

To: Finance Committee

From: Stephanie Sinnott, Commissioner,
Finance Services

Report Number: FIN-19-16

Date of Report: March 11, 2019

Date of Meeting: March 18, 2019

Subject: Status and Policy Review for the City of Oshawa Development
Charge By-law Update

File: C-4240-0005

1.0 Purpose

The purpose of this report is to provide a status report on the review and update of City of Oshawa Development Charge By-law 80-2014, as amended, and to seek direction from City Council on certain Development Charge By-law (D.C. By-law) policy issues. This direction is required at this time to complete the draft Development Charge Background Study (D.C.B.S.) and a draft, new D.C. By-law.

Attachment 1 is a copy of the current City of Oshawa Development Charge By-law 80-2014.

Attachment 2 is a copy of a letter dated November 8, 2018 from Holland Homes requesting a development charge exemption for 976 Simcoe Street North.

Attachment 3 is a copy of a letter dated March 12, 2019 from the Durham Home Builders Association thanking City staff for recommending that the City maintain the 2014 D.C. Local Service Policy for Transportation Services and the 10 year time limit in regards to the redevelopment period and development charge credits.

Attachment 4 is a copy of a letter dated February 25, 2019 from Podium Developments and a related email from Podium dated February 26, 2019 requesting that the City consider providing a 3 year extension of the current D.C. exemption relevant to the site at 1569 Simcoe Street North.

2.0 Recommendation

That the Finance Committee recommend to City Council:

1. That, pursuant to Report FIN-19-16, the draft proposed 2019 Development Charge By-law:
 - (a) Implement the consideration of capital costs for Parking Services and Waste Diversion Services given that service definition amendments to the Development Charges Act now allow for Parking Services and Waste Diversion Services to be considered as an eligible development charge service;
 - (b) Allocate Operations Services into its respective service area, Transportation, Parks and Recreation or Waste Diversion;
 - (c) Amend the local service policy for Transportation Services such that the City shall be required to contribute a fixed payment to the developer for the excess pavement capacity for all Type “B” arterial roads within or abutting a plan of subdivision on the basis of the difference in width only between a local residential street (8.5 metres wide) and a Type “B” arterial road (14.5 metres wide);
 - (d) Implement separate charges for Industrial and Commercial/Institutional non-residential development based on the respective increase in need for service and the underlying scale of development;
 - (e) Remove the current non-statutory exemption for block townhouses and apartments for the areas near Durham College, the University of Ontario Institute of Technology and Trent University, as shown on Schedules E and F of Attachment 1, Development Charge By-law 80-2014, as amended, except for 1569 Simcoe Street North which is to be given a three year extension in consideration that the site has sufficiently advanced through the site plan approval process;
 - (f) Add a new non-statutory exemption for small scale infill development such that the creation of any new duplex or triplex dwelling permitted under the City’s zoning by-law shall only be required to pay development charges as if the project was a single detached dwelling, provided that a single detached dwelling is also permitted under the zoning by-law;
 - (g) Revise the Development Charge By-law definitions by removing the dwelling unit category for “two (2) or fewer Bedrooms in a Back-to-Back Townhouse or a Stacked Townhouse” and including these dwelling units within the group dwelling and apartment definitions, respectively;
 - (h) Add a new Development Charge item related to asphalt preservation of existing arterial roads that are impacted by development; and,
 - (i) Eliminate the demolition credits for schools and places of worship which are exempt uses that did not previously pay development charges, subject to a transition policy whereby demolition credits will continue to be issued in circumstances where a

demolition permit is issued prior to July 1, 2019, but not in circumstances where a demolition permit is issued on or after July 1, 2019.

2. That staff be directed to arrange a public meeting on May 2, 2019, pursuant to the Development Charges Act, 1997, regarding the draft City of Oshawa 2019 Development Charge Background Study and draft City of Oshawa Development Charge By-law.
3. That Finance Committee be delegated the authority to hold a public meeting on May 2, 2019, pursuant to the Development Charges Act, 1997.
4. That pursuant to correspondence dated November 8, 2018 received from Holland Homes requesting a development charge exemption for 976 Simcoe Street North, the request be denied given that it is site-specific in nature and not permitted under the current or proposed Development Charge By-law policy.
5. That the Region of Durham, the Durham District School Board and the Durham Catholic District School Board be requested to amend their respective Development Charge By-laws to align with the changes proposed through Oshawa's update of City of Oshawa Development Charge By-law 80-2014, as amended, related to small infill development including new duplexes and triplexes.
6. That as part of current 2019 Development Charge By-law update process, staff be directed to review transitional options for the potential phasing in of proposed development charge increases and report back to the Finance Committee.

3.0 Executive Summary

Development Charge By-law 80-2014 (Attachment 1) came into effect on July 1, 2014 under the requirements of the Development Charges Act. It will expire on June 30, 2019, five years after the effective date. The City will be unable to collect development charges after June 30, 2019 unless a new Development Charge By-law is adopted.

On May 10, 2018, Council considered Report FIN-18-38 which provided an overview of the process to review and update the City's Development Charge By-law. At that time, Council authorized staff to engage Watson & Associates Economists Ltd. to prepare the 2019 Development Charge Background Study.

The review and update of the 2019 Development Charge Background Study is in progress. This report identifies methodological and policy considerations and timing for public consultation for Council's consideration in preparation of the 2019 Development Charge Background Study.

The report recommends that the proposed new Development Charge Background Study be finalized based on changes to certain current development charge exemptions and other policy changes.

4.0 Input from Other Sources

4.1 Statutory Public Meeting

Once finalized, the proposed D.C.B.S. will be subject to a statutory public meeting recommended to be held by the Finance Committee. A subsequent report will be prepared taking into consideration any written comments and the comments made at the public meeting and forwarded to a Finance Committee meeting and a Council meeting. The new D.C. By-law will be presented to Council to consider at that meeting. The public can attend and present at all of these meetings.

4.2 Other Departments and Agencies

The following have been consulted in the preparation of this report:

- Watson & Associates Economists Ltd. (Watson)
- Development Services
- Community Services
- Corporate Services
- City Manager
- Oshawa Public Libraries

4.3 Building Industry Liaison Team (B.I.L.T.)

City staff met with B.I.L.T. members on February 11, 2019 and March 6, 2019 to overview the proposed D.C. policy changes and preliminary D.C. capital needs calculations. B.I.L.T. provides a means of communication between the City of Oshawa and building and development industry stakeholders consisting of both residential and non-residential developers. The Durham Home Builders Association and the Building Industry and Land Development Association (B.I.L.D.) are represented in the B.I.L.T. membership.

Feedback received from B.I.L.T. is discussed in Section 5.5.3 of this report.

5.0 Analysis

5.1 Background Information

The Development Charges Act, 1997 (D.C.A. 1997) provides specific requirements and direction for preparing a D.C. background study. The maximum eligible amount of development charges (D.C.s) that can be collected is based on the 10-year average historic service level and future growth projection. A benefit to existing calculation is applied to projects which have a growth and non-growth component.

As a result of service levels caps, benefit-to-existing and statutory deductions, the total cost of the forecasted D.C. capital projects could exceed the eligible amount that can be funded using D.C.s. Council will need to consider this when deliberating on the capital budget as the portion not eligible for funding from D.C.s must be funded from tax levy or other City reserves.

5.2 Work-To-Date

Watson and City staff have undertaken the following work towards preparing the 2019 D.C.B.S.:

- Staff prepared draft unit and population growth projections and provided these to Watson to incorporate into the growth forecast.
- Watson has prepared a draft growth forecast for both residential and non-residential development.
- Watson is currently finalizing the required level of service calculations.
- Growth-related capital needs have been identified by staff and provided to Watson who are currently finalizing a draft D.C.B.S.
- Consultation meetings were held with B.I.L.T. on February 11, 2019 and March 6, 2019.

5.3 Provincial Development Charges Act and Statutory Exemptions and Restrictions

The D.C.A. 1997 lays out Ontario's regulatory and legislative framework that municipalities must follow to levy D.C.s.

According to the Province, this 1997 legislation resulted from negotiations with municipalities and developers and is based on the core principle that D.C.s are a primary tool in ensuring that "growth pays for growth".

