

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

DEVELOPMENT CHARGES BY-LAW NO. 72-09

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BEING A BY-LAW TO ESTABLISH DEVELOPMENT  
CHARGES FOR THE TOWNSHIP OF SCUGOG

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**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997* (the “Act”), provides that the 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 the development of the area to which the by-law applies if the development requires one or more of the approvals identified in subsection 2(2) of the Act;

**AND WHEREAS** a development charges background study (the “Study”) has been completed in support of the imposition of development charges;

**AND WHEREAS** the Council of the Township of Scugog (the “Council”) has given notice and held a public meeting on June 8, 2009 pursuant to subsection 12(1) of the Act (the “Public Meeting”), prior to which the Study and the proposed development charges by-law were made available to the public and Council;

**AND WHEREAS** the Council permitted any person who attended the Public Meeting to make representations in respect of the proposed development charges;

**AND WHEREAS** the Council has, by resolution, indicated its intent to ensure that the increase in the need for services attributable to the anticipated development will be met, as required under paragraph 3 of subsection 5(1) of the Act and section 3 of Ontario Regulation 82/98;

**AND THAT** the Council has, by resolution, expressed its intent that any future excess capacity shall be paid for by development charges or similar charges, as required under paragraph 5 of subsection 5(1) of the Act and section 5 of Ontario Regulation 82/98;

**AND THAT** the Council has, by resolution, determined that no further public meetings were required under section 12 of the Act;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG Enacts As Follows:**

## 1. DEFINITIONS

In this By-law,

- (1) “Act” means the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended and all regulations thereto, as amended;
- (2) “agricultural use” means a bona fide farming operation, including sod farms, the breeding and boarding of horses, and greenhouses;
- (3) “air-supported structure” means an air supported structure as defined in the Building Code Act;
- (4) “apartment house dwelling” means a building containing more than four dwelling units where the dwelling units have a common entrance and are connected by a common corridor and where none of the dwelling units is a single detached dwelling, a semi-detached dwelling or a multiple dwelling;
- (5) “Board of Education” means a board of education, public school board, secondary school board, Catholic school board or Protestant school board;
- (6) “building or structure” means a structure occupying an area greater than 10 square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, but does not include a farm building, but does include an air-supported structure and an exterior storage tank;
- (7) “Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended and all regulations thereto including the Ontario Building Code, as amended;
- (8) “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;
- (9) “Condominium Act” means the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended and all regulations thereto, as amended;
- (10) “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 has the effect of increasing the Gross Floor Area, and includes redevelopment;
- (11) “development charge” means a charge imposed pursuant to this By-law;
- (12) “dwelling unit” means any part of a building or structure designed or intended for use by one family only, in which sanitary conveniences and facilities for cooking or for the installation of cooking equipment are provided and in which or for which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside;

- (13) "farm building" means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to a bona fide farming operation, but excludes a residential use;
- (14) "floor" means a paved, concrete, wooden, gravel, or dirt floor;
- (15) "garden suite" means a one-unit detached, temporary residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable;
- (16) "grade" means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;
- (17) "Gross Floor Area" means the sum total of the total areas of the floors in a building or structure, whether at, above, or below-grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:
  - (a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls partitions; and
  - (b) in the case of non-residential uses, excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators, washrooms, and the parking and loading of vehicles, and;
  - (c) where a building does not have any walls, the Gross Floor Area shall be the sum total of the area of land directly beneath the roof of the building and the total areas of the floors in the building or structure;
- (18) "industrial use" means manufacturing, assembling, processing, fabricating, refining, research and development, storage of materials and products, truck terminals, warehousing, and buildings and structures or portions thereof which are designed, used or intended to be used for a purpose, other than retail service or sales areas, storage or warehousing in connection with retail sales or service areas and office areas, which are accessory to any of the foregoing uses, but the term "industrial" does not include any other non-residential use and "industrial use", "industrial building" and "industrial development" shall have similar meanings;
- (19) "institutional use" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose, and includes office uses where such uses are accessory to an institutional use;

