

BY-LAW NO. 122-14

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to impose certain Development Charges in the Corporation of the City of Cambridge pursuant to the Development Charges Act, S.O., 1997, c. 27, as amended.

WHEREAS the Development Charges Act, S.O. 1997, c. 27, as amended, (*the Act*), authorizes municipalities to pass by-laws to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development or redevelopment of land (s. 2(1) of *the Act*);

AND WHEREAS the City of Cambridge has completed a development charges background study dated April, 2014, to investigate the increased needs for services arising from such development or redevelopment of land (s. 10(1) of *the Act*);

AND WHEREAS the City of Cambridge has given at least 20 days' notice of a public meeting in the manner and to the persons and organizations prescribed by s. 9 Ontario Regulation 82/98 (s. 12(1)(b) of *the Act*);

AND WHEREAS such public meeting was held on Monday May 26th, 2014 at the City Hall (s. 12(1)(a) of *the Act*);

AND WHEREAS the City ensured that the proposed by-law and the background study were made available to the public at least two weeks prior to the meeting (s.12(1)(c) of *the Act*);

AND WHEREAS any person who attended the meeting was allowed to make representations relating to the proposed by-law (s. 12(2) of *the Act*);

AND WHEREAS this by-law is being passed within the one-year period following completion of the development charges background study (s. 11 of *the Act*);

NOW THEREFORE BE IT RESOLVED THAT THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

1. DEFINITIONS

In this by-law:

- 1.1 “*accessory use*” means a use that is normally secondary, subordinate or incidental to the main use on a *site* that does not, through any manner or design, share the same *gross floor area* or occupy the majority of the gross floor area of the building or structure in which the main use of the *site* takes place;
- 1.2 “*Act*” means the *Development Charges Act* S.O. 1997, c 27, as amended;
- 1.3 “*apartment*” means a *dwelling unit* in a building containing a non-residential use or two or more dwelling units in a *residential building*, but does not include a *lodging house*, *row dwelling*, *semi-detached dwelling* or *single detached dwelling*;
- 1.4 “*brownfield*” means: a property that requires a risk assessment and/or site remediation under the Environmental Protection Act, R.S.O. 1990, Chapter E.19, or any successor legislation, or any regulations thereunder; or a property that requires site remediation under a City policy concerning contaminated sites;
- 1.5 “*capital costs*” means costs incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of, and as authorized by, the City or a local board thereof:
 - 1.5.1 to acquire land or an interest in land, including a leasehold interest,
 - 1.5.2 to improve land;
 - 1.5.3 to acquire, lease, construct or improve buildings and structures;
 - 1.5.4 to acquire, lease, construct or improve facilities including,
 - 1.5.4.1 rolling stock with an estimated useful life of seven years or more;
 - 1.5.4.2 furniture and equipment, other than computer equipment;
 - 1.5.4.3 materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, c. P.44;
 - 1.5.5 *Infrastructure*
 - 1.5.6 to undertake studies in connection with any of the matters in clauses 1.4.1 to 1.4.5;
 - 1.5.7 to undertake the *development charges* background study required under s. 10 of the *Development Charges Act*;
 - 1.5.8 interest on money borrowed to pay for costs described in paragraphs 1.4.1 to 1.4.5.
- 1.6 “*City*” means the Corporation of the City of Cambridge;

- 1.7 “*Council*” means the Council of the Corporation of the City of Cambridge;
- 1.8 “demolition permit” is a permit required prior to demolition of a non-residential structure that is issued under the Ontario Building Code (Ontario Regulation 332/12, or any successor legislation);
- 1.9 “demolition control permit” is a permit required prior to demolition of a whole or any part of a residential property that is issued under the Planning Act, R.S.O. 1990, c.P.13, or any successor legislation;
- 1.10 “*development*” includes re-development;
- 1.11 “*development charge*” means a charge imposed against land under this by-law;
- 1.12 “*dwelling unit*” means a room or rooms located within a building or structure which are occupied or designed or intended to be occupied by one or more persons as a single housekeeping unit and for which a separate private entrance (from outdoors or a common hallway), sanitary and culinary facilities are provided but does not include a *lodging unit*;
- 1.13 “*existing industrial building*” means a building or buildings existing on a site on September 23, 1991, or the first building or buildings constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act subsequent to the passage of this by-law for which full *development charges* were paid, that is used for or in connection with:
 - 1.13.1 the production, compounding, processing, packaging, crating, bottling, packing or assembly of raw or semi-processed goods or materials (“manufacturing”) or warehousing;(manufacturing, producing, processing, storing or distributing something)
 - 1.13.2 research or *development* activities in connection with manufacturing; (producing, or processing something)
 - 1.13.3 retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if retail sales are an *accessory use* at the site where manufacturing, production or processing is carried out; or,
 - 1.13.4 office or administrative purposes if they are:
 - 1.13.4.1 carried out as an *accessory use* to the manufacturing or warehousing, producing, processing, storage or distributing of something; and
 - 1.13.4.2 in or attached to the building or structure used for such manufacturing or warehousing, producing, processing, storage or distribution;
- 1.14 “*farm*” means a parcel of land on which the predominant activity is farming;
- 1.15 “*farming*” means the production of crops or the breeding, raising or maintaining of livestock or both; including fur farming, fruit and vegetable growing, the keeping of bees, fish farming and sod farming and includes

