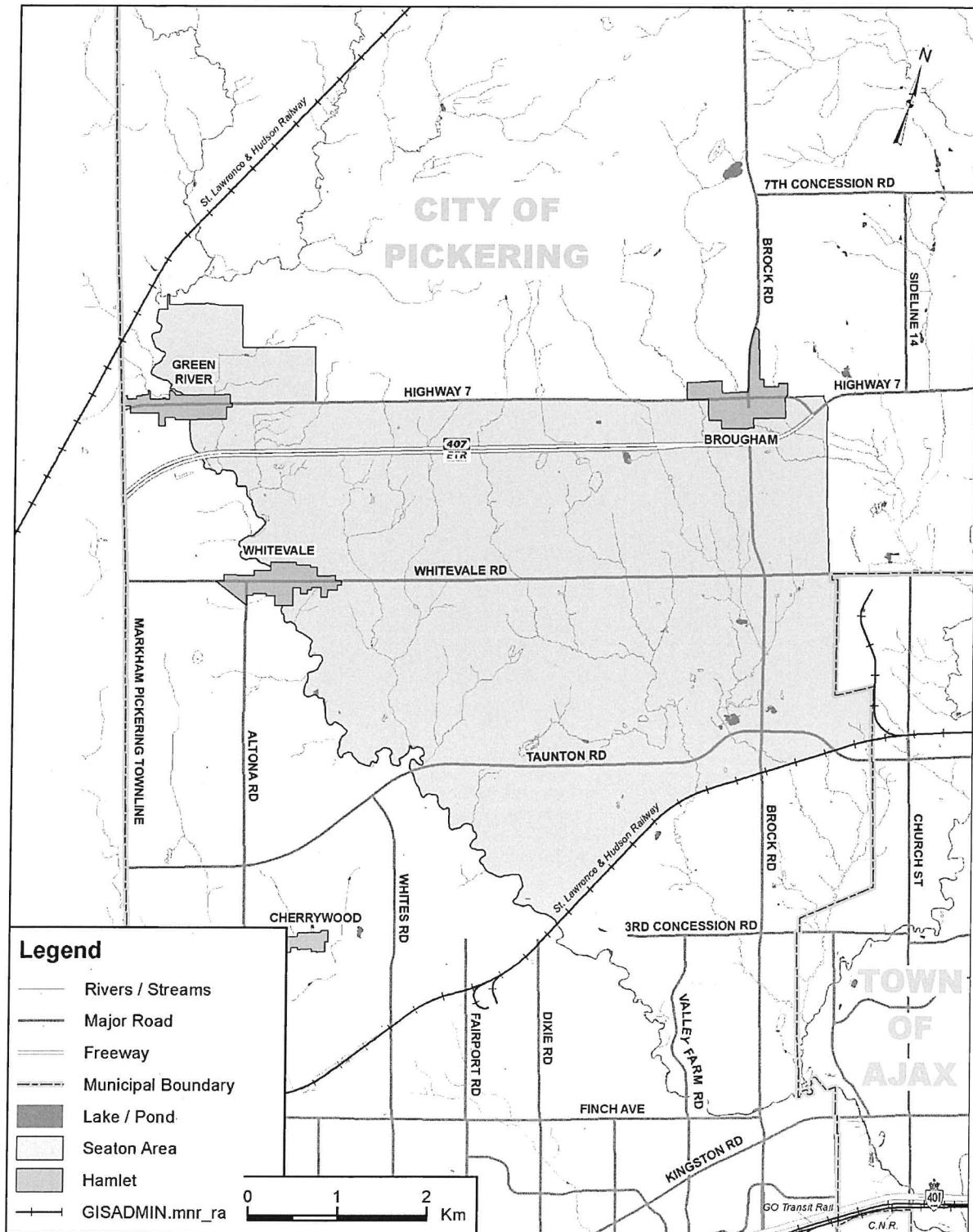
Members of the public can also view the meeting via live streaming at durham.video as an alternative to attending the meeting in person. Information you provide or present during the public meeting, including your name, are subject to the requirements of the Municipal Freedom of Information and Protection of Privacy Act. This will form part of the public record and may be made available to the public.

All submissions received in writing, as well as those opinions expressed at the Public Meeting, will be considered prior to Council's decision. Council's decision is anticipated during the regular Regional Council meeting of May 29, 2024.

Further information may be obtained by contacting Mary Simpson, Director of Risk Management, Economic Studies and Procurement, Regional Finance Department at 905-668-4113 (ext. 2301) or mary.simpson@durham.ca.

Alexander Harras
Director of Legislative Services / Regional Clerk

Attachment #2
Map of the Seaton Community



Appendix #3

Recommended Seaton Area-Specific Development Charge By-law for Water Supply and Sanitary Sewer

By-law Number ^^ -2024

of The Regional Municipality of Durham

Being a by-law to establish Area-Specific Development Charges for the Seaton Community – Water Supply and Sanitary Sewerage Services.

WHEREAS section 2(1) of the *Development Charges Act, 1997*, provides that council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies if the development requires one or more of the approvals identified in section 2(2) of the *Development Charges Act, 1997*;

AND WHEREAS a development charge background study has been completed in support of the imposition of development charges;

AND WHEREAS the Council of The Regional Municipality of Durham has given notice and held a public meeting on March 27, 2024, in accordance with section 12(1) of the *Development Charges Act, 1997*;

AND WHEREAS the Council of The Regional Municipality of Durham has permitted any person who attended the public meeting to make representations in respect of the proposed development charges;

NOW THEREFORE, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Interpretation

Definitions

1.1 In this By-law,

- (a) “Act” means the *Development Charges Act, 1997*, or a successor statute;
- (b) “affordable residential unit” has the meaning set out in section 4.1 of the Act and regulations, once they are in force;
- (c) “agricultural use” means lands, buildings or structures, excluding any portion thereof used as a dwelling unit or for a commercial use, used or designed or intended for use for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, greenhouses, horticulture, market gardening, pasturage, poultry keeping, and equestrian facilities;

- (d) “air-supported structure” means a structure consisting of a pliable membrane that achieves and maintains its shape and is supported by internal air pressure;
- (e) “apartment building” means a residential building, or the residential portion of a mixed-use building, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade but does not include a triplex, semi-detached duplex, semi-detached triplex, or townhouse. Despite the foregoing, an “apartment building” includes stacked townhouses;
- (f) “apartment” means a dwelling unit in an apartment building or a single storey dwelling unit located within or above a residential garage or a commercial use;
- (g) “area municipality” means a lower-tier municipality that forms part of the Region;
- (h) “bedroom” means a habitable room, of at least seven square meters (7 m²) where a built-in closet is not provided, or at least six square meters (6 m²) where a built-in closet is provided, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom or a kitchen;
- (i) “building or structure” means a permanent enclosed structure and includes an air-supported structure;
- (j) “Central Pickering Development Plan” means the development plan approved under the Ontario Planning and Development Act in regard to the Seaton Community;
- (k) “commercial use” means land, buildings or structures used, or designed or intended for use for either or both of office and retail uses as defined in this by-law;
- (l) “Council” means the Council of the Regional Municipality of Durham;
- (m) “detached dwelling” and “detached” means a residential building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units on that parcel of land, where no portion of the building is attached to any building on another parcel of land;
- (n) “development” includes redevelopment;
- (o) “development charges” means charges imposed pursuant to this By-law in accordance with the Act;

- (p) “duplex” means a building comprising, by horizontal division, two dwelling units on one parcel of land;
- (q) “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;
- (r) “existing industrial building” means a building used for or in connection with,
 - (i) manufacturing, producing, processing, storing or distributing something;
 - (ii) research or development in connection with manufacturing, producing or processing something;
 - (iii) 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;
 - (iv) office or administrative purposes, if they are,
 - (v) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - (vi) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (s) “Front-Ending Agreement” means the Agreement between the Region and the Seaton Landowners in regard to the development of the Seaton Community;
- (t) “farm building” means a building or structure used, in connection with a bona fide agricultural use and includes barns, silos, and similar structures, and includes a dwelling located on the same lot as the agricultural use or on a lot directly abutting the agricultural use, which is used exclusively for the housing of temporary or seasonal persons employed exclusively for the farming of that agricultural use, but otherwise excludes a building or structure used, or designed or intended for use for residential or commercial uses;
- (u) “gross floor area” means (except for the purposes of sections 2.20 and 2.21) in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the

building or structure or pliable membrane in the case of an air supported structure, or from the centre line of a common wall separating a non-residential and a residential use, and, for the purposes of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;

- (v) “hospice” means a building or structure used to provide not for profit palliative care to the terminally ill;
- (w) “industrial use” means lands, buildings or structures used or designed or intended for use for manufacturing, producing, processing, fabricating or assembly of raw goods, research or development in connection therewith, and includes office uses, warehousing or bulk storage of goods 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 similar use;
- (x) “institutional development” for the purposes of section 3.11 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 (i), or
 - 3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
 - (iv) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - (v) as a hospice to provide end of life care.
- (y) “institutional use” means lands, buildings or structures used or designed or intended for use by a non-profit organized body, society

or religious group for promoting a public and non-profit purpose, and would include a hospice and office uses where such uses are accessory to an institutional use;

- (z) “local board” means a local board as defined in the Municipal Affairs Act, other than a board defined in subsection 1(1) of the Education Act;
- (aa) “medium density multiples” includes plexes, townhouses and all other residential uses that are not included in the definition of “apartment building”, “apartment”, “mobile homes”, “retirement residence units”, “detached”, “detached dwelling” or “semi-detached dwelling”;
- (bb) “mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of at least two of commercial, industrial, institutional or residential uses;
- (cc) “Mixed-Use Area” means the lands within the Seaton Community that are not designated Prestige Employment Lands on the land use plan of the Central Pickering Development Plan;
- (dd) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent or temporary residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (ee) “net hectare” means the area in hectares of a parcel of land exclusive of the following:
 - (i) lands conveyed or to be conveyed to the City of Pickering or a local board thereof or the Region or a local board thereof;
 - (ii) lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways;
 - (iii) hazard lands conveyed or to be conveyed to a conservation authority as a condition of development;
 - (iv) lands identified as “Natural Heritage System” pursuant to the Central Pickering Development Plan; and
 - (v) storm water management facility areas;
- (ff) “non-institutional use” means lands, buildings or structures used, or designed or intended for non-residential uses other than institutional uses;

- (gg) “non-profit housing development”, means development of a building or structure intended for use as residential premises and developed by,
 - (i) a corporation to which the Not-for-Profit Corporations Act, 2010 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;
- (hh) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use, and includes agricultural, commercial, industrial and institutional uses;
- (ii) “office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker, mortgage company, medical clinic, builder, land developer;
- (jj) “plex” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- (kk) “Prestige Employment Land Area” means the lands within the Seaton Community shown on Schedule “G”, which are designated Prestige Employment Lands on the land use plan of the Central Pickering Development Plan;
- (ll) “Region” means the Regional Municipality of Durham;
- (mm) “Regional Attribution Sanitary Sewerage Development Charges” means charges in regard to infrastructure for sanitary sewerage services that have been, or will be, constructed and financed by the Region under the Front-Ending Agreement;
- (nn) “Regional Attribution Water Supply Development Charges” means charges in regard to infrastructure for water supply services that have

been, or will be, constructed and financed by the Region under the Front-Ending Agreement;

- (oo) “Regional Seaton-Specific Sanitary Sewerage Development Charges” means charges in regard to infrastructure for sanitary sewerage services to be constructed by the Region and financed by the Seaton Landowners under the Front-Ending Agreement;
- (pp) “Regional Seaton-Specific Water Supply Development Charges” means charges in regard to infrastructure for water supply services to be constructed by the Region and financed by the Seaton Landowners under the Front-Ending Agreement;
- (qq) “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.
- (rr) “residential use” means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include any building or structure containing dwelling units, and include, but is not limited to, a detached dwelling, a semi-detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;
- (ss) “retail use” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services for consumption or use and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include, but not be limited to, food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres, automotive dealers, automotive repair shops, gasoline service stations, government owned retail facilities, private daycare, private schools, private lodging, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, medical clinics, funeral homes, motels, hotels, rooming houses, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, self-storage facilities and secure document storage;
- (tt) “retirement residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has

separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;

