

**THE CORPORATION OF THE TOWN OF AJAX**

**BY-LAW NUMBER 13 – 2025**

Being a By-law of the Town of Ajax with respect to Development Charges

WHEREAS the Town of Ajax will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Town of Ajax;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for, or burden upon, municipal services does not place an excessive financial burden on the Town of Ajax or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS Section 2(1) of the Development Charges Act, 1997, S.O. 1997, c. 27 (hereinafter called the Act) enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality where the development of the land would increase the need for municipal services as designated in the by-law and the development requires one or more of the actions set out in Subsection 2(2) of the Act;

AND WHEREAS a Development Charges Background Study for the Corporation of the Town of Ajax, dated December 17, 2024 (the "Study") as required by the Act was presented to Council and the Public along with a draft of this By-law as then proposed on February 18, 2025;

AND WHEREAS notice of a public meeting was given pursuant to subsection 12(1) of the Act, and in accordance with the regulations under the Act, on or before January 12, 2025, and copies of the Study and this proposed development charge by-law were made available to the public not later than December 17, 2024, in accordance with subsection 12(1) of the Act;

AND WHEREAS a public meeting was held on February 3, 2025, in accordance with the Act to hear comments and representations from all persons who applied to be heard (the "Public Meeting");

AND WHEREAS any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to this proposed By-law;

AND WHEREAS the Council, in adopting the Town of Ajax Development Charges Background Study on February 18, 2025, directed that development charges be imposed on land under development or redevelopment within the geographical limits of the municipality as hereinafter provided.

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

**1. DEFINITIONS**

- (a) "Act" means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended;
- (b) "accessory use" means a use, building or structure, that is naturally and normally incidental, subordinate in floor area, and exclusively devoted to a principal use, building or structure;

- (c) “affordable residential unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- (d) “ancillary residential use” means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse, and may include a garden suite or laneway suite;
- (e) “ancillary residential dwelling” has the same meaning as ancillary residential use;
- (f) "agricultural operations" means general farming and shall include such uses as breeding and rearing of livestock, including poultry, fowl and fur-bearing animals, the general cultivation of land and associated production, conditioning, processing and storing of field crops, fruits, vegetables and horticultural crops and the selling of such produce on the premises. For the purposes of this by-law, "agricultural operations shall exclude retail sales and commercial activities, including but not limited to restaurants, banquet facilities, hospitality and accommodation facilities, gift shops, services related to grooming, boarding, or breeding of household pets, and cannabis and alcohol processing or production facilities;
- (g) "apartment dwelling" means:
  - i. a dwelling unit in a residential building consisting of four or more dwelling units, which units have a common entrance from street level and common halls and /or stairs, elevators and yards, or;
  - ii. a dwelling unit in a stacked townhouse, or;
  - iii. a dwelling unit in a stacked back-to-back townhouse, or;
  - iv. a dwelling unit in a quadruplex where all four dwelling units are intended for use as rented residential premises, or;
  - v. ancillary residential dwellings;
- (h) "area 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;
- (i) “Assessment Act” means the Assessment Act, R.S.O. 1990, c. A.31, as amended or any successor thereto;
- (j) “attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- (k) “back-to-back townhouses” means the whole of a residential building configured as six (6) or more horizontally-aligned dwelling units divided by a series of shared side and rear walls. Each dwelling unit in a back-to-back townhouse has an independent exterior entrance and shares its rear wall and at least one side wall with adjacent dwellings and can be legally conveyed separately.
- (l) "bedroom" means A habitable room having gross floor area of at least seven square meters (7 m<sup>2</sup>) where a built-in closet is not provided, or at least six square meters (6 m<sup>2</sup>) where a built-in closet is provided, and where more than 75% of the perimeter of the room is enclosed by fixed walls or partitions, including, but not limited to, a den, study, loft, or other similar area, but does not include a bathroom or a kitchen;