such buildings and structures located on a *farm* designed and intended to be used solely for or in connection with such production of crops or livestock including barns, silos, structures used for farm equipment storage and repair, storing or processing materials used in the production or maintenance of crops or livestock or the products derived from the farm's production of crops or livestock, or both. Farming shall not include a *dwelling unit* located on a *farm*;

- 1.16 “*Galt Core Area*” means the area identified as such in the applicable City of Cambridge Official Plan;
- 1.17 “*grade*” means the average level of finished ground adjoining a building at all its exterior walls;
- 1.18 “*gross floor area*” means the total floor area measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average *grade* adjoining the building at its exterior walls;
- 1.19 “*Hespeler Core Area*” means the area identified as such in the applicable City of Cambridge Official Plan;
- 1.20 “*infrastructure services*” means water supply services, waste water services, storm water and drainage control services and road services;
- 1.21 “*local board*” means a local board as defined in section 1 of the Municipal Affairs Act, R.S.O. 1990, c. 307, other than a board as defined in section 1(1) of the Education Act, S.O. 1990, c. 13, as amended (s. 1 of *the Act*);
- 1.22 “*local services*” means services related to a plan of subdivision, or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under s. 51 of the Planning Act or under s. 53 of the Planning Act;
- 1.23 “*lodging house*” means a building designed or intended to contain, or containing lodging units where the residents share access to common areas of the building, other than the lodging units;
- 1.24 “*lodging unit*” means one or more rooms located within a lodging house which:
 - a) is designed to be occupied for human habitation by one resident;
 - b) is not normally accessible to persons other than the resident without the permission of the resident; and,
 - c) may contain either cooking or sanitary facilities, but not both, for the exclusive use of the resident of the unit.

A room or suite in a hotel or motel shall not constitute a *lodging unit*.

- 1.25 “*non-residential uses*” means all commercial, industrial, institutional and other uses not included in the definition of residential uses including *lodging houses* exceeding 10 or more rooms, hotels and motels;

- 1.26 "owner" means the owner of land or a person authorized by the owner who has made application for an approval for the *development* of land upon which a *development charge* is imposed;
- 1.27 "*pre-existing development*" means a use of land or buildings existing on the land at the time a *development charge* is payable or existing at any time in the five years prior thereto;
- 1.28 "*Preston Core Area*" means the area identified as such in the applicable City of Cambridge Official Plan;
- 1.29 "*residential building*" means a building containing one or more *dwelling units* with or without any *non-residential use* and in the case of a *single detached dwelling* or *semi-detached dwelling* or *row dwelling* means the individual *dwelling unit*;
- 1.30 "*residential use*" means the use of land, buildings or structures for one or more *dwelling units*, including a *farm dwelling unit*;
- 1.31 "*row dwelling*" means a *residential building* consisting of three or more *dwelling units* attached by a vertical wall or walls and not abutting any *dwelling units* along a horizontal plane;
- 1.32 "*semi-detached dwelling*" means a *residential building* divided vertically to provide two *dwelling units* separated by a common wall or walls;
- 1.33 "services" means services designated in section 4 of this by-law;
- 1.34 "*single detached dwelling*" means a *residential building* consisting of one *dwelling unit* and not attached to another structure;
- 1.35 "*site*" means a parcel of land situated in the *City* which can be legally conveyed pursuant to section 50 of the Planning Act and includes a *development* having two or more lots consolidated under identical ownership.