The D.C.A. 1997 does not permit the imposition of D.C.s with respect to:

- Prescribed ineligible services;
- Local services (i.e. services installed for a plan of subdivision by a developer pursuant to a subdivision agreement);
- The enlargement of an existing dwelling;
- The creation of up to two additional dwelling units;
- Municipal or school board land; or,
- The enlargement of the gross floor area of an existing industrial building by 50% or less.

The "ineligible services" for which a D.C. may not be imposed include:

- Cultural or entertainment facilities, including museums, theatres and art galleries but not including public libraries;
- Tourism facilities, including convention centres;
- The acquisition of land for parks;
- Hospitals;
- Waste management services related to landfill and incineration only;
- Headquarters for the general administration of municipalities and local boards; and,
- Other services prescribed in the regulations to the D.C.A. 1997.

Further, the D.C.A. 1997 does not bind the Crown. Accordingly, the Federal and Provincial Governments and agents of the Crown (including, for example, colleges, universities and Port Authorities subject to applicable legislation) are not obliged to pay D.C.s.

Finally, the D.C.A. 1997 contemplates that a D.C. By-law may apply to "the entire municipality or only part of it". Accordingly, a D.C. By-law may effectively exempt land from D.C.s by simply excluding such land from its geographic application. However, the D.C.A. 1997 also provides that if a D.C. By-law exempts a type of development or provides for a lower development charge, the resulting shortfall cannot be made up through higher D.C.s for other development.

5.4 Discretionary Development Charge Exemptions and Reductions

In addition to the statutory exemptions and restrictions noted earlier, discretionary exemptions and reductions can be included in the City's D.C. By-law recognizing that this results in a loss of D.C.s to fund growth-related capital costs.

Development Charge By-law 80-2014, as amended (see Attachment 1), includes a number of discretionary D.C. exemptions and reductions approved by Council. These exemptions and reductions relate to both geographic areas and type of development and consist of the following:

- The creation or enlargement of an accessory building for a lawful residential use;
- Lands designated under federal law as land reserved for the exclusive use of aboriginal peoples;
- Lands wholly within that part of Oshawa known as the core Downtown Urban Growth Centre Community Improvement Area;
- Lands used solely for the purposes of:
 - A non-profit institution defined as:
 - i. A registered charity;
 - ii. A corporation that is a non-profit organization;
 - iii. A religious organization;
 - A hospital; or,
 - A nursing home;
- A new industrial building or structure or the enlargement of an existing industrial building or structure;
- A temporary building or structure (3 years or less);
- An agricultural building or structure;

- Exemptions for certain categories of residential development within designated areas, as follows:
 - Block townhouses and apartments in certain areas near the main campuses of Durham College, UOIT and Trent University as shown in Schedules E and F to Attachment 1, Development Charge By-law 80-2014, as amended;
 - Apartments, block townhouses, street townhouses and stacked townhouses within the shoulder area of Oshawa's Downtown Urban Growth Centre;
- A 50% reduction in the development charge for any part of a building used solely for the purpose of a medical clinic.

It is important to note that with respect to the exemption of new industrial buildings or structures or the enlargement of an existing industrial building or structure, Council most recently re-affirmed its position in this regard on May 22, 2018 through the following motion:

"That in the review and update of the City of Oshawa Development Charge By-law the existing exemption for industrial properties continue."

Accordingly, this particular exemption will be maintained under the 2019 update.

5.5 Development Charge By-law Policy and Methodological Considerations

The methodological and policy considerations, and the timing for public consultation, is outlined in the next sections of this report for Council consideration. This information was prepared by Watson and presented to B.I.L.T. on February 11, 2019 and March 6, 2019.

5.5.1 Policy Considerations

The 2019 D.C.B.S. policy considerations include the following areas:

(a) Non-statutory Exemptions

The City's proposed changes to its non-statutory exemptions within the 2019 D.C.B.S. consist of the following:

- Removing the current exemption for block townhouses and apartments in the areas near the universities and college as shown on Schedules E and F of Attachment 1, Development Charge By-law 80-2014, as amended, in consideration of the following:
 - The development industry has been given a significant amount of time to respond to these housing needs in these areas; and,
 - Much progress has been made in addressing these needs since they were first identified in the 2010 Student Accommodation Strategy, with over 1500 units created in the current exempt area since July 1, 2010.

However, as an exception, it is proposed that the development at 1569 Simcoe Street North be given a three year extension in consideration that the site has sufficiently advanced through the site plan approval process.

- Adding a new non-statutory exemption for small scale infill development such that the creation of any new duplex or triplex dwelling permitted under the City's zoning by-law shall only be required to pay D.C.s as if the project was a single detached dwelling, provided that a single detached dwelling is permitted under the zoning by-law. The rationale for this change is twofold:
 - It will not result in a reduced amount of D.C.s being collected. The development community has realized that a permit can be lawfully obtained to add the second and third units to a single detached dwelling without paying a D.C. for the second and third units owing to the legislative framework of the D.C.A. 1997.
 - In addition, it will help streamline Building Services' administrative processes to deliver affordable types of housing, including reducing the number of building permit applications that will involve plan reviews and inspections for the same building from two or three to just one.
 - It is also recommended that the Region of Durham, the Durham District School Board and the Durham Catholic District School Board be requested to amend their respective Development Charge By-laws to align with the changes proposed through Oshawa's update of Development Charge By-law 80-2014 related to duplexes and triplexes.

Apart from the above noted changes, staff recommends that all other non-statutory exemptions remain as approved in the current City of Oshawa Development Charge By-law 80-2014. This would include the Capital Levy Credit in the City's current D.C. By-law where capital levies were previously paid for a lot.

(b) D.C. By-law Definitions

The City's proposed changes to D.C. By-law definitions within the 2019 D.C.B.S. consist of removing the dwelling unit category for "two (2) or fewer Bedrooms in a Back-to-Back Townhouse or a Stacked Townhouse" and including these types of dwelling units within the group dwelling (townhouse) and apartment definitions, respectively. This is appropriate given that the persons-per-unit (P.P.U.) figure associated with back-to-back townhomes most closely matches the P.P.U. figure used for group dwellings, whereas the P.P.U. figure associated with stacked townhouses most closely matches the P.P.U. figure used for apartments. Watson recommends this approach.

(c) Credits for Demolition – Schools and Places of Worship

The City's current D.C. By-law provides for the issuance of a demolition credit for uses that are currently exempt under the D.C. By-law, including schools and places of worship. The credit for the demolition of such uses is calculated based on the rate in the by-law despite the exemption provisions.

Under the 2019 update, it is proposed that the issuance of demolition credits for schools and places of worship (which are exempt uses that did not previously pay D.C.s) be eliminated. However, it is recommended that this be subject to a transition policy whereby demolition credits will continue to be issued in circumstances where a demolition permit is issued prior to July 1, 2019, but not in circumstances where a demolition permit is issued on or after July 1, 2019. These revisions have been proposed in consideration of the fact that schools and places of worship are community uses and credits should not be issued for the demolition of community uses.

(d) Credits for Demolition and Conversions

D.C. By-law 80-2014 provides for a 10-year City D.C. demolition or conversion credit period. This enables a City D.C. credit towards otherwise payable D.C.s for demolished buildings or for the conversion of floor space from one use to another use for new development/converted space on the same lot.

It is recommended that this 10-year D.C. demolition or conversion credit approach be continued in the new D.C. By-law.

5.5.2 Methodological Considerations

The 2019 D.C.B.S. methodological considerations include the following areas:

(a) Service Definitions

Amendments to the D.C.A. 1997 allow for Parking Services (i.e. municipal parking lots and garages) and Waste Diversion Services to be considered as eligible D.C. services. Accordingly, capital costs for Parking Services and Waste Diversion Services will be added as a consideration in the 2019 D.C.B.S.

Operations Services will be allocated into its respective service area, Transportation, Parks and Recreation or Waste Diversion, within the 2019 D.C. By-law in order to split out Operations Services' facilities and vehicles/equipment by use, i.e. roads, parks or waste, to better align the 10% reduction to those categories as it applies.

