The Corporation of The City of Burlington

City of Burlington By-law 41-2024

Development Charges By-law for the City of Burlington

F-04-24

Whereas subsection 2(1) of the *Development Charges Act, 1997* (the "Act"), S.O. 1997, c.27, as amended, provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the By-law applies; and

Whereas a development charge background study, entitled "City of Burlington 2024 Development Charges Background Study" (the "Study") prepared by Watson & Associates Economists Ltd. ("Watson"), in association with Dillon Consulting Limited ("Dillon"), and dated March 22, 2024, as amended has been completed in support of the imposition of the development charges; and

Whereas the Study and the proposed development charges by-law were made available to the public, the Council of the Corporation of the City of Burlington (the "Council") gave notice to the public, and held a public meeting through its Committee of the Whole on May 14, 2024 pursuant to section 12 of the Act and the regulations thereto, and Council and the Committee of the Whole received written submissions and heard comments and representations from all persons who asked to be heard; and

Whereas on May 21, 2024, Council approved finance department report F-04-24, as amended, thereby indicating that it intends that the increase in the need for services attributable to the anticipated development will be met; and

Whereas at the meeting held on May 21, 2024, Council expressed its intention that post-period capacity identified in the Study shall be paid for by development charges or other similar charges; and

Whereas at the meeting held on May 21, 2024, Council approved the Study, as amended, and determined that no further public meetings were required under the Act.

Now Therefore The Council of The Corporation of The City of Burlington hereby enacts as follows:

DEFINITIONS

1. In this By-law,

   (a) “accessory dwelling” means a self-contained dwelling unit that is subordinate in purpose to another residential dwelling unit upon the same lot;

   (b) “affordable residential unit” means a residential unit that meets the criteria set out in subsection 4.1 of the Act;

   (c) “agricultural use” means a bona fide farming operation, including greenhouses which are not connected to Regional water services or wastewater services, sod farms and farms for the breeding and boarding of horses, and includes, but is not limited to, barns, silos and other ancillary buildings to such agricultural use but excluding in all circumstances any portion thereof used for a residential use, a retail use, a non-retail use, marijuana production facility or the breeding, grooming or boarding of household pets;

   (d) “air supported structure” means a structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure;

   (e) “apartment dwelling” means a building containing more than four dwelling units where the units are connected by an interior corridor. Apartment dwelling also means those stacked townhouse dwellings or back-to-back townhouse dwellings that are development on a block approved for development at a minimum density of sixty (60) units per hectare, excluding the site area used or intended to be used as common outdoor amenity space, pursuant to an executed agreement entered into under section 41 of the *Planning Act, R.S.O. 1990,* c. P.13 or successor legislation;

   (f) “attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1 of the Act;

   (g) “back-to-back townhouse dwelling” means a building containing four (4) or more dwelling units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area;

   (h) “bedroom” means a habitable room of at least seven (7) square metres, including a den, loft, study, or other similar area, but does not include a kitchen, bathroom, living room, family room, or dining room;

(i) “building or structure” means a permanent enclosed area greater than ten (10) square metres but does not include that portion of a temporary or seasonal air-supported structure or seasonal sports bubble, but does include above grade storage tanks;

(j) “canopy” means a canopy as defined O.Reg. 332/12 under the *Building Code Act, 1992*, S.O. c. 23, and includes a roof-like structure over a gas bar or service station;

(k) “charitable dwelling” means a residential building or part of a mixed-use building licensed as a charitable home under the *Charitable Institutions Act, R.S.O. 1990*, c. C.9;

(l) “development” means the construction, erection or placing of one (1) or more building or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

(m) “development charge” means a charge or charges imposed pursuant to this By-law;

(n) “dwelling unit” means either (1) a room or suite of rooms comprising a single housekeeping unit, used, designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons; or (2) in the case of a special care/special need dwelling as defined in this By-law, a room or suite of rooms comprising a single housekeeping unit, used, designed or intended for use by, one person with or without exclusive sanitary and/or culinary facilities or more than one person if sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms;

