

Being a by-law to establish development charges for the Corporation of the City of Oshawa with respect to Development Charges.

Whereas the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and,

Whereas development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and,

Whereas 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; and,

Whereas 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 section 5(1) of the Act; and,

Whereas the City has undertaken a study of, among other matters, the matters set out in section 10 of the Act and section 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and,

Whereas The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, 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 section 12 of O. Reg. 82/98; and,

Whereas The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. was amended by “Addendum to the 2024 Development Charges Background Study”, and the proposed revised development charge by-law was posted to the City’s website on June 19, 2024 in response to legislative and other minor changes; and,

Whereas a public meeting pursuant to section 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

Now therefore it is enacted as a By-law of the Council of the Corporation of the City of Oshawa 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:

“Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,

“Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, 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;

“Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;

“Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;

“Agricultural” is 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, and excludes Cannabis Production Facilities;

“Ancillary Residential Use” means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;

“Apartment Dwelling Unit” means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;

“Attainable Residential Unit” means a residential unit that meets the criteria set out in subsection 4.1 of the Act;

“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;

“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;

“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, utility room, bathroom, sunroom, or porch;

“Board of Education” has the same meaning as the term “board” defined in the Education Act;

“Building Code Act” means the Building Code Act, 1992, S.O. 1992, c. 23;

“By-law” means this By-law, including its recitals and schedules and all future amendments including successor By-laws;

“Cannabis” means:

- i. a cannabis plant;
- ii. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;

- iii. any substance or mixture of substances that contains or has on it any part of such a plant; and
- iv. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

"Cannabis Plant" means a plant that belongs to the genus Cannabis;

"Cannabis Production Facilities" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a license, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

"City" means The Corporation of the City of Oshawa;

"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;

"Commercial" is 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;

"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;

"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;

"Development" means:

- i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 3.3 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;

"Development Charge" means a charge imposed by this By-law;

"Duplex" means the whole of a building, which was not originally constructed as a Single Detached 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;

“Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;

“Education Act” means the Education Act, R.S.O. 1990, c. E.2;

“Financial Institution” means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities firm, finance company, mortgage brokerage or any other similar use;

“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.

“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;

“Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a

home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

“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;

“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;

“Industrial” is 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,

- a) manufacturing, producing, processing, storing, or distributing something,
- b) research or development in connection with manufacturing, producing, or processing something,
- c) 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,
- d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;

“Institutional development” means development of a building or structure intended for use:

- a) as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Act, 2021, S.O. 2021, c. 39, Sched.1;
- b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
- c) 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;
- d) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- e) as a hospice to provide end of life care;

“Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;

“Local Board” has the same meaning as the term, “local board” defined in the Act;

“Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“Lodging House” means a building or part of a building, containing 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, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.

“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.

“Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Fixing Long-Term Care Act, 2021, S.O. 2021, c. 39, Sched.1.;

“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;

“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;

“Non-profit housing development”, for the purposes of section 3.6 c., means development of a building or structure intended for use as residential premises by:

- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 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, S.C. 2009, c. 23 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, R.S.O. 1990, c. C.35.

“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 “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;

“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.

“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;

“Oshawa” means the geographical area under the jurisdiction of the City;

“Other Multiple Dwellings” means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;

“Owner” means the legal or equitable owner of land;

“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;

“Place of worship” means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;

“Planning Act” means the Planning Act, R.S.O. 1990, c. P.13;

“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;

“Rental housing” is for the purposes of section 3.5, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“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;

“Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;

“Retirement Residence Unit” means a unit within a Retirement Residence;

“Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“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;

“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;

“Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;

“Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.

“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

“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 other than a Stacked Townhouse.

“Triplex” means a building containing 3 Apartment Dwelling Units.

- 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. Designation of Services

2.1 The categories of services for which development charges are imposed under this by-law are as follows:

- a. Services Related to a Highway;
- b. Fire Protection Services;
- c. Parks and Recreation Services;
- d. Library Services;
- e. Provincial Offences Act, including By-law Enforcement;
- f. Stormwater Drainage and Control Services; and
- g. Waste Diversion Services.

2.2 The category of class of services for which development charges are imposed under this by-law is as follows:

- a. Growth-Related Studies.

2.3 The components of the services and class of services, designated in sections 2.1 and 2.2 are described in Schedule A.

