



Whereas:

1. The Corporation of the City of Oshawa currently has and will continue to experience growth through development;
2. Development requires the provision of physical infrastructure and other services by the City;
3. The Development Charges Act, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land;
4. Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act;
5. The City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof;
6. At its meeting on March 18, 2019, Council directed that a public meeting pursuant to s. 12 of the Act be held;
7. The “City of Oshawa 2019 Development Charge Background Study” dated April 10, 2019 (as amended) 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 s. 12 of O. Reg. 82/98;
8. A public meeting pursuant to s. 12 of the Act was held on May 2, 2019, and Council heard and received comments and representations from all persons who requested to be heard;

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

1. Interpretation

- 1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:
 - (a) “Accessory”, in reference to the use of a building or structure means that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
 - (b) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
 - (c) “Agricultural”, in reference to use, means land, buildings or structures used, designed or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;

- (d) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- (e) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- (f) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- (g) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom or porch;
- (h) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- (i) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- (j) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- (k) "City" means The Corporation of the City of Oshawa;
- (l) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of "best efforts" clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;
- (m) "Commercial", in reference to use, means land, buildings or structures of any kind whatsoever used, designed or intended to be used for a Non-Residential use other than an Agricultural use or an Industrial use;
- (n) "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;
- (o) "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;
- (p) "Development" means:
 - i) any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By law;
 - ii) the redevelopment of land; or
 - iii) the redevelopment, expansion, extension or alteration, or any two or more of them, of a use, building or structure;
- (q) "Development Charge" means a charge imposed by this By-law;
- (r) "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;

- (s) "Dwelling Unit" means a room or a series of rooms containing toilet and culinary facilities designed for Residential use as a single housekeeping establishment;
- (t) "Education Act" means the Education Act, R.S.O. 1990, c. E.2;
- (u) "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.
- (v) "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;
- (w) "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;
- (x) "Hotel" means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- (aa) "Industrial", in reference to use, means land, buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used for or in connection with,
- i) manufacturing, producing, processing, storing or distributing something,
 - ii) research or development in connection with manufacturing, producing or processing something,
 - iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
 - iv) office or administrative purposes, if they are,

- (A) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
- (B) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

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

(cc) “Lodging House” means a building or part of a building, containing no fewer than three Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence 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 Nursing Home or a Retirement Residence.

(dd) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.

(ee) “Lot” means a parcel of land which is:

- i) shown as a lot or block on a registered plan of subdivision; or
- ii) described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;

(ff) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

(gg) “Non-profit Institution” means

- i) a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
- ii) a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
- iii) a “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;

(hh) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed or intended to be used for other than a Residential use.

(ii) “Nursing Home” has the same meaning as the term, “nursing home”, defined in subsection 1(1) of the Nursing Homes Act, R.S.O. 1990, c. N.7;

(jj) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

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

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

(mm) "Party Wall" means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;

(nn) "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13;

(oo) "Residential" in reference to use, means land, buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;

(pp) "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;

(qq) "Retirement Residence Unit" means a unit within a Retirement Residence;

(rr) "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;

(ss) "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;

(tt) "Stacked Townhouse" means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) Townhouses high;

(uu) "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.

(vv) "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

(ww) "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.

(xx) "Triplex" means a building containing 3 Apartment Dwelling Units.

(yy) "institutional development", for the purposes of rule 12.1 in Schedule "C", 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 *Long-Term Care Homes Act, 2007*, S.O. 2007, c. 8;

(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;
 - (zz) “Rental housing”, for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
 - (aaa) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
 - (a) 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;
 - (b) 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
 - (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, R.S.O. 1990, c. C.35.

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

1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.

1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.

2. Application

2.1 This By-law applies to all land within Oshawa unless specifically exempted by this By-law or by statute or regulation.

2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the services set out in Schedule “A” to this By law.

2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:

- (a) the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
- (b) the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
- (d) the approval of a plan of subdivision under section 51 of the Planning Act;
- (e) a consent under section 53 of the Planning Act;
- (f) the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
- (g) the issuing of a permit under the Building Code Act in relation to a building

or structure.

- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- (a) enlargement of an existing Dwelling Unit;
 - (b) creation or enlargement of an Accessory building for a lawful Residential use;
 - (c) creation of additional dwelling units within classes of existing residential buildings or structures ancillary to existing residential buildings, as prescribed under Subsections 2(1) and 2(2) of Ontario Regulation 82/98; or
 - (d) creation of a second dwelling unit in classes of proposed new residential buildings, including structures ancillary to dwellings as prescribed under Subsection 2(3) of Ontario Regulation 82/98;
- 2.5 No Development Charge shall be imposed with respect to any Development:
- (a) on lands designated under federal law as land reserved for the exclusive use of aboriginal peoples;
 - (b) by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board or a Board of Education;
 - (c) on lands wholly within that part of Oshawa partially known as the Urban Growth Centre and as depicted in Schedule "D" to this By-law;
 - (d) on that part of lands used solely for the purposes of
 - i) a Non-Profit Institution;
 - ii) a Hospital; or
 - iii) a Nursing Home;
 - (e) respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
 - (f) respecting a Temporary building or structure;
 - (g) respecting an Agricultural building or structure;
 - (h) respecting an Apartment Dwelling Unit on lands within that part of Oshawa shown as the shaded portion on the maps in Schedule "E" to this By-law;
 - (i) respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of Oshawa shown as the shaded portion on the maps in Schedule "E" to this By-law; or
 - (j) respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back to back Townhouses, on lands within that part of Oshawa as shown as the shaded portion of the map in Schedule "F" to this By-law; or
 - (k) respecting an Apartment Dwelling Unit or a Townhouse Dwelling other than a Street Townhouse Building on the property shown on Schedule "G", provided building permits are issued for the units within three years of the in force date of this by-law.
- 2.6 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.7 No more than one Development Charge for each service designated in Schedule "A" to this By-law shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.8 This By-law does not limit the City's ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedules “B.1”, “B.2” and “B.3” to this By-law shall be imposed on Residential uses of lands, buildings or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.
- 3.2 Notwithstanding section 3.1, 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.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedules “B.1”, “B.2” and “B.3” to this By-law shall be imposed on Non-Residential uses of lands, buildings or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 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.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B.3” shall be adjusted semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 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 2.3 of this By-law, then the Development Charge will nonetheless be payable in respect of such Development.

4. Credits and Prepayments

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

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

- (c) in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B.1”, “B.2” and “B.3” to this By-law by the number representing the type of Dwelling Units that

have been or will be demolished or converted to another principal use; and

- (d) in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B.1”, “B.2” and “B.3” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

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

4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, 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.

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

4.3 Notwithstanding section 3.6 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 3.6 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 4.3

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

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

- (a) all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before July 1, 2019; and
- (b) an amount equal to the Development Charge in effect as at June 30, 2019 pursuant to the City’s By-law 80-2014 as amended, has been paid by or before July 1, 2019

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

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

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

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

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

5. Front Ending Agreements

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

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.
- 6.2 This By-law shall come into force and take effect on July 1, 2019.
- 6.3 This By-law may be cited as the "Development Charges By-law".

By-law passed this tenth day of June, 2019.

Original by-laws signed by the Mayor and City Clerk

Schedule "A" to By-law 60-2019 of The Corporation of the City of Oshawa

Designated Municipal Services

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

1. Transportation
2. Fire Protection
3. Parks, Recreation and Trails
4. Library Services
5. Administration (Development Related Studies)
6. Watercourse Improvements
7. Parking
8. Waste Diversion

Schedule "B.1" to By-law 60-2019 of The Corporation of the City of Oshawa

Rates Effective July 1, 2019 to December 31, 2019

Service	RESIDENTIAL PER DWELLING UNIT						NON-RESIDENTIAL (per sq.m. of G.F.A)	
	Single and Semi-Detached Dwelling	Duplex (for two units)	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Townhouse Dwelling	Lodging House (per unit)	Industrial	Commercial/ Institutional
Municipal Wide Services:								
Transportation	\$10,404	\$14,995	\$7,497	\$4,095	\$8,025	\$3,302	\$44.02	\$115.93
Fire Protection	\$388	\$558	\$279	\$153	\$299	\$123	\$1.61	\$4.31
Watercourse Improvements	\$730	\$1,053	\$526	\$288	\$564	\$232	\$4.31	\$4.74
Parks, Recreation and Trails	\$5,807	\$8,370	\$4,185	\$2,286	\$4,479	\$1,843	\$3.77	\$3.77
Library Services	\$242	\$350	\$175	\$96	\$187	\$77	\$0.11	\$0.11
Administration	\$48	\$70	\$35	\$19	\$37	\$15	\$0.22	\$0.54
Parking	\$12	\$17	\$8	\$4	\$9	\$4	\$0.00	\$0.11
Waste Diversion	\$11	\$15	\$7	\$4	\$8	\$3	\$0.00	\$0.11
Total Municipal Wide Services	\$ 17,642	\$25,427	\$12,713	\$6,944	\$13,607	\$5,600	\$54.04	\$129.60

Schedule “B.2” to By-law 60-2019 of The Corporation of the City of Oshawa

Rates Effective January 1, 2020 to December 31, 2020

(Non-Residential Development Charges Subject to Indexing)