(o) “enclosed” means an area of a building or structure delineated by one or more walls or part walls, and covered by a roof or roof-like structure;

(p) “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

(q) “group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or not be supervised on a 24-hour a day basis on site by agency staff on a shift rotation

basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under a general or special Act as may be amended and any successor legislation for the accommodation of residents, exclusive of staff;

(r) “hospice” means a building or structure used to provide not-for-profit palliative care to the terminally ill;

(s) “hospital” means land, building or structures used and occupied by a public hospital that receives provincial aid under the *Public Hospitals Act, R.S.O. 1990*, c. P. 40, and excluding any portion of the land occupied by a tenant of the hospital;

(t) “industrial use” means non-retail uses where the land or buildings, or portions thereof are intended or designed for manufacturing, producing, processing, storing or distribution of something, and the retail sale by a manufacturer, producer or processor of something that they have manufactured, produced or processed, if the retails sales are at the site where the manufacturing, production or processing takes place, as well as office space that is ancillary to the producing, storing or distribution of something at the site, but shall not include self-storage facilities or retail warehouses;

(u) “institutional” for the purposes of section 34, means development of a building or structure intended for use:

  (i) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;

  (ii) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*.

  (iii) By any institution of the following post-secondary institutions for the objects of the institution:

    (i) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;

    (ii) a college or university federated or affiliated with a university described in subclause (i); or

(iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act, 2017*;

(iv) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

(v) as a hospice to provide end of life care;

(v) "local board" means a municipal service board, municipal business corporation, transportation commission, public library board, board of health, policy service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of one or more local municipalities or the Region, excluding a conservation authority, any municipal business corporation not deemed to be a local board under O.Reg. 599/06 under the *Municipal Act, 2001,* S.O. c. 25, and any corporation created under the *Electricity Act, 1998, S.O. 1998,* c. 15, Sched. A or successor legislation;

(w) "marijuana production facilities" means a building or structure connected to Regional water services or wastewater services that is used, designed or intended for growing, producing, testing, destroying, storing or distribution, excluding retail sales, of marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the *Controlled Drugs and Substances Act, S.C. 1996,* c.19.

(x) "mixed-use" means land, buildings or structures used or designed or intended for a combination of non-residential use and residential use;

(y) "multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment dwellings, special care/special need dwellings, and accessory dwellings;

(z) "non-profit housing development," means development of a building or structure intended for use as residential premises by:

(i) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary objective is to provide housing;

(ii) 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 objective is to provide housing; or

(iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

(aa) "non-residential use" means land, building or structures or portions thereof intended or used for a use other than for a residential use;

(bb) "nursing home" means a residential building or the residential portion of a mixed-use building licensed as a nursing home under the *Nursing Homes Act, R.S.O. 1990,* c. N.8*;*

(cc) "place of worship" means any building or part thereof that is exempt from taxation as a place of worship pursuant to paragraph 3 of section 3 of the *Assessment Act, R.S.O. 1990,* c. A.31*;*

(dd) "redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential, or from non-residential to residential, or from one form of residential to another form of residential, or from one form of non-residential to another form of non-residential;

(ee) "rental housing," for the purposes of section 19 and 34, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

(ff) "residential mobile home" means a trailer, including park model trailers as defined in the Ontario Building Code and Canadian Standards Association, or a transportable prefabricated structure that is situated in one particular place and used for, or intended to be used for, permanent year-round residential occupancy;

(gg) "residential use" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single-detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, a special care/special

need dwelling, an accessory dwelling and the residential portion of a mixed-use building or structure;

(hh) "retirement home or lodge" means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

(ii) "seasonal air-supported structure" means an air-supported structure that is raised and/or erected for a maximum of six months in any given year to allow for the use of an outdoor sports field or portion thereof during the winter for sports-related activities and includes a seasonal bubble;