- (20) "Local Board" means a public utility commission, transportation commission, public library board, board of park management, local 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 of the Township or the Region;
- (21) "mezzanine" means a mezzanine as defined in the Building Code Act;
- (22) "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;
- (23) "multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings and apartment house dwellings;
- (24) "non-residential use" means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential use;
- (25) "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;
- (26) "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;
- (27) "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. 1980, c. 31, as amended;
- (28) "Planning Act" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and all regulations thereto, as amended;
- (29) "protracted" means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or addition to it for a continuous period exceeding eight months;

- (30) “redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;
- (31) “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 and retirement homes, 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 mini warehouses and parking garages;
- (32) “Region” means The Regional Municipality of Durham;
- (33) “residential uses” means land, buildings or structures or portions thereof used, designed, or intended to be used as living accommodation for one or more individuals;
- (34) “row dwelling” means a residential building consisting of one dwelling unit having two vertical walls, but no other parts, attached to another structure;
- (35) “semi-detached dwelling” means one of a pair of two attached single family dwellings with a common masonry wall dividing the pair of single family dwellings vertically or horizontally, each of which has an independent entrance either directly or from the outside or through a common vestibule;
- (36) “services” means services designated in this By-law including Schedule A to this By-law or in agreement under section 44 of the Act, or both;
- (37) “single detached dwelling” means a residential building consisting of one dwelling unit and not attached to another structure;
- (38) “temporary building or structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the Gross Floor Area thereof for a continuous period not exceeding eight months;

(39) "Township" means The Corporation of the Township of Scugog.

## **APPLICATION OF BY-LAW**

### **2. RULES**

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

- (1) The area to which this By-law applies shall be the area described in Section 3 of this By-law;
- (2) The rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in Sections 4 through 13, inclusive of this By-law and Sections 21 through 24, inclusive;
- (3) The exemptions provided for by such rules shall be the exemptions set forth in Sections 14 through 19, inclusive of this By-law, the indexing of charges may be in accordance with Section 22 and there may be phasing in as provided in Section 13; and
- (4) The redevelopment of land shall be in accordance with the rules set forth in Section 20 of this By-law.

### **3. LANDS AFFECTED**

This By-law applies to all lands in the geographic area of the Township of Scugog.

### **4. DESIGNATION OF SERVICES**

- (1) It is hereby declared by Council that all development land within the area to which this By-law applies will increase the need for services.
- (2) The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development.
- (3) Development charges shall be imposed and reserve funds established for the following categories of services, as set out in Schedule "A", to pay for the increased capital costs required because of increased needs for services arising from development:
  - (a) Library Services;
  - (b) Fire Services;
  - (c) Parks and Recreation;
  - (d) Public Works Buildings and Fleet;
  - (e) Animal Control;
  - (f) General Government;
  - (g) Roads and Related

## 5. APPROVALS FOR DEVELOPMENT

- (1) Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:
  - (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 50 of the Condominium Act, or;
  - (g) The issuing of a permit under the Building Code Act in relation to a building or structure.
- (2) No more than one development charge for each service designated in Subsection 4(3) of this By-law 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 5(1) are required before the lands, buildings or structure can be developed.
- (3) Notwithstanding Section 6 of this By-law, if two or more of the actions described in Subsection 5(1) occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by those actions.
- (4) Where a development requires an approval described in Subsection 5(1) of this By-law after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under Subsection 5(1).
- (5) If a development does not require a building permit but does require one or more of the approvals described in Subsection 5(1) of this By-law, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.

- (6) Nothing in this By-law prevents Council from requiring, as a condition of an agreement under sections 51 or 53 of the Planning Act, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing, or inspection fees.

## **6. CALCULATION OF DEVELOPMENT CHARGES**

The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:

- (1) In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
- (2) In the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the Gross Floor Area of such development.

### **AMOUNT OF CHARGE**

#### **7. RESIDENTIAL**

The development charges described in Schedule B of this By-law 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 component of the mixed use building or structure, according to the type of residential use.