Service	RESIDENTIAL PER DWELLING UNIT						NON-RESIDENTIAL (per sq.m. of G.F.A)	
	Single and Semi-Detached Dwelling	Duplex (for two units)	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Townhouse Dwelling	Lodging House (per unit)	Industrial	Commercial/ Institutional
Municipal Wide Services:								
Transportation	\$12,353	\$16,498	\$8,249	\$4,810	\$9,772	\$4,134	\$44.71	\$117.74
Fire Protection	\$460	\$614	\$307	\$179	\$364	\$154	\$1.64	\$4.38
Watercourse Improvements	\$867	\$1,158	\$579	\$338	\$686	\$291	\$4.38	\$4.81
Parks, Recreation and Trails	\$6,894	\$9,209	\$4,604	\$2,685	\$5,455	\$2,308	\$3.83	\$3.83
Library Services	\$288	\$385	\$192	\$112	\$227	\$97	\$0.11	\$0.11
Administration	\$57	\$77	\$38	\$23	\$45	\$19	\$0.22	\$0.55
Parking	\$14	\$18	\$9	\$5	\$11	\$5	\$0.00	\$0.11
Waste Diversion	\$13	\$16	\$8	\$5	\$10	\$4	\$0.00	\$0.11
Total Municipal Wide Services	\$20,946	\$27,977	\$13,988	\$8,157	\$16,571	\$7,011	\$54.89	\$131.64

Schedule “B.3” to By-law 60-2019 of The Corporation of the City of Oshawa

Rates Effective January 1, 2021 (Subject to Indexing)

As amended per By-law 46-2022, effective April 25, 2022

Residential Charge per Dwelling Unit						
Service	Single and Semi-Detached Dwelling	Duplex (for two units)	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Townhouse Dwelling	Lodging House (per unit)
Transportation	\$14,225	\$17,906	\$8,953	\$5,496	\$11,459	\$4,939
Fire Protection	\$614	\$772	\$386	\$237	\$495	\$213
Watercourse Improvements	\$1,004	\$1,264	\$632	\$388	\$809	\$349
Parks, Recreation and Trails	\$9,416	\$11,852	\$5,926	\$3,638	\$7,585	\$3,269
Library Services	\$402	\$506	\$253	\$155	\$324	\$140
Parking	\$0	\$0	\$0	\$0	\$0	\$0
Waste Diversion	\$17	\$22	\$11	\$7	\$14	\$6
Municipal Wide Class of Service:						
Growth-Related Studies	\$37	\$44	\$22	\$15	\$32	\$12
Total Municipal Wide Services	\$25,715	\$32,366	\$16,183	\$9,936	\$20,718	\$8,928

Non-Residential Charge per Square Metre of Gross Floor Area		
Service	Industrial	Commercial/Institutional
Municipal Wide Services:		
Transportation	\$44.49	\$117.13
Fire Protection	\$1.89	\$5.05
Watercourse Improvements	\$4.38	\$4.82
Parks, Recreation and Trails	\$4.39	\$4.39
Library Services	\$0.19	\$0.19
Parking	\$0.00	\$0.00
Waste Diversion	\$0.06	\$0.15
Municipal Wide Class of Service:		
Growth-Related Studies	\$0.06	\$0.15
Total Municipal Wide Services	\$55.47	\$131.88

Schedule “C” to By-law 60-2019 of The Corporation of the City of Oshawa

Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1. Where a Development Charge becomes payable on or between July 1, 2019, and December 31, 2019, it shall be calculated based on the Development Charges found in Schedule “B.1”. Where a Development Charge becomes payable on or between January 1, 2020, and December 31, 2020, it shall be calculated based on the Development Charges found in Schedule “B.2”. Where a Development Charge becomes payable on or after January 1, 2021, it shall be calculated based on the Development Charges found in Schedule “B.3”.
 - 2.2. Notwithstanding rules 2 and 2.1, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B.2” or Schedule “B.3” 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.2” or Schedule “B.3” on the date of the later planning application.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections 4.3 or 4.4 of this By-law.
4. Subject to rule 3, the figures in Schedules “B.1”, “B.2” and “B.3” must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The figures to apply must reflect any such indexing.
5. The figures in Schedules “B.1”, “B.2” and “B.3” do not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the figures in Schedules “B.1”, “B.2” and “B.3”.
6. The Development must be classified as Residential, Non-Residential or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedules “B.1”, “B.2” and “B.3” must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.
8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedules “B.1”, “B.2” and “B.3” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit

an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.

12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
- 12.1 Notwithstanding rule 12, 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.
- 12.2 Notwithstanding rule 12, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham and by any Board of Education.
15. Where a complaint results in a refund 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.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2020 to the rate established by the Bank of Canada on that date, and shall be adjusted quarter-yearly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as set out in the City of Oshawa Interest Rate Policy, as amended from time to time.