(b) Local Service Policy for Transportation Services:

The City's current policy is that a developer is responsible for all roads which are necessitated by their development and located within and/or abutting the plan of subdivision, with City contributions as follows:

- Local Roads – nil i.e. 100% developers' cost;
- Collector Roads – the City contributes a fixed payment to the developer for the excess pavement capacity for all collector roads within or abutting the subdivision on the basis of the difference in width only between a residential street (8.5 metre wide) and a collector road (10 metre wide). All other components within the road right-of-way are the full responsibility of the developer(s);

- Type “C” Arterial Roads – the City contributes a fixed payment to the developer for the excess pavement capacity for all Type “C” arterial roads within or abutting the subdivision on the basis of the difference in width only between a local residential street (8.5 metre wide) and a Type “C” arterial road (11 metre wide);
- Type “A” and “B” Arterial Roads – 100% City’s cost;
- Culverts/Bridges, up to and including wing walls – 100% City’s cost.

The only change proposed to the City’s local service policy for Transportation Services within the 2019 D.C.B.S. is one whereby the City shall be required to contribute a fixed payment to the developer for the excess pavement capacity for Type “B” Arterial Roads within or abutting a plan of subdivision, on the basis of the difference in width only between a local residential street (8.5 metres wide) and a Type “B” Arterial Road (14.5 metres wide). The current policy is that the City pays 100% of the costs of Type “B” Arterial Roads.

(c) Calculation of Charges for Non-Residential Development:

The City’s current schedule of D.C.s imposes uniform non-residential charges for all services except Watercourse Improvements.

The 2019 D.C.B.S. will consider separate charges for Industrial and Commercial/Institutional non-residential development based on the respective increase in need for service and the underlying scale of development.

5.5.3 B.I.L.T. Comments

Watson and City staff met with B.I.L.T. members on February 11, 2019 and March 6, 2019 to overview the proposed policy and methodological considerations outlined in this report. In addition, at the March 6, 2019 meeting Watson overviewed the preliminary D.C. capital needs calculations with B.I.L.T. members.

B.I.L.T. members raised a number of issues and concerns. The following identifies the matters raised by B.I.L.T. and the related staff response.

1. In connection with changing the applicability of the D.C. exemption for student housing and block townhouses and apartments, a question was raised as to whether an extension or sunset clause for existing approved developments will be considered by the City (see Attachment 4).

Staff Response

Staff considers it appropriate that the project by Podium Developments at 1569 Simcoe Street North be given a three year extension in consideration that the site has sufficiently advanced through the site plan approval process. Accordingly, this report contains a recommendation in this regard.

2. A request was made to provide the development community with the ability to pre-pay City D.C.s in advance of submitting a building permit application.

Staff Response

This same request was made in 2009 and 2014 by B.I.L.T. and Council did not support this request.

This request would enable developers to pre-pay City D.C.s in advance of any increase including the semi-annual indexing. Development Charge By-law 80-2014 only permits pre-payment provided that a complete building permit has been submitted.

Indexing allows the City's D.C.s to keep pace with actual City costs. It is not appropriate for the City to forgo its indexing and potentially shift the burden for growth-related projects to the general taxpayer.

The semi-annual indexing of City D.C's is based on the non-residential construction price index as determined by Statistics Canada. This index number is already three months out-of-date by the time the related Statistics Canada information is published and the City's D.C. Policy is indexed.

The present policy should not be altered and City D.C.s should continue to be paid at the time of submission of a complete building permit.

3. A request was made to phase in the D.C. increase given current market conditions.

Staff Response

Staff recommend that phasing options be reviewed.

5.5.4 Other Input

(a) Request from Holland Homes for a D.C. Exemption

Correspondence dated November 8, 2018 was received from Holland Homes requesting a development charge exemption for a proposed apartment building at 976 Simcoe Street North. Katrina Metzner addressed Finance Committee on January 21, 2019 per Correspondence FIN-19-06 (see Attachment 2) which was referred to staff for a report. Staff does not recommend the exemption as it is site specific in nature and not related to a current D.C. by-law policy.

(b) D. C. for Road Resurfacing

On January 25, 2019 Council directed as follows: "That as growth in the City has impacted the life cycle of existing roads, staff investigate inclusion of asphalt preservation and rehabilitation in the background study for the Development Charge By-law review." The following outlines staff's findings.

The recommended D.C.B.S. includes a policy to collect a D.C. for asphalt preservation of existing arterial roads. This policy is not included in the current D.C.B.S. This policy is similar to policies of other municipalities.

5.6 Conclusions and Next Steps

This report provides an overview of current D.C. By-law policies and proposed changes. Council's decisions on these methodological and policy considerations will be incorporated into the D.C. By-law process.

Staff originally proposed additional changes to the roads local transportation service policy to make developers pay 100% for collector roads and Type "C" arterial roads in their own subdivisions. However, due to concerns raised by B.I.L.T., this proposed change was not advanced and reverted back to the current local transportation service policy with the exception of a new change for Type "B" Arterial Roads, as outlined in Section 5.5.2 of this report. During the next five years, staff will continue to discuss potential local transportation service policy changes with B.I.L.T.

The remaining steps and related schedule for review and update of the City's D.C. By-law are as follows:

Target Date	Task
March 18, 2019	Report to Finance Committee and Council on status, timing and D.C. proposed policy changes.
March 27, 2019	Staff meeting with Watson to review draft D.C.B.S. and response to B.I.L.T. comments.
April 1, 2019	Presentation of draft D.C.B.S. and D.C. By-law to Finance Committee.
April 1 to 10, 2019	Public release of D.C.B.S. (to be posted on City's website by April 10, 2019 – 60 days prior to Council adoption).
April 10, 2019	Notice of a Statutory Public Meeting to be held by Finance Committee to appear in a newspaper of general circulation.
May 2, 2019	Statutory Public Meeting held by Finance Committee on proposed D.C.B.S.
May 2019	Address public comments including comments from the Building and Development Industry and finalization of D.C.B.S. and D.C. By-law.
June 3, 2019	Finance Committee approval of D.C.B.S. and recommendation to Council to pass new D.C. By-law.
June 10, 2019	Council approval of D.C.B.S. and passing of D.C. By-law.
July 1, 2019	New D.C. By-law comes into effect.

The schedule is tight with limited time between certain steps. Staff is targeting reports to be held during scheduled Committee and Council meetings. However, it is possible that special meetings will be needed given the July 1, 2019 deadline for a new D.C. By-law.

The schedule includes a statutory public meeting on May 2, 2019 as legislated by the D.C.A. 1997. In order to schedule and prepare for this public meeting, staff recommends that Council delegate authority to the Finance Committee to hold the statutory public

meeting on this date and authorize staff to undertake arrangements, including appropriate notification, for holding this meeting.

6.0 Financial Implications

While there are no direct financial implications as a result of the recommendation of this report, the proposed changes to the City's D.C. framework resulting from the 2019 update are necessary to address the increased capital needs related to development in the City. Following the completion of various studies, significant capital needs have been identified which are eligible to be funded from D.C.s.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report advances the Accountable Leadership and Economic Prosperity & Financial Stewardship goals of the Oshawa Strategic Plan.

A handwritten signature in black ink, appearing to read 'S. Sinnott', with a long horizontal line extending to the left.

