

**COUNTY OF OXFORD**

**BY-LAW NO. 6332-2021**

**Being** a by-law to amend the Mt. Elgin Water and Wastewater Area-Specific Development Charges By-law No. 6130-2019 for the County of Oxford

**WHEREAS** Section 19 of the Development Charges Act, 1997, S.O. 1997, c27 (“the Act”) provides for amendments to be made to development charges by-laws;

**AND WHEREAS** the Council of the County of Oxford (hereinafter called “the Council”) has determined that certain amendments should be made to the Mt. Elgin Water and Wastewater Area-Specific Development Charge By-law of the County of Oxford, being By-law No. 6130-2019;

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

**AND WHEREAS** the Council of the County of Oxford has given notice and held a public meeting in accordance with the Act; and

**AND WHEREAS** the Council, at its meeting of March 24, 2021, approved a report dated January 22, 2021 entitled “2021 Development Charge Update Study”.

**NOW THEREFORE THE COUNCIL OF THE COUNTY OF OXFORD ENACTS AS FOLLOWS:**

**1. By-law No. 6130-2019 is hereby amended as follows:**

a. Section 4 is deleted and replaced with the following:

(1) Notwithstanding Section 3 above, no Development Charges shall be imposed with respect to Developments or portions of Developments as follows:

- (a) The enlargement of an existing dwelling unit;
- (b) the creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling. The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the existing residential building/dwelling;
- (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 within a structure ancillary to such residential building;
- (d) the creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the existing residential building/dwelling; or
- (e) the creation of a second dwelling unit in a proposed new Single Detached, Semi-Detached or Row Townhouse dwelling or in a building ancillary to

such dwelling, 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.

(2) For the purposes of Subsection 4(1) “existing residential building/dwelling”, means:

- (a) A residential building/dwelling, containing at least one dwelling unit, that existed on a parcel of land as of April 1, 2021 and which was not exempt from the payment of development charges pursuant to Section 2(3)(b) of the Act; or
- (b) The first residential building/dwelling, containing at least one dwelling unit, constructed on a vacant parcel of land after April 1, 2021, and for which development charges were paid.

(3) In addition to the restrictions outlined in Subsection 4(1)(e), for the purposes of the exemption for an additional residential unit in a building ancillary to a proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling, the proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling must be located on a parcel of land on which no other Single Detached, Semi-Detached or Row Townhouse dwelling is or would be located.

(4) For the purposes of Subsection 4(1)(e), “parcel of land” means a lot or block within a registered plan of subdivision or draft plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a) of the *Planning Act*.

b. The following Subsections are added to Section 5 of the by-law:

- (5) Notwithstanding Subsection 5(1), development charges for rental housing and institutional developments are due and payable in 6 equal installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- (6) Notwithstanding Subsection 5(1), development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- (7) Notwithstanding subsections 5(1) and 5(3), where the development of land results from the approval of a Site Plan or Zoning By-law Amendment application received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application. Where both planning applications apply, Development Charges under Section 2 shall be calculated on the rates set out in Schedule "B" on the date of the later planning application.
- (8) Interest for the purposes of Subsections 5(5) and 5(6) shall be determined as the Bank of Canada Prime Interest Rate plus 2% as at the April 1<sup>st</sup> immediately prior to:
  - (a) The date of building permit issuance for installment payments under Section 26.1 of the Act for rental housing, institutional development, and non-profit housing;
- (9) Notwithstanding Subsection 5(8), the interest rate shall not be less than 0%.
- (10) For the purposes of Subsection 5(5) "institutional development" means development of a building or structure intended for use:
  - (a) as a long-term care home within the meaning of Subsection 2 (1) of the *Long Term Care Homes Act, 2007*;
  - (b) as a retirement home within the meaning of Subsection 2(1) of the *Retirement Homes Act, 2010*.
  - (c) By any institution of the following post-secondary institutions for the objects of the institution:
    - (i) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
    - (ii) a college or university federated or affiliated with a university described in subclause (i); or
    - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act, 2017*;

- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
  - (e) as a hospice to provide end of life care;
- (11) For the purposes of Subsection 5(5) “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;
- (12) For the purposes of Subsection 5(6) “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 objective is to provide housing;
  - (b) a corporation without share capital to which the *Canada Not-for-profit Corporation Act* applies, that is in good standing under that Act and whose primary objective is to provide housing; or
  - (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;
- c. The following paragraph is added to Subsection 3 (2) of the by-law:
- (e) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.
- d. This By-law shall come into force and effect on April 1, 2021.

**READ** a first and second time this 24<sup>th</sup> day of March, 2021.

**READ** a third time and finally passed this 24<sup>th</sup> day of March, 2021.

*“Larry G. Martin”*

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LARRY G. MARTIN, WARDEN

*“Chloe J. Senior”*

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CHLOE J. SENIOR, CLERK