

The Corporation of the Township of Tiny
By-Law No. 20-084
Being a By-law with Respect to Development Charges

WHEREAS the Township of Tiny will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Township of Tiny;

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

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

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

AND WHEREAS the Council of The Corporation of the Township of Tiny has given notice of and held a public meeting on the 30th day of November 2020 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TINY ENACTS AS FOLLOWS:

1. Interpretation

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

"accessory" means a use, building or structure, that is naturally or normally incidental to, subordinate to, or exclusively devoted to a principal use, building or structure located on the same lot.

"accommodation for on-farm labour" means a dwelling unit not attached to any other building, and used for seasonal, interim, or occasional residential uses by farm labourers.

"Act" means the Development Charges Act, 1997, as amended, or any successor legislation.

"agriculture use" means a bona fide farm operation, but does not include:

- a) Residential Uses, including accommodation for on-farm labour;

- b) On-farm diversified uses; and
- c) Cannabis Production Facilities.

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

“bedroom” means a habitable room which can be used as sleeping quarters, including a den, study, or other similar area, but does not include a bathroom, living room, dining room or kitchen.

“Board of Education” means a board as defined in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor legislation.

“boarding house” means a dwelling unit, containing not more than ten guest rooms which are maintained for the accommodation of the public, in which the owner or lessee supplies, for hire or gain, lodgings with or without meals but does not include any other establishment otherwise defined or classified in this By-law.

“bona fide farm” means a farm or portion thereof assessed in the Farmland Realty Tax Class by the Municipal Property Assessment Corporation.

“building” means a structure occupying an area greater than 10 square metres consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures, and service systems.

“Building Code Act” means the *Building Code Act*, S.O. 1992, as amended, or any successor legislation.

“Cannabis” means

- a) a cannabis plant;
- b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
- c) any substance or mixture of substances that contains or has on it any part of such a plant; and
- d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

“cannabis plant” means a plant that belongs to the genus *Cannabis*.

“Cannabis Production Facilities” means a building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

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

- a) to acquire land or an interest in land, including a leasehold interest,
- b) to improve land,
- c) to acquire, lease, construct or improve buildings and structures,
- d) to acquire, construct or improve facilities including,
 - i. rolling stock with an estimated useful life of seven years or more,
 - ii. furniture and equipment other than computer equipment,
 - iii. material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof;
- e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services and classes of services designated in this By-law within or outside the Township; and
- f) for interest on money borrowed to pay for costs described in clauses (a) to (e) above.

“Chief Building Official” means the individual appointed by Council in accordance with the Building Code Act.

“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, including a commercial greenhouse, hotels, motels, motor inns and boarding, lodging and rooming houses, but does not include industrial or agricultural uses.

“commercial greenhouse” means a building, that is made primarily of translucent building material, used, designed or intended to be used for the sale and display of plant products grown or stored therein, gardening supplies and equipment, or landscaping supplies and equipment.

“Condominium Act” means the Condominium Act, 1998, S.O. 1998, c. 19, as amended and any successor legislation or the Condominium Act, R.S.O. 1990, c. C.26, as amended or any successor legislation.

“Council” means the Municipal Council of the Corporation of the Township of Tiny.

“County” means the Corporation of the County of Simcoe and the area within the geographic limits of the County of Simcoe.

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that increases the size of, usability thereof, or change of use thereof, and includes redevelopment.

“development charge” or “development charges” means a charge imposed with respect to this By-law.

“dwelling unit” means a room or rooms used, designed or intended for the domestic use of one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and one kitchen facility, having a private entrance from outside the building or from a common hallway or stairway inside or outside the building, including a cottage, but does not mean or include a tent, trailer, or a room or a suite of rooms in a boarding house, hotel, motel, or park model home.

“duplex” means a building that is divided horizontally into two separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

“existing” means the number, use and size that existed as of the date this by-law was passed.

“existing industrial building” means a building existing on land in the Township on December 21, 2020 or the first building or buildings constructed on vacant land on or after December 21, 2020 for which development charges were paid in full and such buildings are used for or in connection with:

- a) manufacturing, producing, processing, storing, or distributing something;
- b) research or development in connection with manufacturing or processing something;
- c) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place; or
- d) office or administrative purposes if they are:

- i. carried out with respect to manufacturing, producing, processing, storage or distributing of something; or
- ii. in or attached to the building used for that manufacturing, producing, processing, storage, or distribution; and

despite the foregoing, commercial self-storage facilities and retail warehouses, included, but not limited to such uses as boat storage facilities, are not considered to be industrial buildings.