Stephanie Sinnott, Commissioner,
Finance Services

As amended by By-laws 82-2015, 36-2016 and 59-2017



**By-law 80-2014
of The Corporation of the City of Oshawa**

Whereas:

1. The Corporation of the City of Oshawa currently has and will continue to experience growth through development;
2. Development requires the provision of physical infrastructure and other services by the City;
3. The Development Charges Act, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land;
4. Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act;
5. The City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof;
6. At its meeting on April 7, 2014, Council directed that a public meeting pursuant to s. 12 of the Act be held;
7. The “City of Oshawa 2014 Development Charge Background Study” dated May 5, 2014 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98;
8. A public meeting pursuant to s. 12 of the Act was held on May 23, 2014, and Council heard and received comments and representations from all persons who applied to be heard;
9. An Addendum dated June 9, 2014 to the “City of Oshawa 2014 Development Charge Background Study” revised the calculated development charges;
10. Revisions dated June 13, 2014:
 - (a) revised the capital forecasts in the “City of Oshawa 2014 Development Charge Background Study”, as revised by the Addendum dated June 9, 2014, by deleting Road Project No. 44 – Adelaide Street West, adding new Streetlighting and Sidewalk projects for Adelaide Avenue West, and adding a 50% contribution to Road Projects 103 and 104 – Harbour Road east of Farewell Street for funding by the City’s 2014 Development Charge By-law,
 - (b) revised the “City of Oshawa 2014 Development Charge Background Study”, as revised by the Addendum dated June 9, 2014, by deleting Road Project No. 44 – Adelaide Street West, adding new Streetlighting and Sidewalk projects for Adelaide Avenue West and adding a 50% contribution to Road Projects 103 and 104 – Harbour Road east of Farewell Street, constituting Council’s Development Charge Background Study for the purposes of section 10 of the Development Charges Act, 1997,
 - (c) confirmed that the City intends to ensure the increases in the need for services as identified in the “City of Oshawa 2014 Development Charge Background Study”, as revised by the Addendum dated June 9, 2014, by deleting Road Project No. 44 – Adelaide Street West, adding new Streetlighting and Sidewalk projects for Adelaide Avenue West and adding in a 50% contribution to Road Projects 103 and 104 – Harbour road east of Farewell Street, and

- (d) incorporated a revised Schedule “B” to reflect the further revisions to the Addendum dated June 9, 2014 to the “City of Oshawa 2014 Development Charge Background Study”;

Now therefore the Council of The Corporation of the City of Oshawa hereby enacts as follows:

1. Interpretation

- 1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:
- (a) “Accessory”, in reference to the use of a building or structure means that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
 - (b) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
 - (c) “Agricultural”, in reference to use, means land, buildings or structures used, designed or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;
 - (d) “Apartment Dwelling Unit” means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Group Dwelling, or either of the two Dwelling Units comprising a Duplex or a Converted Dwelling;
 - (e) “Back-to-Back Townhouse” means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
 - (f) “Bed and Breakfast Establishment” means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
 - (g) “Bedroom” means a habitable room used or capable of use for sleeping accommodation, including a den, study or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom or porch;
 - (h) “Board of Education” has the same meaning as the term “board” defined in the Education Act;
 - (i) “Building Code Act” means the Building Code Act, 1992, S.O. 1992, c. 23;
 - (j) “By-law” means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
 - (k) “City” means The Corporation of the City of Oshawa;
 - (l) “Capital Levy” means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;
 - (m) “Commercial”, in reference to use, means land, buildings or structures of any kind whatsoever used, designed or intended to be used for a Non-Residential use other than an Agricultural use or an Industrial use;
 - (n) “Converted Dwelling” means a building originally constructed as a Single Detached Dwelling in which the number of Dwelling Units has been or may be lawfully increased to a maximum of two Dwelling Units, provided one of the

Dwelling Units is located wholly or partly above the other or located wholly behind the other, but does not include a Semi-Detached Dwelling or a Duplex;

- (o) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- (p) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- (q) “Development” means:
 - i) any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By law;
 - ii) the redevelopment of land; or
 - iii) the redevelopment, expansion, extension or alteration, or any two or more of them, of a use, building or structure;
- (r) “Development Charge” means a charge imposed by this By-law;
- (s) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling and which is not a Converted Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;
- (t) “Dwelling Unit” means a room or a series of rooms containing toilet and culinary facilities designed for Residential use as a single housekeeping establishment;
- (u) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- (v) “Gross Floor Area” means:
 - i) for a Residential Development, 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 level of finished ground adjoining the building at its exterior walls; and
 - ii) for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions

but does not include

 - (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or
 - (G) areas used for parking or loading, whether in the main building or an Accessory building.

- (w) “Group Dwelling” means a building or part of a building, containing three or more Dwelling Units attached by vertical walls above grade, each having a separate entrance from the exterior including, without limitation, a Townhouse;
- (x) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;
- (y) “Hospital” has the same meaning as the term, “hospital”, defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;
- (z) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- (aa) “Industrial”, in reference to use, means land, buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used for or in connection with,
 - i) manufacturing, producing, processing, storing or distributing something,
 - ii) research or development in connection with manufacturing, producing or processing something,
 - iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
 - iv) office or administrative purposes, if they are,
 - (A) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - (B) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (bb) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- (cc) “Lodging House” means a building or part of a building, containing no fewer than three Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, an apartment hotel and a retirement home. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment or a Nursing Home.
- (dd) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- (ee) “Lot” means a parcel of land which is:
 - i) shown as a lot or block on a registered plan of subdivision; or
 - ii) described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- (ff) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- (gg) “Non-profit Institution” means
 - i) a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii) a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii) a “religious organization” as defined in subsection 1(1) of the Religious Organizations’ Lands Act, R.S.O. 1990, c. R.23;
- (hh) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed or intended to be used for other than a Residential use.
- (ii) “Nursing Home” has the same meaning as the term, “nursing home”, defined in subsection 1(1) of the Nursing Homes Act, R.S.O. 1990, c. N.7;
- (jj) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;
- (kk) “Oshawa” means the geographical area under the jurisdiction of the City;
- (ll) “Owner” means the legal or equitable owner of land;
- (mm) “Party Wall” means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- (nn) “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13;
- (oo) “Residential” in reference to use, means land, buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- (pp) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- (qq) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- (rr) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) Townhouses high;
- (ss) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit with the Townhouse abuts and has its own driveway access to an improved street.
- (tt) “Temporary” in reference to use, means land, buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used for a period not exceeding three (3) years; and
- (uu) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside.

1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.

- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.

2. Application

- 2.1 This By-law applies to all land within Oshawa unless specifically exempted by this By-law or by statute or regulation.
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the services set out in Schedule “A” to this By law.
- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- (a) the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - (b) the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - (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 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - (g) the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- (a) enlargement of an existing Dwelling Unit;
 - (b) creation or enlargement of an Accessory building for a lawful Residential use;
 - (c) creation of one or two additional Dwelling Units within an existing Single Detached Dwelling; or
 - (d) the creation of one additional Dwelling Unit in any other existing Residential building where the total Gross Floor Area of the additional Dwelling Unit is equal to or less than the Gross Floor Area of the smallest Dwelling Unit contained within the Residential building.
- 2.5 No Development Charge shall be imposed with respect to any Development:
- (a) on lands designated under federal law as land reserved for the exclusive use of aboriginal peoples;
 - (b) by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board or a Board of Education;
 - (c) on lands wholly within that part of Oshawa known as the Central Business District Renaissance Community Improvement Area and as depicted in Schedule “D” to this By-law;
 - (d) on that part of lands used solely for the purposes of
 - i) a Non-Profit Institution;
 - ii) a Hospital; or
 - iii) a Nursing Home;
 - (e) respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
 - (f) respecting a Temporary building or structure;

- (g) respecting an Agricultural building or structure;
 - (h) respecting an Apartment Dwelling Unit on lands within that part of Oshawa shown as the shaded portion on the maps in Schedules “E” and “F” to this By-law;
 - (i) respecting a Group Dwelling other than a Street Townhouse Building on lands within that part of Oshawa shown as the shaded portion on the maps in Schedules “E” and “F” to this By-law; or
 - (j) Respecting an Apartment Dwelling Unit or a Group Dwelling Unit, except back to back townhouses, on lands within that part of Oshawa as shown as the shaded portion of the map in Schedule “G” to this By-law”.
- 2.6 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.7 Where the Gross Floor Area of a new Office or the Gross Floor Area of the enlargement of an existing Office exceeds two thousand three hundred and twenty-two square metres (2,322 m²), the Development Charge shall be,
- (a) during the period July 1, 2014 to June 30, 2015, 50% of the Development Charge otherwise payable;
 - (b) during the period July 1, 2015 to June 30, 2016, 75% of the Development Charge otherwise payable; and
 - (c) thereafter, the full Development Charge payable.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to 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 section 2.3 of this By-law are required before the lands, buildings or structures can be developed for a single Development. However, nothing in this section 2.8 prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local 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, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.
- 3.2 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.3 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.4 Development Charges shall be adjusted semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2015, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.5 Development Charges shall be payable by cash or by certified cheque in Canadian funds.