2. APPLICATION OF DEVELOPMENT CHARGES – RULES

2.1 General Application (s. 2(7) of the Act)

Subject to subsections 3.2 (Municipality and Boards), 3.4 (Enlargement and Addition), 3.5 (Local Services), 3.6 (Enlargement – Industrial), 3.7 (Two or More Actions), 3.8 (Contaminated Sites), 3.9 (Temporary Uses), 3.10 (Designated Sites), and 3.11 (Credit for Existing *Services*), 3.12 (Farm Buildings), 3.13 (Core Areas), *development charges* shall apply and shall be calculated and collected in accordance with this by-law against land to pay for increased *capital costs* required because of increased needs for *services* arising from *development* that requires:

- 2.1.1 the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the Planning Act;
- 2.1.2 the approval of a minor variance under section 45 of the Planning Act;

- 2.1.3 a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
- 2.1.4 the approval of a plan of subdivision under section 51 of the Planning Act;
- 2.1.5 a consent under section 53 of the Planning Act;
- 2.1.6 the approval of a description under section 50 of the Condominium Act; or
- 2.1.7 the issuing of a permit under the Building Code Act, 1992, in relation to a building or structure.

3. IMPOSITION OF DEVELOPMENT CHARGES

3.1 All Lands (s. 2(7) and s. 3 of the Act)

Subject to subsection 3.2 hereof, the *development charges* herein are imposed on all land in the *City* and no land is exempt from a *development charge* by reason only that it is exempt from taxation under s. 3 of the Assessment Act.

3.2 Non-Imposition – Municipality and Boards (s. 2(7) of the Act)

This by-law does not apply to land owned and used for the purposes of:

- a) The City of Cambridge or any local board thereof;
- b) The Region of Waterloo or any local board thereof;
- c) Any municipality within the Region of Waterloo or any local board thereof;
- d) A board of education as defined in the *Education Act*, S.O. 1990, c. 13, as amended, or any successor legislation;
- e) The Grand River Conservation Authority to the extent that the lands are being used for conservation purposes; or
- f) The Crown in right of Ontario or the Crown in right of Canada.

3.3 Municipal Exemption – Hospitals

This by-law shall not apply to land upon which there is to be developed a Public Hospital within the meaning of the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended.

3.4 Not Applicable by Statute – Enlargement of an Existing Dwelling Unit and Creation of Up to Two Additional Dwelling Units (s. 2(3) of the Act)

An action mentioned in s. 2.1.1 to 2.1.7 does not satisfy the requirements of s. 2.1 if the only effect of the action is to:

- 3.4.1 permit the enlargement of an existing *dwelling unit*; or
- 3.4.2 permit the creation of up to two additional *dwelling units* as the following table sets out:

Name of Class of Residential Building	Description of Class of Residential Buildings	Maximum Number of Additional Dwellings	RESTRICTIONS
Single Detached Dwellings	<i>Residential Buildings, each of which contains a single dwelling unit that are not attached to other buildings.</i>	Two	The total <i>gross floor area</i> of the additional <i>dwelling unit</i> or units must be less than or equal to the <i>gross floor area</i> of the <i>dwelling unit</i> already in the building.
Semi-Detached Dwellings or Row Dwellings	<i>Residential Buildings, each of which contains a single dwelling unit that have one or two vertical walls, but no other parts, attached to other buildings.</i>	One	The <i>gross floor area</i> of the additional <i>dwelling unit</i> must be less than or equal to the <i>gross floor area</i> of the <i>dwelling unit</i> already in the building.
Other Residential Buildings	<i>A residential building not in another class of residential building described in this table.</i>	One	The <i>gross floor area</i> of the additional <i>dwelling unit</i> must be less than or equal to the <i>gross floor area</i> of the smallest <i>dwelling unit</i> already in the building.

3.5 Not Applicable by Statute – Local Services and Connections (s. 2(5) of the Act)

Subsection 2.1 does not apply to:

- 3.5.1 local *services* related to a plan of subdivision or within the area to which the plan relates to is installed or paid for by the *owner* as a condition of approval under section 51 of the Planning Act;
- 3.5.2 local *services* to be installed or paid for by the *owner* as a condition of approval under section 53 of the Planning Act, or
- 3.5.3 local connections to water mains, sanitary sewers or storm drainage facilities to be installed or paid for by the *owner*.