- (m) “bona fide farm agricultural operation” means the proposed development that will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assess in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation, however, a “Bona Fide Farm Agricultural Operation” does not include Cannabis Production Facilities or On-Farm Diversified Uses;
- (n) “Building Code Act” means the Building Code Act, S.O. 1992, as amended, or any successor thereof;
- (o) "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
- (p) “cannabis plant” means a plant that belongs to the genus cannabis.
- (q) “cannabis production facilities” means a Building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, propagation, 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 but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.
- (r) "commercial" means any non-residential use not defined as "industrial" or “institutional” in this by- law;
- (s) “condominium” means a condominium corporation incorporated pursuant to the Condominium Act, 1998, S.O. 1998, c.19, as amended
- (t) "Council" means the council of the Town;
- (u) "detached dwelling" means a residential building on one parcel of land comprising at least 1 principal dwelling unit and not more than 3 additional dwelling units on that parcel of land, where no portion of the building is attached to any building on another parcel of land;
- (v) “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size of usability thereof, and includes redevelopment and changes of use;
- (w) "development charge" means a charge imposed pursuant to this by-law adjusted in accordance with Section 13;
- (x) “dwelling” means a unit consisting of a room or a group of rooms used or intended to be used as a single, independent and separate housekeeping unit in which a kitchen and sanitary facilities are provided. Notwithstanding the foregoing, a suite

with a bedroom and bathroom but not a kitchen within a Special care/special need dwelling shall be considered a dwelling unit for purposes of applying the development charges in Schedule "B";

- (y) "existing" means the quantity, use and size that existed as of the date this by-law was passed;
- (z) "farm building" means a building or structure used, or designed or intended for use in connection with a bona fide agricultural operation and includes barns, silos and similar structures but excludes a building or structure used or designed or intended for use for residential, institutional or commercial uses;
- (aa) "garden suite dwelling" means a detached residential structure, which may include more than one unit, each containing bathroom and kitchen facilities that is ancillary to an existing residential structure;
- (bb) "grade" means the average level of finished ground adjoining a building at all exterior walls;
- (cc) "group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located;
- (dd) "gross floor area" means, in the case of a non-residential development, or the non-residential portion of a mixed-use development, or the non-residential portion of a live-work unit, the aggregate of the areas of each floor of a building or structure, whether above or below-grade, measured between the outside surfaces of exterior walls of the building or structure or pliable membrane in the case of an air-supported structure, or between the outside surfaces of exterior walls and the centre line of common walls or from the centre line of a common wall separating a non-residential and a residential use, and, for the purposes of this definition, the non-residential portion of a mixed-use building or structure or live-work unit, is deemed to include a proportionate share of any area common to the residential and non-residential portions of such a mixed-use structure or live-work unit. Non-residential gross floor area also includes, but is not limited to, any outdoor area where the primary use of the building can occur, such as outdoor patios, outdoor-supplies and sales spaces, and the outdoor area beneath a canopy where vehicles undergo fueling or charging. This excludes those areas used exclusively for residential parking structures;
- (ee) "hospice" means a non-residential building or the non-residential space in a mixed-use building providing not for profit palliative care to the terminally ill;
- (ff) "hospital" means land, buildings or structures designed or intended for use as defined in the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended;
- (gg) "housing services use" | "housing services" means social housing which is rental housing provided by Durham Region Local Housing Corporation (DRLHC) or by a non-profit housing provider that receives ongoing subsidy from the Region of Durham

- (hh) "industrial" means any building used for or in connection with,
- i. manufacturing, producing, processing, storing or distributing of goods and includes a greenhouse;
  - ii. research or development in connection with manufacturing, producing or processing goods;
  - iii. retail sales by a manufacturer, producer or processor of goods manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place; and,
  - iv. office for administrative purposes, if carried out with respect to manufacturing, processing, producing, storage or distribution and in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (ii) "institutional development" for the purposes of Section 9(6) means development of a building or structure intended for use:
- i. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Act, 2021, S.O. 2021, c. 39, Sched.1;
  - ii. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
  - iii. by any institution of the following post-secondary institutions for the objects of the institution:
    - i. a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
    - ii. a college or university federated or affiliated with a university described in subclause (i); or
    - iii. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;
  - iv. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
  - v. as a hospice to provide end of life care;
- (jj) "laneway suite" means a detached residential structure, which may include more than one unit, each containing bathroom and kitchen facilities, that is ancillary to an existing residential structure with direct access to a public laneway.
- (kk) "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 which shares a common wall or floor with or without direct access between the residential and non-residential uses;
- (ll) "local board" means a local board as defined in the Municipal Affairs Act, other than a board defined in subsection 1(1) of the *Education Act*;
- (mm) "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 Homes Act, 2021*;