#### **8. RESIDENTIAL – GARDEN SUITE**

- (1) The development charges imposed upon a garden suite under Section 7 of this By-law shall be payable at the rate applicable to an apartment house dwelling.
- (2) The development charges paid in respect to a garden suite shall be refunded in full to the then current owner thereof, upon request, if the garden suite is demolished or removed within ten years of the issuance of the building permit relating thereto unless Council, by By-Law, grants an extension pursuant to the provisions of the Planning Act.
- (3) The onus is on the applicant to produce evidence to the satisfaction of the Township, acting reasonably, which establishes that the applicant is entitled to the refund claimed under Section 7 of this By-law.

#### **9. RESIDENTIAL – MOBILE HOME**

- (1) The development charges imposed upon a mobile home under Section 7 of this By-law shall be payable at the rate applicable to an apartment house dwelling.

- (2) 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 unless Council, by By-Law, grants an extension pursuant to the provisions of the Planning Act.
- (3) The onus is on the applicant to produce evidence to the satisfaction of the Township, acting reasonably, which establishes that the applicant is entitled to the refund claimed under Section 7 of this By-law.

#### **10. NON-RESIDENTIAL – COMMERCIAL**

The development charges described in Schedule C of this By-law shall be imposed on commercial uses of lands, buildings or structures and, in the case of a mixed use building or structure, on the commercial components of the mixed use building or structure, and calculated with respect to each of the services according to the Gross Floor Area of the commercial use.

#### **11. NON-RESIDENTIAL – INSTITUTIONAL**

The development charges described in Schedule D of this By-law shall be imposed on institutional uses of lands, buildings or structures and, in the case of a mixed use building or structure, on the institutional components of the mixed use building or structure, and calculated with respect to each of the services according to the Gross Floor Area of the institutional use.

#### **12. NON-RESIDENTIAL – INDUSTRIAL**

Effective July 1, 2010, the development charges described in Schedule E of this By-law shall be imposed on industrial uses of lands, buildings or structures and, in the case of a mixed use building or structure, on the industrial components of the mixed use building or structure, and calculated with respect to each of the services according to the Gross Floor Area of the industrial use.

#### **13. PHASING**

- (1) The development charges imposed under Section 7 of this By-law for residential uses shall be phased and shall be payable in the amounts applicable at the date of payment as set out in the applicable column of Schedule B. For greater certainty, the columns contained in Schedules B apply to the following periods:
  - (a) Column I – July 1, 2009 to June 30, 2010
  - (b) Column II – July 1, 2010 to June 30, 2011
  - (c) Column III – July 1, 2011 to June 30, 2014
- (2) The development charges imposed under Section 10 of this By-law for commercial uses shall be phased and shall be payable in the amounts applicable at the date of payment as set out in the applicable column of Schedule C. For greater certainty, the columns contained in Schedule C apply to the following periods:

- (a) Column I – July 1, 2009 to June 30, 2010
  - (b) Column II – July 1, 2010 to June 30, 2011
  - (c) Column III – July 1, 2011 to June 30, 2012
  - (d) Column IV – July 1, 2012 to June 30, 2013
  - (e) Column V – July 1, 2013 to June 30, 2014
- (3) The development charges imposed under Section 12 of this By-law for industrial uses shall be phased and shall be payable in the amounts applicable at the date of payment as set out in the applicable column of Schedule E. For greater certainty, the columns contained in Schedule E apply to the following periods:
- (a) Column I – July 1, 2010 to June 30, 2011
  - (b) Column II – July 1, 2011 to June 30, 2012
  - (c) Column III – July 1, 2012 to June 30, 2013
  - (d) Column IV – July 1, 2013 to June 30, 2014
- (4) The development charges described in Columns II, III, IV and V (where applicable) of Schedules B, C and E may be adjusted annually in accordance with Section 22 of this By-law to the date of payment.

### **EXEMPTIONS**

#### **14. INTENSIFICATION OF EXISTING HOUSING EXEMPTION**

- (1) This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only of:
- (a) Permitting the enlargement of an existing dwelling unit;
  - (b) Creating one additional dwelling unit in an existing single detached dwelling unit;
  - (c) Creating one additional dwelling unit in an existing semi-detached dwelling unit; or
  - (d) Creating one additional dwelling unit for any other existing residential building.
- (2) Notwithstanding Subsections 14(1)(b) to (d) of this By-law, a development charge shall be imposed with respect to the creation of one additional dwelling unit in a dwelling, if the Gross Floor Area of the additional one or two dwelling units exceeds the Gross Floor Area of the existing dwelling unit in Subsections 14(1)(b) and (1)(c), and the smallest existing dwelling unit in Subsection 14(1)(d).