3.6 Not Applicable By Statute – Enlargement of Existing Industrial Building (s. 4 of the Act)

- 3.6.1 If a *development* includes the enlargement of the *gross floor area* by an addition onto the *existing industrial building*, the amount of the *development charge* that is payable in respect of the enlargement is determined in accordance with this section.

- 3.6.2 If the *gross floor area* is enlarged by 50 percent or less as an addition onto the *existing industrial building*, the amount of the *development charge* in respect of the enlargement is zero.
- 3.6.3 If the *gross floor area* is enlarged by more than 50 percent as an addition onto the *existing industrial building*, 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 as determined as follows:
 - 3.6.3.1 Determine the amount by which the enlargement exceeds 50 percent of the *gross floor area* before the enlargement.
 - 3.6.3.2 Divide the amount determined under paragraph 3.6.3.1 by the amount of the enlargement.

3.7 Not Applicable – Two or More Actions

Where two or more of the actions described in section 2.1 are required before land to which a *development charge* applies can be developed, only one *development charge* shall be applicable and such charge shall be calculated and collected in accordance with the provisions of this by-law; provided, however, that if two or more of the actions described in section 2.1 occur at different times, and if the subsequent action has the effect of increasing the need for *services* as designated in section 4 hereof, additional *development charges* shall be applicable and such charge shall be calculated and collected in accordance with the provisions of this by-law.

3.8 Municipal Exemption – Contaminated Sites (s. 2(7) of the Act and s. 5(1)(10) of the Act)

Where a *development charge* is payable for a *development* or *re-development* of land which requires site remediation under the current “Record of Site Condition Regulation, Ontario Regulation 153-04” or the City Council’s policy for dealing with contaminated sites, an amount will be credited against the *development charge* otherwise payable equal to the amount of the costs of assessment and clean-up of the property, provided the *owner* submits to the *City* a written estimate of the amount of the cost of such works, which amount is approved by the *City*, but the credited amount shall not exceed the total *development charge* payable hereunder.

3.9 Municipal Exemption – Temporary Uses (s. 2(7) of the Act and s. 5(1)(10) of the Act)

This by-law shall not apply to land upon which there is to be constructed or erected:

- 3.9.1 any residential or non-residential *building* or structure constructed in accordance with a temporary use by-law pursuant to section 39

of the Planning Act, R.S.O. 1990, where such by-law provides for the removal of the building or structure; or,

- 3.9.2 any temporary erection of a building without foundation as defined in the Ontario Building Code for a period not exceeding six consecutive months and not more than six months in any calendar year, including tents, seasonal garden centres, and temporary sales trailers.

3.10 Municipal Exemption – Designated Sites (s. 2(7) of the Act and s. 5(1)(10) of the Act

Where a *development charge* is payable for a *development* or re-development of land which contains an existing building that has been Designated under the Ontario Heritage Act, no *development charges* shall be applicable to any re-development of the existing Designated building, and an additional *development* allowance equal to the floor area for non-residential uses or number of units for residential uses within the existing building, shall be credited to any additional *development* or re-development on the property provided the existing Designated building is retained and is an integral part of the *development* or re-development of the property.

3.11 Municipal Exemption – Credit for Existing Well Water and Septic Services

Where lands that are subject to the *development charges* herein are to have existing well water and/or septic services, there shall be credit given equal to the Water Supply services and/or Waste Water services components, as applicable, of the *development charge* otherwise payable.

3.12 Municipal Exemption – Farm Buildings

This by-law shall not apply to land upon which there is to be constructed or erected, buildings used for the purposes of *farming*.

3.13 Municipal Exemption – Core Area (s.2(7) of the Act and s.2(7) of the Act and s.5(1)(10) of the Act

The following lands as designated from time to time in the City of Cambridge Official Plan are hereby exempted from the imposition of *development charges*:

- 3.13.1 *Galt Core Area*
- 3.13.2 *Preston Core Area*
- 3.13.3 *Hespeler Core Area*

4. **SERVICES FOR WHICH DEVELOPMENT CHARGE IS IMPOSED (s. 2(4) of the Act)**

The *services* for which the *development charge* is imposed are as follows:

SERVICES	Percentage of Capital Cost Included in Development Charges
Infrastructure (Hard) Services	
Sanitary	100%
Storm	100%
Water	100%
Roads	100%
Studies	100%
General (Other) Services	
Studies	90%
Fire	100%
Works Yard	90%
Parks	90%
Indoor Recreation	90%
Library	90%
General Government	100%
City Wide Engineering	100%

The amount of each component of the *development charge* is as set out in Section 9 hereof.