(jj) "seasonal structure" means a building or structure placed on land and used, designed or intended for use for:

(i) a non-residential purpose during a single season of the year where such building or structure is designed to be easily demolished or removed from the land at the end of the season; or

(ii) residential mobile homes that are not able to be occupied year-round due to municipal or provincial land use regulation;

(kk) "semi-detached dwelling" means a building divided vertically into 2 dwelling units each of which has a separate entrance and access to grade;

(ll) "services" means services designated in section 5 of this By-law or in an agreement under section 44 of the Act;

(mm) "single-detached dwelling" means a completely detached building containing only one dwelling unit and includes a residential mobile home;

(nn) "special care/special needs dwelling" means a building:

(i) containing two or more dwelling units which units have a common entrance from street level;

(ii) where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings; which may or may not have exclusive sanitary and/or culinary facilities;

(iii) that is designed to accommodate persons with specific needs, including independent permanent living arrangements,

(iv) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

and includes, but is not limited to retirement homes and lodges, nursing homes, charitable dwellings, accessory dwellings and group homes;

(oo) “stacked townhouse dwelling” means a building containing two or more dwelling units, each dwelling separates horizontally and/or vertically from another dwelling unit by a common wall;

(pp) “temporary building or structure” means a non-residential building or structure constructed or placed upon lands which is demolished or removed from the lands within three (3) years of building permit issuance, and includes but is not limited to, sales trailers, temporary office trailers and industrial tents provided that such buildings meet the aforementioned criteria but excludes a mobile home;

(qq) “temporary venue” means a building that is placed or constructed on land and is used, designed or intended for use for a particular event where the event has a duration of one (1) week or less and the building is erected immediately before the beginning of the event and is demolished or removed from the land immediately following the end of the event;

(rr) “total floor area” means the sum total of the total areas of the floors whether above or below grade, measured between the exterior faces of the exterior walls, including part walls, of the building or from the centre line of a common wall separating two uses and;

(i) includes the area of a mezzanine as defined in the Ontario Building Code;

(ii) excludes those areas used exclusively for parking garages or structures; and

(iii) includes those areas covered by roofs or roof-like structures, but does not include a canopy or covered patios associated with a restaurant.

2. In this By-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any amendments or successor legislation.

DESIGNATION OF SERVICES

3. That it is hereby declared by Council that all development of land within the area to which this By-law applies will increase the need for services as set out in Section 5.

4. The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by a particular development.

5. Development Charges shall be imposed for the following categories of services and classes of service to pay for the increase capital costs required because of the increased needs for services arising from development:

Services

(a) Services Related to a Highway;

(b) Stormwater Drainage Services;

(c) Fire Protection Services;

(d) Transit Services;

(e) Parks and Recreation Services; and

(f) Library Services.

APPLICATION OF BY-LAW – RULES

6. For the purpose of complying with section 6 of the Act:

(a) the area to which this By-law applies shall be in the area described in section 7 of this By-law;

(b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if development charges are payable under this By-law in any particular case;

(c) and for determining the amount of the charges shall be as set forth in sections 5 through 44, inclusive of this By-law;

(d) the rules for exemptions, relief and adjustments shall be as set forth in section 18 through section 33 inclusive of this By-law; the indexing of charges shall be in accordance with section 40 of this By-law; and

(e) the rules with respect to the redevelopment of lands shall be in accordance with the rules set forth in sections 31 and 32 of this By-law.

AREA TO WHICH THE BY-LAW APPLIES

7. Subject to section 8, this By-law applies to all lands in the geographic area of the City.

8. This By-law shall not apply to lands that are owned by and used for the purposes of:

(a) the City or a local board thereof;

(b) a board as defined in subsection (a) of the *Education Act; R.S.O. 1990,* c. E.2;

(c) the Regional Municipality of Halton or any local board thereof;

(d) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

APPROVALS FOR DEVELOPMENT

9. Development charges shall be imposed upon all lands, buildings or structures that are developed for residential or non-residential uses if the development requires any of the following:

   (a) the passing of a zoning By-law or of 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;*

   (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 50 of the *Condominium Act* or s. 9 of the *Condominium Act, 1998*; or

   (g) the issuance of a permit under the *Building Code Act*, 1992 in relation to a building or structure.