3. Application of By-Law Rules

3.1 Development Charges shall be payable in the amounts set out in this by-law where:

3.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule "A" to this By law.

3.3 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.

3.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 3.3 of this By-law is to permit:

- a. an enlargement to an existing dwelling unit;

- b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
- c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:
 - i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
 - ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

3.5 Discounts for Rental Housing:

The Development Charge payable 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.

3.6 No Development Charge shall be imposed with respect to any Development:

- a. 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;
- b. Land vested in or leased to a publicly assisted university where it is intended to be occupied and used by the university that receives direct, regular, and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education if the development is intended to be occupied and used by the university;
- c. Non-profit housing development;
- d. Affordable inclusionary residential units;
- e. Affordable residential units;
- f. Attainable residential units;
- g. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- h. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Care Home;
- i. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- j. respecting a Temporary building or structure;
- k. respecting an Agricultural building or structure;
- l. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;
- m. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;
- n. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law; or
- o. respecting a new Financial Institution.

- 3.7 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 100% of the Commercial Development Charge.
- 3.8 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 3.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 3.9 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.

4. Rules for Calculation and Collection of Development Charges

- 4.1 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.
- 4.2 Notwithstanding section 4.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 4.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 4.4 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.
- 4.5 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.
- 4.6 Development Charges shall be adjusted semi-annually on January 1st and July 1st each year, commencing on the 1st day of January, 2025, by the Statistics Canada Quarterly Non-residential Building Construction Price Index, as prescribed by regulation pursuant to the Act.
- 4.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 4.8 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 3.3 of this By-law, then the Development Charge will nonetheless be payable in respect of such Development.

5. Credits and Prepayments

- 5.1 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 sixty (60) 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:

- a. 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
- b. 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.

- 5.2 Notwithstanding any other provision of this By-law, no development charges will be payable on a change of use permit, where the change of use is from industrial to commercial, and where the industrial building has been in place for more than 20 years from the date the change of use permit is issued.
- 5.3 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2024, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious Organizations’ Lands Act, R.S.O. 1990, c. R.23 or on account of being Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.
- 5.4 For the purpose of section 5.1(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.
- 5.5 Notwithstanding section 4.6 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 4.6 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 5.5,

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 5.5.

5.6 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 5.6 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

6. Front Ending Agreements

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

7. Schedules

7.1 The following schedules shall form part of this by-law:

Schedule "A" - Components of Services and Class of Services Designated in subsections 2.1 and 2.2.

Schedule "B" - Residential and Non-Residential Schedule of Development Charges.

Schedule "C" - Rules for Application of the Development Charges By-law.

Schedule "D" - Map of Core Area of the Downtown Oshawa Urban Growth Centre.

Schedule "E" - Map of King Street/Thornton Road Intensification Area.

Schedule "F" - Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre.

8. Miscellaneous

- 8.1 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.
- 8.2 This By-law shall come into force and take effect on July 1, 2024.
- 8.3 This By-law may be cited as the "Development Charges By-law".
- 8.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor

City Clerk

SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES AND CLASS OF SERVICES UNDER THIS BY-
LAW

City-Wide Services

- Services Related to a Highway;
- Fire Protection Services;
- Parks and Recreation Services;
- Library Services;
- P.O.A. Services, including By-law Enforcement;
- Stormwater Drainage and Control Services; and
- Waste Diversion Services.

City-Wide Class of Services

- Growth-Related Studies.
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**SCHEDULE "B" TO BY-LAW
SCHEDULE OF DEVELOPMENT CHARGES**

Services & Class of Services	RESIDENTIAL					Non Residential			
	Single and Semi Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non Industrial (per sq.ft. of Total Floor Area)	Non Industrial (per sq.m. of Total Floor Area)
City-Wide Services:									
Services Related to a Highway	18,617	13,901	11,705	7,350	6,011	4.92	52.96	13.12	141.22
Fire Protection Services	1,372	1,024	862	541	443	0.37	3.98	0.97	10.49
Parks and Recreation Services	14,649	10,938	9,210	5,783	4,730	0.73	7.86	1.95	20.99
Library Services	1,637	1,222	1,029	646	529	0.08	0.86	0.22	2.37
Provincial Offences Act including By-Law Enforcement	50	37	31	20	16	0.01	0.11	0.04	0.43
Stormwater Drainage and Control Services	1,570	1,172	987	620	507	1.11	11.95	1.09	11.73
Waste Diversion Services	41	31	26	16	13	0.01	0.11	0.03	0.32
City-Wide Class of Services:									
Growth-Related Studies	291	217	183	115	94	0.07	0.75	0.19	2.05
Total City-Wide Services and Class of Services	\$38,227	\$28,542	\$24,033	\$15,091	\$12,343	\$7.30	\$78.58	\$17.61	\$189.61