- (uu) “retirement residence unit” means a unit within a retirement residence;
- (vv) “rooming house” means a detached building or structure which comprises rooms that are rented for lodging and where the rooms do not have both culinary and sanitary facilities for the exclusive use of individual occupants;
- (ww) “Seaton Community” means the lands shown on Schedule “F”, which may generally be described as being bounded: to the south by the Canadian Pacific Railway right-of-way; to the west by West Duffins Creek; to the north by Provincial Highway No. 7; and to the east by Sideline 16 and the boundary between the City of Pickering and the Town of Ajax, and excludes the lands comprising the Hamlet communities of Whitevale, Green River and Brougham;
- (xx) “Seaton Landowners” means 1133373 Ontario Incorporated, Lebovic Enterprises Limited, Affiliated Realty Corporation Limited, Chestermere Investments Limited, Hunley Homes Limited, 1350557 Ontario Limited, Zavala Developments Inc., Mattamy (Seaton) Limited, White Sun Developments Limited, and Her Majesty the Queen In Right of Ontario as represented by the Minister of Infrastructure, or their respective successors and assigns;
- (yy) “Seaton Landowners Constructed Sanitary Sewerage Development Charges” means charges in regard to infrastructure for sanitary sewerage services to be constructed and financed by the Seaton Landowners under the Front-Ending Agreement;
- (zz) “Seaton Landowners Constructed Water Supply Development Charges” means charges in regard to infrastructure for water supply services to be constructed and financed by the Seaton Landowners under the Front-Ending Agreement;
- (aaa) “semi-detached building” means a building on two parcels of land, divided vertically (above or below ground) along the common lot line of the two parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;
- (bbb) “semi-detached dwelling” means the portion of a semi-detached building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;
- (ccc) “semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;

- (ddd) “services” means the services designated in section 2.8 of this by-law;
- (eee) “stacked townhouse” means a building, other than a plex, a detached dwelling or 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;
- (fff) “storm water management facility area” means the area bounded by the limit of grading for such facility including necessary sloping, maintenance access and associated infrastructure, but does not include any maintenance access road which serves any additional purpose on the property or any portion of the facility located within the Natural Heritage System lands;
- (ggg) “townhouse building” means a residential building, on at least 3 parcels of land divided vertically (above or below ground) along the common lot line between each of the parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;
- (hhh) “townhouse dwelling” means the portion of a townhouse building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;
- (iii) “triplex” means a building comprising 3 dwelling units.

1.2 In this by-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any successor statute or section.

2. Application of By-law — Rules

Circumstances Where Development Charges are Payable

- 2.1 Development charges shall be payable in the amounts set out in sections 2.9 and 2.13 to 2.19 of this by-law where:
- (a) the lands are located in the area described in section 2.2; and
 - (b) the development of the lands requires any of the approvals set out in section 2.4.

Area to Which By-law Applies

- 2.2 Subject to section 2.3, this by-law applies to all lands in the Seaton Community.

- 2.3 This by-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the Region or a local board thereof;
 - (b) a board as defined in subsection 1(1) of the Education Act; and
 - (c) an area municipality or a local board thereof in the Region.

Approvals for Development

- 2.4 Development charges shall be imposed upon all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
- (a) the passing of a zoning by-law or of 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, 1998*; or
 - (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Designation of Services

- 2.5 Council has determined that the development of the land to which this by-law applies increases the need for the services designated in section 2.8.
- 2.6 No more than one development charge for each service designated in section 2.8 shall be imposed on land to which this by-law applies even though two or more of the actions described in section 2.4 are required before the land can be developed.
- 2.7 Notwithstanding section 2.6, if two or more of the actions described in section 2.4 occur at different times, additional development charges shall be imposed, if the subsequent action has the effect of increasing the need for services.

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

- (a) water supply; and
- (b) sanitary sewerage.

The components of the services designated in section 2.8 are described on Schedule “A”.

Amount of Charge

Residential

2.9 The development charges set out as Total Development Charges in Schedule “B” to this by-law shall be imposed upon 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, upon the residential uses in the mixed use building or structure, according to the type of residential unit.

Exemptions

2.10 Development charges shall not be imposed in respect to:

- (a) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
- (b) the enlargement of an existing dwelling unit;
- (c) the creation of additional dwelling units in accordance with the following table:

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
2.10 (c)(i) Existing detached, semi-detached or townhouse dwellings, which contain a single dwelling unit, and where there are no other dwelling units in other buildings or structures on the parcel of land	Two	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
2.10 (c)(ii) Existing detached, semi-detached or townhouse dwellings, each of which contains a single dwelling unit and where there is no more than one dwelling unit in other buildings or structures on the parcel of land	One	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.10 (c)(iii) Existing detached, semi-detached or townhouse dwellings, each of which contains no more than 2 dwelling units and where there are no other dwelling units in other buildings or structures on the parcel of land	One	This exemption applies only for the creation of a dwelling unit in an ancillary building or structure and no exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.10 (c)(iv) Existing rental residential buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	No exemption applies where it would result in a total number of dwelling units where units created under the exemption in this By-law would exceed the greater of one unit or 1% of the units existing in the building prior to the first exemption for an additional dwelling unit.
2.10 (c)(v) An existing residential building not in another class of residential building described in this table.	One	No exemption applies where a dwelling unit has already been created with an exemption this By-law.

- (d) the creation of additional dwelling units in accordance with the following table:

Description of Class of Proposed New Residential Buildings & Number of Units Proposed	Restrictions
2.10 (d)(i) the second or third dwelling units in a proposed detached, semi-detached or townhouse dwelling where there are no other dwelling units, existing or proposed, in other buildings or structures on the parcel of land	No exemption applies for the creation of first dwelling unit or where a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.10 (d)(iii) one dwelling unit in a proposed new residential building that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or townhouse dwelling which would not contain more than a two dwelling units.	No exemption applies for the creation of a dwelling unit which would result in more than a total of three dwelling units on a parcel of land.

- (e) non-profit housing development;
- (f) residential units that are affordable housing units required to be included in a development or redevelopment (“inclusionary zoning units”) pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) of that Act; and
- (g) once section 4.1 of the Act and related regulations come into force, affordable residential units.

Mobile Home

- 2.11 The development charges imposed upon a mobile home under section 2.9 shall be payable at the rate applicable to an apartment. However,
- (a) The development charges paid in regard to a mobile home shall be refunded in full to the then current owner thereof, upon request, if the mobile home is removed within ten years of the issuance of the building permit relating thereto; and
 - (b) The onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, which establishes that the applicant is entitled to the refund claimed under this section.

Retirement Residence Unit

- 2.12 The development charges imposed on a retirement residence unit under section 2.9 shall be payable at the rate applicable to an apartment.

Non-Residential

Institutional

- 2.13 The development charges set out as Total Development Charges in Schedule “C” to this by-law shall be imposed upon institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the institutional uses in the mixed use building or structure.
- 2.14 The development charges described in section 2.13 of this by-law shall apply in the Mixed-Use Area.

Non-Institutional

- 2.15 The development charges set out as Total Development Charges in Schedule “D” to this by-law shall be imposed upon non-institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the non-institutional uses in the mixed use building or structure.
- 2.16 The development charges described in section 2.15 of this by-law shall apply in the Mixed-Use Area.

Prestige Employment Land Area

- 2.17 The development charges set out as Total Development Charges in Schedule “E” to this by-law shall be imposed upon all uses of lands, buildings or structures within the Prestige Employment Land Area.
- 2.18 The development charges described in section 2.17 shall be
- (a) calculated based upon the number of net hectares of the entire parcel of land upon which the development will occur.
- 2.19 Notwithstanding sections 2.13 and 2.15 of this by-law, the development charges described in Schedules “C” and “D” shall not be imposed upon any uses of lands, buildings or structures within the Prestige Employment Land Area.

Exemption for Enlargement of Existing Industrial Building

- 2.20 Despite any other provisions of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the

amount of the development charge that is payable in respect of the enlargement shall be calculated as follows:

- (a) if the gross floor area is enlarged by fifty percent or less, the amount of the development charge in respect of the enlargement is zero;
- (b) if the gross floor area is enlarged by more than fifty percent the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - (i) determine the amount by which the enlargement exceeds fifty percent of the gross floor area before the enlargement; and
 - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.

2.21 For the purposes of section 2.20 the following provisions apply:

- (a) the gross floor area of an existing industrial building shall be calculated as it existed as of July 1, 2024;
- (b) subject to (c) below, the enlargement need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land as the existing industrial building;
- (c) in the event that the enlargement is in the form of a standalone building or structure located on the same parcel of land as per (b) above, prior to the issuance of a building permit for the standalone building or structure, the owner shall be required to enter into an agreement with the Region under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands. Such agreement will require that in the event that the lands upon which any standalone building or structure is located are the subject of an application for consent under section 53 of the Planning Act; or for which a by-law is passed under subsection 50(7) of the Planning Act, within 10 years of building permit issuance for such standalone building or structure, that the development charges that would have otherwise been payable for such standalone building or structure, shall become due and payable.

2.22 In sections 2.20 and 2.21 “gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from

another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

- (a) This section does not apply to the development of land within the Prestige Employment Land Area.

Reduction for Rental Housing Developments

2.23 The development charges set out in Schedule B shall be:

- (a) In rental housing development, for dwelling units with 3 or more bedrooms: 75% of the Total of All Charges shown on Schedule B;
- (b) In rental housing development, for dwelling units with 2 bedrooms: 80% of the Total of All Charges shown on Schedule B; and
- (c) In rental housing development, for all other dwelling units: 85% of the Total of All Charges shown on Schedule B;
- (d) The amounts in subsections (a) to (c) are in addition to any applicable mandatory phase-in reductions pursuant to section 3.18 of this by-law.

3. Administration

Timing of Payment of Development Charges

- 3.1 Development charges, determined in accordance with section 3.12 of and adjusted in accordance with section 3.14 this by-law, are payable in full on the date on which a building permit is issued with respect to each dwelling unit, building or structure.
- 3.2 Notwithstanding section 3.1, development charges, determined in accordance with section 3.12 and adjusted in accordance with section 3.14 of this by-law, shall be payable, with respect to an approval of a residential plan of subdivision under section 51 of the Planning Act, immediately upon the owner entering into the subdivision agreement with the Region, on the basis of the proposed number and type of dwelling units in the plan of subdivision.
- 3.3 Notwithstanding section 3.2, development charges applicable to a high density or condominium block in a residential plan of subdivision are payable in accordance with section 3.1.
- 3.4 Notwithstanding section 3.1, Council, from time to time, and at any time, may enter into agreements in accordance with section 27 of the Act which provide for all or any part of a development charge to be paid before or after it would otherwise be payable.

- 3.5 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were greater at the time that payments were made pursuant to section 3.2 than for the type of dwelling unit used to calculate the payment under section 3.2, an additional payment to the Region is required, which payment, in regard to such different unit types, shall be the difference between the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits, and the development charges previously collected in regard thereto, adjusted in accordance with section 3.12 of this by-law to the date of issuance of the building permit or permits.
- 3.6 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the total number of dwelling units of a particular type for which building permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, an additional payment to the Region is required, which payment shall be calculated on the basis of the number of additional dwelling units at the rate prevailing as at the date of issuance of the building permit or permits for such dwelling units.
- 3.7 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were less at the time that payments were made pursuant to section 3.2 than for the type of dwelling unit used to calculate the payment under section 3.2, a refund in regard to such different unit types shall be paid by the Region, which refund shall be the difference between the development charges previously collected, adjusted in accordance with section 3.12 of this by-law to the date of issuance of the building permit or permits, and the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.
- 3.8 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the total number of dwelling units of a particular type for which

building permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, a refund shall be paid by the Region, which refund shall be calculated on the basis of the number of fewer dwelling units at the rate prevailing as at the date of issuance of the building permit or permits.

- 3.9 Notwithstanding sections 3.7 and 3.8, a refund shall not exceed the amount of the development charges paid under section 3.2.