- (nn) “maximum interest rate” – means on a particular date, the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada, adjusted on the first business day of every January, April, July, and October, plus one percentage point.
- (oo) "minimum interest rate" – means the interest rate of the Bank of Canada on the day the by-law comes into force, updated on the first business day of every January, April, July, and October.
- (pp) "mixed-use development" means a building that is used, designed, and/or designated to be used for both residential and non-residential purposes, including, but not limited to a live-work unit;
- (qq) “multiplexes” means a residential building on a parcel of land with two (duplex), three (triplex), or four (quadruplex) units, that is not a condominium. To be considered a multiplex, all dwelling units shall be independent and not subordinate to any of the other units in the building, the dwelling units can be:
  - i. Separated vertically only, in which case the units will be treated the same as units in a row house dwelling, or;
  - ii. Separated horizontally only, in which case the building will be treated as a detached house, and the additional units will be treated as ancillary dwellings
  - iii. Separated both horizontally and vertically, in which case the building will be treated as a detached house, and the additional units will be treated as ancillary dwellings
  - iv. Notwithstanding i-iii, where a quadruplex is also a rental housing development under the Act, all of the dwelling units therein will be treated as apartment dwellings
- (rr) “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:
  - i. a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
  - ii. a corporation without share capital to which the *Canada Not-for-profit Corporation Act, 2010* 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, 2022*;
- (ss) "non-residential parking structure" means any part of a building or structure used exclusively for purposes of parking motor vehicles to users of non- residential buildings (including commercial, institutional and industrial), and for the non-

residential portion of parking structures ancillary to a mixed-use building. The use of such structure to store inventories shall be deemed to be commercial use and not included as part of this definition.

- (tt) "non-residential use" means a building or structure of any kind whatsoever used, designed, or intended to be used for a use other than a residential use and includes all commercial, industrial, and institutional uses and the non-residential portion of a mixed use development or live-work unit;
- (uu) "office" means a building or part thereof, intended or used for the practice of a profession, conduct of a business whether it be "for-profit" or "not-for-profit", or public administration;
- (vv) "on-farm diversified use" means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a dwelling, and may include, but are not limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business;
- (ww) "other multiple" means any residential dwelling which is not a detached dwelling, a semi-detached dwelling, an apartment dwelling, a multiplex or a special care/special need dwelling and includes, but is not limited to, back-to-back townhouse dwellings, rowhouse dwellings, and the residential component of mixed-use development or live-work units;
- (xx) "owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- (yy) "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;
- (zz) "residential care facility" means a publicly or privately funded residential facility having four (4) or more beds, in which unrelated persons with physical disabilities, unrelated persons who are developmentally delayed, unrelated persons with psychiatric disabilities, and/or pensioners are provided care and lodging;
- (aaa) "residential parking structure" means any part of a building or structure used exclusively for purposes of parking motor vehicles by residents of residential buildings and the residential portion of parking structures ancillary to a mixed-use building;
- (bbb) "residential use" means land or buildings or structures or part thereof of any kind whatsoever used, designed or intended to be used as a residence for one or more individuals and shall include any building or structure containing dwelling units, including but not limited to, a detached dwelling, a semi-detached dwelling, an other multiple, an apartment dwelling, a residential mixed-use dwelling accessory to a non-residential use, and units in a special care/special need dwelling, but does not include a hotel or motel;
- (ccc) "retail" means a building or part thereof, not otherwise defined in this by-law, in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail directly to the public;
- (ddd) "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;