“farm building” means that part of a bona fide farm operation encompassing barns, grain bins, greenhouses, and other ancillary development to an agricultural use, but excludes residential uses, on-farm diversified uses and cannabis production facilities.

“garden suite” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

“gross floor area” means:

- a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - i. a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - ii. loading facilities above or below grade; and
 - iii. a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use.

“hotel” means premises that contains rooms with no private cooking facilities that are rented on a temporary basis to the public or dwellings units, or a combination of both, equipped to be occupied as temporary accommodation for the public, and which contains a public dining area and which also may contain meeting rooms and accessory banquet facilities.

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, includes cannabis production facilities, but does not include the sale of commodities and the supplying of personal services or as otherwise defined in the zoning by-law.

“institutional” means land, buildings, structures, or any part thereof used for the purposes of subsection 12.3 herein, means development of a building or structure intended for use,

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

“lawfully demolished” means a residential or non-residential building that was demolished according to the date of the demolition permit issuance or the date of a fire or act of god.

“local board” means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a Township or of two or more municipalities or parts thereof.

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

“mixed use development” means a building used, designed, or intended for use for both residential and non-residential uses.

“motel” means premises that contain rooms with no private cooking facilities that are rented on a temporary basis to the public with each room being accessed from the outside.

“multiple dwellings” means all dwellings other than single detached, semi-detached and apartment unit dwellings.

“non-profit housing development” means development of a building or structure intended for use as residential premises by,

- a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- b) 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
- c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

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

“Official Plan” means the Official Plan adopted by the Township, as amended, and approved.

“on-farm diversified use” means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses may include, but are not limited to, commercial and/or industrial uses that produce value added agricultural products or provide a service that is supportive or regional agri-business.

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

“park model trailer” means a seasonal recreational building constructed in conformance to CSN/CSA-Z241 and intended to be used as a seasonal recreation building of residential occupancy.

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

“Planning Act” means the *Planning Act*, R.S.O. 1990, c.13, as amended and any successor legislation.

"redevelopment" means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has previously been demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development.

"Regulation" means any regulation made pursuant to the Act.

"rental housing" means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

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

"residential use" means the use of a building or structure or portion thereof for one or more dwelling units.

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

"secondary residential unit" means self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structure ancillary to a dwelling (e.g. above a detached garage).

"semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units which are separated by a common wall dividing the pair of dwellings vertically, in whole or in part, each of which has an independent entrance, either directly from the outside or through a common vestibule.

"service" means a service or class of service designed in Schedule "A" to this By-law, and "services" and "classes" shall have a corresponding meaning.

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

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

“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor
“structure” means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

“Tent” means every kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved.

“Township” means the Corporation of the Township of Tiny and the area within the geographic limits of the Township of Tiny.

“Trailer” means a vehicle that is at any one time drawn upon by a motor vehicle, but for the purposes of this By-law, does not include a mobile home dwelling.

“Treasurer” means the Director of Finance and Administration/Treasurer or designate for the Township of Tiny.

“wind turbine” means a device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use.

“Zoning By-Law” means the Zoning By-Law of the Township of Tiny or any successor thereof passed pursuant to section 34 of the *Planning Act*, S.O. 1998.

2. Rules

2.1 For the purpose of complying with section 6 of the Act:

- a) the area to which this By-law applies shall be the area described in section 3 of this by-law
- b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if development charges are payable under this By-law in any particular case and for determining the amount of the charges shall be as set forth in section 4, through 13, inclusive, of this By-law;
- c) the rules for exemptions, relief, credits, and adjustments shall be as set forth in sections 8 through 10, inclusive, of this By-law;
- d) the indexing of charges shall be in accordance with section 14 of this By-law;
- e) there shall be no phasing-in of the development charges in accordance with section 7 of this By-law; and
- f) except as set out in the Act and this By-law, there are no other credits, exemptions, relief, or adjustments in respect of any land in the area to which this By-law applies.

3. Designation of Services and Classes

- 3.1 The categories of services and classes for which development charges are imposed under this By-law are as follows:
- (a) Services Related to a Highway;
 - (b) Fire Protection Services;
 - (c) Policing Services;
 - (d) Parks and Recreation Services; and
 - (e) Growth Studies.
- 3.2 The components of the services and classes designated in subsection 3.1 are described in Schedule A.

4. Application of By-law Rules

- 4.1 Development charges shall be payable in the amounts set out in this By-law where:
- (a) the lands are located in the area described in Section 5; and
 - (b) the development of the lands requires any of the approvals set out in Section 6.

