THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 115 - 2024

Development Charges

To establish development charges for the
City of Brampton pertaining to RECREATION SERVICES
and to repeal By-law 131-2019

WHEREAS subsection 2(1) of the *Development Charges Act, 1997 (the "Act")* provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

AND WHEREAS the City has completed and has considered a development charges background study entitled, "City of Brampton, 2024 Development Charge Background Study", dated April 19, 2024 (the "Study"), in accordance with section 10 of the *Act*;

AND WHEREAS the Study was made available to the public, and Council gave notice to the public of a public meeting, pursuant to sections 10 and 12 of the *Act*, which was held on May 29, 2024, and at which the Study was again provided to the public, along with the proposed development charge by-laws, and Council heard representations from all persons who applied to be heard (the "Public Meeting");

AND WHEREAS by Resolution adopted by Council on July 10, 2024, Council approved the Study, by the matters identified in the staff report dated July 10, 2024;

AND WHEREAS by Resolution adopted by Council on July 10, 2024, Council indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development identified in the Study will be met;

AND WHEREAS by Resolution adopted by Council on July 10, 2024, Council indicated its intent that excess capacity identified in the Study shall be paid for by development charges or other similar charges;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRAMPTON ENACTS AS FOLLOWS:

Definitions

1. In this by-law,

"accessory" means, where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental to and exclusively devoted to a principal use, building or structure;

"Act" means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended, or any successor thereto;

"agricultural use" means a bona fide farming operation, including sod farms, the breeding and boarding of horses, and greenhouses, but shall not include building or structures for use in the growing, processing, production and sale of Cannabis or a controlled substance under the Controlled Substances Act;

"air-supported structure" means an air-supported structure as defined in the Building Code Act;

"Assessment Act" means the Assessment Act, R.S.O. 1990, c. A.31, as amended, or any successor thereto;

"back-to-back townhouse dwelling" means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall each with an independent entrance, that does not have a rear yard;

"board of education" has the same meaning as "board" under the Education Act, R.S.O. 1990, c. E.2, as amended, or any successor thereto;

"building or structure" means a building or structure occupying an area greater than 10 square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, and includes an air-supported structure, mezzanine, and an exterior storage tank, but does not include: a farm building, or a canopy, or an exterior storage tank where such exterior storage tank constitutes an accessory use;

"Building Code Act" means the Building Code Act, S.O. 1992, c.23, as amended, or any successor thereto, and all Regulations thereto including the Ontario Building Code, 2006, as amended;

"canopy" means roof-like structures, shade structures and gazebos provided they are freestanding and do not include any indoor space, as well as a canopy as defined in the Building Code Act;

"Cannabis" means cannabis as defined in the Cannabis Act, SC 2018 c.16, as amended, or any successor thereto;

"capital cost" means a capital cost as defined in the Act; "City" means The Corporation of the City of Brampton;

"college" has the same meaning as college as defined in the Education Act, R.S.O. 1990, ch. E.2, as amended, or any successor thereto;

"Controlled Substances Act" means the Controlled Substances Act, S.C. 1996 c.19, as amended, or any successor thereto;

"Council" means the Council of the Corporation of the City of Brampton;

"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 total floor area, and includes redevelopment;

"development charge" means a charge imposed pursuant to this bylaw;

"distribution centre" means a building or structure primarily used for the storage and distribution of goods, wares, merchandise, substances, articles or things;

"double duplex" means a separate building that consists of two duplexes attached to each other;

"duplex" means a separate building that is divided horizontally into two separate dwelling units, each of which has a separate entrance either directly or through a common vestibule;

"dwelling unit" means one or more habitable rooms designed or intended to be occupied as living quarters as a self-contained unit and shall contain sanitary facilities, accommodation for sleeping and one kitchen;

"farm building" means a farm building as defined in the Building Code Act;

"floor" means the lower surface or an area in a building or structure regardless of its composition;

"grade" means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;

"gross floor area" means gross floor area as defined in O. Reg. 82/98;

"industrial use" means land, buildings or structures used or designed or intended for use for or in connection with: manufacturing, producing, processing, warehousing or bulk storage of goods; a distribution centre or truck terminal; research or development in connection with manufacturing, producing, processing or storage of goods; office uses and the sale of commodities to the general public where such uses are accessory to an industrial use; and the growing, processing and production of Cannabis or a controlled substance under the Controlled Substance Act, but does not include: a building used exclusively foroffice or administrative purposes unless it is attached to an industrial building or structure as defined above; and a retail warehouse.;

"land" includes buildings or structures;

"large apartment dwelling unit" means, for the purposes of the Schedules attached:

i. a dwelling unit in a building containing six or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements;

ii. a dwelling unit in a duplex, triplex, or double duplex;

iii. a dwelling unit in a mixed used building;

iv. a dwelling unit having a floor area of more than 750 square feet; and;

v. a unit in a stacked townhouse dwelling having a floor area of more than 750 square feet.