10. No more than one development charge for each service designated in section 5 shall be imposed upon any lands or buildings to which the By-law applies even though two or more of the actions described in section 9 are required before the lands or buildings can be developed.

11. Notwithstanding sections 10, 34 and 35, if

   (a) two or more of the actions described in section 9 occur at different times; or

   (b) a second or subsequent building permit is issued

   resulting in increased, additional or different development, then additional development charges shall be imposed in respect of such increased, additional or different development permitted by that action or permit.

12. Where a development requires an approval described in section 9 after the issuance of a building permit and no development charges have been paid, then the

development charge shall be paid prior to the granting of the approval required under section 9 of this By-law.

13. If a development does not require a building permit but does require one or more of the approvals described in section 9, then notwithstanding sections 34 and 35, development charges shall nonetheless be payable.

14. Nothing in this By-law prevents Council from requiring in an agreement under section 51, or as a condition of consent or an agreement respecting same under section 53 of the *Planning Act*, that the owner, at his or her own expense, shall install such local services related to or within a plan of subdivision, as council may require in accordance with the City's applicable local services policies in effect at that time, or that the owner pay for local connections to water mains, sanitary sewers and/or storm drainage facilities installed at the owners' expense, including administrative, processing, or inspection fees.

CALCULATION OF DEVELOPMENT CHARGES

15. The development charge with respect to the development of any land, buildings or structures shall be calculated as follows:

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

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

RESIDENTIAL DEVELOPMENT CHARGES

16. Development charges as described in Schedule A, shall be imposed upon residential uses of lands, buildings or structures, including a residential dwelling unit accessory to a non-residential use, and in the case of a mixed-use building or structure upon the residential component of the mixed-use building or structure.

NON-RESIDENTIAL DEVELOPMENT CHARGES

17. Development charges, as described in Schedule A, shall be imposed upon non-residential uses of lands, buildings or structures, and in the case of a mixed-use building, upon the non-residential uses of the mixed-use building or structure.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF HOUSING

18. (a) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:

    (i) the enlargement to an existing residential dwelling unit;

    (ii) the creation of the first two additional dwelling units in, or ancillary to, and existing single detached dwelling; or

    (iii) the creation of the first additional dwelling unit in, or ancillary to, an existing residential building.

    (iv) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3.	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling,	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
	semi-detached dwelling or row dwelling		ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

(b) Notwithstanding subsection 18(a)(ii), development charges shall be imposed in accordance with section 16 if the total floor area of the additional one or two dwelling units in the single detached dwelling exceeds the total floor area of the dwelling unit already in the building.

(c) Notwithstanding subsection 18(a)(iii), development charges shall be imposed in accordance with subsection 16 if the additional dwelling unit has a total floor area greater than:

(i) in the case of a semi-detached or row dwelling, the total floor area of the dwelling unit already in the building; and

(ii) in the case of any other residential building, the total floor area of the smallest dwelling unit already in the building.

RULES WITH RESPECT TO DISCOUNTS FOR RENTAL HOUSING

19. Notwithstanding the provisions of this By-law, development charges for rental housing developments will be reduced based on the number of bedrooms in each unit as follows:

(a) Three or more bedrooms – 25% reduction;

(b) Two bedrooms – 20% reduction; and

(c) All other bedroom quantities – 15% reduction.

RULES WITH RESPECT TO AFFORDABLE AND ATTAINABLE RESIDENTIAL UNIT EXEMPTIONS

20. Notwithstanding the provisions of this By-law, once proclaimed, development charges shall not be imposed with respect to developments as follows:

    (a) Affordable residential units; or

    (b) Attainable residential units.