- 3.6 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By-law, then the Development Charge will nonetheless be payable in respect of such Development.

4. Credits and Prepayments

- 4.1 Notwithstanding any other provision of this By-law, where a Development involves
- (a) the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the one hundred twenty (120) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development, or
 - (b) the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land.

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- (c) in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedule “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- (d) in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedule “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.

- 4.3 Notwithstanding section 3.4 of this By-law, where, in respect of a Development,
- (a) all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.4 of this By-law; and
 - (b) an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Notwithstanding sections 4.3 and 6.2 of this By-law, where, in respect of a Development,

- (a) all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before July 1, 2014; and
- (b) an amount equal to the Development Charge in effect as at June 30, 2014 pursuant to the City’s By-law 37-2009 has been paid by or before July 1, 2014

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.4.

- 4.5 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current

Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:

- (a) the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
- (b) no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- (c) this credit shall not operate to reduce a Development Charge to less than zero, and
- (d) no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- (e) no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- (f) this credit shall not operate to reduce a Development Charge to less than zero,
- (g) no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- (h) the credit contemplated under this section 4.5 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.5.

4.6 Notwithstanding sections 4.3 and 6.2 of this By-law, where, in respect of a Development, all of the following criteria are met to the satisfaction of the Chief Building Official,

- (a) the Lot on which the Dwelling Unit is to be constructed is within a plan of subdivision that is draft approved but not registered by or before May 5, 2014;
- (b) the Dwelling Unit has been sold by agreement of purchase and sale on or before June 1, 2014;
- (c) the purchaser named in the agreement of purchase and sale is the homeowner who will occupy the Dwelling Unit to be constructed pursuant to the agreement of purchase and sale;
- (d) pursuant to the agreement of purchase and sale, as at June 1, 2014, the vendor bears the contractual risk of any increased Development Charges; and
- (e) all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before June 30, 2015,

the applicable Development Charge is an amount equal to the Development Charge in effect as at June 30, 2014 pursuant to the City's By-law 37-2009 plus \$500.00.

4.7 Notwithstanding anything in this By-law, where, in respect of a Development, all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before July 1, 2017 and an amount equal to the Development Charge in effect as at the date of payment has been paid before July 1, 2017, the applicable Development Charge is the aforementioned amount that has been paid.

5. Front Ending Agreements

5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole.

The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.

- 6.2 On the date this By-law comes into force By-law 37-2009, as amended, shall be repealed.
- 6.3 This By-law shall come into force and take effect on July 1, 2014.
- 6.4 This By-law may be cited as the “Development Charges By-law”.

By-law passed this sixteenth day of June, 2014.

Mayor

City Clerk

Schedule “A” to By-law 80-2014 of The Corporation of the City of Oshawa

Designated Municipal Services

The following are the designated municipal services for each of which the City maintains a reserve fund:

1. Administration (Development Related Studies)
2. Fire Protection
3. Transportation
4. Operations
5. Watercourse Improvements
6. Parks, Recreation and Trails
7. Libraries

Schedule “B” to By-law 80-2014 of The Corporation of the City of Oshawa
Schedule of Development Charges

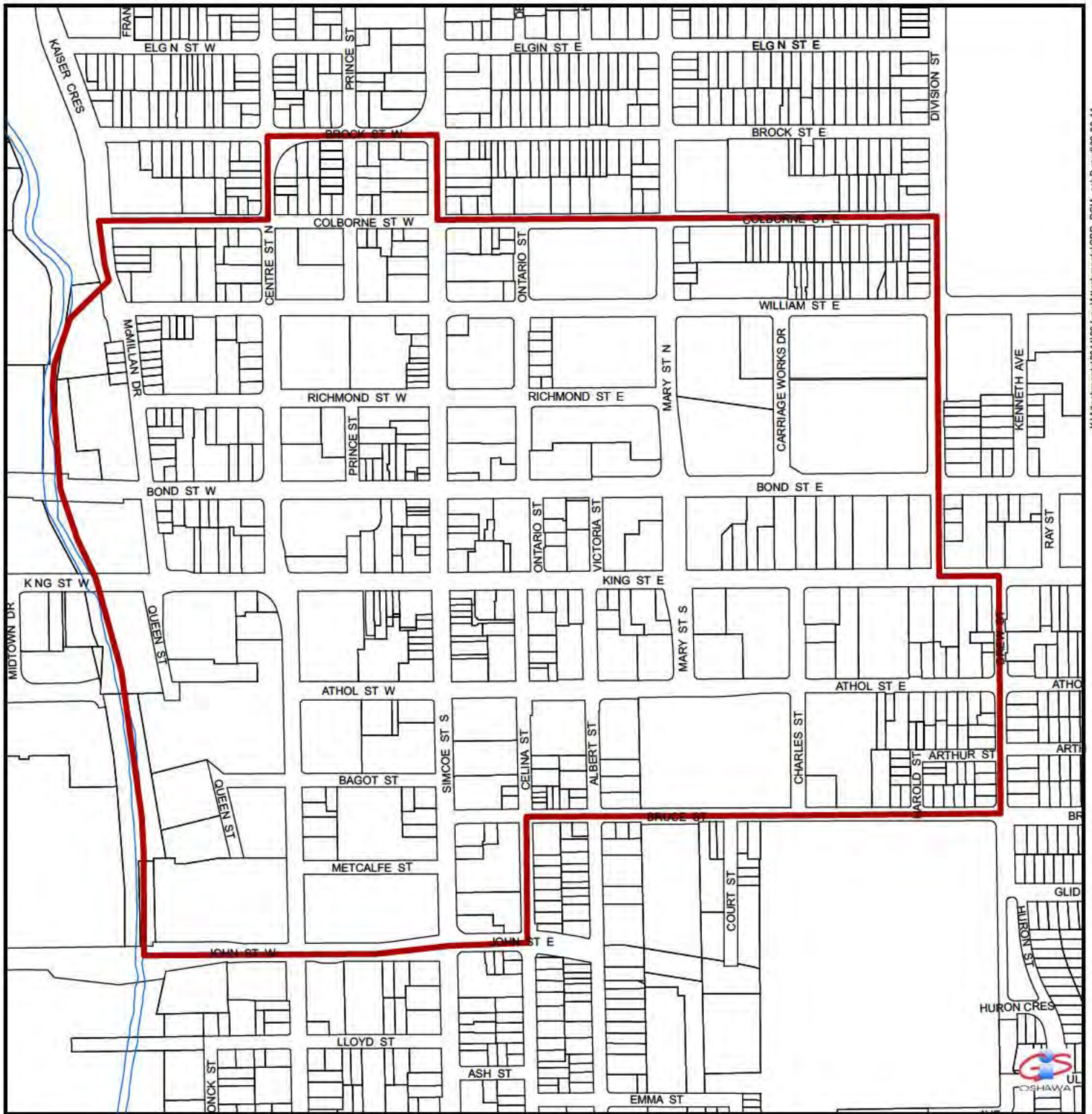
Service	Residential Per Dwelling Unit							Non-Residential	
	Single Detached Dwelling or Semi-Detached Dwelling	Duplex	Each Lodging Unit in a Lodging House	Each Dwelling Unit in a Group Dwelling	Each Dwelling Unit containing two (2) or fewer Bedrooms in a Back-to-Back Townhouse or a Stacked Townhouse	Apartment Dwelling Unit (one (1) or fewer Bedrooms)	Apartment Dwelling Unit (no fewer than two (2) Bedrooms)	Commercial/ Institutional (per sq.m. of Gross Floor Area)	Industrial (per sq.m. of Gross Floor Area)
Transportation	9,565	13,786	3,037	7,378	6,893	3,765	6,893	67.29	67.29
Operations	416	600	132	321	300	164	300	3.35	3.35
Fire Protection	237	342	75	183	171	93	171	1.89	1.89
Parks and Recreation	3,875	5,585	1,230	2,989	2,792	1,525	2,792	3.26	3.26
Libraries	406	585	128	313	293	160	293	0.34	0.34
Administration	129	186	41	99	93	51	93	1.03	1.03
Watercourse Improvements	975	1,406	310	752	703	384	703	7.58	4.37
Total	15,603	22,488	4,953	12,035	11,244	6,142	11,244	84.74	81.53