5. **USES UPON WHICH DEVELOPMENT CHARGES IMPOSED**

The categories of uses of land, buildings and structures upon which a *development charge* is imposed are:

5.1 *residential uses*; and

5.2 *non-residential uses*.

6. **LANDS UPON WHICH DEVELOPMENT CHARGES ARE IMPOSED**

6.1 Infrastructure charge shall be calculated and collected for all land within the City of Cambridge identified on Schedule B of this by-law.

6.2 All general (Other Service) charges shall be calculated and collected for all land within the City of Cambridge identified on Schedule B of this by-law.

7. **MIXED USES**

Where land is to be developed for mixed *residential uses* and *non-residential uses*, the *development charge* shall be calculated and collected as the total of:

7.1 that portion to be developed for *residential uses* plus

7.2 that portion to be developed for *non-residential uses*.

8. LODGING HOUSES

8.1 The applicable *development charge* for a *lodging house* having less than 10 *lodging units* will be based on residential *development charges* applicable to a *residential dwelling*.

8.2 A *lodging houses* with 10 or more units will be based on non-residential *development charges*.

9. AMOUNT OF DEVELOPMENT CHARGE

Subject to section 10 of this by-law *development charges* shall be calculated and collected at the rates set out in Schedule "A" hereto.

10. INDEXING OF DEVELOPMENT CHARGES (s. 5(1)(10) of the Act)

The amount of the *development charges* herein shall be adjusted semi-annually on January 1st and July 1st in each year in accordance with the Statistics Canada Quarterly Construction Price Statistics, catalogue number 62-007.

11. APPLICABLE RATE OF DEVELOPMENT CHARGE

The applicable rate of the *development charge* shall be the amount calculated in accordance with this by-law on the date the *development charge* is payable.

12. TIME OF PAYMENT OF DEVELOPMENT CHARGES

12.1 Building Permit (s. 26(1) and s. 28 of the Act)

Subject to subsections 12.2 and 12.3, all *development charges* for a *development* are payable upon a building permit being issued in relation to a building or structure on land to which a *development charge* applies and until the *development charge* has been paid in full, no building permit shall be issued.

12.2 Subdivision Agreement (s. 26(2) of the Act)

Notwithstanding s. 12.1, the amount of the *development charge* with respect to *infrastructure services* shall be payable for *development* that requires approval of a plan of subdivision under section 51 of the Planning Act or a consent under s. 53 of the Planning Act and for which a Subdivision Agreement or Consent Agreement is entered into immediately upon the parties entering into the Subdivision Agreement or Consent Agreement for all lots and blocks on which *single detached dwellings* and *semi-detached dwellings* are permitted in the plan of subdivision or pursuant to the consent.

12.3 Agreement for Earlier or Later Payment (s. 27 of the Act)

Notwithstanding subsection 12.1 hereof, the *City* may enter into an agreement with a person/owner of land who is required to pay a *development charge* for:

- 12.3.1 All or any part of a *development charge* to be paid before or after it would otherwise be payable;
- 12.3.2 The total amount of the *development charge* payable under an agreement under this section is the amount of the *development charge* that would be determined under this by-law on the day specified in the agreement or, if no such day is specified, at the earlier of,
 - 12.3.2.1 the time the *development charge* or any part of it is payable under the agreement;
 - 12.3.2.2 the time the *development charge* would have been payable in the absence of the agreement.
- 12.3.3 In an agreement under this section, the *City* may charge interest, at a rate stipulated in the agreement, on that part of the *development charge* payable after it would otherwise be payable.

13. **RE-DEVELOPMENT ALLOWANCES TO REDUCE THE *DEVELOPMENT CHARGE***

13.1 Where a *development charge* is payable for a *development* which replaces a *pre-existing development* including a change of use in an existing building, a re-development allowance shall be credited against the *development charge* otherwise payable.