Payment by Services

- 3.10 Notwithstanding the payments required under sections 3.1 to 3.4, the Region may, by agreement pursuant to section 38 of the Act, permit an owner to provide services in lieu of the payment of all or any portion of a development charge. The Region shall give the owner who performed the work a credit towards the development charge in accordance with the agreement subject to the requirements of the Act.

Instalments

- 3.11 Notwithstanding section 3.1 to 3.4, where development charges become payable after January 1, 2020 for development of rental housing that is not non-profit housing development and institutional development, development charges shall be paid in equal annual instalments, with interest where applicable pursuant to the Region of Durham Development Charge Interest Rate Policy as amended from time to time, beginning on the earlier of the date of issuance of a permit under the Building Code Act, 1992 authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

Determining Amounts Payable

- 3.12 The development charges payable will be the development charge shown in the applicable Schedules to this by-law to be payable, with indexing under section 3.14, and where applicable, with interest under section 3.17, as follows:
- (a) for those developments to which section 3.11 applies,
 - (i) (for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made, provided the first building permit is issued within two years of the date that application was approved;
 - (ii) if clause (i) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law

passed under section 34 of the Planning Act was made, provided the first building permit is issued within two years of the date that amendment comes into force and effect; or

- (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with sections 3.1 to 3.4 of this by-law; and
- (b) for those developments to which section 3.11 does not apply,
- (i) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made, provided the date the development charge is payable is within two years of the date that application was approved;
 - (ii) if clause (i) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made, provided the date the development charge is payable is within two years of the date that amendment is brought into force and effect; or
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with sections 3.1 to 3.4 of this by-law

Front-Ending Agreements

- 3.13 Council, from time to time, and at any time, may enter into front-ending agreements in accordance with the Act.

Indexing

- 3.14 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2025, and on each successive July 1st date in accordance with the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-207, for the most recently available annual period ending March 31.

Credits

- 3.15 A development charges credit arising from the construction or payment of infrastructure required for water supply services shall only be applied against a development charge imposed under this by-law for water supply services.
- 3.16 A development charges credit arising from the construction or payment of infrastructure required for sanitary sewerage services shall only be applied

against a development charge imposed under this by-law for sanitary sewerage services.

Interest

- 3.17 Development charges payable per this by-law shall bear interest in accordance with the Region of Durham Development Charge Interest Rate Policy, as amended from time to time.

Mandatory Phase-in Reduction in First Four Years

- 3.18 Despite the above, while section 5(6) paragraph 4 of the Act is in force, the Total Development Charges on Schedules B to E of this by-law shall be reduced for the first four years this by-law is in force in accordance with the applicable mandatory phase-in amounts shown under the Total of All Charges Row on each Schedule, with the annual time period to start on the day this by-law comes into force and increase to the next annual amount on the respective anniversary of the day this by-law comes into force.

Schedules

- 3.19 The following schedules to this by-law form an integral part thereof:

Schedule "A"	-	Components of Services Designated in section 7
Schedule "B"	-	Residential Development Charges
Schedule "C"	-	Institutional Development Charges
Schedule "D"	-	Non-Institutional Non-Residential Development Charges
Schedule "E"	-	Prestige Employment Land Area Development Charges
Schedule "F"	-	Map of Seaton Community
Schedule "G"	-	Map of Prestige Employment Land Area

Date By-law in Force

- 3.20 This by-law shall come into force on the 1st day of July, 2024.

Repeal

- 3.21 By-law 38-2019 is hereby repealed effective on the date this by-law comes into force.

Registration

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

Severability

- 3.23 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.

Short Title

- 3.24 This By-law may be cited as the Regional Municipality of Durham Area Specific Development Charges By-law for the Seaton Community – Water Supply and Sanitary Sewerage Services.

This By-law Read and Passed on the 29th day of May, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedule “A”

Designated Regional Services and Service Components Thereunder

Category of Regional Services	Service Components
Water Supply	<ul style="list-style-type: none">• Watermains• Pumping Stations• Reservoirs• Feeder mains• Water Supply Plants and Municipal Wells• Capital Equipment• Environmental Assessment• Water Use Efficiency Strategy• Well Interference
Sanitary Sewerage	<ul style="list-style-type: none">• Sewage Pumping Stations and Forcemains• Trunk and Sanitary Sewers• Water Pollution Control Plants• Sludge Storage and Disposal Facilities• Capital Equipment• Environmental Assessment• Water Use Efficiency

Schedule “B”

Residential Development Charges per Dwelling Unit \$ per Dwelling Unit

Service Category	Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage			
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	7,706	6,088	3,545
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	2,290	1,809	1,053
(iii) Regional Attribution Sanitary Sewerage Development Charges	2,650	2,094	1,219
Subtotal – Sanitary Sewerage	12,646	9,991	5,817
Water Supply			
(i) Seaton Landowners Constructed Water Supply Development Charges	2,661	2,102	1,224
(ii) Regional Seaton-Specific Water Supply Development Charges	6,911	5,460	3,179
(iii) Regional Attribution Water Supply Development Charges	5,377	4,248	2,473
Subtotal – Water Supply	14,949	11,810	6,876
Total Development Charges	<u>27,595</u>	<u>21,801</u>	<u>12,693</u>
With Phase-Ins when applicable (see Section 3.18)			
July 1, 2024 to June 30, 2025 (80%)	22,077	17,440	10,153
July 1, 2025 to June 30, 2026 (85%)	23,456	18,532	10,788
July 1, 2026 to June 30, 2027 (90%)	24,835	19,621	11,425
July 1, 2027 to June 30, 2028 (95%)	26,216	20,712	12,058

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

Schedule “C”

Institutional Development Charges \$ per Square Foot of Gross Floor Area

Service Category	Institutional Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	0.85
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.27
(iii) Regional Attribution Sanitary Sewerage Development Charges	0.73
Subtotal – Sanitary Sewerage	1.85
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.11
(ii) Regional Seaton-Specific Water Supply Development Charges	0.27
(iii) Regional Attribution Water Supply Development Charges	0.68
Subtotal – Water Supply	1.06
Total Development Charges	<u>2.91</u>
With Phase-Ins when applicable (see Section 3.18)	
July 1, 2024 to June 30, 2025 (80%)	2.33
July 1, 2025 to June 30, 2026 (85%)	2.47
July 1, 2026 to June 30, 2027 (90%)	2.62
July 1, 2027 to June 30, 2028 (95%)	2.77

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

Schedule “D”

Non-Institutional Non-Residential Development Charges \$ per Square Foot of Gross Floor Area

Service Category	Non-Institutional Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	2.56
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.82
(iii) Regional Attribution Sanitary Sewerage Development Charges	2.20
Subtotal – Sanitary Sewerage	5.58
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.33
(ii) Regional Seaton-Specific Water Supply Development Charges	0.80
(iii) Regional Attribution Water Supply Development Charges	2.05
Subtotal – Water Supply	3.18
Total Development Charges	<u>8.76</u>
With Phase-Ins when applicable (see Section 3.18)	
July 1, 2024 to June 30, 2025 (80%)	7.01
July 1, 2025 to June 30, 2026 (85%)	7.45
July 1, 2026 to June 30, 2027 (90%)	7.89
July 1, 2027 to June 30, 2028 (95%)	8.32

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

Schedule “E”

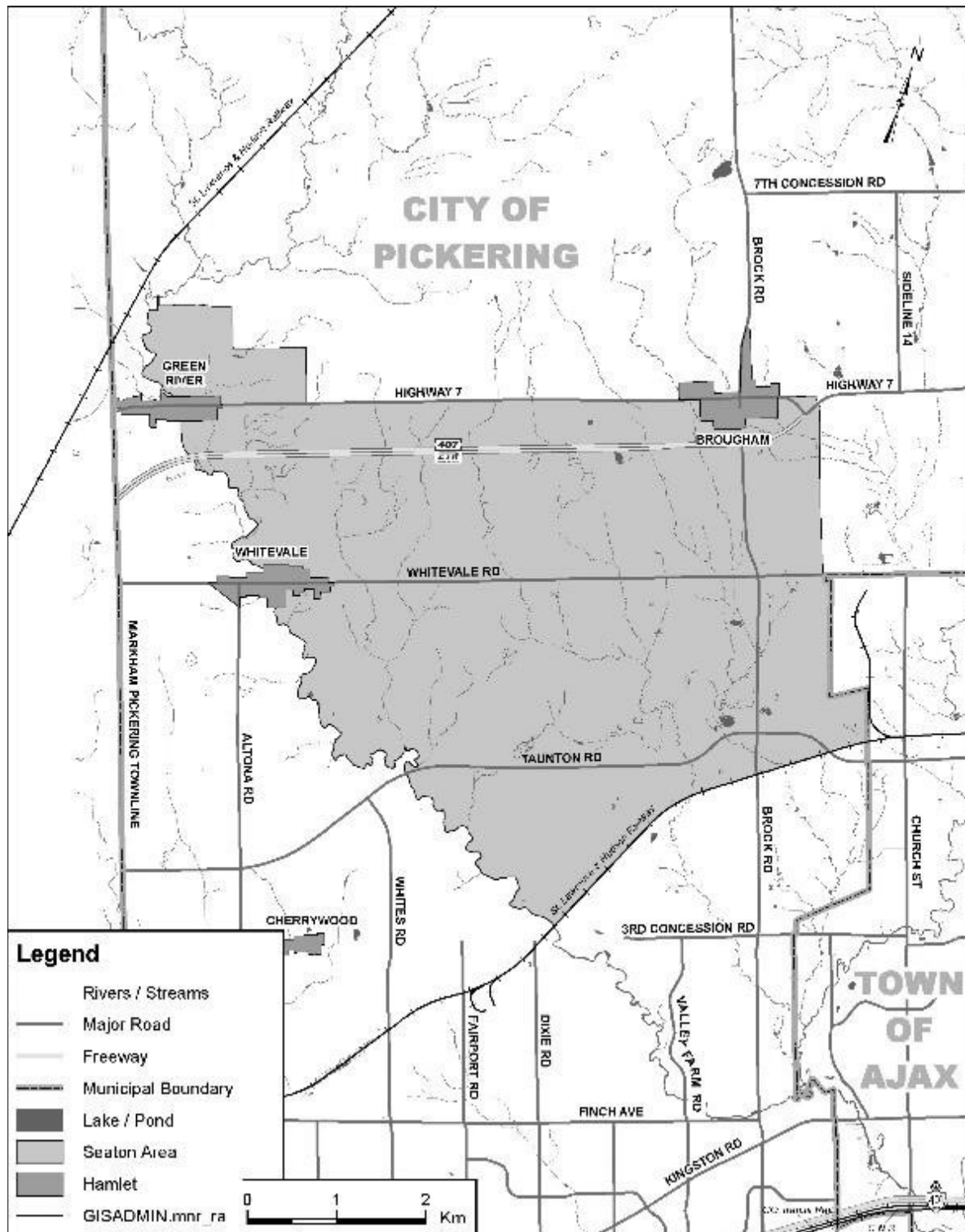
Prestige Employment Land Area Development Charges \$ per Net Hectare

Service Category	Prestige Employment Land Area Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	134,914
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	42,694
(iii) Regional Attribution Sanitary Sewerage Development Charges	111,514
Subtotal – Sanitary Sewerage	289,122
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	15,536
(ii) Regional Seaton-Specific Water Supply Development Charges	40,957
(iii) Regional Attribution Water Supply Development Charges	108,321
Subtotal – Water Supply	165,814
Total Development Charges	<u>454,936</u>
With Phase-Ins when applicable (see Section 3.18)	
July 1, 2024 to June 30, 2025 (80%)	363,949
July 1, 2025 to June 30, 2026 (85%)	386,696
July 1, 2026 to June 30, 2027 (90%)	409,443
July 1, 2027 to June 30, 2028 (95%)	432,188