- (eee) "retirement residence dwelling unit" or "retirement residence unit" means a unit within a retirement residence;
- (fff) "row dwelling" means a building containing three or more attached dwelling units in a single row or back-to-back, each dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- (ggg) "rowhouse" has the same meaning as a Row Dwelling;
- (hhh) "semi-detached dwelling" means the whole of a dwelling divided vertically both above grade and below grade into two separate dwelling units;
- (iii) "Special care/special need dwelling" means a building containing two or more dwelling units, which units have a common entrance from street level:
  - i. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
  - ii. Which may or may not have exclusive sanitary and/or culinary facilities;
  - iii. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
  - iv. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and/or attendant services are provided at various levels,
  - v. and includes, but is not limited to, a long-term care home, residential care facility, retirement residence, charitable dwellings, and group homes (including correctional group homes).
- (jjj) "stacked townhouses" means the units within a residential building configured as six (6) or more horizontally aligned and vertically-layered dwelling units divided by a series of shared side walls and ceiling/floor partitions. Each dwelling unit in a stacked townhouse has an independent exterior entrance and shares at least one side wall and one ceiling/floor partition with adjacent dwelling units
- (kkk) "stacked back-to-back townhouses" means the units within a residential building configured as eight (8) or more horizontally aligned and vertically-layered dwelling units divided by a series of shared side walls and ceiling/floor partitions. Each dwelling unit in a stacked back-to-back townhouse has an independent exterior entrance and shares at least one side wall and one ceiling/floor partition with adjacent dwelling units
- (lll) "Town" means The Corporation of the Town of Ajax

## **2. SCHEDULE OF DEVELOPMENT CHARGES**

- (1) Subject to the provisions of this by-law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedule B, which relate to the services set out in Schedule A.
- (2) The development charge with respect to the use of any land, buildings or

structures shall be calculated as follows:

- a. in the case of residential development, or the residential portion of a mixed-use development, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, or the residential portion of a mixed use development or live-work unit, according to the type of residential unit, and calculated with respect to each of the services and class of services according to the type of residential use, based upon the number and type of dwelling units, in accordance with Schedule B;
  - b. in the case of non-residential development, or the non-residential portion and proportional share of common areas of a mixed-use development, or the non-residential portion of a mixed use development or live-work unit, and calculated with respect to each of the services and class of services, based upon the gross floor area of such development, in accordance with Schedule B; and
  - c. in the case of the development of residential garden suite dwellings or a laneway suite, the development charge shall be based on the residential apartment charge, based on the number of bedrooms in the dwelling, in accordance with Schedule B.
- (3) Council hereby determines that the development of land, buildings or structures for residential and non-residential uses have required or will require the provision, enlargement, expansion, or improvement of the services referenced in Schedule A.
- (4) A complete building permit application means that the submission meets the requirements as set out in Division C, Sentence 1.3.1.3.(5) of the Ontario Building Code, and notwithstanding subsection 9.(1), includes the payment of the applicable Town of Ajax development charge

### **3. APPLICABLE LANDS**

- (1) Subject to subsections (2), (3), (4), (5), (6) and (7), this by-law applies to all lands in the Town, whether or not the land or use is exempt from taxation under Section 3 of the Assessment Act, 1990, c.A..31.
- (2) This by-law shall not apply to land, or any part thereof, that is:
- a. owned by and used for purposes of:
    - i. a board as defined in subsection 1(1) of the Education Act,
    - ii. the Town, or any local board thereof; or
    - iii. The Regional Municipality of Durham, or any local board thereof.
  - b. used for the purposes of the development of a farm building used for bona fide agricultural operations.
- (3) Development charges shall not be imposed in respect to:
- a. temporary erection of a building without foundation as defined in the *Building Code Act* for a period not exceeding eight (8) consecutive months and not more than eight (8) months in any one calendar year on a site;
  - b. development where, by comparison with the land at any time within five years

previous to the imposition of the charge no additional non-residential gross floor area is being added;

- c. 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;
  - d. Non-profit housing development;
  - e. Affordable inclusionary residential units;
  - f. Affordable residential units;
  - g. Attainable residential units;
  
  - h. Properties with Development Charge credit agreements entered into before March 1, 2025, within the Downtown Community Improvement Plan (CIP) & Pickering Village CIP.
- (4) Notwithstanding any other provision of this By-law, any portion of a non-residential parking structure which does not contain an office or kiosk, or hold inventory for a non-residential use, shall only be charged the Development Charges relating to Fire Protection Services and Services Related to a Highway
- (5) Section 2 of this by-law shall not apply to that category of exempt development described in s.s.2(3) 2(3.1), and 2(3.3) of the Act, namely:
- a. an enlargement to an existing dwelling unit;
  - b. A second residential unit in an existing detached house, semi-detached house, or rowhouse 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 house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - c. A third residential unit in an existing detached house, semi-detached house, or rowhouse 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 house, semi-detached house or rowhouse contains any residential units;
  - d. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
  - e. A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures
  - f. ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;

- g. A third residential unit in a new detached house, semi-detached house or rowhouse 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 house, semi-detached house or rowhouse contains any residential units;
- h. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units; or
- i. 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.