Schedule “C” to By-law 80-2014 of The Corporation of the City of Oshawa


Rules for Application of the Development Charges By-law

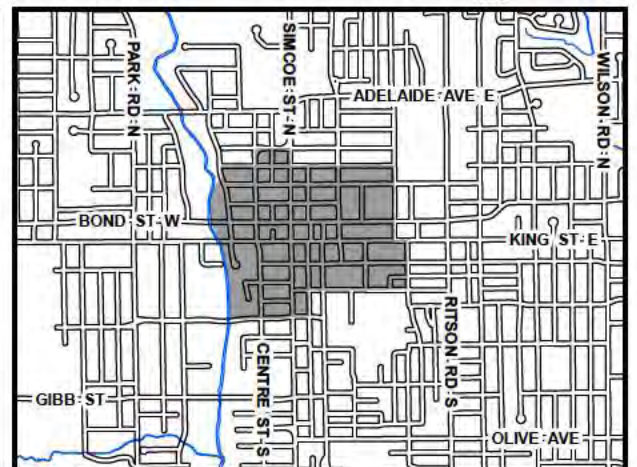
1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections 4.3, 4.4 or 4.6 of this By-law.
4. Subject to rule 3, the figures in Schedule “B” must be examined to determine the effect of any indexing which has occurred pursuant to section 3.4 of this By-law. The figures to apply must reflect any such indexing.
5. The figures in Schedule “B” do not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the figures in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.
8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.6 of this By-law, the Development Charge must be paid prior to the completion of the applicable action or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.

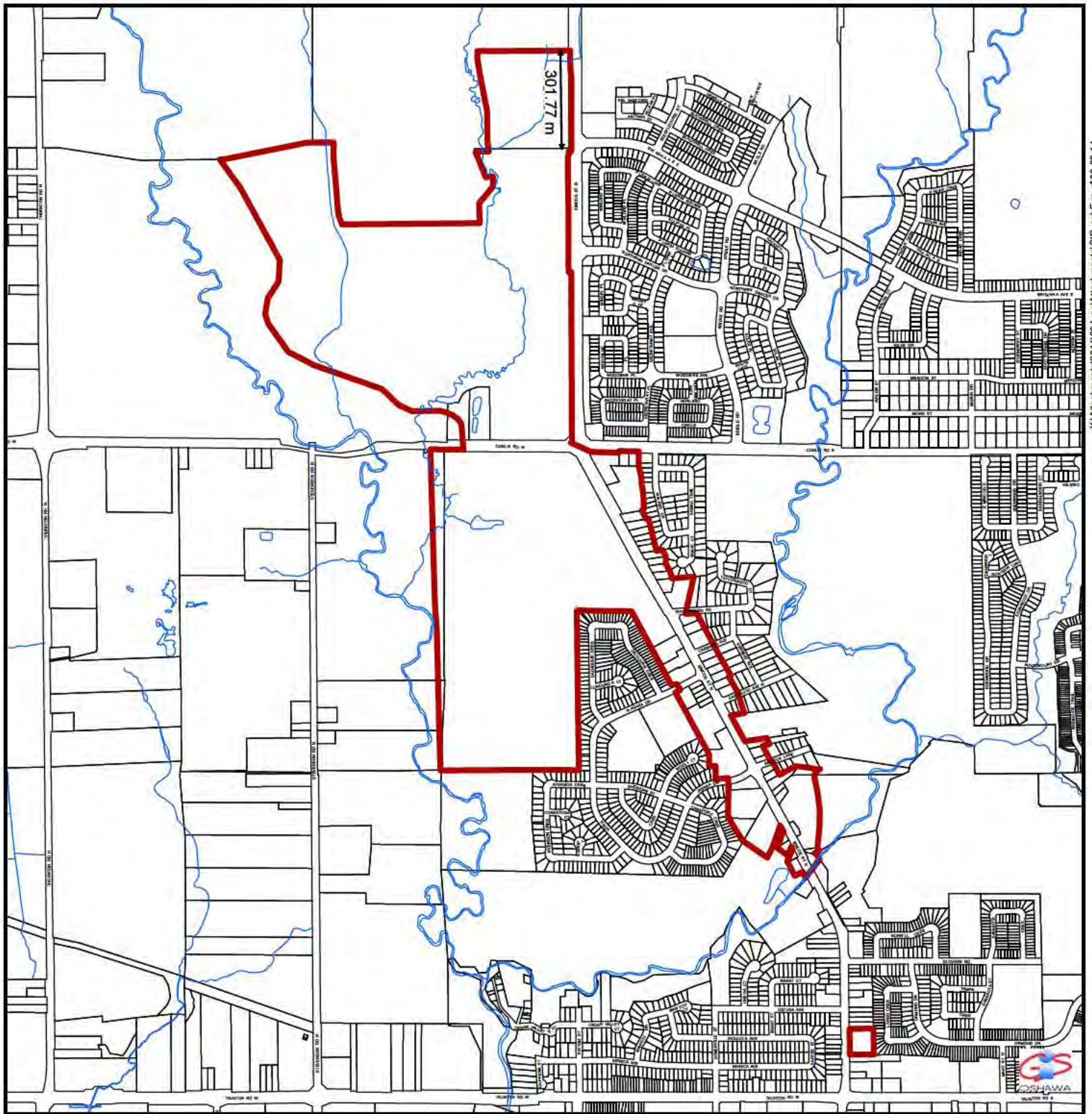
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham and by any Board of Education.
15. Where a complaint results in a refund, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2015 to the rate established by the Bank of Canada on that date, and shall be adjusted quarter-yearly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.




Schedule 'D' to By-law 80 - 2014 of the Corporation
of the City of Oshawa passed this
16th day of June, 2014

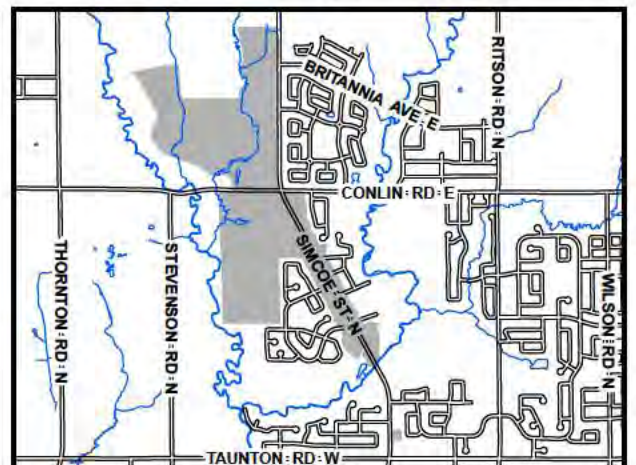
 Central Business District Renaissance
Community Improvement Area

