



The Corporation of the Township of Hamilton

By-law Number 2022-04

Being a By-Law of The Corporation of the Township of Hamilton To Amend By-Law 2019-66, Respecting Development Charges

Whereas the Township of Hamilton enacted By-law 2019-66 pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”), which Act authorizes Council to pass by-laws for the imposition of development charges against land;

And Whereas the Township has undertaken a study pursuant to the Act which has provided an updated Schedule B to By-law 2019-66;

And Whereas Council has before it a report entitled “Township of Hamilton 2021 Development Charge Update Study” prepared by Watson & Associates Economists Ltd., dated November 16, 2021 (the “update study”);

And Whereas the update study and proposed amending by-law were made available to the public on November 16, 2021 and Council gave notice to the public pursuant to section 12 of the Act.

And Whereas Council, on December 8, 2021 held a meeting open to the public, pursuant to section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF HAMILTON HEREBY ENACTS AS FOLLOWS:

1. By-law 2019-66 is hereby amended as follows:

A. Addition of Rental Housing to the definitions in section 1 as follows:

“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

B. Addition of Institutional development to the definitions in section 1 as follows:

“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 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 sub-clause (i), or
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes 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.

C. Addition of non-profit housing development to the definitions in section 1 as follows:

“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*.

D. Addition of Interest rate to the definitions in section 1 as follows:

"Interest rate" means the annual rate of interest calculated at the Township's

D.C. Interest Policy;

E. Replace Section 2.0 with the following:

Schedule of Development Charges

(1) Subject to the provisions of this by-law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedule B, which relate to the service set out in Schedule A of this by-law.

(2) The development charge with respect to the use of any land, buildings or structures shall be calculated, based on the charges in Schedule B, as follows:

(a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units;

(b) in the case of non-residential development, the non-residential portion of a mixed-use development which includes residential, based upon the total floor area of such development;

(3) Council hereby determines that the development of land, buildings or structures for residential and non-residential uses have required or will require the provision, enlargement, expansion or improvement of the service referenced in Schedule A.

F. Addition of the following university exemption to Section 3(2):

New bullet (h) – 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 is exempt from development charges

imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

G. Addition of a Section 3(7) for "Rules with Respect to Exemptions for New Development"

"3(7) Notwithstanding the provisions of this By-law, no development charge shall be payable where the development:

(a) is limited to the creation of an additional dwelling unit as prescribed, in prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997; and

(b) is limited to the creation of an additional dwelling unit ancillary to a new dwelling unit for prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997."

H. Amend Section 8(3):

- a. Remove the reference to "Schedules "B-1" and "B-2""; and
- b. Replace with "Schedule B".

I. Amend Sections 9(2) and 9(3):

- a. Remove the reference to "Schedules "B-1" and "B-2""; and
- b. Replace with "Schedule B".

J. Addition of policies related to the timing of development charges payments. These will be included after Section 11(3) of the development charges by-law:

New Section – 11(4) Notwithstanding subsections 11(1) and 11(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 first occupancy certificate issued, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

New Section –11(5) Notwithstanding subsections 11(1) and 11(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 first occupancy certificate issued, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

New Section –11(6) 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 2 years of building permit issuance, the development charges under subsections 2(2)(a) and 2(2)(b) 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 2(2)(a) and 2(2)(b) shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application, including interest.

K. Amend Section 12:

- a. Remove the reference to "Schedules B-1 and B-2"; and
- b. Replace with "Schedule B".

L. Amend Section 16:

- a. Remove the reference to "Schedules "B-1" and "B-2""; and
- b. Replace with "Schedule B".

N. Replace Section 19 with the following:

“The following schedules to this By-law form an integral part of this By-law:

Schedule “A” – Summary of Development Charges Services

Schedule “B” – Schedule of Development Charges

O. Schedule “A” is deleted and the attached Schedule “A” is substituted therefore.

P. Schedules “B-1” and “B-2” are deleted and the attached Schedule “B” is substituted therefore.

2. This by-law shall come into force and effect on the January 18, 2022.

3. Except as amended by this by-law, all provisions of By-law 2019-66, as amended, are and shall remain in full force and effect.

This by-law given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 18th day of January, 2022.

William Cane, Mayor

D. Livingstone, Clerk

**Schedule A to By-law 2022-04
Township of Hamilton
Summary of Development Charges Services**

Municipal-Wide Services:

- 1) Services Related to a Highway
- 2) Fire Protection Services
- 3) Outdoor Recreation Services
- 4) Indoor Recreation Services
- 5) Library Services
- 6) General Government – Engineering Studies
- 7) General Government – Community Based Studies

Creighton Heights and Camborne Urban Area Services:

- 8) Water Services.

Schedule B to By-law 2022-04
Schedule of Development Charges

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Solar PV, Telecommunications Towers, and Wind Turbines	(per sq.ft. of Gross Floor Area)
Municipal Wide Services:						
Services Related to a Highway	4,347	2,971	2,557	1,878	4,347	3.17
Fire Protection Services	750	513	441	324	750	0.55
Outdoor Recreation Services	460	314	271	199	-	0.10
Indoor Recreation Services	308	210	181	133	-	0.07
Library Services	71	49	42	31	-	0.02
General Government - Engineering Studies	441	301	259	191	-	0.48
General Government - Community Based Studies	304	208	179	131	-	0.33
Total Municipal Wide Services	6,681	4,566	3,930	2,887	5,097	4.72
Creighton Heights and Camborne Urban Area Services:						
Water Services	7,467	5,103	4,392	3,226	-	3.14
Total Urban Services	7,467	5,103	4,392	3,226	-	3.14
Total Municipal Wide + Urban Services	14,148	9,669	8,322	6,113	5,097	7.86