(6) Section 2 of this by-law shall not apply to that category of exempt development described in s.4 of the Act, and s.1 of O.Reg. 82/98, namely:

- a. the enlargement of the gross floor area of an existing industrial building, if the gross floor area is enlarged by 50 percent (50%) or less;
- b. for the purpose of (a), the term "gross floor area" shall have the same meaning as those terms have in O.Reg. 82/98 under the Act;
- c. notwithstanding subsection (a), if the gross floor area is enlarged by more than 50 percent (50%), development charges shall be payable and collected and the amount payable shall be calculated in accordance with s.4(3) of the Act.
- d. that for greater certainty in applying the exemption in this section, the gross floor area of an existing industrial building is enlarged where there is an increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged areas for persons, goods, and equipment, and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1(s) of this by-law. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor, or other passage-way, or through a shared below-grade connection such as a service tunnel, foundation, footing, or a parking facility;
- e. notwithstanding subsection (d), where, at the sole discretion of the Town, there is a physical or planning constraint preventing an enlargement of an existing industrial building from meeting the requirements described in subsection (d), the Town may provide for an exemption to be granted pursuant to this section of the By-law.
- f. in particular, for the purposes of applying this exemption, the industrial building is considered existing if it is built, occupied, and assessed for property taxation at the time of the application respecting the enlargement;
- g. the exemption of an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor

area that existing on the date of passage of this By-law.

- (7) That where a conflict exists between the provisions of this by-law and any other agreement between the Town and the Owner, with respect to land to be charged under this by-law, the provisions of such agreement prevail to the extent of the conflict.

#### **4. APPLICATION OF CHARGES**

- (1) Subject to subsection (2), development charges shall apply to, and shall be calculated, paid and collected in accordance with the provisions of this by-law in respect of land to be developed for residential and non-residential uses within the geographical limits of the Town,

a. where the development requires,

- i. the passing of a zoning by-law or an amendment thereto under Section 34 of the Planning Act, R.S.O. 1990, cP.13, as amended (the "Planning Act");
- ii. the approval of a minor variance under Section 45 of the Planning Act,
- iii. a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- iv. the approval of a plan of subdivision under Section 51 of the Planning Act,
- v. a consent under Section 53 of the Planning Act,
- vi. the approval of a description under Section 9 of the Condominium Act, 1998 S.O. c. 19, as amended; or
- vii. the issuing of a permit under the Building Code Act, 1992 S.O. c. 23, as amended, in relation to a building or structure.

- (2) Subsection (1) shall not apply in respect of local services as described in s.s.59(2) (a) and (b) of the Act;

#### **5. LOCAL SERVICE INSTALLATION**

Nothing in this by-law prevents Council from requiring, as a condition of any approval under s. 41, 51 or 53 of the Planning Act., that the Owner, at his or her own expense, shall install or pay for such local services, as Council may require, or that the Owner pay for the local connection to a water, sanitary sewer or storm drainage facility related to the approval or within the area to which the approval relates.

#### **6. MULTIPLE CHARGES**

- (1) Where two or more of the actions described in Section 4(1) of this by-law are required before land to which a development charge applies can be developed, only one development charge shall be calculated, paid and collected in accordance with the provisions of this by-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in Section 4(1) of this by-law occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule A, an additional development charge shall be calculated and collected in accordance with the

provisions of this by-law.

- (3) If a development does not require a building permit but does require one or more of the actions described in Subsection 4(1) of this by-law, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such action.