RULES WITH RESPECT TO INDUSTRIAL EXPANSION EXEMPTIONS

21. That if development includes the enlargement of the total floor area of an existing industrial building, the amount of the development charges that is payable is the following:

    (a) if the total floor area is enlarged by fifty percent (50%) or less, the amount of the development charges in respect of the enlargement is zero; or

    (b) if the total floor area is enlarged by more than fifty percent (50%), development charges are payable on the amount by which the enlargement exceeds fifty percent (50%) of the total floor area before the enlargement.

22. For the purpose of section 21, the term "existing industrial building" shall have the same meaning as the term has in O. Reg. 82/98 made under the Act.

23. That for the purpose of interpreting the definition of "existing industrial building" contained in O.Reg. 82/98 made under the Act and as referenced in section 22, regard shall be had for the classification of the lands in question pursuant to the *Assessment Act, R.S.O. 1990,* c. A.31, and in particular:

    (a) whether the lands fall within a tax class such that taxes on the lands are payable at the industrial tax rate; and

    (b) whether more than fifty percent (50%) of the total floor area of the building has an industrial property code for assessment purposes.

24. Despite section 23, distribution centers, warehouses, buildings used for the bulk storage of goods and truck terminals shall be considered industrial buildings. For

the purposes of this by-law, self-storage facilities are not considered to be industrial buildings.

25. For greater certainty in applying the exemption set out in sections 21, 22, 23 and 24, the total floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, and the enlarged area is attached to the existing industrial building and is used for or in connection with an industrial purpose as set out in subsection 1(1) of O. Reg. 82/98 made under the Act. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passage-way, or through a shared below-grade connection such as a service tunnel, foundation, footing or a parking facility.

LOT COVERAGE RELIEF

26. Where there is a non-residential development, the development charges otherwise payable pursuant to section 17 shall be calculated in accordance with the following:

    (a) for the portion of the total floor area of such development that is less than or equal to one (1.0) times the area of the lot or block, the non-residential development charges under this By-law apply; and

    (b) for the portion of the total floor area of such development that is greater than one (1.0) times the area of the lot or block, non-residential development charges shall not apply.

OTHER EXEMPTIONS

27. Notwithstanding section 17, development charges shall not apply to lands, buildings or structures used or to be used for the purposes of:

    (a) a hospital, excluding any portion of the lands, buildings or structures occupied by a tenant of the hospital;

    (b) facilities providing health and wellness services to senior citizens through programs administered by the Region of Halton or its affiliates;

    (c) hospices;

    (d) a place of worship;

(e) a conservation authority, unless such buildings or structures are used primarily for or in connection with (i) recreational purposes for which the conservation authority charges admission and/or fees, or (ii) any retail purposes;

(f) seasonal structures;

(g) agricultural uses;

(h) temporary venues;

(i) a memorial home, clubhouse or athletic grounds of an Ontario branch of the Royal Canadian Legion, pursuant to paragraph 3 of section 3 of the *Assessment Act, R.S.O. 1990,* c. A.31; and

(j) Non-profit housing developments.

RULES WITH RESPECT TO TEMPORARY BUILDINGS

28. Notwithstanding any other provisions of this By-law, a temporary building or structure shall be exempt from the payment of development charges provided that:

    (a) prior to the issuance of the building permit for the building, the owner shall provide to the City securities in the form of cash or a letter of credit acceptable to the City's Director of Finance in the full amount of the development charges otherwise payable pursuant to this By-law; and

    (b) within three (3) years of building permit issuance, the owner shall provide to the City evidence, to the City's satisfaction, that the temporary building or structure has been demolished or removed from the lands, whereupon the City shall return to the owner the securities provided pursuant to subsection 26(a), without interest.

29. In the event that the owner does not provide satisfactory evidence of the demolition or removal of the temporary building or structure in accordance with subsection 28(b), the building or structure will be deemed not to be a temporary structure and the City shall transfer the amount secured pursuant to subsection 28(a) into the appropriate development charges reserve funds in payment of the development charges applicable to the building without further notification to the owner.

30. The timely provision of satisfactory evidence of the demolition or removal of the temporary building or structure in accordance with subsection 28(b) shall be solely the owner’s responsibility.

RULES WITH RESPECT TO THE REDEVELOPMENT OF LAND – DEMOLITION

31. That in the case of a demolition of all or part of a building or structure:

    (a) a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that where a demolition permit for a residential building or structure has been issued and has not been revoked:

        (i) on or after July 1, 2009, a building permit has been issued for the redevelopment within five (5) years from the date the demolition permit was issued for a residential building or structure.

    (b) a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that a demolition permit has been issued for a non-residential building or structure and has not been revoked.

    (c) the credit shall be calculated based on the portion of the building or structure used for a residential purpose that has been demolished by multiplying the number and type of dwelling units demolished, or in the case of a building used for a non-residential purpose that has been demolished by multiplying the non-residential total floor area demolished, by the relevant development charges under this By-law in effect on the date when the development charges are payable pursuant to this By-law with respect to the redevelopment.

    (d) no credit shall be allowed where the demolished building or structure or part thereof would have been exempt pursuant to this By-law.

    (e) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Director of Finance or equivalent.

(f) despite subsection 31(a) above, where the building cannot be demolished until the new building has been erected, the owner shall notify the City in writing and pay the applicable development charges for the new building in full and if the existing building is demolished not later than twelve (12) months from the date a building permit is issued for the new building, the City shall provide a refund calculated in accordance with this section to the owner without interest. If more than twelve (12) months is required to demolish the existing building, the owner shall make a written request to the City and the City's Director of Finance and/or Treasurer or designate may extend the time in which the existing building must be demolished in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or desirable and such decision shall be made prior to the issuance of the first building permit for the new building.

RULES WITH RESPECT TO REDEVELOPMENT OF LAND – CONVERSION

32. That in the case of a conversion of all or part of a building or structure:

(a) a credit shall be allowed against the development charges otherwise payable under this By-law;

(b) the credit shall be calculated based on the portion of the building or structure that is being converted by multiplying the number and type of dwelling units being converted or the non-residential total floor area being converted by the relevant development charges under this By-law in effect on the date when the development charges are payable pursuant to this By-law with respect to the redevelopment;

(c) no credit shall be allowed where the building or structure or part thereof prior to conversion would have been exempt pursuant to this By-law; and

(d) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Director of Finance or equivalent.

MANDATORY PHASE-IN OF DEVELOPMENT CHARGES

33. The amount of the development charges described in Schedule A to this bylaw shall be reduced as follows, in accordance with section 5(6) of the Act, subject to indexing as per section 40 herein:

    (a) the first year that the by-law is in force - 80 percent of the development charge that could otherwise be charged;

    (b) the second year that the by-law is in force - 85 percent of the development charge that could otherwise be charged;

    (c) the third year that the by-law is in force - 90 percent of the development charge that could otherwise be charged;

    (d) the fourth year that the by-law is in force - 95 percent of the development charge that could otherwise be charged; and

    (e) the fifth to tenth years that the by-law is in force - 100 percent of the development charge will be imposed.

PAYMENT OF DEVELOPMENT CHARGES

34. Development charges, adjusted in accordance with section 40 of this By-law to the date of payment, are payable at the following times:

    (a) Charges imposed under section 16 in relation to residential use are payable on the date that the first building permit approving the construction of a foundation is issued; and

    (b) Charges imposed under section 17 in relation to non-residential use are payable on the date that the first building permit approving the construction of a foundation is issued.

    (c) Notwithstanding subsection 34(a) and 34(b), 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 at the prime lending rate of the City's financial institution, payable on the anniversary date each year thereafter.