#### **15. ENLARGEMENT OF EXISTING INDUSTRIAL BUILDING EXEMPTION**

- (1) Notwithstanding Section 12 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 is determined in accordance with this section as follows:

- (a) If the Gross Floor Area is enlarged by 50 per cent 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 50 per cent, 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 50 per cent of the Gross Floor Area before the enlargement.
  - (ii) Divide the amount determined under paragraph (i) by the amount of the enlargement.

**16. ENLARGEMENT OF EXISTING NON-RESIDENTIAL BUILDING (OTHER THAN INDUSTRIAL) EXEMPTION**

- (1) Notwithstanding Sections 10 and 11 of this By-law, if a development includes the enlargement of the Gross Floor Area of an existing non-residential building, the amount of the development charge that is payable is the following:
  - (a) If the Gross Floor Area is enlarged by 232 m<sup>2</sup> or less, the amount of the development charge in respect of the enlargement is zero.
  - (b) Subject to Subsection 16(2)(c) below, if the Gross Floor Area is enlarged by more than 232 m<sup>2</sup>, development charges are payable on the amount by which the enlargement exceeds 232 m<sup>2</sup> of Gross Floor Area before the enlargement, and
- (2) In Subsection 16(1), for greater certainty in applying the exemption herein:
  - (a) The Gross Floor Area of an existing non-residential building shall be determined as of the date this By-law comes into force.
  - (b) The Gross Floor Area of an existing non-residential building is enlarged where there is a bona fide increase in the size of the existing building and the enlarged area is attached to an existing non-residential building and is used for or in connection with a non-residential purpose. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing non-residential building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below grade connection such as a service tunnel, foundation, footing or a parking facility.
  - (c) The exemption provided for in this section shall only be applied once for each lot even if the enlargement is less than 232 m<sup>2</sup> in the first instance.

## **17. INSTITUTIONAL EXEMPTIONS**

- (1) Notwithstanding Section 11, the following categories of institutions are exempt from the payment of development charges:
  - (a) Buildings or structures used as hospital governed by the *Public Hospitals Act*, R.S.O 1990, c. P.40;
  - (b) Buildings or structures owned by and used for the purposes of the Township, the Region, or their Local Boards;
  - (c) Buildings or structures owned by a Board of Education and used for school purposes;
  - (d) Buildings or structures owned by and used for the purposes of a college of applied arts and technology established pursuant to the *Ministry of Colleges and Universities Act*, R.S.O 1990, c. M.19;
  - (e) Buildings or structures owned by and used for the purposes of a university established by and Act of the Legislative Assembly of Ontario;
  - (f) Development in relation to lands to be used as a place of worship and land used in connection therewith, a churchyard, cemetery or burying ground exempt under the *Assessment Act*, R.S.O. 1980, c. 31, as amended, for taxation purposes;
  - (g) Development of farm buildings.
- (2) The exemption referred to in Subsection 17(1)(b) does not apply to the development for residential uses of lands owned by:
  - (a) The Region or any Local Board thereof; or
  - (b) Any corporation owned, controlled, or operated by the Region.

## **18. AGRICULTURAL EXEMPTIONS**

Agricultural uses as well as farm buildings and other ancillary development to an agricultural use, excluding any residential or commercial uses, shall be exempt from the provisions of this By-law.

## **19. TEMPORARY BUILDINGS AND STRUCTURES EXEMPTION**

- (1) Temporary buildings or structures shall be exempt from the provisions of this By-law.

- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this By-Law shall become payable on the date the temporary building or structure becomes protracted.
- (3) Prior to the Township issuing a building permit for a temporary building or structure, the Township may require the owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to section 27 of the Act providing for all or part of the development charge required by Subsection 19(2) of this By-law to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this By-law, as it relates to the timing of the payment.