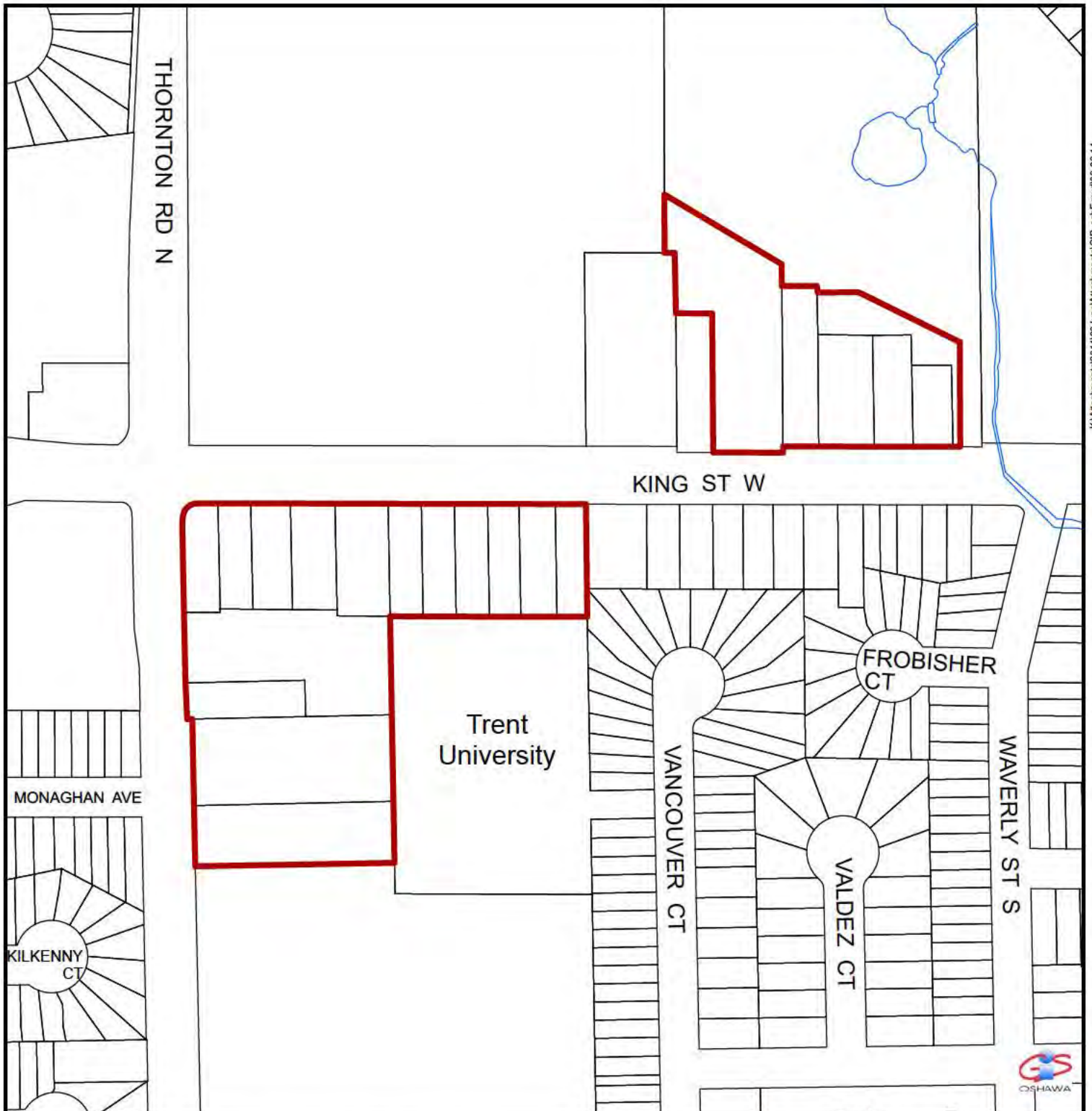





Schedule 'E' to By-law 80 - 2014 of the Corporation
of the City of Oshawa passed this
16th day of June, 2014

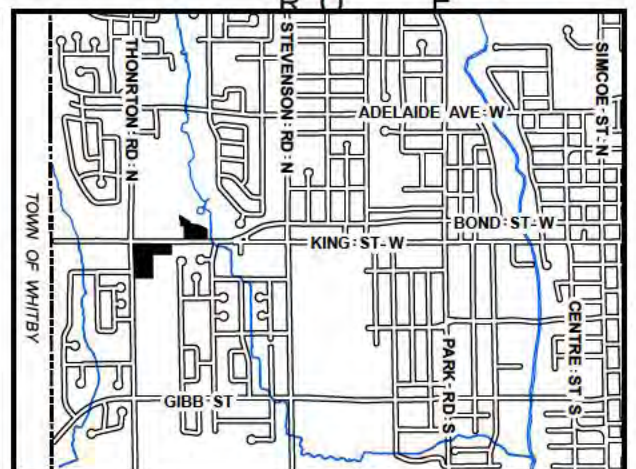
 Schedule 'E'

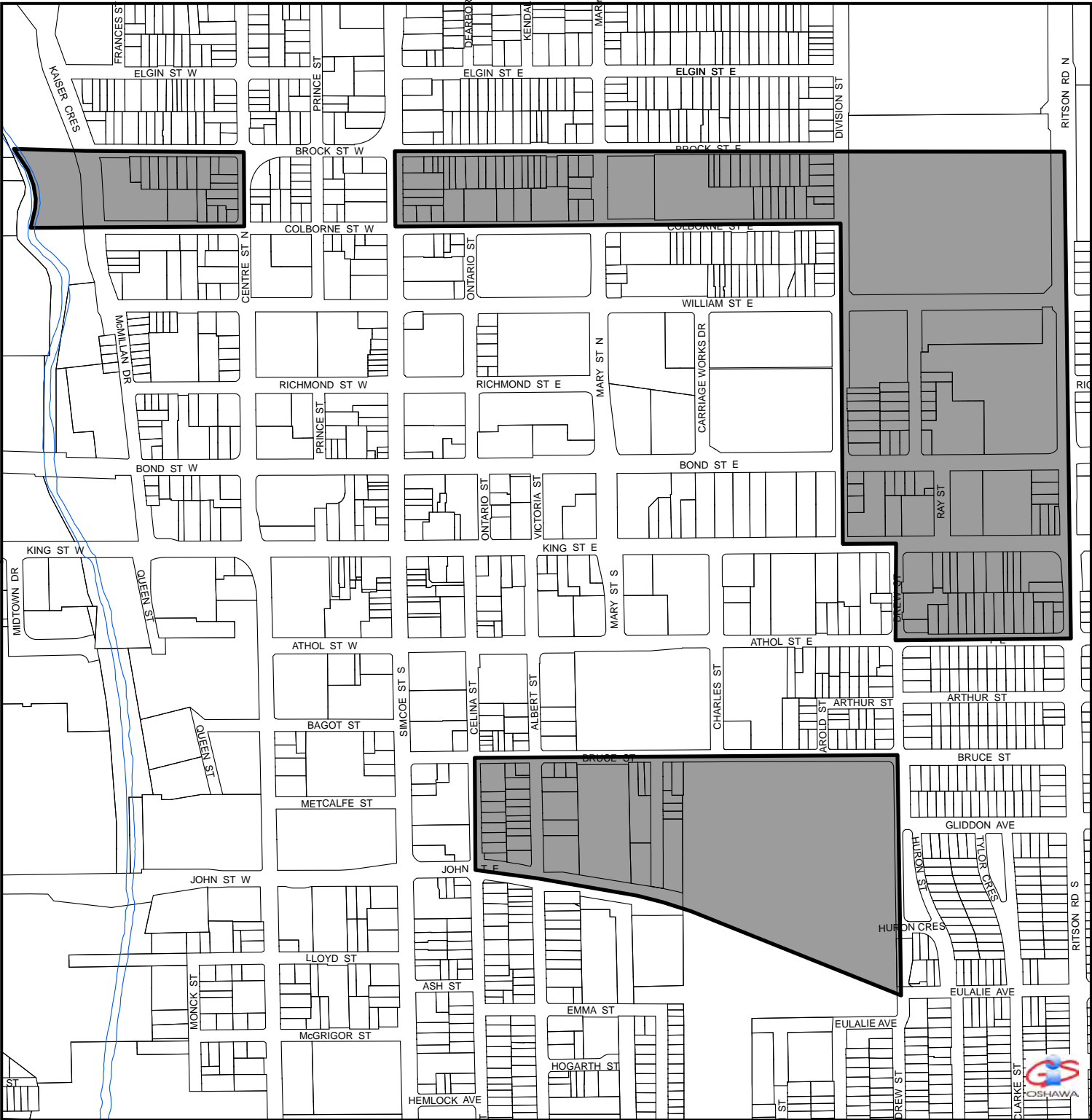




Schedule 'F' to By-law 80 - 2014 of the Corporation of the City of Oshawa passed this 16th day of June, 2014


 Schedule 'F'

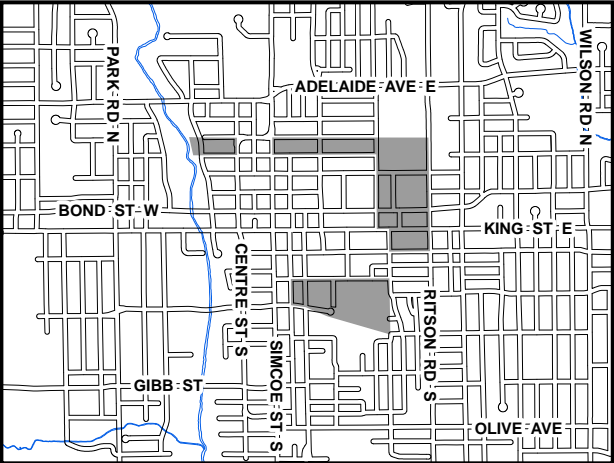




K:\Attachments\2016\04\April\Attachments\DowntownShoulderArea_schG.mxd

Schedule 'G' to By-law 80-2014 of the Corporation of the City of Oshawa passed this 16th day of June, 2014