## **7. SERVICES IN LIEU AND DEVELOPMENT CHARGE CREDITS**

- (1) Council may authorize an Owner, through an agreement under s.38 of the Act, to substitute such part of the development charge applicable to the Owner's development as may be specified in the agreement, by the provision at the sole expense of the Owner, of services in lieu. Such agreement shall further specify that where the Owner provides services in lieu in accordance with the agreement, Council shall give to the Owner a credit, without interest, against the development charge in accordance with the agreement provisions and the provisions of s.39 of the Act, equal to the reasonable cost to the Owner of providing the services in lieu, as determined by the Town. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an Owner to the Town in respect of the development to which the agreement relates.

## **8. REDEVELOPMENT AND DEVELOPMENT CHARGE CREDITS**

- (1) Subject to the development not having received any other development charge exemptions or discounts, an owner who has obtained a demolition permit and demolished existing dwelling units or a non-residential building or structure in accordance with the provisions of the *Building Code Act* shall not be subject to the development charge with respect to the development being replaced, provided that the building permit for the replacement residential units or non-residential building or structure is issued not more than 5 years after the date of issuance of the demolition permit and provided that any dwelling units or non-residential floor area created in excess of what was demolished shall be subject to the development charge imposed under section 2.
- (2) Where residential space is being converted to non-residential space or being demolished and replaced by non-residential space, a credit shall be allowed equivalent to the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, less any exemptions that were provided at the time of payment of the previous development charge, and unless other exemptions and/or discounts greater than or equal to the development charge value of the redevelopment credit have already been provided;
- (3) Where non-residential space is being converted to residential space or demolished and replaced by residential space, a credit shall be allowed equivalent to the gross floor area of the non-residential portion of the building multiplied by the applicable non-residential development charge in place at the time the development charge is payable unless other exemptions and/or discounts greater than or equal to the development charge value of the redevelopment credit have already been provided;
- (4) Notwithstanding subsections (1), (2), and (3) above, no credit shall be allowed if the development being replaced or converted would be exempt from development charges pursuant to this by-law.
- (5) Notwithstanding subsections (1), (2), and (3) above, no redevelopment credit shall be made in excess of the development charge payable for a redevelopment;

and

- (6) Notwithstanding subsections (1), (2), (3) and (4) above, no redevelopment credit shall be allowed in addition to other exemptions and discounts if the redevelopment credit is of lesser value than the amount that is already exempt or discounted from development charges pursuant to this by-law.

## **9. TIMING OF CALCULATION AND PAYMENT**

- (1) Development charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit permitted by the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full to the Town.
- (3) Notwithstanding subsections (1) and (2), an Owner and the Town of Ajax may enter into an agreement to provide for the payment in full of a development charge before building permit issuance or later than the issuing of a building permit.
- (4) If a development does not require a building permit, the development charge shall be calculated and paid in full at the rate in effect at the time the approval is granted as a condition of the earliest of any of the approvals required for the development and enumerated in Section 4 of this by-law.
- (5) Notwithstanding subsection 9(1) to 9(4), 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 based on the maximum interest rate, payable on the anniversary date each year thereafter.
- (6) Notwithstanding subsections 9(1) to 9(5), where the development of land results from the approval of a Site Plan or Zoning By-Law Amendment application received and approved between January 1, 2020, and June 5, 2024, and the approval of the application occurred not more than 2 years prior to building permit issuance, the Development Charges shall be calculated based upon the development charges that were in effect on the date of the planning application, including interest based on the maximum interest rate. Where both planning applications apply, Development Charges under Subsections 9(1) to 9(5) shall be calculated on the development charges in effect on the date of the latter planning application, including interest based on the maximum interest rate.
- (7) Notwithstanding subsections 9(1) to 9(5), where the development of land results from the approval of a Site Plan or Zoning By-Law Amendment application 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 not more than 18 months prior to building permit issuance, the development charge shall be calculated based on the development charge that were in effect on the date of the planning application, including interest based on the maximum interest rate. Where both planning applications apply, development charges under subsections 9(1) to 9(5) shall be calculated on the development charge in effect on the date of the latter planning application, including interest based on the maximum interest rate.
- (8) Interest for the purposes of subsections 9(5) through 9(7) shall be determined as set out in the Town of Ajax Policy # COR-148, as amended from time to time.

(9) The development charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit, as per section 26.2 (1.1) of the *Development Charges Act, 1997*, as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

#### **10. BY-LAW REGISTRATION**

(1) This By-law or a certified copy of this by-law may be registered against the title to any land to which this by-law applies.