### **CREDITS**

#### **20. REDEVELOPMENT CREDITS**

- (1) Where there is a redevelopment of land on which there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished, as the case may be. The amount of this credit is calculated by multiplying the number and type of dwelling units being converted or demolished or the non-residential Gross Floor Area being converted or demolished by the relevant development charge in effect on the date when the development charge is payable in accordance with this By-law.
- (2) A credit in respect of any demolition under this section shall not be given unless a building permit has been issued or a subdivision agreement has been entered into with the Township for the development within 5 years from the date the demolition permit was issued.
- (3) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable with respect to the development.

## **21. PRE-DEVELOPMENT CHARGE BY-LAW CREDITS**

Where an owner or former owner of land to which this By-law applies has paid to the Township a prior capital contribution as required by an agreement between the Township and the owner or former owner, the Township will, until the expiry of this By-Law, recognize as a credit towards a development charge imposed under this By-law, an amount equal to the capital contributions previously paid (as indexed in accordance with the then capital contributions policy of the Township to the date the development charge imposed under this By-law is paid) expressed as a dollar amount per acre for the land to which the development charge imposed under this By-law applies.

### **ADMINISTRATION**

## **22. INDEXING OF DEVELOPMENT CHARGES**

The development charges set out in Schedules B to E hereto may be adjusted without amendment to this By-law annually on July 1<sup>st</sup> in each year, commencing July 1, 2010, in accordance with the Statistics Canada Quarterly, Construction Price Statistics based on the 12 month period ending March 31<sup>st</sup>.

## **23. TIMING OF CALCULATION AND PAYMENT**

- (1) Subject to Section 20 and Subsection 23(3) of this By-law, the development charge shall be calculated as of, and shall be payable, on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies.
- (2) Notwithstanding Subsection 23(2), the Township may require an owner to enter into an agreement, including the provision of security for the owner's obligations under said agreement, pursuant to section 27 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable. The terms of such agreement shall then prevail over the provision of this By-law.
- (3) The Chief Building Official of the Township shall withhold the issuance of a building permit in relation to a building or structure on land to which the development charge applies unless the development charge has been paid.

## **24. PAYMENT BY MONEY OR THE PROVISION OF SERVICES**

- (1) Payment of development charges shall be by cash or by certified cheque.
- (2) In the alternative to payment by the means provided in Subsection 24(1), the Township may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:

- (a) If the Township and the owner cannot agree as to the reasonable cost of doing the work under Subsection 24(2), the dispute shall be referred to Council whose decision shall be final and binding.
- (b) If the credit exceeds the amount of the charge for the service to which the work relates,
  - (i) The excess amount shall not be credited against the charge for any other service, unless the Township has so agreed in an agreement under section 39 of the Act; and
  - (ii) In no event shall the Township be required to make a cash payment to the credit holder.
- (3) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the Planning Act, the owner, at the owner's expense, to install such local services as Council may require in accordance with the Township's local services' policies in effect at the time.

## **25. INTEREST**

The Township shall pay interest on a refund under subsections 18(3) and 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

## **26. FRONT-ENDING AGREEMENTS**

The Township may enter into front-ending agreements under Part III of the Act.

## **27. SCHEDULES**

The following Schedules form an integral part of this By-law:

- (1) Schedule A – Designated Services
- (2) Schedule B – Residential Development Charges
- (3) Schedule C – Commercial Development Charges
- (4) Schedule D – Institutional Development Charges
- (5) Schedule E – Industrial Development Charges

## **28. BY-LAW REGISTRATION**

A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the Township and may be registered against title to any land to which this By-law applies.

## **29. DATE BY-LAW IN FORCE**

This By-law comes into force on July 1, 2009.

## **30. DATE BY-LAW EXPIRES**

This By-law expires five years after the date on which it comes into force.

**31. BY-LAW REPEAL**

By-law No. 96-04, as amended, is hereby repealed effective on the date this By-law comes into force.

**32. HEADINGS FOR REFERENCE ONLY**

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

**33. SEVERABILITY**

If, for any reason, any provision, section, subsection or paragraph of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

Read a First, Second and Third time and finally passed this 22<sup>nd</sup> day of June, 2009.