 Schedule "G"





November 8th 2018

City of Oshawa
Mayor's Office
50 Centre Street South
2nd Floor, West Wing, City Hall
Oshawa, Ontario
L1H 7M7

Attention: Mayor John Henry

**Re: 976 Simcoe Street North
City of Oshawa**

Dear Mayor John Henry:

Good Afternoon, my name is Katrina and I am the Project Manager at Holland Homes. We currently have an apartment project with the City of Oshawa in the final stages of Site Plan approval and are preparing to submit for building permits. This project is at the North/West corner of Simcoe Street North and Sunset Drive. The building is a 6 storey wood, 60 unit, purpose-built rental apartment building. 75% of the units are Barrier Free making them more comfortable for residents with wheelchairs, walkers, canes, etc.

Due to the increasing demand for affordable housing for seniors we have been working with the Regional Housing Services Division. Our goal was to hopefully receive some funding through The National Housing Strategy. Unfortunately, the timing of our project has not lined up with the timing of the funding. We would still very much like to be able to offer this affordable housing option to the seniors of Oshawa and the Durham Region. Our project is in a very desirable location for senior residents with a grocery store and pharmacy within walking distance and being on a major transit route with a short distance to the hospital. Our project will also offer a car share program for residents along with indoor scooter and bicycle storage and regular parking amenities.

I have been speaking with Susan Ashton in the Planning Department regarding this project and she informed me that the Finance Department is in the process of its Development Charges By-Law review. Although this location is not in a City recognized Improvement Area we do feel this project will be a major improvement to the existing dilapidated single family dwellings that have been neglected over many years.

We are requesting that City Council consider this project for a Development Charge Exemption which will allow us to offer the senior citizens of Oshawa an affordable living option that they deserve.

Please see attached exterior renderings of the building for your perusal. If you wish to discuss further or would like more information please don't hesitate to contact me.

Sincerely,



Katrina Metzner
Project Manager & Architectural Technologist
Holland Homes Inc.
108 King St E.
Bowmanville, ON
L1C 1N5
katrina@holland-homes.ca
Tel- (905)419-2723 ext.223
Fax- (905)419-3302

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Durham Region Home Builders' Association
King Street Postal Outlet
P.O. Box 26064
206 King Street East
Oshawa, Ontario L1H 1C0
Tel. (905) 579-8080
Fax (905) 579-0141



Building Industry and Land Development Association
20 Upjohn Road, Suite 100
Toronto, Ontario M3B 2V9
Tel. (416) 391-2921

March 12, 2019

Susan Ashton
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Re: Development Charge Review - Methodological Changes & Policy Changes

The Durham Region Home Builders' Association proudly represents 181 member companies that are involved in the construction and renovation industry, and is the voice of the residential construction industry in Durham Region.

We would like to thank city staff for inviting us to participate in the March 2 BILT meeting, which focused on the new development charge by-law. We believe that this type of open communication is beneficial to both the city and the development industry and will lead to a positive resolution in regards to the new development charge by-law.

The Durham Region Home Builders' Association (DRHBA) was very pleased to see that our feedback, along with the feedback from other stakeholders, was taken into consideration by the city. We appreciate that the city is maintaining the 2014 D.C. Local Service Policy for Transportation, and believe it's important to have further discussion on this potential change.

With regards to the redevelopment period and development charge credits, DRHBA would to thank staff for reconsidering their position and maintaining the 10 year time limit. This will be of benefit to both the city and developers, especially in the context of larger developments, where demolition and cleanup could exceed five years. This decision also keeps the city in line with Region of Durham, keeping things consistent for developers and helping to streamline the process and encourage more growth.

In the coming days, DRHBA will be meeting with a stakeholder group to review the draft technical appendix that was provided at the meeting and will have initial feedback to you about the draft findings by the March 20th deadline.

Sincerely,



Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association



Jennifer Jaruczek
Planner, Policy and Government Relations
Building Industry and Land Development
Association

cc:

Emidio DiPalo, president, DRHBA
Johnathan Schickedanz, vice-president, DRHBA
Stephanie Sinnott, commissioner, financial services, City of Oshawa
Paul Ralph, commissioner of development services, City of Oshawa
Warren Munroe, director, planning services, City of Oshawa
Oshawa DCs stakeholder group

February 25, 2019



To: Stefanie Sinnott
Commissioner of Finance Services

RE: Development Charge Update 2019
Concerns about potential changes

Dear Ms. Sinnott:

We represent the owners 1569 Simcoe Street North Ltd (the "Owners") of the lands at 1569 Simcoe Street North (the "Site") and are very concerned about applicability of the draft revisions being considered for the Development Charge Update slated for Summer 2019. It is our understanding that there is consideration of changing the applicability of the DC exemption for both "Student housing" and "Block Townhouses and Apartments" found near the UOIT/Durham College campus. While we are unclear on how these changes would apply to the site at 1569 Simcoe Street North, we felt it necessary to mention our concerns formally.

The Owners purchased the lands at 1569 Simcoe Street North out of receivership after a failed student housing project that was partly developed sat fallow for several years. Part of the consideration of this purchase was the current Oshawa-based Development Charge exemption, as this section of Simcoe was planned for intensification surrounding the development of the University campus. We have been consulting with many City departments (including Council) on this site for over 2 years, and have advanced zoning by-law amendments (approved under BL 118-2018, Sept 24, 2018), Site Plan (File SPA-2018-14, nearing approval), Removal of Hold (File Z-2017-08-H), Plan of Subdivision (File S-O-2017-06), Plan of Condominium (File C-O-2017-09), Site Alteration Permits (File SAB:2018-001-90), and are preparing to submit applications this week for Site Servicing and Building Permits. We have already made a considerable investment into the redevelopment of this site.

We understand that there has been no consideration yet of a "sunset clause" for existing approved developments. We would ask that the Committee strongly consider the provision of an extension or sunset clause for any changes to current DC exemptions (particularly the site at 1569 Simcoe St N.) given that the development at 1569 Simcoe St N. has proceeded on this basis for several years. Eliminating the exemption at this time for the Site would render the development economically unfeasible.

We trust our position is clear, but I am available to discuss further at any time. Please notify the undersigned of any further developments on the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Huggett".

Christian Huggett MCIP RPP

VP - Development

PODIUM DEVELOPMENTS

Cc: BILT Oshawa
1569 Simcoe Street North Ltd.

From: Christian Huggett <christian@podiumdevelopments.com>
Sent: Tuesday, February 26, 2019 9:48 AM
To: Paul Ralph <PRalph@oshawa.ca>
Subject: Extension on DCs

Paul,

In talking with my partners we think it prudent to get a longer extension than 1 year for the DC exemption at 1569. We'd rather get longer now than have to come back, hat in hand. I guess it will be dependent on what Oshawa is willing to consider. The longer the better for us.

There is a good chance that even with 30-50% of sales by next July (ie. 60 units sold), we may start building (including the common road and amenities) but hold off on the remainder of the blocks until sold. We would then not have DC exemption for the remainder of units (say 50%) which would still move the needle a significant amount on the proforma (Oshawa DCs x 60 units = over \$1M). There is also a chance that we have to cancel the project if we don't get enough sales by next year and start over with a new launch, therefore delaying our build and timing further. We need to protect for the long-term success of this site.

I would respectfully ask for 3 years to be safe. Definitely more than 1 year.

Thanks Paul.

Christian Huggett MCIP RPP
Vice President - Development

PODIUM DEVELOPMENTS
3 Bridgman Avenue Suite 101 Toronto ON M5R 3V4
Cel: 647.828.2364 / Tel: 888.411.7685 x 113 / Fax: 888.519.5361
christian@podiumdevelopments.com / www.podiumdevelopments.com