SCHEDULE "C" TO BY-LAW
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 3.3 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.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received and approved between January 1, 2020, and June 5, 2024, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
 - 2.2 Notwithstanding rule 2, 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, where the approval of the application occurred on or after June 6, 2024, and the approval of the application occurred within 18 months of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
 3. The amount in Schedule "B", must be examined to determine the effect of any indexing which has occurred pursuant to section 4.6 of this By-law. The amount to apply must reflect any such indexing.
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4. The amount in Schedule "B" does 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 amount in Schedule "B".
 5. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
 6. 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 rule 3) is then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable, subject to an exemption or discount as per this by-law or the Act, applies.
 7. 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 rule 3) is then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable, subject to an exemption or discount as per this by-law or the Act, applies.
 8. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 6 and 7 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
 9. The Development must be examined to determine whether any credits contemplated by article 5 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 6, 7 or 8, as applicable.
 10. 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 or class of services 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.
 11. 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
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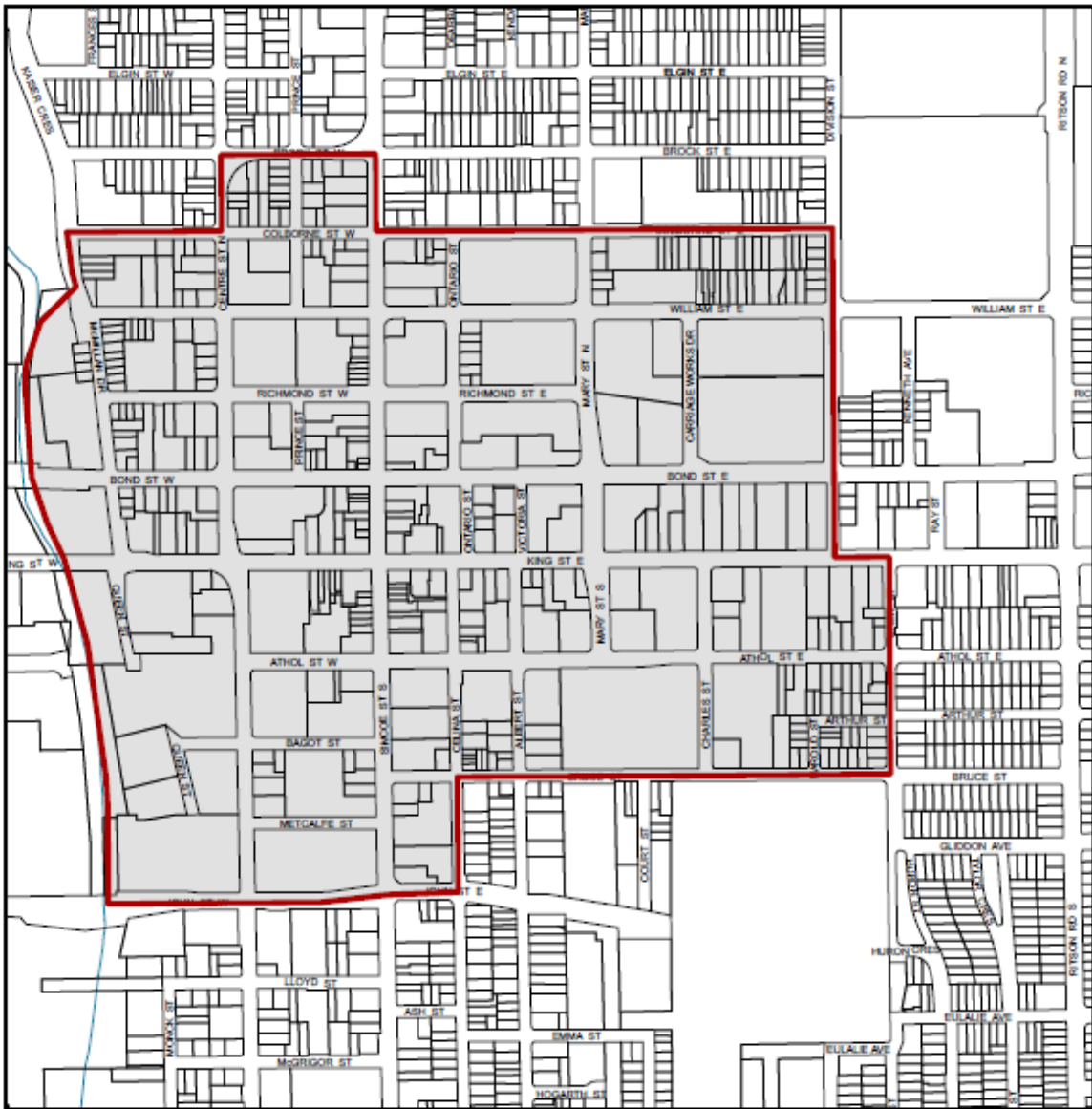
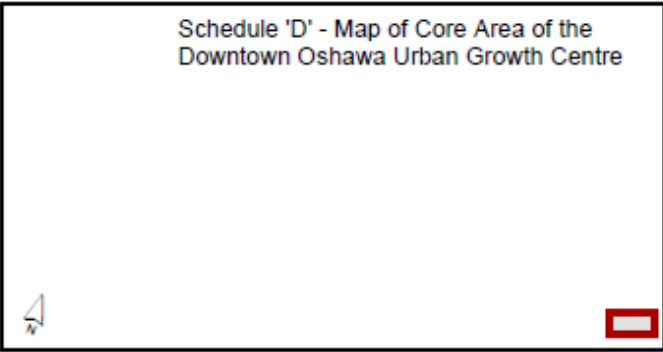
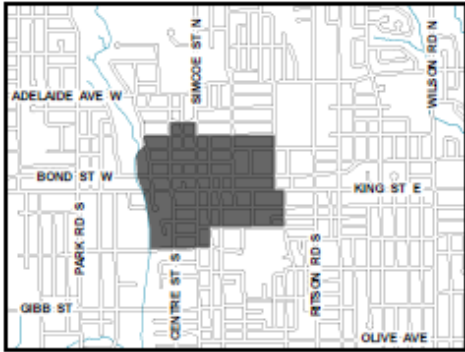
payable pursuant to section 4.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 3.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraph 3.3(d) of this By-law shall be 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.