#### **11. RESERVE FUNDS**

- (1) Monies received from payment of development charges shall be maintained in a separate reserve fund for each service designated in Schedule "A," plus interest earned thereon.
- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of s.35 of the Act.
- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid, including any interest owing, shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges and associated interest are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve fund or funds referred to in subsection (1).
- (5) The Treasurer of the Town shall, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Sections 12 and 13 of O.Reg. 82/98, or any amending regulation.

#### **12. BY-LAW AMENDMENT OR REPEAL**

- (1) Where this by-law or any development charge prescribed thereunder is amended or repealed by order of the Ontario Land Tribunal or by resolution of the Council, the Town Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection (1) shall be paid to the registered Owner of the land with interest calculated from the date on which the overpayment was collected to the day on which the refund is paid based on the minimum interest rate.

#### **13. DEVELOPMENT CHARGE SCHEDULE INDEXING**

- (1) The development charges referred to in Schedule "B" shall be adjusted annually, without amendment to this by-law, commencing on July 1, 2025, and thereafter annually on April 1 of each year, while this by-law is in force, in accordance with the most recent change in the Statistics Canada Quarterly, "Non-Residential Building Construction Price Index".

#### **14. BY-LAW ADMINISTRATION**

- (1) This by-law shall be administered by the Finance Department and the Planning and Development Services Department.

**15. SCHEDULES TO THE BY-LAW**

- (1) The following schedules to this by-law form an integral part of this by-law:
  - a. **Schedule A** - Designated Municipal Services Under this By-law
  - b. **Schedule B** - Schedule of Development Charges

**16. DATE BY-LAW EFFECTIVE**

- (1) This by-law shall come into force and effect on March 1, 2025

**17. EXISTING DEVELOPMENT CHARGE BY-LAW REPEAL**

- (1) By-law 50-2018 as amended, is repealed, effective the date that this by-law comes into force and effect.

**18. SEVERABILITY**

- (1) If, for any reason, any provision, section, subsection or paragraph of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all of the remainder of this by-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

**19. SHORT TITLE**

- (1) This by-law may be cited as the "Ajax Development Charge By-law 13-2025."

**20. NON-BINDING NATURE**

- (1) Nothing in this by-law or Council's approval of a capital forecast shall be construed so as to commit or require the Town or its Council to authorize or proceed with any specific capital project at any specific time.

READ a first and second time this  
18th day of February, 2025.

READ a third time and passed this  
18th day of February, 2025.

  
\_\_\_\_\_  
Shaun Collier (Feb 19, 2025 15:50 EST)

Mayor and CEO

  
\_\_\_\_\_  
Clerk



## **SCHEDULE "A"**

### **(To Development Charges By-law 13-2025)**

#### **DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

- (1) Growth Related Studies, including development-related growth studies;
- (2) Fire Protection Services, including stations, vehicles, and equipment;
- (3) Services Related to a Highway, 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 Services, including parkland, recreational trail development, recreation facilities, operations facilities, and vehicles and equipment items related thereto;
- (5) Library Services, including furniture, shelving, equipment, and items related thereto and including materials acquired for circulation, reference or information purposes by a library board; and
- (6) Provincial Offences Act, including By-Law enforcement, including vehicles, equipment and facility upgrades.



**SCHEDULE "B"**  
**SCHEDULE OF DEVELOPMENT CHARGES**  
**(To Development Charges By-law 13-2025)**

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	(per sq.ft. of Gross Floor Area)
<b>Municipal Wide Services/Class of Service:</b>						
Services Related to a Highway	19,473	15,883	10,594	6,650	5,649	8.71
Fire Protection Services	742	605	404	253	215	0.33
Parks and Recreation Services	20,768	16,940	11,299	7,092	6,024	1.96
Library Services	2,461	2,007	1,339	840	714	0.23
Provincial Offences Act including By-Law Enforcement	13	11	7	4	4	0.01
Growth-Related Studies	240	196	131	82	70	0.11
<b>Total Municipal Wide Services/Class of Services</b>	<b>\$43,697</b>	<b>\$35,642</b>	<b>\$23,774</b>	<b>\$14,921</b>	<b>\$12,676</b>	<b>\$11.35</b>