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MAYOR, Marilyn Pearce

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CLERK, Kim Coates

TOWNSHIP OF SCUGOG  
DEVELOPMENT CHARGES BY-LAW NUMBER 72-09

SCHEDULE A  
DESIGNATED SERVICES

1. Library Services
2. Fire Services
3. Parks and Recreation
4. Public Works Buildings and Fleet
5. Animal Control
6. General Government
7. Roads and Related

TOWNSHIP OF SCUGOG  
DEVELOPMENT CHARGES BY-LAW NUMBER 72-09

SCHEDULE B  
RESIDENTIAL DEVELOPMENT CHARGES<sup>1</sup>  
Effective July 1, 2009

Township-Wide Uniform Charges for Single and Semi-Detached Dwellings<sup>2</sup>:

SERVICE CATEGORY	COLUMN I	COLUMN II	COLUMN III
	July 1, 2009 to June 30, 2010 \$ per unit	July 1, 2010 to June 30, 2011 \$ per unit	July 1, 2011 to June 30, 2014 \$ per unit
1. Library Services	394	443	492
2. Fire Services	789	675	560
3. Parks & Recreation	3,214	3,718	4,222
4. Public Works Buildings & Fleet	736	719	702
5. Animal Control	23	24	24
6. General Government	169	215	260
7. Roads & Related	6,580	6,396	6,212
<b>TOTAL TOWNSHIP-WIDE</b>	<b>\$11,905</b>	<b>\$12,190</b>	<b>\$12,472</b>

Township-Wide Uniform Charges for Rows & Other Multiple Dwellings<sup>2</sup>:

SERVICE CATEGORY	COLUMN I	COLUMN II	COLUMN III
	July 1, 2009 to June 30, 2010 \$ per unit	July 1, 2010 to June 30, 2011 \$ per unit	July 1, 2011 to June 30, 2014 \$ per unit
1. Library Services	313	357	400
2. Fire Services	625	540	455
3. Parks & Recreation	2,549	2,991	3,432
4. Public Works Buildings & Fleet	584	577	570
5. Animal Control	18	19	20
6. General Government	134	173	212
7. Roads & Related	5,219	5,134	5,049
<b>TOTAL TOWNSHIP-WIDE</b>	<b>\$9,442</b>	<b>\$9,791</b>	<b>\$10,138</b>

Township-Wide Uniform Charges for Apartment House Dwellings<sup>2</sup>:

SERVICE CATEGORY	COLUMN I	COLUMN II	COLUMN III
	July 1, 2009 to June 30, 2010	July 1, 2010 to June 30, 2011	July 1, 2011 to June 30, 2014
	\$ per unit	\$ per unit	\$ per unit
1. Library Services	261	261	261
2. Fire Services	297	297	297
3. Parks & Recreation	2,238	2,238	2,238
4. Public Works Buildings & Fleet	372	372	372
5. Animal Control	13	13	13
6. General Government	138	138	138
7. Roads & Related	3,293	3,293	3,293
<b>TOTAL TOWNSHIP-WIDE</b>	<b>\$6,612</b>	<b>\$6,612</b>	<b>\$6,612</b>

Notes:

- (1) The development charges described in Columns II and III above may be indexed annually pursuant Section 22 of this By-law.
- (2) Township-wide rates to be applied uniformly to all development within the Township, subject to the provisions of this By-law.

TOWNSHIP OF SCUGOG  
DEVELOPMENT CHARGES BY-LAW NUMBER 72-09

SCHEDULE C  
COMMERCIAL DEVELOPMENT CHARGES<sup>1</sup>  
Effective July 1, 2009

Township-Wide Uniform Charges<sup>2, 3</sup>:

SERVICE CATEGORY	COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
	July 1, 2009 to June 30, 2010	July 1, 2010 to June 30, 2011	July 1, 2011 to June 30, 2012	July 1, 2012 to June 30, 2013	July 1, 2013 to June 30, 2014
	\$ per m <sup>2</sup> of GFA	\$ per m <sup>2</sup> of GFA	\$ per m <sup>2</sup> of GFA	\$ per m <sup>2</sup> of GFA	\$ per m <sup>2</sup> of GFA
1. Library Services	0.00	0.00	0.00	0.00	0.00
2. Fire Services	3.89	3.87	3.85	3.84	3.82
3. Parks & Recreation	0.00	0.00	0.00	0.00	0.00
4. Public Works Buildings & Fleet	4.02	4.05	4.08	4.11	4.15
5. Animal Control	0.00	0.00	0.00	0.00	0.00
6. General Government	0.85	0.90	0.95	1.00	1.06
7. Roads & Related	54.16	55.90	57.64	59.38	61.11
<b>TOTAL TOWNSHIP-WIDE</b>	<b>\$62.92</b>	<b>\$64.72</b>	<b>\$66.53</b>	<b>\$68.33</b>	<b>\$70.13</b>

Notes:

- (1) The development charges described above may be indexed annually pursuant to Section 22 of this By-law.
- (2) Township-wide rates to be applied uniformly to all development within the Township, subject to the provisions of this By-law.
- (3) The amount of the development charge for non-residential building (other than industrial) enlargements up to 232 m<sup>2</sup> in Gross Floor Area is zero. See Subsection 16(1) of this By-law for additional details.

TOWNSHIP OF SCUGOG  
DEVELOPMENT CHARGES BY-LAW NUMBER 72-09

SCHEDULE D  
INSTITUTIONAL DEVELOPMENT CHARGES<sup>1</sup>  
Effective July 1, 2009

Township-Wide Uniform Charges<sup>2, 3</sup>:

SERVICE CATEGORY	COLUMN I
	July 1, 2009 to June 30, 2014 \$ per m <sup>2</sup> of GFA
1. Library Services	0.00
2. Fire Services	3.60
3. Parks & Recreation	0.00
4. Public Works Buildings & Fleet	4.52
5. Animal Control	0.00
6. General Government	1.67
7. Roads & Related	30.34
<b>TOTAL TOWNSHIP-WIDE</b>	<b>\$40.13</b>

Notes:

- (1) The development charges described above may be indexed annually pursuant to Section 22 of this By-law.
- (2) Township-wide rates to be applied uniformly to all development within the Township, subject to the provisions of this By-law.
- (3) The amount of the development charge for non-residential building (other than industrial) enlargements up to 232 m<sup>2</sup> in Gross Floor Area is zero. See Subsection 16(1) of this By-law for additional details.

TOWNSHIP OF SCUGOG  
DEVELOPMENT CHARGES BY-LAW NUMBER 72-09

SCHEDULE E  
INDUSTRIAL DEVELOPMENT CHARGES<sup>1</sup>  
Effective July 1, 2010

Township-Wide Uniform Charges<sup>2, 3:</sup>

SERVICE CATEGORY	COLUMN I	COLUMN II	COLUMN III	COLUMN IV
	July 1, 2010 to June 30, 2011	July 1, 2011 to June 30, 2012	July 1, 2012 to June 30, 2013	July 1, 2013 to June 30, 2014
	\$ per m <sup>2</sup> of GFA	\$ per m <sup>2</sup> of GFA	\$ per m <sup>2</sup> of GFA	\$ per m <sup>2</sup> of GFA
1. Library Services	0.00	0.00	0.00	0.00
2. Fire Services	0.90	1.80	2.70	3.60
3. Parks & Recreation	0.00	0.00	0.00	0.00
4. Public Works Buildings & Fleet	1.13	2.26	3.39	4.52
5. Animal Control	0.00	0.00	0.00	0.00
6. General Government	0.42	0.84	1.25	1.67
7. Roads & Related	4.20	8.39	12.59	16.78
<b>TOTAL TOWNSHIP-WIDE</b>	<b>\$6.64</b>	<b>\$13.29</b>	<b>\$19.93</b>	<b>\$26.57</b>

Notes:

- (1) The development charges described above may be indexed annually pursuant to Section 22 of this By-law.
- (2) Township-wide rates to be applied uniformly to all development within the Township, subject to the provisions of this By-law.
- (3) The amount of the development charge for industrial building enlargements up to 50 per cent of the existing Gross Floor Area is zero. See Subsection 15(1) of this By-law for additional details.