- 11.1 Notwithstanding rule 11, 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.
 12. 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.
 13. 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.
 14. Where a complaint results in a refund or when the City has determined that a refund is due, 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.
 15. 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 16.
 16. For the purpose of determining the quarterly adjustments contemplated by rule 15, 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, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarter-
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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.

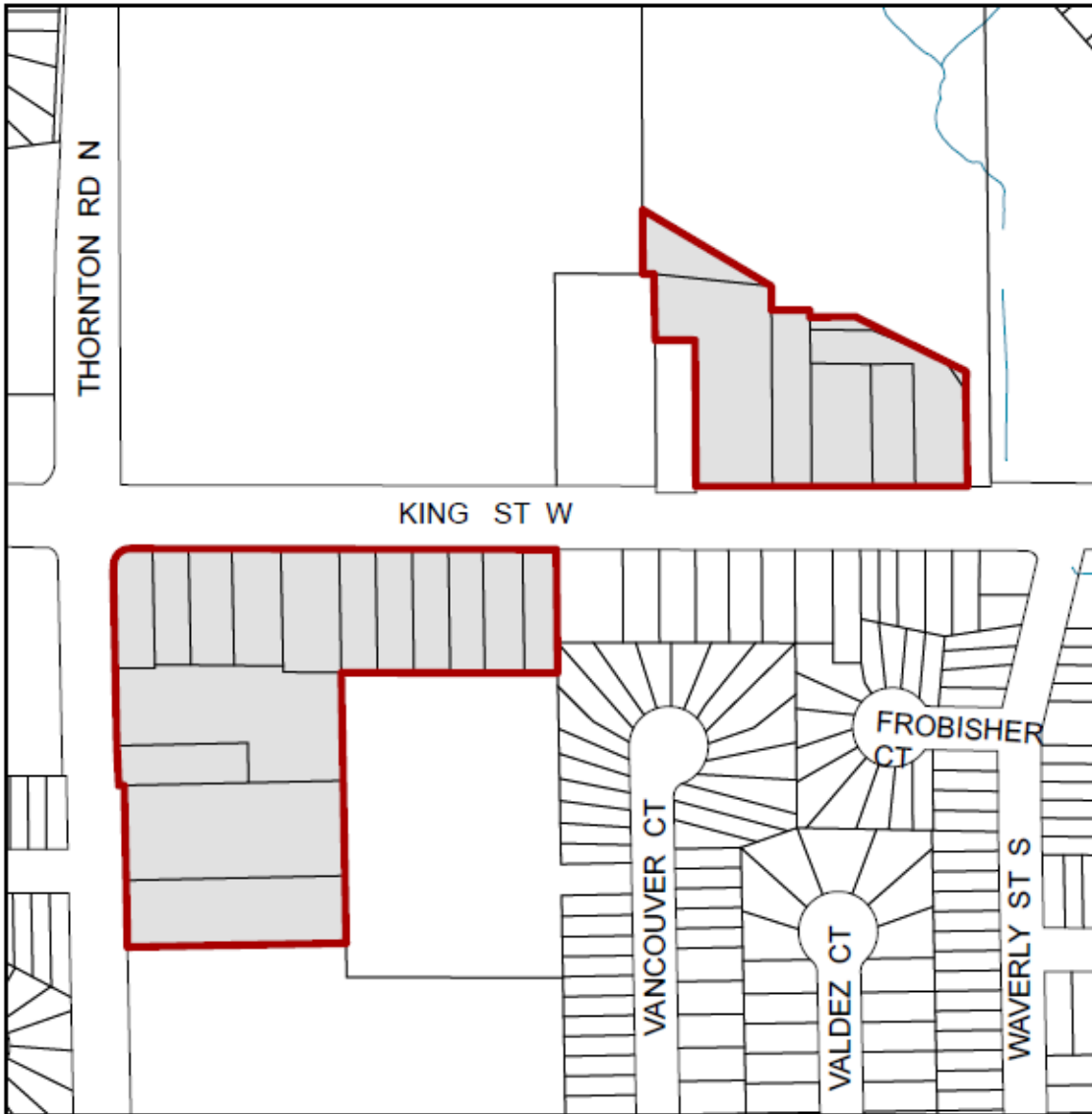
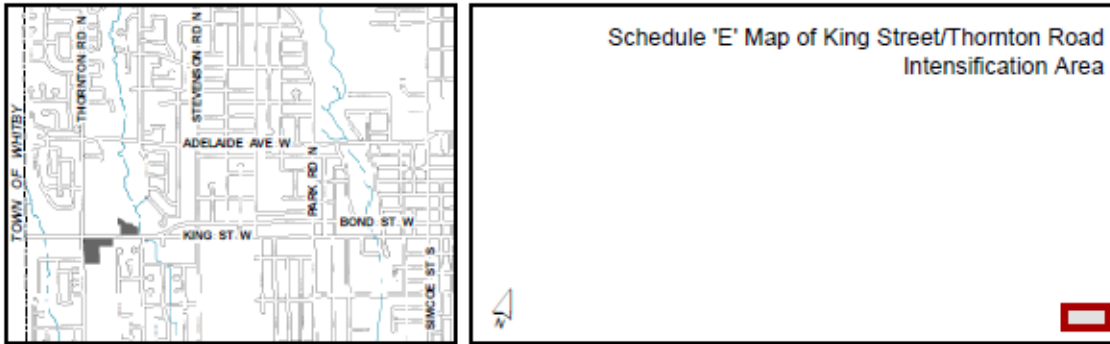
17. Interest for the purposes of rule 2.1, 2.2, and 11.1 shall be determined as prescribed in the Development Charges Act, as amended from time to time.

SCHEDULE "D" TO BY-LAW
Map of Core Area of the Downtown Oshawa Urban Growth Centre



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SCHEDULE "E" TO BY-LAW
Map of King Street/Thornton Road Intensification Area



SCHEDULE "F" TO BY-LAW
Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre