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

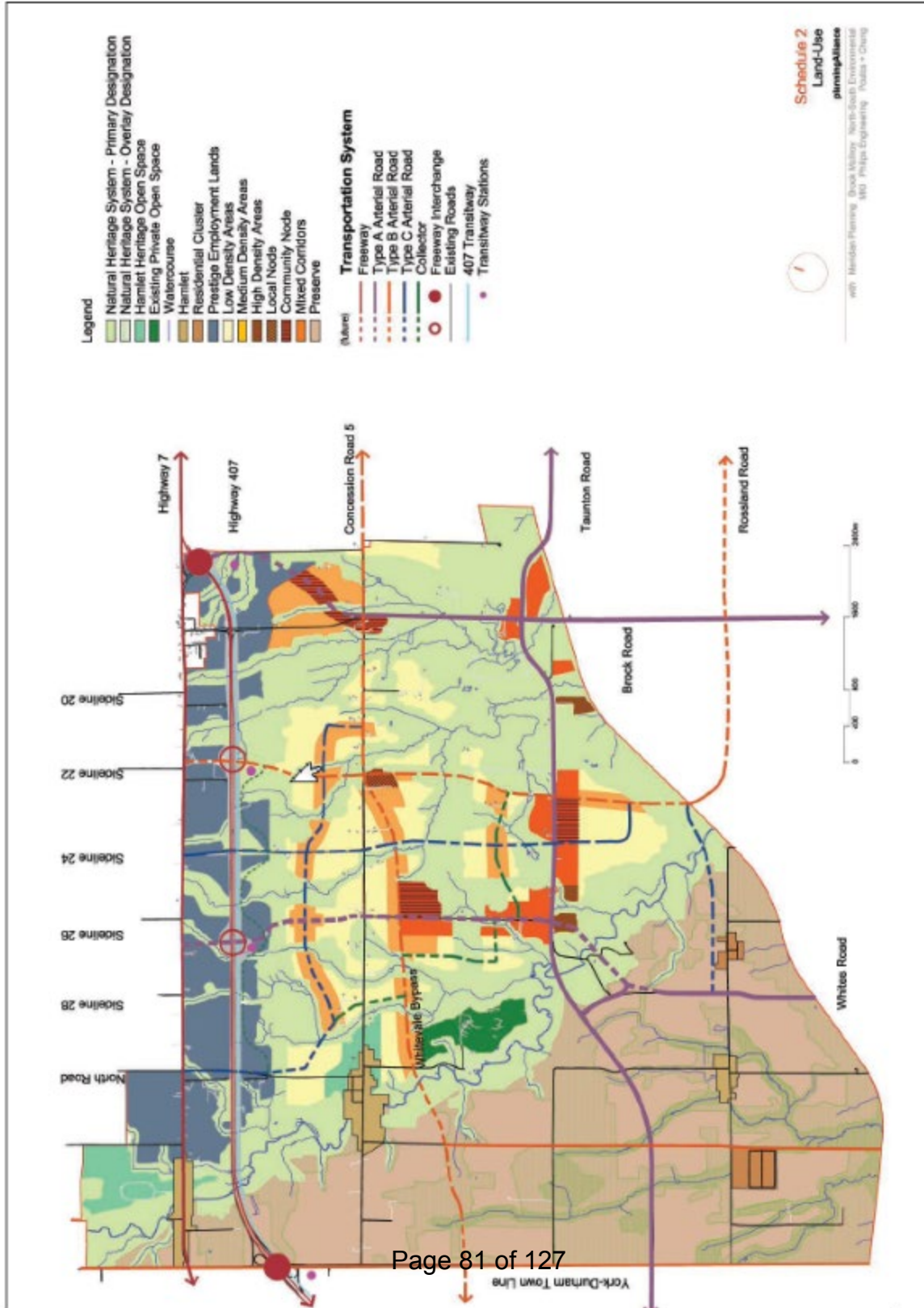
Schedule "F"

Seaton Community



Schedule "G"

Map of Prestige Employment Land Area (Central Pickering Development Plan – Land Use Plan)



Appendix #4
Letter of Correspondence from the Seaton Landowners Group

March 26, 2024

Our File No.: 193127

Via Email

Chair and Members of Regional Council
Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3

Dear Chair Henry and Members of Regional Council

**Re: Public Meeting
Area Specific Development Charges for the Water Supply and Sanitary Sewerage
Services in the Seaton Community of the City of Pickering**

We are writing on behalf of North Pickering Community Management Inc., the trustee for the group of landowners developing lands in the Seaton community (the "Seaton Landowners' Group"), regarding the Region's Area Specific Development Charge for Water Supply and Sanitary Sewerage Services in the Seaton Community (the "ASDC").

The Background Study was released on March 12, 2024. The Seaton Landowners' Group is still in the process of reviewing the Background Study, as well as additional material that Regional staff has kindly provided based on discussions between the consulting team retained by the Seaton Landowners' Group team and staff.

The Seaton Landowners' Group appreciates the timely co-operation from Regional staff, but their review is not yet complete. If any issues arise based on their continuing review of the Background Study and supporting material, we will advise the Region in advance of enactment of the ASDC By-law.

Yours truly,
Goodmans LLP

Robert Howe

cc: Mary Simpson, Director of Risk Management, Economic Studies and Procurement

[1415-0409-6011.1](#)



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Finance
Report: #2024-F-10
Date: May 14, 2024

Subject:

Recommended Amendments to Regional Development Charges By-law #42-2023 to Remove Phase-in Rates

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That the Regional Development Charges (DC) By-law #42-2023 be amended to remove the phase-in provisions as set out in the amending by-law (Attachment #1) and the Regional Transit DCs under By-law #39-2022 return to the full rates both at a future date as set out in recommendation B;
- B) That the Commissioner of Finance and the Regional Solicitor be instructed to prepare the requisite amendment to the DC By-law for presentation to Regional Council for passage upon Schedule 6 of Bill 185, Cutting Red Tape to Build More Homes Act, 2024 coming into force to give effect to Recommendation A, with the full rates coming into effect five business days after Council approves the amending By-law;
- C) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;
- D) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or prior to the effective date of Schedule 6 of Bill 185 be given the option of being processed under the policies and rates of the current Development Charges By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region.

- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three (3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- E) Subdivision agreements which have been processed according to By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) must be executed within three months following the date when the Region re-instates the full rates, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- signed Subdivision Agreement received, including all schedules;
 - payments of fees identified in the agreement received;
 - securities identified in the agreement received;
 - prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- F) That the Regional Treasurer be instructed to prepare the requisite DC pamphlet pursuant to the Development Charges Act, 1997 (DCA) and related materials;
- G) That the Regional Clerk be instructed to follow the notification provisions pursuant to the DCA, should it be required; and
- H) That a copy of this report be forwarded to the area municipalities.

Report:**1. Purpose**

- 1.1 The purpose of this report is to provide recommendations regarding proposed amendments to remove the development charge phase in provisions from the Regional Development Charges (DC) By-law #42-2023 as well as information regarding the removal of the phase-in of the Regional Transit DC as anticipated to be permitted under Schedule 6 of Bill 185, Cutting Red Tape to Build More Homes Act, 2024.

2. Background

- 2.1 In November 2022, the Province of Ontario passed the More Homes Built Faster Act, 2022 (Bill 23). The Bill introduced sweeping impacts to development charges (DCs), Regional planning activities, and other items relevant to both Regional and local municipalities in Durham Region. The changes with notable impacts to development charges included:
- a. For all by-laws passed after January 1, 2022, the development charges had to be phased in annually over the first five years the by-law is in force, as follows.
 - Year 1 – 80% of the maximum charge;
 - Year 2 – 85% of the maximum charge;
 - Year 3 – 90% of the maximum charge;
 - Year 4 – 95% of the maximum charge;
 - Year 5 – 100% of the maximum charge;
 - b. A revised definition for capital costs was introduced, which removed studies as an eligible cost for development charges. This included Master Plan Studies and DC Background Studies.
- 2.2 The phase in provisions from Bill 23 impacted two Regional DC By-laws; Regional Transit DC By-law #39-2022 and Regional DC By-law #42-2023 (which includes water, sewer, roads, waste diversion, police, paramedic and long-term care services). Bill 23 did not impact GO Transit DC By-law #86-2001 or the Seaton area-specific DC By-law #38-2019 as these by-laws were passed prior to January 1, 2022.
- 2.3 On June 14, 2023, Regional Council approved Regional DC By-law #42-2023 which became effective on July 1, 2023, and applies to both residential and non-residential development. As per Bill 23, the Regional DC By-law included a five-year phase in of new DC rates. The five-year phase in of new rates set the July 1, 2023, rates at 80% of the full rate from the 2023 background study, increasing by 5% each year on July 1, until the full (100%) value of the proposed rates are reached, which would have been on July 1, 2027.
- a. At the time, staff estimated that the impact of Bill 23 would reduce Regional DC payments by about \$913 million by 2033. This meant there would have been less DC funding available for major capital projects and funding would have been required from property taxes and water and sewer user rates.
- 2.4 Regional Transit DC By-law #39-2022 was approved in June 2022 and implemented on July 1, 2022. Since it was approved prior to Bill 23, this by-law did not include the phase-in provisions, however the Region was required to apply the phased-in rates as of November 28, 2022, when Bill 23 came into effect.

- 2.5 On December 13, 2023, the Province indicated that it will be consulting with municipalities to review certain aspects of Bill 23 in 2024. The potential changes under consideration would reduce the financial impacts of Bill 23 if implemented.
- 2.6 On April 10, 2024, Bill 185, Cutting Red Tape to Build More Homes Act, 2024 was proposed. Schedule 6 of Bill 185 includes several changes to the Development Charge Act, 1997, most notably the elimination of the mandatory five-year phase in of new development charge rates set out in Bill 23. Other notable changes to the Development Charge Act, 1997 include a revised definition of capital costs, which reinstates studies as an eligible capital cost (which were removed from eligibility in the More Homes Built Faster Act, 2022), as well.
- a. Upon Schedule 6 of Bill 185 coming into force (assuming it is passed as currently drafted), the immediate implications for development charges include:
- the mandatory 5-year phase in of new development charges is no longer required and the Region can impose the full DC rates; and
 - capital costs for studies will become an eligible capital cost in the DC rate calculations. This would include the costs of Master Plan Studies and DC Background Studies.
- b. Bill 185 permits a unique six-month window for municipalities to undertake any minor amendments to the DC By-laws (that cannot be appealed to the Ontario Lands Tribunal) impacted by Bill 185 in a streamlined approach, eliminating the requirements for the statutory public process (i.e., no requirement for a public meeting or the completion of a background study).

3. Previous Reports and Decisions

- 3.1 Regional Council passed the current Regional DC by-law (#42-2023) on June 14, 2023, through Report #2023-F-13.
- 3.2 Regional Council passed the current Regional Transit DC By-law (#39-2022) on June 29, 2022, through Report #2022-F-15.
- 3.3 A summary of Bill 23 was provided in Report #2022-INFO-93 in November 2022.

4. Highlights of Final Recommendations

Transit DC By-law #39-2022

- 4.1 Based on Bill 185 as currently drafted, no amendments are required to Transit DC By-law #39-2022 as the phase-in provisions were not expressly included in the by-law and the cost of studies were included in the by-law. Staff propose to return to the full Regional Transit DCs on the effective date of the recommended amendment to remove the phase-in from the Regional DC By-law in order to align the timing of implementation of full DC rates for all Regional services.

Regional DC By-law #42-2023

- 4.2 At this time, staff are recommending Regional DC By-law #42-2023 be amended (Attachment #1) under the streamlined approach noted in section 2.6 to remove the mandatory phase in of new DC rates which were introduced in Bill 23 and are proposed to be rolled back in Bill 185. There are no proposed changes to the Regional DC capital program, rates, or development forecast. The amending by-law is written to take effect 5 business days following Regional Council passage of the amending By-law.
- 4.3 Regional staff will report back to Regional Council with recommendations to re-introduce the cost of studies into DC By-law #42-2023 within the six-month window for the streamlined DC by-law amendment process set out in Bill 185. Staff will undertake the necessary background work to determine the cost of the studies for which their eligibility for inclusion in DCs has been renewed and consult with the building industry over the summer of 2024.
- 4.4 Upon Schedule 6 of Bill 185 coming into force and Regional Council passage of the attached by-law, the Regional DC rates would increase to their full value 5 business days after Regional Council passage. The following tables provide the current DC rates and the full DC rates:

Table 1
Comparison of Regional Residential DC Rates

RESIDENTIAL DEVELOPMENT CHARGES BY SERVICE CATEGORY PER SDE		
SERVICE CATEGORY	Current Phased in Rates \$	When Bill 185 is in effect \$
<u>Services Subject to the Amending By-law</u>		
Regional Roads	21,598	26,998
Regional Police Services	782	977
Long Term Care	438	548
Paramedic Services	353	441
Waste Diversion	75	94
Water Supply	20,894	26,117
Sanitary Sewerage	19,086	23,858
Subtotal	63,226	79,033
<u>Services Not Requiring an Amending By-law</u>		
GO Transit	838	838
Regional Transit	2,085	2,453
Subtotal	2,923	3,291
Total (All Services)	\$ 66,149	\$ 82,324

1. Rates will be updated on July 1, 2024, for indexing purposes.

Table 2
Comparison of Regional Non-Residential Commercial DC Rates ^{1,2}

COMMERCIAL DEVELOPMENT CHARGES Per Square Foot of Gross Floor Area			
SERVICE CATEGORY	Current Phase in Rate	When Bill 185 is in effect	Change
Regional Roads	17.53	21.91	4.38
Water Supply	6.01	7.51	1.50
Sanitary Sewerage	9.65	12.06	2.41
Regional Transit	0.95	1.11	0.16
Total (All Services)	\$ 34.14	\$ 42.59	\$ 8.45

1. Rates will be updated on July 1, 2024, for indexing purposes.

2. Regional Transit is not in scope of this amendment, but is shown to give a wholesome picture of Region DC's

Table 3
Comparison of Regional Non-Residential Institutional DC Rates ^{1,2}

INSTITUTIONAL DEVELOPMENT CHARGES Per Square Foot of Gross Floor Area			
SERVICE CATEGORY	Current Phase in Rate	When Bill 185 is in effect	Change
Regional Roads	13.29	16.61	3.32
Water Supply	1.62	2.03	0.41
Sanitary Sewerage	2.34	2.92	0.58
Regional Transit	0.95	1.11	0.16
Total (All Services)	\$ 18.20	\$ 22.67	\$ 4.47

1. Rates will be updated on July 1, 2024, for indexing purposes.

2. Regional Transit is not in scope of this amendment, but is shown to give a wholesome picture of Region DC's

Table 4
Comparison of Regional Non-Residential Industrial DC Rates ^{1, 2}

INDUSTRIAL DEVELOPMENT CHARGES			
Per Square Foot of Gross Floor Area			
SERVICE CATEGORY	Current Phase in Rate	When Bill 185 is in effect	Change
Regional Roads	6.07	7.59	1.52
Water Supply	3.89	4.86	0.97
Sanitary Sewerage	5.65	7.06	1.41
Regional Transit	0.95	1.11	0.16
Total (All Services)	\$ 16.56	\$ 20.62	\$ 4.06

1. Rates will be updated on July 1, 2024, for indexing purposes.

2. Regional Transit is not in scope of this amendment, but is shown to give a wholesome picture of Region DC's

5. Public Input

- 5.1 Bill 185 permits a six-month window for municipalities to undertake minor amendments to the DC By-laws impacted by Bill 185 in a streamlined approach, eliminating the requirements for the statutory public process (i.e., no requirement for a public meeting or the completion of a DC Background Study). However, staff have advised Building Industry and Land Development Association, Durham Region Homebuilders Association, and the local chambers of Commerce and Boards of Trade of this report and the recommendation to impose the full Regional DC rates upon Schedule 6 of Bill 185 coming into force and 5 days after subsequent Regional Council passage of the recommended amendment. Regional staff have also offered to meet and discuss (Attachment #3 provides a copy of the letter which was emailed to BILD).

6. Direction to Regional Staff

- 6.1 Direction from Regional Council is required for the Regional Solicitor, Regional Clerk and Regional Treasurer to complete the various administrative tasks needed to implement the recommended Regional DC By-law. These tasks include the production and distribution of a DC pamphlet, as well as the necessary public notification provisions of the passing of the by-law. Regional staff will ensure that the Regional website is updated with an alert advising of the amendment and the new rates.

7. Relationship to Strategic Plan

7.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Ensuring the Region's DC By-law is in conformity with the DCA, supporting Goal 5 (Service Excellence).

8. Transition Policies

8.1 The following provides a list of transition policies to be utilized for the implementation of the Region DC By-law (same transitional policies utilized for prior development charge studies):

- a. Any complete submission of a subdivision agreement received prior to the date Bill 185 is in effect will be provided the option of being processed under the current Region Development Charge By-law #42-2023 (i.e. the current by-law without any amendment) or the by-law as amended. This will provide developers the option to pay the current development charge rates (i.e. the phased-in rates). The subdivision agreement must be executed within three months following the date when the Region re-instates the full rates; and
- b. Any complete building permit application received prior to the full rates being implemented by the Region (i.e. 5 business days after passage of the amending By-law by Regional Council) will be processed at the current rates (prior to the elimination of the phase in), assuming the building permit is issued within two months of the Regional effective date (written correspondence to the Area Treasurers is provided advising them of this transition process for building permit applications).

9. Conclusion

- 9.1 It is recommended that By-law #42-2023 be amended (Amending by-law provided in Attachment #1) as to form to remove the phase in provisions, to take effect 5 days following passage of the amending By-law by Regional Council and the phase in provisions are eliminated as currently drafted. Further, it is recommended that the removal of the phase-in of the Regional Transit DC (which does not require an amendment) take effect at the same time the full DC rates under by-law #42-2023 are in effect (i.e. 5 days following passage of the amending By-law by Regional Council). Staff will present the amending by-law to
- 9.2 Council once Bill 185 comes into force for passage by Council. Regional staff will be recommending further adjustments to the Regional DCs to re-instate the cost of studies in the fall of 2024, once the necessary analysis is completed.
- 9.3 This report has been prepared with the assistance of staff from the Planning & Economic Development Department, Works Department, and the Office of the Chief Administrative Officer - Legal, who concur with the recommendations.

10. Attachments

Attachment #1: Recommended Amending By-law to By-law #42-2023

Attachment #2: By-law #42-2023

Attachment #3: Letter to Land Development Industry

Respectfully submitted,

Original Signed By

N. Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1

Recommended Amending By-law to By-law #42-2023

By-law Number XX-2024
of The Regional Municipality of Durham

Being a by-law to amend by-law number 42-2023.

Whereas section 19 of the Development Charges Act, 1997, S.O. 1997, c.27 (the “Act”) provides for amendments to development charge by-laws;

And Whereas the Council of The Regional Municipality of Durham requires certain amendments to By-law 42-2023;

And Whereas in accordance with the Act, Bill 185 eliminates the need for a development charge background study as well as the need for a public meeting to make an amendment to By-law 42-2023, and is therefore not provided in the amendment of this By-law;

And Whereas a public notice will be made available to inform the public that Council will address this on May 29th, 2024;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. **The heading before section 3.18 of By-law 42-2023 (“Mandatory Phase In Reductions in First Four Years”) be removed.**
2. **Section 3.18 of By-law 42-2023 is deleted.**
3. **Section 3.19 of By-law 42-2023 is renumbered section 3.18.**
4. **Section 3.20 of By-law 42-2023 is renumbered section 3.19.**
5. **Section 3.21 of By-law 42-2023 is renumbered section 3.20.**
6. **Section 3.22 of By-law 42-2023 is renumbered section 3.21.**
7. **Section 3.23 of By-law 42-2023 is renumbered section 3.22.**
8. **Section 3.24 of By-law 42-2023 is renumbered section 3.23.**

9. Schedule B to By-law 42-2023 is replaced with the following schedule:

Service Category	Detached & Semi-Detached \$	Medium Density Multiples \$	Two Bedroom Apartment & Larger \$	One Bedroom Apartment & Smaller \$
Regional Roads	26,998	21,501	15,718	9,654
Regional Police	977	778	569	349
Long-Term Care	548	436	319	196
Paramedic Services	441	351	257	158
Waste Diversion	94	75	55	34
Subtotal	29,058	23,141	16,918	10,391
Water Supply	26,117	20,800	15,206	9,340
Sanitary Sewerage	23,858	19,000	13,890	8,531
Subtotal	49,975	39,800	29,096	17,871
Total of All Charges	79,033	62,941	46,014	28,262

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

10. **Schedule C to By-law 42-2023 is replaced with the following schedule:**

Service Category	Commercial Development Charges
Water Supply	7.51
Sanitary Sewerage	12.06
Regional Roads	21.91
Total of All Charges	41.48

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

11. **Schedule D to By-law 42-2023 is replaced with the following schedule:**

Service Category	Institutional Development Charges
Water Supply	2.03
Sanitary Sewerage	2.92
Regional Roads	16.61
Total of All Charges	21.56

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

12. **Schedule E to By-law 42-2023 is replaced with the following schedule:**

SERVICE CATEGORY	INDUSTRIAL DEVELOPMENT CHARGES
Water Supply	4.86
Sanitary Sewerage	7.06
Regional Roads	7.59
Total of All Charges	19.51

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

13. **This by-law will come into force and effect 5 business days after Regional Council passage.**

This By-law Read and Passed on the xx day of XX, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Attachment #2
Regional Development Charge By-law #42-2023

By-law Number 42-2023
of The Regional Municipality of Durham

Being a by-law regarding the imposition of development charges.

WHEREAS section 2(1) of the *Development Charges Act, 1997*, provides that council of a municipality may by by-law, impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies if the development requires one or more of the approvals identified in section 2(2) of the *Development Charges Act, 1997*;

AND WHEREAS a development charge background study, dated March 28, 2023, has been prepared in support of the imposition of development charges;

AND WHEREAS the Council of the Regional Municipality of Durham has given notice and will hold a public meeting on April 12, 2023, in accordance with section 12(1) of the *Development Charges Act, 1997*;

AND WHEREAS the Council of the Regional Municipality of Durham has permitted any person who attended the public meeting to make representations in respect of the proposed development charges;

AND WHEREAS Council considered all of the submissions made in respect of the background study and the proposed development charges;

AND WHEREAS at the Council meeting on June 14, 2023, Council approved the Study and adopted the recommendations in Report #2023-F-13;

NOW THEREFORE, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Interpretation

Definitions

1.1 In this By-law,

- (a) “Act” means the *Development Charges Act, 1997*, or a successor statute;
- (b) “agricultural use” means lands, buildings or structures, excluding any portion thereof used as a dwelling unit or for a commercial use, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, greenhouses, horticulture, market gardening, pasturage, poultry keeping, and equestrian facilities;
- (c) “air-supported structure” means a structure consisting of a pliable membrane that achieves and maintains its shape and is supported by internal air pressure;
- (d) “apartment building” means a residential building, or the residential portion of a mixed-use building, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade but does not include a triplex, semi-detached duplex, semi-detached triplex, or townhouse. Despite the foregoing, an “apartment building” includes stacked townhouses;

- (e) “apartment” means a dwelling unit in an apartment building or a single storey dwelling unit located within or above a residential garage or a commercial use;
- (f) “area municipality” means a lower-tier municipality that forms part of the Region;
- (g) “bedroom” means a habitable room, of at least seven square meters (7 m²) where a built-in closet is not provided, or at least six square meters (6 m²) where a built-in closet is provided, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom or a kitchen;
- (h) “building or structure” means a permanent enclosed structure and includes an air-supported structure;
- (i) “commercial accessory building or structure” means a building or structure that complies with all of the following criteria:
 - (i) is not essential to,
 - (ii) is naturally and normally incidental to or subordinate in purpose to,
 - (iii) is exclusively devoted to,
 - (iv) is detached from, and
 - (v) is situated on the same property as,

a principal commercial use. Commercial accessory buildings or structures shall include, but not limited to, the separate storage of refuse or the storage of mechanical equipment related to the operation or maintenance of the principal use, building, structure or site. Commercial accessory buildings or structures shall not include any building or structure, whether in whole or in part, falling within the definition of “commercial use” in this by-law;

- (j) “commercial use” means land, buildings or structures used, designed or intended for use for either or both of office and retail uses as defined in this by-law;
- (k) “Council” means the Council of the Regional Municipality of Durham;
- (l) “detached dwelling” and “detached” means a residential building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units on that parcel of land, where no portion of the building is attached to any building on another parcel of land;
- (m) “development” includes redevelopment;
- (n) “development charges” means charges imposed pursuant to this By-law in accordance with the Act, except in sections 3.2 to 3.11 where “development charges” means charges with respect to water supply services, sanitary sewer services and regional road services;
- (o) “duplex” means a building comprising, by horizontal division, two dwelling units on one parcel of land;
- (p) “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;
- (q) “existing industrial building” means a building used for or in connection with,
 - (i) manufacturing, producing, processing, storing or distributing something,

- (ii) research or development in connection with manufacturing, producing or processing something,
- (iii) 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,
- (iv) office or administrative purposes, if they are,
 - 1. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - 2. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (r) “farm building” means a building or structure used, in connection with a bona fide agricultural use and includes barns, silos, and similar structures, and includes a dwelling located on the same lot as the agricultural use or on a lot directly abutting the agricultural use, which is used exclusively for the housing of temporary or seasonal persons employed exclusively for the farming of that agricultural use, but otherwise excludes a building or structure used, or designed or intended for use for residential or commercial uses;
- (s) “gross floor area” means (except for the purposes of sections 2.24 to 2.26), in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or pliable membrane in the case of an air supported structure, or from the centre line of a common wall separating a non-residential and a residential use, and, for the purposes of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;
- (t) “hospice” means a building or structure used to provide not for profit palliative care to the terminally ill;
- (u) “industrial use” means lands, buildings or structures used or designed or intended for use for manufacturing, producing, processing, fabricating or assembly of raw goods, research or development in connection therewith, and includes office uses, warehousing or bulk storage of goods 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 similar use;
- (v) “institutional use” means lands, buildings or structures used or designed or intended for use by a non-profit organized body, society or religious group for promoting a public and non-profit purpose, and would include a hospice and office uses where such uses are accessory to an institutional use;
- (w) “institutional development” for the purposes of section 3.13 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 (i), or
 3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- (iv) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (v) as a hospice to provide end of life care.
- (x) “local board” means a local board as defined in the Municipal Affairs Act, other than a board defined in subsection 1(1) of the Education Act;
- (y) “medium density multiples” includes plexes, townhouses and all other residential uses that are not included in the definition of “apartment building”, “apartment”, “mobile homes”, “retirement residence units”, “detached”, “detached dwelling” or “semi-detached dwelling”;
- (z) “mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of at least two of commercial, industrial, institutional or residential uses;
- (aa) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent or temporary residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (bb) non-profit housing development, means development of a building or structure intended for use as residential premises and developed by,
- (i) a corporation to which the Not-for-Profit Corporations Act, 2010 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.
- (cc) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use, and includes commercial, industrial and institutional uses;
- (dd) “office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker, mortgage company, medical clinic, builder, land developer;
- (ee) “place of worship” means a building or structure or part thereof that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act;

- (ff) “plex” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- (gg) “Region” means the Regional Municipality of Durham;
- (hh) “region-wide charges” means the development charges imposed in regard to the region-wide services;
- (ii) “region-wide services” means services in regard to regional roads, regional police, paramedic services, long term care, and waste diversion;
- (jj) “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.
- (kk) “residential use” means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include any building or structure containing dwelling units, and include but not limited to, a detached dwelling, a semi-detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;
- (ll) “retail use” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services for consumption or use and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include, but not be limited to, food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres, automotive dealers, automotive repair shops, gasoline service stations, government owned retail facilities, private daycare, private schools, private lodging, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, medical clinics, funeral homes, motels, hotels, rooming houses, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, self-storage facilities and secure document storage;
- (mm) “retirement residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- (nn) “retirement residence unit” means a unit within a retirement residence;
- (oo) “rooming house” means a detached building or structure which comprises rooms that are rented for lodging and where the rooms do not have both culinary and sanitary facilities for the exclusive use of individual occupants;
- (pp) “Seaton Community” means the lands shown on Schedule “F”, which may generally be described as being bounded: to the south by the Canadian Pacific Railway right-of-way; to the west by West Duffins Creek; to the north by Provincial Highway No. 7; and to the east by Sideline 16 and the boundary between the City of Pickering and the Town of Ajax, and excludes the lands comprising the Hamlet communities of Whitevale, Green River and Brougham;
- (qq) “semi-detached building” means a building on two parcels of land, divided vertically (above or below ground) along the common lot line of the two parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;

- (rr) “semi-detached dwelling” means the portion of a semi-detached building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;
- (ss) “semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;
- (tt) “serviced” means the particular service is connected to or available to be connected to the lands, buildings or structures, or, as a result of the development, will be connected to or will be available to be connected to the lands, buildings or structures, or the lands to be developed are in an area designated for the particular service in the Region’s Official Plan;
- (uu) “services” means the services designated in section 2.10 of this by-law;
- (vv) “stacked townhouse” means a building, other than a plex, a detached dwelling or 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;
- (ww) “townhouse building” means a residential building, on at least 3 parcels of land divided vertically (above or below ground) along the common lot line between each of the parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;
- (xx) “townhouse dwelling” means the portion of a townhouse building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;
- (yy) “triplex” means a building comprising 3 dwelling units.

1.2 In this by-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any successor statute or section.

2. Application of By-Law — Rules

Circumstances Where Development Charges are Payable

- 2.1 Development charges shall be payable in the amounts set out in sections 2.11, 2.17 to 2.22 of this by-law where:
 - (a) the lands are located in the area described in subsection 2.2 of this by-law; and
 - (b) the development of the lands requires any of the approvals set out in section 2.5.

Area to Which By-law Applies

- 2.2 Subject to subsections 2.3 and 2.4, this by-law applies to all lands in the Region.
- 2.3 This by-law shall not apply to lands that are owned by and used for the purposes of:
 - (a) the Region or a local board thereof;
 - (b) a board as defined in subsection 1(1) of the Education Act; and
 - (c) an area municipality or a local board thereof in the Region.
- 2.4 Development charges imposed under this by-law in regard to water supply and sanitary sewerage services do not apply to the development of lands located within the Seaton Community. For greater certainty, the balance of the development charges imposed under this by-law apply to the development of lands located within the Seaton Community.

Approvals for Development

- 2.5 Development charges shall be imposed upon all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
- (a) the passing of a zoning by-law or of 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, 1998; or
 - (g) the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.

Designation of Services

- 2.6 It is hereby declared by Council that all development of land within the area to which this By-law applies will increase the need for services.
- 2.7 The development charges under this By-law applicable to a development shall apply without regard to the services required or used by a particular development.
- 2.8 No more than one development charge for each service designated in section 2.10 shall be imposed on land to which this by-law applies even though two or more of the actions described in section 2.5 are required before the land can be developed.
- 2.9 Notwithstanding subsection 2.8, if two or more of the actions described in section 2.5 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- 2.10 The categories of services for which development charges are imposed under this by-law are as follows:
- (a) water supply;
 - (b) sanitary sewerage;
 - (c) regional roads;
 - (d) long term care;
 - (e) regional police;
 - (f) paramedic services; and
 - (g) waste diversion;

The components of the services designated in subsection 2.10 are described on Schedule “A”.

Amount of Charge

Residential

- 2.11

The development charges described in Schedule “B” to this by-law shall be imposed upon 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, upon the residential uses in the mixed use building or structure, according to the type of residential unit. The development charges payable shall comprise the following:

(a)

Region-wide Charges

(i)

a development charge with respect to each of the region-wide services according to the type of residential use;

(b)

Regional Water Supply and Sanitary Sewer Charges

(i)

where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the type of residential use;

(ii)

where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the type of residential use.
- Exemptions
- 2.12

Development charges shall not be imposed in respect to:

(a)

the issuance of a building permit not resulting in the creation of an additional dwelling unit;

(b)

the enlargement of an existing dwelling unit;

(c)

the creation of additional dwelling units in accordance with the following table:

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
2.12 (c)(i) Existing detached, semi-detached or townhouse dwellings, which contain a single dwelling unit, and where there are no other dwelling units in other buildings or structures on the parcel of land	Two	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.12 (c)(ii) Existing detached, semi-detached or townhouse dwellings, each of which contains a single dwelling unit and where there is no more than one dwelling unit in other buildings or structures on the parcel of land	One	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.12 (c)(iii) Existing detached, semi-detached or townhouse dwellings, each of which contains no more than 2 dwelling	One	This exemption applies only for the creation of a dwelling unit in an ancillary building or structure and no exemption applies for the creation of a dwelling unit or units which would result in more than a

Page 108 of 127

units and where there are no other dwelling units in other buildings or structures on the parcel of land		total of three dwelling units on a parcel of land
2.12 (c)(iv) Existing rental residential buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	No exemption applies where it would result in a total number of dwelling units where units created under the exemption in this By-law would exceed the greater of one unit or 1% of the units existing in the building prior to the first exemption for an additional dwelling unit.
2.12 (c)(v) An existing residential building not in another class of residential building described in this table.	One	No exemption applies where a dwelling unit has already been created with an exemption this By-law.

(d) the creation of additional dwelling units in accordance with the following table:

Description of Class of Proposed New Residential Buildings & Number of Units Proposed	Restrictions
2.12 (d)(i) the second or third dwelling units in a proposed detached, semi-detached or townhouse dwelling where there are no other dwelling units, existing or proposed, in other buildings or structures on the parcel of land	No exemption applies for the creation of first dwelling unit or where a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
2.12 (d)(iii) one dwelling unit in a proposed new residential building that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or townhouse dwelling which would not contain more than a two dwelling units.	No exemption applies for the creation of a dwelling unit which would result in more than a total of three dwelling units on a parcel of land.

- (e) non-profit housing development; and
- (f) residential units that are affordable housing units required to be included in a development or redevelopment (“inclusionary zoning units”) pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) of that Act;

Mobile Home

- 2.13 The development charges imposed upon a mobile home under section 2.11 shall be payable at the rate applicable to an apartment of two bedrooms or larger.
- 2.14 The development charges paid in regard to a mobile home shall be refunded in full to the then current owner thereof, upon request, if the mobile home is removed within ten years of the issuance of the building permit relating thereto.
- 2.15 The onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, which establishes that the applicant is entitled to the refund claimed under this section.

Retirement Residence Unit

- 2.16 The development charges imposed on a retirement residence unit under section 2.11 shall be payable at the rate applicable to an apartment of one bedroom and smaller.

Non-Residential

Commercial

- 2.17 The development charges described in Schedule “C” to this by-law shall be imposed upon commercial uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the commercial uses in the mixed use building or structure. The development charges payable shall comprise the following:
- (a) Regional Road Charges
 - (i) a development charge with respect to regional road services according to the gross floor area of the commercial use;
 - (b) Regional Water Supply and Sanitary Sewer Charges
 - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the commercial use;
 - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the commercial use.
- 2.18 Subject to subsections 2.19 and 2.20 of this by-law, the development charges imposed on commercial accessory buildings or structures shall be payable at the rate applicable to industrial development under Schedule “E”.
- 2.19 The application of development charges at the industrial rate in regard to commercial accessory buildings or structures shall be limited to an aggregate of 7,000 square feet of gross floor area of all such buildings or structures on the same site.
- 2.20 Development charges at the rate applicable to commercial development under Schedule “C” shall be imposed upon the gross floor area of commercial accessory buildings or structures in excess of 7,000 square feet on the same site.

Institutional

- 2.21 The development charges described in Schedule “D” to this by-law shall be imposed upon institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the institutional uses in the mixed use building or structure. The development charges payable shall comprise the following:
- (a) Regional Road Charges
 - (i) a development charge with respect to regional road services according to the gross floor area of the institutional use;
 - (b) Regional Water Supply and Sanitary Sewer Charges
 - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the institutional use;

- (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the institutional use.

Industrial

2.22 The development charges described in Schedule “E” to this by-law shall be imposed upon industrial uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the industrial uses in the mixed use building or structure. The development charges payable shall comprise the following:

- (a) Regional Road Charges
 - (i) a development charge with respect to regional road services according to the gross floor area of the industrial use;
- (b) Regional Water Supply and Sanitary Sewer Charges
 - (i) where the lands, buildings or structures are serviced by regional water supply services, the development charge with respect to water supply services according to the gross floor area of the industrial use;
 - (ii) where the lands, buildings or structures are serviced by regional sanitary sewer services, the development charge with respect to sanitary sewer services according to the gross floor area of the industrial use.

Exemptions

2.23 Notwithstanding the provisions of this by-law, development charges shall not be imposed in regard to:

- (a) agricultural uses and farm buildings;
- (b) places of worship;
- (c) public hospitals receiving aid under the Public Hospitals Act, R.S.O. 1990, c. P.40, excluding such buildings or structures or parts thereof used, designed or intended for use primarily for or in connection with a commercial purpose;
- (d) any part of a building or structure used for the parking of motor vehicles, excluding parking spaces for display of motor vehicles for sale or lease or parking spaces associated with the servicing of motor vehicles;
- (e) free standing roof-like structures and canopies that do not have exterior walls; and
- (f) 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, but only if the lands are occupied and used by the university.

Exemption for Enlargement of Existing Industrial Building

2.24 Despite any other provisions of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement shall be calculated as follows:

- (a) if the gross floor area is enlarged by fifty percent or less, the amount of the development charge in respect of the enlargement is zero;

- (b) if the gross floor area is enlarged by more than fifty percent the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - (i) determine the amount by which the enlargement exceeds fifty percent of the gross floor area before the enlargement; and
 - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.

2.25 For the purposes of subsection 2.24 the following provisions apply:

- (a) the gross floor area of an existing industrial building shall be calculated as it existed as of July 1, 2023;
- (b) subject to (c) below, the enlargement need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land as the existing industrial building;
- (c) in the event that the enlargement is in the form of a standalone building or structure located on the same parcel of land as per (b) above, prior to the issuance of a building permit for the standalone building or structure, the owner shall be required to enter into an agreement with the Region under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands. Such agreement will require that in the event that the lands upon which any standalone building or structure is located are the subject of an application for consent under section 53 of the Planning Act; or for which a by-law is passed under subsection 50(7) of the Planning Act, within 10 years of building permit issuance for such standalone building or structure, that the development charges that would have otherwise been payable for such standalone building or structure, shall become due and payable.

2.26 In subsections 2.24 and 2.25 “gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

Reduction of Development Charges For Redevelopment

2.27 Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the land within five years 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, in order to facilitate the 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, the amount of the reduction in the applicable development charges will equal the applicable development charges under section 2.11 of this by-law that would have been chargeable on the type of dwelling units demolished or to be demolished or converted to another use; and
- (b) in the case of a non-residential building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under sections 2.17 to 2.22 of this by-law that would have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use;

- (c) in the case of a non-residential building or structure that would have been exempt from the payment of development charges under the current Regional Development Charge By-law, the amount of the reduction in the applicable development charge will equal the applicable development charge under section 2.21 of this by-law that, had the building or structure not been exempt, could have been chargeable on the gross floor area of the non-residential building or structure that was demolished or to be demolished or converted to another use; and
- (d) in the case of a mixed-use building or structure, the amount of the reduction in the applicable development charges will equal the applicable development charges under sections 2.11, 2.17 to 2.22 of this by-law that would have been chargeable either upon the type of dwelling units or the gross floor area of non-residential use in the mixed-use building or structure that is being demolished or to be demolished or converted to another use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

- 2.28 The five year period referred to in subsection 2.27 of this by-law shall be calculated from the date of the issuance of the first demolition permit.
- 2.29 The onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, which establishes that the applicant is entitled to the reduction in the payment of development charges claimed under this section.

Reduction for Rental Housing Development

- 2.30 The development charges set out on Schedule B shall be:
 - (a) In rental housing development, for dwelling units with 3 or more bedrooms: 75% of the Total of All Charges shown on Schedule B;
 - (b) In rental housing development, for dwelling units with 2 bedrooms: 80% of the Total of All Charges shown on Schedule B; and
 - (c) In rental housing development, for all other dwelling units: 85% of the Total of All Charges shown on Schedule B;
 - (d) The amounts in subsections (a) to (c) are in addition to any applicable mandatory phase-in reductions pursuant to section 3.18 of this by-law.

3. Administration

Timing of Payment of Development Charges

- 3.1 Development charges, determined in accordance with section 3.14 and adjusted in accordance with section 3.16 of this by-law, are payable in full on the date on which a building permit is issued with respect to each dwelling unit, building or structure.
- 3.2 Notwithstanding section 3.1, development charges, determined in accordance with sections 3.14 and adjusted in accordance with section 3.16 of this by-law, with respect to water supply services, sanitary sewer services and regional road services shall be payable, with respect to an approval of a residential plan of subdivision under section 51 of the Planning Act, immediately upon the owner entering into the subdivision agreement with the Region, on the basis of the proposed number and type of dwelling units in the plan of subdivision.
- 3.3 Notwithstanding section 3.2, development charges applicable to a high density or condominium block in a residential plan of subdivision are payable in accordance with section 3.1.

- 3.4 Notwithstanding subsection 3.2, where an owner elects to enter into an agreement with the Region pursuant to section 27 of the Act, development charges with respect to water supply services, sanitary sewer services and regional road services may be payable as follows:
- (a) upon the execution of the subdivision agreement, 50% of the development charges otherwise payable under subsection 3.2, adjusted in accordance with section 3.16 to the date of payment; and
 - (b) on the first anniversary date of the execution of the subdivision agreement, 50% of the development charges otherwise payable under subsection 3.2, adjusted in accordance with section 3.16 to the date of payment;

provided, however, in regard to any lot on the plan of subdivision, any balance of the development charges owing during the one year period following execution of the subdivision agreement shall become payable, after adjustment in accordance with section 3.16 to the date of payment, on the date a building permit is issued in regard to such lot.

- 3.5 The balance of the development charges outstanding at any time that are payable in accordance with subsection 3.4 shall be secured by a letter of credit, in a form acceptable to the Region, in an amount which is equal to 55% of the development charges as determined under section 2.11. The payment of the outstanding balance under subsection 3.4 may be made by way of a draw by the Region on the letter of credit.
- 3.6 Notwithstanding subsection 3.1 and subsection 3.4, Council, from time to time, and at any time, may enter into agreements in accordance with section 27 of the Act which provide for all or any part of a development charge to be paid before or after it would otherwise be payable.
- 3.7 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were greater at the time that payments were made pursuant to subsection 3.2 or 3.4 than for the type of dwelling unit used to calculate the payment under subsection 3.2 or 3.4, an additional payment to the Region is required, which payment, in regard to such different unit types, shall be the difference between the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits, and the development charges previously collected in regard thereto, adjusted in accordance with section 3.16 of this by-law to the date of issuance of the building permit or permits.
- 3.8 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the total number of dwelling units of a particular type for which building permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, an additional payment to the Region is required, which payment shall be calculated on the basis of the number of additional dwelling units at the rate prevailing as at the date of issuance of the building permit or permits for such dwelling units.
- 3.9 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are

being issued were less at the time that payments were made pursuant to subsection 3.2 or 3.4 than for the type of dwelling unit used to calculate the payment under subsection 3.2 or 3.4, a refund in regard to such different unit types shall be paid by the Region, which refund shall be the difference between the development charges previously collected, adjusted in accordance with section 3.16 of this by-law to the date of issuance of the building permit or permits, and the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.

- 3.10 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to subsection 3.2 or 3.4, the total number of dwelling units of a particular type for which building permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under subsection 3.2 or 3.4, and there has been no change in the zoning affecting such lot, a refund shall be paid by the Region, which refund shall be calculated on the basis of the number of fewer dwelling units at the rate prevailing as at the date of issuance of the building permit or permits.
- 3.11 Notwithstanding subsections 3.9 and 3.10, a refund shall not exceed the amount of the development charges paid under subsections 3.2 to 3.6.

Payment by Services

- 3.12 Notwithstanding the payments required under subsection 3.1 to 3.6, the Region may, by agreement pursuant to section 38 of the Act, permit an owner to provide services in lieu of the payment of all or any portion of a development charge. The Region shall give the owner who performed the work a credit towards the development charge in accordance with the agreement subject to the requirements of the Act.
- 3.13 Notwithstanding subsection 3.1 to 3.6, where development charges become payable after January 1, 2020 for development of rental housing that is not non-profit housing development and institutional development, development charges shall be paid in equal annual instalments, with interest where applicable pursuant to the Region of Durham Development Charge Interest Rate Policy as amended from time to time, beginning on the earlier of the date of issuance of a permit under the Building Code Act, 1992 authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

Determining Amount Payable

- 3.14 The development charges payable will be the development charge shown in the applicable Schedules to this by-law to be payable, with indexing under section 3.16, and where applicable, with interest under section 3.17, as follows:
- (a) for those developments to which section 3.13 applies,
 - (i) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made, provided the first building permit is issued within two years of the date that application was approved;
 - (ii) if clause (i) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made, provided the first building permit is issued within two years of the date that amendment comes into force and effect; or
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with 3.1 to 3.6 of this by-law; and

- (b) for those developments to which section 3.13 does not apply,
 - (i) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act was made, provided the date the development charge is payable is within two years of the date that application was approved;
 - (ii) if clause (i) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made, provided the date the development charge is payable is within two years of the date that amendment is brought into force and effect; or
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with sections 3.1 to 3.6 of this by-law.

Front-Ending Agreements

- 3.15 Council, from time to time, and at any time, may enter into front-ending agreements in accordance with the Act.

Indexing

- 3.16 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2024, and on each successive July 1st date in accordance with the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-207, for the most recently available annual period ending March 31.

Interest

- 3.17 Development charges payable per this by-law shall bear interest in accordance with the Region of Durham Development Charge Interest Rate Policy, as amended from time to time.

Mandatory Phase-In Reduction in First Four Years

- 3.18 Despite the above, the Total of All Charges on Schedules B to E of this by-law shall be reduced for the first four years this by-law is in force in accordance with the applicable mandatory phase-in amounts shown under the Total of All Charges Row on each Schedule, with the annual time period to start on the day this by-law comes into force and increase to the next annual amount on the respective anniversary of the day this by-law comes into force.
- 3.19 The following schedules to this by-law form an integral part thereof:
 - (a) Schedule "A" - Components of Services Designated in section 2.10
 - (b) Schedule "B" - Residential Development Charges
 - (c) Schedule "C" - Commercial Development Charges
 - (d) Schedule "D" - Institutional Development Charges
 - (e) Schedule "E" - Industrial Development Charges
 - (f) Schedule "F" - Map of Seaton Community

Date By-law in Force

- 3.20 This by-law shall come into force on July 1, 2023.

Repeal

3.21 By-law No.28-2018 is hereby repealed effective on the date this by-law comes into force.

Registration

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

Severability

3.23 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.

Short Title

3.24 This By-law may be cited as the Regional Municipality of Durham Development Charges By-law, 2023.

This By-law Read and Passed on the 14th day of June, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedule “A”

Designated Regional Services and Service Components Thereunder

Category of Regional Services	Service Components
1. Regional Road	<ul style="list-style-type: none">• Regional Road Construction/Improvements/Urbanization• Improvements to Highway Interchanges/Grade Separations• Intersection and Corridor Improvements• Traffic Signals and Systems• Property Acquisition• Maintenance Facilities• Capital Equipment• Landscaping• Environmental Assessment
2. Regional Police	<ul style="list-style-type: none">• Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest• Costs to Improve Land• Costs to Acquire, Lease, Construct or Improve Buildings and Structures• Costs to Acquire, Lease, Construct or Improve Facilities• Vehicles and Capital Equipment
3. Long Term Care	<ul style="list-style-type: none">• Costs to Improve Land• Costs to Acquire, Lease, Construct or Improve Buildings and Structures• Costs to Acquire, Lease, Construct or Improve Facilities
4. Water Supply	<ul style="list-style-type: none">• Pumping Stations• Reservoirs• Feeder mains• Water Supply Plants and Municipal Wells• Property Acquisition• Capital Equipment• Environmental Assessment• Water Use Efficiency Strategy• Well Interference
5. Sanitary Sewerage	<ul style="list-style-type: none">• Sewage Pumping Stations and Force mains• Trunk Sanitary Sewers• Water Pollution Control Plants• Sludge Storage and Disposal Facilities• Property Acquisition• Capital Equipment• Environmental Assessment• Water Use Efficiency
6. Paramedic Services	<ul style="list-style-type: none">• Costs to Acquire Land or an Interest in Land, Including a Leasehold Interest• Costs to Improve Land• Costs to Acquire, Lease, Construct or Improve Buildings and Structures• Costs to Acquire, Lease, Construct or Improve Facilities• Vehicles and Capital Equipment
7. Waste Diversion	<ul style="list-style-type: none">• Costs for Construction of new Buildings or Units• Capital Equipment

Schedule “B”

Residential Development Charges per Dwelling Unit
\$ per Dwelling Type

Service Category	Detached & Semi-Detached \$	Medium Density Multiples \$	Two Bedroom Apartment & Larger \$	One Bedroom Apartment & Smaller \$
Region-Wide Charges				
Regional Roads	26,998	21,501	15,718	9,654
Regional Police	977	778	569	349
Long-Term Care	548	436	319	196
Paramedic Services	441	351	257	158
Waste Diversion	94	75	55	34
Subtotal	29,058	23,141	16,918	10,391
Regional Water Supply & Sanitary Sewer Charges				
Water Supply	26,117	20,800	15,206	9,340
Sanitary Sewerage	23,858	19,000	13,890	8,531
Subtotal	49,975	39,800	29,096	17,871
Total of All Charges (July 1, 2027 onward – see Section 3.18)	79,033	62,941	46,014	28,262
With Phase-Ins (see Section 3.18)				
July 1, 2023 to June 30, 2024 (80%)	63,226	50,353	36,811	22,610
July 1, 2024 to June 30, 2025 (85%)	67,178	53,500	39,112	24,023
July 1, 2025 to June 30, 2026 (90%)	71,130	56,647	41,413	25,436
July 1, 2026 to June 30, 2027 (95%)	75,081	59,793	43,713	26,849

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

Schedule “C”

Commercial Development Charges
\$ per Square Foot of Gross Floor Area

Service Category	Commercial Development Charges
Water Supply	7.51
Sanitary Sewerage	12.06
Regional Roads	21.91
Total of All Charges (July 1, 2027 onward – see Section 3.18)	41.48
With Phase-Ins (see Section 3.18)	
July 1, 2023 to June 30, 2024 (80%)	33.19
July 1, 2024 to June 30, 2025 (85%)	35.26
July 1, 2025 to June 30, 2026 (90%)	37.33
July 1, 2026 to June 30, 2027 (95%)	39.41

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

Schedule “D”

**Institutional Development Charges
\$ per Square Foot of Gross Floor Area**

Service Category	Institutional Development Charges
Water Supply	2.03
Sanitary Sewerage	2.92
Regional Roads	16.61
Total of All Charges (July 1, 2027 onward – see Section 3.18)	21.56
With Phase-Ins (see Section 3.18)	
July 1, 2023 to June 30, 2024 (80%)	17.25
July 1, 2024 to June 30, 2025 (85%)	18.33
July 1, 2025 to June 30, 2026 (90%)	19.40
July 1, 2026 to June 30, 2027 (95%)	20.48

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

Schedule “E”

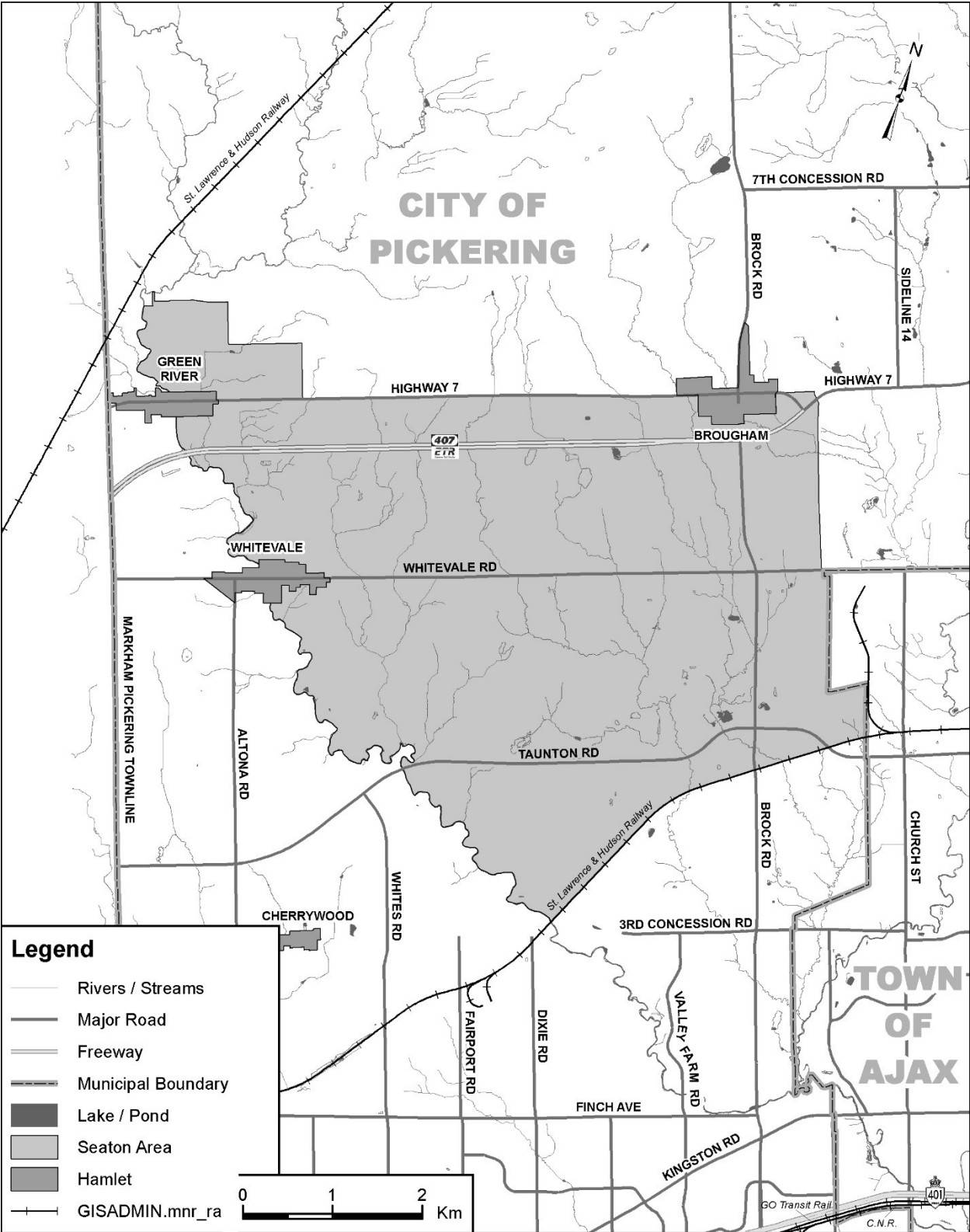
**Industrial Development Charges
\$ per Square Foot of Gross Floor Area**

SERVICE CATEGORY	INDUSTRIAL DEVELOPMENT CHARGES
Water Supply	4.86
Sanitary Sewerage	7.06
Regional Roads	7.59
Total of All Charges (July 1, 2027 onward – see Section 3.18)	19.51
With Phase-Ins (see Section 3.18)	
July 1, 2023 to June 30, 2024 (80%)	15.61
July 1, 2024 to June 30, 2025 (85%)	16.58
July 1, 2025 to June 30, 2026 (90%)	17.56
July 1, 2026 to June 30, 2027 (95%)	18.53

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.16 of this By-law.

Schedule “F”

Seaton Community



Attachment #3

Letter to Building Industry and Land Development Association (BILD)



May 3, 2024

Building Industry and Land Development Association (BILD)
2005 Sheppard Ave. E.
Suite 102
Toronto, Ontario M2J 5B4
Attention: Paula J. Tenuta, SVP, Policy & Advocacy

**The Regional
Municipality
of Durham**

Finance Department

605 ROSSLAND ROAD EAST
PO BOX 623
WHITBY, ON L1N 6A3
CANADA

905-668-7711
1-800-372-1102
Fax: 905-666-6256

durham.ca

N. Taylor, BBA, CPA, CA
Commissioner of Finance

Durham Region Home Builders Association (DRHBA)
1-1255 Terwilligar Ave.
Oshawa, Ontario L1J 7A4
Attention: Stacey Hawkins

Dear Paula and Stacey:

RE: Amendment to the Regional Development Charges By-law #42-2023

As you may know, the Province released *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*, on April 10, 2024 which if passed as drafted, will make changes to the *Development Charges Act, 1997* as follows:

1. Repeal the mandatory five-year phase-in of DC rates;
2. Reinstate studies as an eligible capital cost;
3. Streamlined process for extending DC By-laws; and
4. Reduced time limit on the DC freeze (from 2 years to 18 months).

To implement these changes, Bill 185 permits a unique six-month window for municipalities to undertake any minor amendments to the DC By-laws impacted by Bill 185 in a streamlined approach, eliminating the requirements for the statutory public process (i.e., no requirement for a public meeting or the completion of a background study and the amending by-law cannot be appealed to the Ontario Land Tribunal).

To prepare for these upcoming changes, staff will present a report to the Finance and Administration Committee on May 14, 2024. The report will outline recommended amendments to remove the phase-in schedules in the Regional Residential and Non-Residential Development Charges (DC) By-law #42-2023 in order to implement the full calculated rates, which will then be reviewed by Regional Council on May 29, 2024. However, the amending By-law will be presented to Regional Council for passage once Bill 185 is in effect. The full

calculated rates will come into effect five business days after Council approves the amending By-law.

Since a public meeting is not required for minor amendments under the streamlined process, delegations can only be made at the Finance and Administration Committee meeting on May 14, 2024. If you wish to make a delegation before the Finance and Administration Committee, please submit your request in writing to delegations@durham.ca by noon on Monday, May 13, 2024. Members of the public who register in advance of the meeting will be provided with the details to delegate electronically. Please note that this meeting will be held in a hybrid meeting format with electronic and in-person participation. Members of the public can also view the meeting via live streaming at www.durham.video as an alternative to attending the meeting in person.

To submit written correspondence to the Finance and Administration Committee, contact Legislative Services by email at clerks@durham.ca, or mail your comments to the Regional Clerk, Regional Municipality of Durham, 605 Rossland Road East, Whitby, ON L1N 6A3 by noon on Monday, May 13, 2024. Any late correspondence received before noon on Tuesday, May 28th, 2024 will be included in the Regional Council meeting agenda on Wednesday, May 29th, 2024.

We would be pleased to meet with you prior to and after the release of the report to discuss any concerns or questions you may have. In addition, we wanted to advise that Regional staff will be considering the addition of studies as an eligible DC cost with a potential by-law amendment in the fall of 2024. Once we have preliminary impact analysis, we will schedule a meeting to discuss.

Please contact me at 905-668-4113 ext 2301 or mary.simpson@durham.ca to let me know if you or a representative from your organization would like to meet regarding the amending by-law to be considered by the Finance and Administration Committee on May 14, 2024.

Yours truly,



Mary E. Simpson
Director of Risk Management, Economic Studies and Procurement

cc: N. Taylor, Commissioner of Finance
A. Harras, Regional Clerk / Director of Legislative Services
R. Jagannathan, Commissioner of Works
B. Bridgeman, Commissioner of Planning and Economic Development
J. Hunt, Regional Solicitor
R. Woon, Solicitor
C. Goodchild, Director of Planning
M. Hubble, Director of Environmental Services
S. Gill, Director of Economic Development
P. Gillespie, Manager, Development Approvals
C. Pattee, Development Approvals
C. Hoy, Economist
M. Campo, Economist
G. Asselin, Economist