(d) Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within the period of building permit issuance as specific in section 26.2(5) of the Act, the development charges under subsections 34(a), 34(b), and 34(c) shall be calculated based on the rates set out in Schedule "A" on the date the planning application was made, including interest at the prime lending rate of the City's financial institution. Where both planning applications apply development charges under subsections 34(a), 34(b), and 34(c) shall be calculated on the rates set out in Schedule "A", including interest at the prime lending rate of the City's financial institution, on the date of the latter planning application.

35. The City may require, and where so required, an owner shall enter into an agreement, including the provision of security for the owner’s obligations under agreement pursuant to section 27 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable. The terms of such agreement shall then prevail over the provisions of this By-law.

36. In the alternative to payment by means provided in subsection 32(a) or 32(b), the City may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:

    (a) if the City and the owner cannot agree as to the reasonable cost of doing the work under section 35, the dispute shall be referred to Council for decision; and

    (b) if the credit exceeds the amount of the charge for the service to which the work relates:

        (i) the excess amount shall not be credited against development charges under another by-law for any other service, unless the City has so agreed under section 38 of the Act; and

        (ii) in no event shall the City be required to make a cash payment to the credit holder.

INTEREST

37. The City shall pay interest on a refund under subsection 18(3), 25(2) and section 36 of the Act at a rate equal to the Bank of Canada rate on the date the By-law comes into force.

UNPAID DEVELOPMENT CHARGES

38. If development charges, or any part thereof, remain unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

39. If any unpaid development charges are collected as taxes in accordance with section 38, the monies so collected shall be credited to the appropriate development charge reserve fund.

INDEXING

40. Development charges imposed pursuant to this By-law, shall be adjusted without amendment to this by-law, commencing on the first day of April in the year following enactment of this by-law and annually thereafter, in accordance with the Statistics Canada Quarterly, Construction Price Statistics (catalogue number 62-007).

SCHEDULES

41. The following schedules to this By-law form an integral part thereof:

    Schedule A – Residential and Non-residential Development Charges

DATE BY-LAW IN FORCE

42. This By-law shall come into force on June 1, 2024.

DATE BY-LAW EXPIRES

43. This By-law will expire ten (10) years from the date it comes into force, unless it is repealed at an earlier date by a subsequent By-law.

REPEAL

44. By-laws 29-2019 and 26-2022 be and are hereby repealed effective on the date this By-law comes into force.

REGISTRATION

45. A certified copy of this By-law may be registered on title to any land to which this By-law applies.

SEVERABILITY

46. In the event any provisions, or part thereof, of this By-law is found, by a court of competent jurisdiction, to be ultra vires, such provisions, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of the By-law shall remain in full force and effect.

HEADINGS

47. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

SHORT TITLE

48. This By-law may be cited as the City of Burlington Development Charges By-law.

Enacted and passed this 21st day, of May, 2024.

Mayor Marianne Meed Ward ____________________________________

City Clerk Samantha Yew ______________________________________

SCHEDULE “A”
CITY OF BURLINGTON
SCHEDULE OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL ($ per Dwelling Unit)						NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Multiples - 3 or more Bedrooms	Multiples - 1 or 2 Bedrooms	Special Care/Special Dwelling Units	($ per sq.m of Gross Floor Area)
Municipal Wide Services/Class of Service:							
Services Related to a Highway	12,027	6,409	4,846	9,542	6,872	3,916	99.57
Stormwater Drainage Services	175	93	71	139	100	57	3.01
Fire Protection Services	2,038	1,086	821	1,617	1,164	664	16.47
Transit Services	1,617	862	651	1,283	924	527	13.13
Parks and Recreation Services	4,482	2,388	1,806	3,556	2,561	1,460	8.18
Library Services	256	136	103	203	146	83	0.43
TOTAL	**20,595**	**10,974**	**8,298**	**16,340**	**11,767**	**6,707**	**140.79**