5. Area to Which By-law Applies

- 5.1 This By-law applies to all lands in the Township of Tiny whether or not the land or use thereof is exempt from taxation under section 13 of the *Assessment Act*.

6. Approvals for Development

- 6.1 Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;

- (vi) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- 6.2 No more than one development charge for each service or class of service designated in subsection 3.1 shall be imposed upon any lands, buildings or structures to which this By-law applies, even though two or more of the actions described in subsection 6.1 are required before the lands, buildings or structures can be developed.
- 6.3 Despite subsection 6.2, if two or more of the actions described in subsection 6.1 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

7. Phase-in of Development Charges

- 7.1 The development charges imposed pursuant to this By-law are not being phased-in and are payable in full, subject to any exemptions or specific rules herein, from the date this By-law comes into force and effect pursuant to sections 11, 12 and 13 of this By-law.

8. Exemptions for Certain Buildings/Uses

- 8.1 This By-law shall not apply to land that is owned by and used for the purposes of:
- (a) a board of education as defined in subsection 1 (1) of the *Education Act*.
 - (b) any municipality or local board thereof;
 - (c) a public hospital, as exempt from taxation pursuant to paragraph 3(1)3 of the *Assessment Act* or receiving aid under the *Public Hospitals Act*, R.S.O. 1990, Chap. P.40, as amended, or any successor thereof;
 - (d) a non-residential farm building, save and except for the gross floor area within a greenhouse that is used for the purposes of carrying on retail sales to which development charges shall be imposed, calculated and collected in accordance with the rate set out in Schedule "B", and
 - (e) the portion of the lands or buildings used or to be used for worship in a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*, R.S.O. 1990, Chap. A.31;
 - (f) development creating or adding an accessory use or accessory building not exceeding 10 square metres of gross floor area;
 - (g) development creating or adding an accessory use or accessory building to a residential use where the accessory use or

accessory building is not used for any non-residential use or purpose;

- (h) a garden suite;
- (i) the development of tents and trailers; and
- (j) the development of a park model trailer.

9. Rules with Respect to Exemptions for Intensification of Existing Housing or New housing

9.1 Despite section 5 above, no development charge shall be imposed with respect to developments or portions of developments as follows:

- (a) the enlargement to an existing residential dwelling unit;
- (b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;
- (c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;
- (d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or
- (e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

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

9.2 Notwithstanding subsection 9.1 (b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

9.3 Notwithstanding subsection 9.1 (d), development charges shall be imposed if the additional unit has a gross floor area greater than

- (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing smallest dwelling unit; and
- (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

10. Rules with Respect to an "Industrial Expansion Exemption"

- 10.1 Despite section 5 above, there shall be an exemption for the enlargement of an existing industrial building up to a maximum of fifty (50) percent of the gross floor area of the existing industrial building before any enlargement for which an exemption from the payment of development charges was granted.
- 10.2 Development charges shall be imposed, calculated and payable pursuant to Schedule "B" to this By-law to the gross floor area of an enlargement that exceeds fifty (50) percent of the existing industrial building.
- 10.3 For greater certainty in applying the exemption in this section, the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1.1 of this By-law. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passage-way, or through a shared below-grade connection such as a service tunnel, foundation, footing or a parking facility.
- 10.4 For the For the purpose of interpreting the definition of "existing industrial building" herein, regard shall be had to the classification of the lands in question pursuant to the Assessment Act, R.S.O. 1990, c. A.31 as amended or successor legislation and in particular:
 - (a) whether the lands fall within a tax class such that taxes on the lands are payable at the industrial tax rate; and
 - (b) whether more than fifty percent (50%) of the gross area of the building has an industrial property code for assessment purposes

11. Amount of Charges

11.1 Residential Uses

- 11.1.1 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-

use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

11.2 Non-Residential

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

11.3 Wind Turbines

11.3.1 The development charges described in Schedule B to this By-law shall be imposed on wind turbines with respect to transportation services, fire protection services, and growth studies on a per unit basis.

