

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 55-2020

Being a By-law to amend By-law 50-2018 to make revisions the calculation of the development charge and by-law policies.

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

AND WHEREAS the Council of the Corporation of the Town of Ajax (hereinafter called “the Council”) has determined that certain amendments should be made to the Development Charge By-law of the Corporation of the Town of Ajax, being By-law 50-2018;

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

AND WHEREAS the Council of the Corporation of the Town of Ajax has given notice and held a public meeting in accordance with the Act;

AND WHEREAS the Council, at its meeting of December 14, 2020, approved a report dated October 14, 2020 entitled “Town of Ajax Development Charge Background Study Update”.

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

1. By-law 50-2018 is hereby amended as follows:

1.1. The following definitions are added to Section 1

(hh) “institutional development” for the purposes of Section 9(6) 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;

(b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;

(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;

(ii) “Non-profit housing development” for the purposes of Section 9(7) 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 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 Corporation Act 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;

(jj) “Rental housing” for the purposes of Section 9(6) means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

1.2 Subsection 3(3)(e) is deleted.

1.3 Subsection 3(3)(f) is deleted.

1.4 Subsection 3(3)(g) is deleted.

1.5 Subsection 3(4) is deleted and replaced with the following:

3(4) Section 2 of this by-law shall not apply to that category of exempt development described in s.s.2(3) and 2(3.1) of the Act, namely:

(a) the enlargement of an existing dwelling unit or the creation of one or two additional dwelling units in an existing single detached dwelling unit or prescribed ancillary structure to the existing residential building;

(b) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

(c) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or

(d) 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, semi-detached dwelling or row 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 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.

1.6 Subsection 3(6) is deleted and replaced with the following:

3 (6) Notwithstanding subsection (4)(c), development charges shall be calculated and collected in accordance with Schedule B, where the additional dwelling has a residential gross floor area greater than,

(a) In the case of a semi-detached dwelling unit, the gross floor area of the existing smallest dwelling unit, and

(b) In the case of any other residential building not mentioned in subsection 3(4)(a) or 3(4)(b), the residential gross floor area of the smallest dwelling unit contained in the residential building.

1.7 The following subsections are added to Section 9:

9 (6) Notwithstanding subsection 9(1) to 9(5), 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.

(7) Notwithstanding subsections 9(1) to 9(5), 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.

(8) Notwithstanding subsections 9(1) to 9(7), 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" on the date of the planning application, including interest. Where both planning applications apply, Development Charges under Section 2 shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application.

(9) Interest for the purposes of subsections 9(6) to 9(8) shall be determined as set out in the Town of Ajax Policy # COR-148, as amended from time to time.

1.8 Section 15 is deleted and replaced with the following:

15 SCHEDULES TO THE BY-LAW

The following schedules to this by-law form an integral part of this by-law

Schedule A – Designated Municipal Services and Classes Under this By-law

Schedule B – Schedule of Development Charges

1.9 Schedule "A" is deleted and the attached Schedule "A" is substituted therefore.

1.10 Schedule "B" is deleted and the attached Schedule "B" is substituted therefore.

1.11 Schedule "C" is deleted.

1.12 Schedule "D" is deleted.

1.13 Schedule "E" is deleted.

1.14 Schedule "F" is deleted.

2. This by-law shall come into force on January 1, 2021.

3. Except as amended by this By-law, all provisions of By-law 50-2018 are and shall remain in full force and effect.

READ a first and second time this
Fourteenth day of December, 2020.

READ a third time and passed this
Fourteenth day of December, 2020.

Mayor

D - Clerk

SCHEDULE "A"

Designated Municipal Services and Classes Under this By-law (To Development Charges By-law 50-2018, as amended)

1. Growth Related Studies, including development-related growth studies;
2. Fire, including stations, vehicles, and equipment;
3. Transportation, including roads, structures, sidewalks, streetlights, traffic signals, multi-use trails, operations facilities, and vehicles and equipment providing services related to a Highway;
4. Parks and Recreation, including parkland, recreational trail development, recreation facilities, operations facilities, and vehicles and equipment items related thereto; and
5. Library, including furniture, shelving, equipment, and items related thereto and including materials acquired for circulation, reference or information purposes by a library board;

SCHEDULE "B"
SCHEDULE OF DEVELOPMENT CHARGES

(To Development Charges By-law 50-2018, as amended)

Class	Residential				Non-Residential
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per ft ² of Gross Floor Area)
Municipal Wide Services/Classes:					
Transportation Services	16,402	7,890	4,959	12,952	6.01
Fire Services	474	228	143	374	0.16
Parks and Recreation Services	7,275	3,500	2,199	5,745	0.13
Library Services	1,507	725	456	1,190	0.03
Growth Related Studies	466	224	141	368	0.11
Total Municipal Wide Services/Classes	26,124	12,567	7,898	20,629	6.44