13.2 Demolition Permit or Demolition Control Permit

In order to be eligible for a re-development allowance:

- 13.2.1 The *pre-existing development* must be one in respect to which a valid *demolition permit* or *demolition control permit* was issued by the *City* within the two years preceding the due date of payment of the *development charge* hereunder and such demolition permit, demolition control permit or a certified copy thereof shall be given to the *City* Treasurer; and
- 13.2.2 Proof must be provided to the Chief Building Official's satisfaction that the development meets the requirements set out in section 13.2.1.
- 13.3 Notwithstanding section 13.2.1, if the land is engaged in brownfield redevelopment, a redevelopment period longer than two (2) years may be granted in accordance with City of Cambridge redevelopment allowance procedures.

13.4 Date of Demolition

In determining eligibility for a re-development allowance under section 13.4, or a whether carried-forward amounts are available as a credit under section 13.2:

- a) Demolition shall be deemed to have occurred on the date of the issuance of the *demolition permit* or *demolition control permit*;
- b) For the purposes of sections 13.2 and 13.3, "demolition permit" or "*demolition control permit*" shall mean the first of any *demolition permits* or *demolition control permits* issued for the *pre-existing development*, if the demolition has taken place in more than one phase. Subsequent *demolition permits* or *demolition control permits* for that *pre-existing development* are not to be used in a calculation of the two-year period under sections 13.2 or 13.3; and
- c) The date calculated under sections 13.2 and 13.3 shall apply regardless of whether the first *demolition permit* or *demolition control permit* was revoked or canceled.

13.5 Calculation of Re-development Allowance

In determining the amount of any re-development allowance to be applied in calculating a *development charge* payable, the following shall apply:

- 13.5.1 the re-development allowance quantified in accordance with section 13.6 hereof shall apply to the whole parcel of land on which the *pre-existing development* exists or existed;
- 13.5.2 any remaining re-development allowance applicable to a parcel of land from time to time, in the event of a division of the parcel of land into two or more parcels, shall be apportioned equally between or amongst the resultant parcels of land on a per unit area basis;
- 13.5.3 the amount of the re-development allowance applicable to a parcel of land on which the *pre-existing development* existed or to any part thereof after any land division shall be reduced for each subsequent *development* in respect of which the *development charge* otherwise payable is or has been reduced by a re-development allowance, as building permits for such subsequent *developments* are issued or *development charges* paid, whichever first occurs.

13.6 Amount of Re-development Allowance

The amount of the re-development allowance shall be computed based upon the previous land use equal to:

- 13.6.1 for *residential uses*, the number and type or types of units in the *pre-existing development* multiplied by the *development charge* rate or rates applicable to such units; and,

13.6.2 for *non-residential uses*, the number of square meters of building area of the *pre-existing development* multiplied by the *development charge* rate applicable to such building area.

13.7 Maximum Re-development Allowance and Carry Forward

The maximum re-development allowance shall be the *development charge* otherwise payable. Any unused re-development allowance may be carried forward and applied to any subsequent *development charge* payable in respect of the same land to which it relates within five years from the date of demolition of the *pre-existing development* to which it relates.

14. **CREDITS (s. 38 of the Act)**

14.1 Provisions of Services by Agreement

The *City* may agree, in writing, to allow a person/*owner* to perform work that relates to a service referred to herein and the *City* shall give the person/*owner* a credit towards the *development charge* in accordance with the Agreement.

14.2 The amount of the credit is the reasonable cost, without interest, of doing the work as agreed by the *City* and the person/*owner* who is to be given the credit (s. 38(2) of the Act).

14.3 City Owned Industrial Land

Development charges shall be imposed on land sold by the *City* where such land is no longer owned by and used for the purposes of the *City*. The portion of the *development charge* with respect to *infrastructure services* may be satisfied by the provision of such *services* or as specified in a purchase and sale agreement and the *City* shall give a credit for the amount equal to the reasonable cost to the *owner* of providing such *services*, but such credit shall not exceed the *infrastructure services* portion of the *development charge* payable.

15. **TRANSITIONAL PROVISIONS – PRIOR AGREEMENTS**

Notwithstanding anything in this by-law, if a conflict exists between the provisions of this by-law and:

15.1 an agreement under section 50 or 52 of the Planning Act that was in existence prior to the enactment of this by-law; or

15.2 any other prior agreement between the *City* and an *owner* or former *owner*, the provisions of the agreement shall prevail.

16. **REFUNDS**

16.1 Repeal or Amendment of By-law (s. 18 of the Act)

If the Ontario Municipal Board repeals or amends this by-law or orders the *City Council* to repeal or amend this by-law, the *City* shall refund:

- 16.1.1 in the case of a repeal, any *development charge* paid under this by-law;
 - 16.1.2 in the case of an amendment, the difference between any *development charge* paid under this by-law and the *development charge* that would have been payable under the by-law as amended.
- 16.2 If the *City* is required to make a refund, it shall do so:
- 16.2.1 if the Ontario Municipal Board repeals or amends this by-law, within 30 days after the Board's order;
 - 16.2.2 if the Ontario Municipal Board orders the *City* to repeal or amend this by-law, within 30 days after the repeal or amendment by *City Council*.
- 16.3 Where development charges have been paid on the issuance of a building permit and that the building permit is subsequently cancelled or revoked one year less a day after the issuance of the permit without development having been commenced, for the purposes of this by-law the building permit shall be deemed to never have been issued, and the amount of the development charges paid shall be refunded without interest.
- 16.4 Reduction of *Development Charge* after Complaint (s. 25 of the Act)
If the *development charge* that has already been paid is reduced by *City Council* or the Ontario Municipal Board after a complaint, the *City* shall immediately refund the overpayment.
- 16.5 Interest on Refunds (s. 18(3) of the Act)
- 16.6 Refunds that are required to be paid under this section shall be paid with interest to be calculated as follows:
- 16.6.1 interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - 16.6.2 the refund shall include the interest owed under this section;
 - 16.6.3 interest shall be paid at a rate equal to the rate on the day of the complaint.
- 16.7 Refunds Payable to Registered *Owner*
Refunds that are required to be paid under this section shall be paid to the registered *owner* of the land on the date on which the refund is paid.

17. ADMINISTRATION

17.1 Reserve Funds

- 17.1.1 There is hereby established a separate reserve fund for each service to which the *development charge* herein relates (s. 33 of the Act).

- 17.1.2 Each *development charge* shall be paid into the reserve fund or funds to which the charge relates (s. 34 of the Act).
- 17.1.3 Subject to s. 17.1.4, the money in each reserve fund established for a service may be spent only for *capital costs* set out herein (s. 35 of the Act).
- 17.1.4 The *City* may borrow money from a reserve fund and shall repay the amount used plus interest at the prescribed minimum interest rate (s. 36 of the Act).

Application of Investment Income

Income received from the investment of a *development charge* reserve fund or funds shall be credited to the *development charge* reserve fund or funds in relation to which the investment income relates.

17.2 Annual Statement (s. 43 of the Act)

The *City* Treasurer shall each year give the *City Council* a financial statement, by April 30 of the following year, relating to the *City's development charge* by-laws and reserve funds established hereunder.

17.3 The statement shall contain, for the preceding year, the following information:

- 17.3.1 Statements of the opening balances of the reserve funds;
- 17.3.2 Statements of the closing balances of the reserve funds;
- 17.3.3 Statements of the transactions relating to the funds;
- 17.3.4 Statements for each reserve fund as follows:
 - 17.3.4.1 A description of the service for which the fund was established. If the fund was established for a service category, the *services* in the category.
 - 17.3.4.2 For the credits in relation to the service or service category for which the fund was established:
 - 17.3.4.2.1. the amount outstanding at the beginning of the previous year, given in the year, used in the year and outstanding at the end of the year;
 - 17.3.4.2.2. the amount outstanding at the beginning of the previous year and outstanding at the end of the year, broken down by individual credit holder.
 - 17.3.4.3 The amount of any money borrowed from the fund by the municipality during the previous year and the purpose for which it was borrowed.

- 17.3.4.4 The amount of interest accrued during the previous year on money borrowed from the fund by the municipality.
 - 17.3.4.5 The amount and source of any money used by the municipality to repay, in the previous year, money borrowed from the fund or interest on such money.
 - 17.3.4.6 A schedule that identifies credits recognized under section 14 herein and, for each credit recognized, sets out the value of the credit, the service against which the credit is applied and the source of funds used to finance the credit.
- 17.3.5 For each project that is financed, in whole or in part by *development charges*:
- 17.3.5.1 the amount of money from each reserve fund established herein that is spent on the project; and,
 - 17.3.5.2 the amount and source of any other money that is spent on the project.
- 17.4 Prior Reserve Funds (s. 13 of Ontario Regulation 82/98)
- The *City Treasurer* shall, by April 30th in each year, give *City Council* a financial statement relating to reserve funds referred to in Section 63(3) of *the Act* ("Ineligible Services") being reserve funds that were collected under the prior *City of Cambridge development charge by-law(s)* for *services* that are no longer eligible for *development charges*.
- 17.4.1 Such statement shall include, for the preceding year:
- 17.4.1.1 Statements of opening balances for each reserve fund;
 - 17.4.1.2 Statements of closing balances for each reserve fund;
 - 17.4.1.3 Statements of transactions relating to each reserve fund;
 - 17.4.1.4 Statements of the information required by s. 17.3.4 hereof for each reserve fund.
- 17.5 Complaints about *Development Charges* (s. 20 of *the Act*)
- 17.5.1 A person required to pay a *development charge*, or the person's agent, may complain to the council of the municipality imposing the *development charge* that:
- 17.5.1.1 the amount of the *development charge* was incorrectly determined;
 - 17.5.1.2 whether a credit is available to be used against the *development charge*, or the amount of the credit or the

service with respect to which the credit was given was incorrectly determined; or

17.5.1.3 there was an error in the application of the *development charges* by-law.

17.5.2 A complaint may not be made later than 90 days after the day the *development charge*, or any part of it, is payable.

17.5.3 The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant and the reasons for the complaint.

17.5.4 The *City Council* shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.

17.5.5 The *City Clerk* shall mail a notice of the hearing to the complainant at least 14 days before the hearing.

17.5.6 After hearing the evidence and submissions of the complainant, *City Council* may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.

17.5.7 A complainant may appeal the decision of *City Council* to the Ontario Municipal Board in accordance with section 22 of the Act

18. UNPAID CHARGES COLLECTED AS TAXES (s. 32 of the Act)

If a *development charge* or any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

19. COMMENCEMENT (s. 8 of the Act)

This by-law shall come into force on July 1, 2014.

20. DURATION – EXPIRY (s. 9 of the Act)

This by-law shall continue in force for a term of five (5) years from the date it comes into force unless it is repealed at an earlier date by subsequent by-law.

21. REPEAL OF EXISTING DEVELOPMENT CHARGES BY-LAW

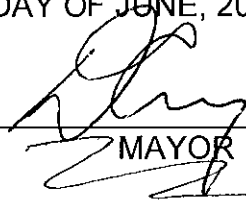
By-law Numbers 133-04, 187-08 and 90-09 of the Corporation of the City of Cambridge are hereby repealed effective July 1, 2014

22. **TITLE**

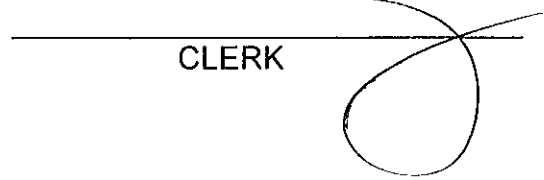
This by-law may be referred to as the *Development Charges By-law, 2014*.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED THIS 23RD DAY OF JUNE, 2014, A.D.



MAYOR



CLERK

SCHEDULE A TO BY-LAW 122-14

COMPONENTS	APARTMENTS (PER UNIT)	ALL OTHER RESIDENTIAL (PER UNIT)	NON- RESIDENTIAL (PER 100 M² OF GROSS FLOOR AREA)
<u>INFRASTRUCTURE</u>			
SANITARY	\$1,168.00	\$1,882.00	\$659.00
STORM	\$502.00	\$809.00	\$312.00
WATER	\$228.00	\$368.00	\$259.00
ROADS	\$439.00	\$707.00	\$1,276.00
STUDIES	\$144.00	\$232.00	\$81.00
INFRASTRUCTURE SUB-TOTAL	\$2,481.00	\$3,998.00	\$2,587.00
<u>OTHER SERVICES</u>			
FIRE	\$22.00	\$36.00	\$18.00
WORKS YARD	\$553.00	\$891.00	\$219.00
PARKS	\$697.00	\$1,123.00	-
INDOOR RECREATION	\$1,859.00	\$2,994.00	-
LIBRARY	\$577.00	\$929.00	-
GENERAL GOVERNMENT	\$36.00	\$57.00	\$15.00
CITY WIDE ENGINEERING	\$171.00	\$276.00	\$69.00
OTHER SERVICES SUB-TOTAL	\$3,915.00	\$6,306.00	\$321.00
TOTAL	\$6,396.00	\$10,304.00	\$2,908.00

Schedule B to By-law 122-14