11.4 Reduction of Development Charges for Redevelopment

11.4.1 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months (5 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 principal use on the same land in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 11.1 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) in the case of a non-residential building or structure or, in the case of a mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 11.2, by the gross floor area that has been or will be lawfully demolished or converted to another principal use;

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

12. Time of Calculation and Payment of Development Charges

- 12.1 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 12.2 Notwithstanding subsection 12.1, the timing of calculation and payment of the services related to a highway component of development charge with respect to an approval of a Plan of Subdivision under section 51 of the *Planning Act*, R.S.O., 1990 as amended, shall be addressed in the subdivision agreement, subject to any applicable exemptions contained in this By-law, and calculated in accordance with subsections 11.1, 11.2 and 11.3 of this By-law.
- 12.3 Notwithstanding subsections 12.1 and 12.2, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest at a rate of 5% per annum, payable on the anniversary date each year thereafter.
- 12.4 Notwithstanding subsections 12.1 and 12.2, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest at a rate of 5% per annum, payable on the anniversary date each year thereafter.
- 12.5 Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 11.1, 11.2, and 11.3 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under subsections 11.1, 11.2, and 11.3 shall be calculated on the rates, including interest at a rate of 5% per annum, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 12.6 Despite subsections 12.1 to 12.5, and in accordance with section 27 of the Act, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable.

13. Payment of Services

13.1 Despite the payment required under subsections 11.1, 11.2, and 11.3, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

14. **Indexing**

14.1 Development charges imposed pursuant to this By-law shall be adjusted annually without amendment to this By-law, commencing on the 1st of January 2022 and each year thereafter, in accordance with the third quarter of the prescribed index in the Act.

15 **Front-end Financing**

15.1 The Township may enter into front-end agreements with owners in accordance with the provisions of the Act.

16. **Accountability**

16.1 All monies paid pursuant to this By-law shall be maintained separately from all other revenues or receipts of the Township. The Treasurer of the Township shall establish separate reserve funds, pursuant to the categories of services/classes of services designated in subsection 3.1.

16.2 The Treasurer of the Township shall provide to the Council an annual financial statement related to this By-law and the development charge reserve funds established under subsection 16.1 of this By-law. This annual statement shall be provided on a date directed by Council.

16.3 The Township shall pay interest on a refund under subsections 18 (3), 18 (5) and 25 (2) or section 36 of the Act at a rate equal to the Bank of Canada rate established weekly based on Treasury Bills having a term of 91 days, on the date this By-law comes into force, updated on the first business day of every January, April, July and October thereafter.

17. **Schedules**

17.1 The following schedules shall form part of this By-law:

Schedule A – Components of Services and Classes of Services Designated in subsection 3.1; and
Schedule B – Schedule of Development Charges.

18. **Conflicts**

18.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

18.2 Notwithstanding subsection 18.1, where a development which is the subject of an agreement to which subsection 18.1 applies, is subsequently the subject of one or more of the actions described in subsection 6.1, an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

19. **By-law Administration**

19.1 The administration of this By-law, except as otherwise provided in this By-law, is assigned to the Chief Building Official and the Treasurer.

20. **Severability**

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

21. **Date By-law in Force**

21.1 This By-law shall come into effect at 12:01 AM on January 1, 2021.

22. **Date By-law Expires**

22.1 This By-law will expire at 12:01 AM on January 1, 2026 unless it is repealed by Council at an earlier date.

READ A FIRST AND SECOND TIME THIS 21st DAY OF DECEMBER 2020.

READ A THIRD TIME AND FINALLY PASSED THIS 21st DAY OF DECEMBER 2020.

THE CORPORATION OF THE TOWNSHIP OF TINY



Mayor, George Cornell



Clerk, Sue Walton

Schedule "A"
To By-law 20-084
Components of Services and Classes Designated in
Subsection 3.1

D.C.-Eligible Services

Services Related to a Highway

- Roads
- Bridges and Culverts
- Sidewalks
- Streetlights

Fire Protection Services

- Fire Facilities
- Fire Vehicles
- Fire Small Equipment and Gear

Parks and Recreation Services

- Parkland Development
- Parkland Amenities
- Parkland Trails
- Parks and Recreation Vehicles and Equipment
- Recreation Facilities

Policing Services

- Policing Facilities
- Policing Vehicles and Equipment

D.C.-Eligible Classes

Growth Studies

- Services Related to a Highway
- Fire Protection Services
- Parks and Recreation Services
- Wastewater Services

Schedule "B"
To By-law 20-084
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					Wind Turbines	NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples			
Municipal Wide Services/Classes:							
Services Related to a Highway	5,089	3,361	2,319	4,638	5,089	3.75	
Fire Protection Services	643	424	293	586	643	0.51	
Policing Services	25	17	11	23	-	0.02	
Parks and Recreation Services	1,044	690	476	951	-	0.56	
Growth Studies	278	184	127	253	278	0.21	
Total Municipal Wide Services/Classes	7,079	4,676	3,226	6,451	6,010	5.05	