

THE CORPORATION OF THE CITY OF ST. THOMAS

BY-LAW NUMBER 156 - 2021

A by-law to amend By-law 138-2020, being a by-law to establish development charges for the Corporation of the City of St. Thomas.

WHEREAS subsection 2(1) Section 19 of the Development Charges Act, 1997, S.O. 1997, c27 ("the Act") provides for amendments to be made to development charges by-laws;

AND WHEREAS the Council of the Corporation of the City of St. Thomas ("City of St. Thomas") has determined that certain amendments should be made to the City-wide Development Charge By-law for the City of St. Thomas, being By-law 138-2020;

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

AND WHEREAS the City of St. Thomas has given notice and held a public meeting in accordance with the Act; and

AND WHEREAS the Council, at its meeting of October 12, 2021, approved a report dated August 10, 2021 entitled "Addendum to 2020 Development Charges Background Study, City of St. Thomas".

NOW THEREFORE THE COUNCIL OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS: DEFINITIONS

1. By-law 138-2020 is hereby amended as follows:

(1) Subsection (34) is added to Section 1. as follows:

(34) "Non-profit housing" is defined as:

- (a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- (b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing.
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*. O. Reg. 454/19, s. 3 (1).

(2) Paragraph (h) is added to Subsection 4.(2) as follows:

- (h) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

(3) Subsection (4) is added to Section 5. as follows:

(4) For the purposes of this Section, an existing dwelling unit is defined as:

- (a) A dwelling unit that existed on a parcel of land as of November 2, 2020 and which was not exempt from the payment of development charges pursuant to Section 2(3)(b) of the Act; or
 - (b) The first dwelling unit, constructed on a vacant parcel of land after November 2, 2020, and for which development charges were paid.
- (4) Subsection 11.(3) is deleted and replaced with the following:
 - (3) Notwithstanding Subsections 11.(1) and 11.(2), Development Charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter. For clarity in interpreting this subsection, rental housing is defined in subsection 1.(27) and institutional developments are defined in subsection 1.(18).
- (5) Subsection 11.(4) is deleted and replaced with the following:
 - (4) Notwithstanding Subsection 11.(1) and 11.(2), Development Charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter. For clarity in interpreting this subsection, non-profit housing is defined in subsection 1.(34).
- (6) Subsection 11.(5) is deleted and replaced with the following:
 - (5) Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Subsections 11.(1), 11.(2), 11.(3), and 11.(4) shall be calculated on the rates set out in Schedule "A" on the date of the planning application, including interest. Where both planning applications apply Development Charges under Subsections 11.(1), 11.(2), 11.(3), and 11.(4) shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application, including interest. Notwithstanding the foregoing, the total charge payable, including interest, calculated under this subsection, shall not be greater than the charge that would be payable at building permit issuance if this subsection did not apply.
- (7) Subsection 11.(6) is deleted and replaced with the following:
 - (6) Interest for the purposes of Subsections 11.(3), 11.(4), and 11.(5), interest shall be determined as the prime lending rate. Notwithstanding the foregoing the interest rate shall not be less than 0%.
- (8) Schedule "B" is deleted and the attached Schedule "B" substitutes therefore;

2. This by-law shall come into force on the date of by-law passage

Passed by the Council this 12th day of October, 2021.

Original signed by "Joe Preston"
Mayor

Original signed by
Maria Konefal, City Clerk

SCHEDULE "B"
TO BY-LAW 156 - 2021
SCHEDULE OF CITY-WIDE DEVELOPMENT CHARGES

Service/Class	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Residential Care (per bed)	Industrial (per sq m. of Gross Floor Area)	Non-Industrial (per sq m. of Gross Floor Area)
Municipal Wide Services/Classes:							
Roads and Related	7,674	4,810	3,081	6,157	3,113	34.61	68.33
Fire Services	555	348	223	445	225	2.55	5.04
Police Services	370	232	149	297	150	1.70	3.36
Transit Services	135	85	54	108	55	0.62	1.23
Parks and Recreation Services	2,330	1,461	936	1,869	945	-	-
Library Services	883	554	355	708	358	-	-
Growth-Related Studies	93	58	37	75	38	0.43	0.85
Ambulance Services	130	81	52	104	53	0.60	1.18
Waste Diversion Services	36	23	14	29	15	-	-
Total Municipal Wide Services/Classes	12,206	7,652	4,901	9,792	4,962	40.51	79.99
Urban Services							
City-Wide Wastewater Services	909	570	365	729	369	3.81	7.51
City-Wide Water Services	11	7	4	9	4	0.05	0.09
Total Urban Services	920	577	369	738	373	3.86	7.60
GRAND TOTAL RURAL AREA	12,206	7,652	4,901	9,792	4,962	40.51	79.99
GRAND TOTAL URBAN AREA	13,126	8,229	5,270	10,630	5,326	44.37	87.59