"live-work" means a unit defined as a single unit consisting of both a residential dwelling unit and a non-residential use component, sharing a common wall with direct access between the residential and non-residential areas;

"local board" means a local board as defined in the Municipal Act, 2001, S.O. 2001, c. 25, as amended, or any successor thereto;

"mezzanine" means a mezzanine as defined the Building Code Act;

"mixed use" means a use or intended use of the same land, building or structure for any two or more uses defined in this by-law;

"multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, large apartment dwellings and small apartment dwellings;

"non-industrial/non-office use" means the use of land, buildings or structures or parts thereof, used, designed or intended to be used for any use other than for residential use, industrial use, or office use, and a non-industrial/non-office use includes retail, service, hospitality, motor vehicle service, entertainment and recreational uses and commercial parking lot uses;

"non-residential use" means the use of land, buildings or structures or portions thereof used, designed or intended to be used for any use other than for residential use;

"office use" means the use of land, buildings or structures used primarily for, or designed or intended for use primarily for or in connection with conducting the affairs of businesses, professions, services, industries, governments, or like activities, and where the chief product of labour within that use is the processing and/or storage of information rather than the production and distribution of a good or service;

"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;

"Place of Worship" means a place or building or part thereof including accessory buildings or structures that are used for the regular assembly of persons for the practice of religious worship, services or rites. It may include accessory uses such as classrooms for religious instruction, including programs of community social benefit, assembly areas, kitchens, offices of the administration of the place of worship, and a small scale day nursery, but shall not include a cemetery;

"planned seniors retirement community" means a housing project consisting of ground-related dwelling units in single detached dwellings, semi-detached dwellings, or multiple dwellings and other amenities, all of which are designed, marketed, developed, and constructed to provide living accommodation for and to meet the needs of senior citizens or older or retired persons on land designated by a resolution of the City Council as a planned seniors retirement community;

"Planning Act" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, or any successor thereto;

"protracted" means in relation to a temporary building or structure, the continuation of its construction, erection, placement on land, alteration or of an addition to it for a continuous period exceeding eight months;

"public hospital" means a hospital as defined in the *Public Hospitals Act*, R.S.O. 1990, ch. P.40;

"redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure for any of the following:

from residential to non-residential,

from non-residential to residential,

from industrial to non-industrial/non-office and,

from office to non-industrial/non-office;

"Region" means The Regional Municipality of Peel; "Regulation" means Ontario Reg.82/98, under the Act;

"rental housing development" means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

"residential use" means land, buildings or structures or portions thereof used, designed, or intended to be used as living accommodation within a dwelling unit, for one or more individuals;

"row house" means a building that is vertically divided into a minimum of three dwelling units, each of which has independent entrances at grade to the front and the rear of the building, and each of which shares a common wall adjoining dwelling units above grade;

"second unit" means an accessory dwelling unit located within a detached dwelling, semi-detached dwelling, street townhouse or back-to-back townhouse;

"semi-detached dwelling" means a building divided vertically, into two separate dwelling units, with at least 50 per cent of the above-grade area of a main wall on one side of each dwelling unit attached to or the same as a main wall on one side of the other dwelling unit;

"services" means services designated in this by-law or in an agreement under section 44 of the *Act*, or both;

"shelf and rack storage system" means a shelf and rack storage system as defined in the *Building Code Act*;

"single detached dwelling" means a completely detached residential building containing only one dwelling unit;

"small apartment dwelling unit", notwithstanding the definition of a "large apartment", means any residential unit having a floor area equal to or less than 750 square feet;

"speculative building" means any building or structure where the ultimate use or occupancy could not be determined to the satisfaction of the City at the time that a development charge became due and payable;

"stacked townhouse dwelling" means a building that contains four or more dwelling units where each dwelling unit is separated horizontally or vertically from another dwelling unit by a common wall, each with an entrance that is independent or through a shared landing and/or external stairwell, and that has been developed on a block approved for development at a minimum density of sixty (60) units per hectare pursuant to plans and drawings approved under section 41 of the Planning Act;

"street townhouse dwelling" means one of more than two attached dwellings units, not exceeding three storeys in height that are divided vertically above grade by a party wall;

"temporary building or structure" means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight months;

"total floor area" means the sum total of the total areas of the floors in a building or structure, whether at, above, or below-grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

(a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls and partitions; and

(b) excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators and washrooms; and

(c) excludes any part of a building or structure above or below grade, used exclusively for the temporary parking of a motor vehicle or used for the provision of loading spaces; and

(d) includes any part of a building or structure above or below grade used as a commercial parking garage; and

(e) where a building or structure does not have any walls, the total floor area shall be the sum total of the area of land directly beneath the roof of the building and the total areas of the floors in the building or structure; and

(f) excludes the area of any self-contained structural shelf and rack storage system as defined in the *Building Code Act*;

"triplex" means a building or structure that is divided horizontally into three separate dwelling units, each of which has a separate entrance through a common vestibule;

"truck terminal" means a building, structure or place where, for the purpose of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched.

"university" has the same meaning as university under the *Education Act*;

"use" means the use of land, a building or a structure.

Rules

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

(a) the area to which this by-law applies shall be the area described in section 3 of this by-law;

(b) the rules developed under paragraph 9 of subsection 5(1) of the *Act* for determining if a development charge is payable in any particular case and for determining the amount of the charge are set forth in sections 4 through 16 inclusive;

(c) the exemptions provided for by such rules shall be the exemptions set forth in sections 17 through 21 inclusive, of this by-law, the indexing of charges shall be in accordance with section 14 of this by-law, and there shall be no phasing in as provided in subsection 15(1) of this by-law; and

(d) the calculation of development charges payable with respect to redevelopment of land shall be in accordance with the rules set forth in section 22 of this by-law.

Lands Affected

3. This by-law applies to all lands in the geographic area of the City, however used, whether or not the land or use is exempt from taxation under section 3 of the Assessment Act.

Designation of Services

4. It is hereby declared by Council that all development of land within the area to which this by-law applies will increase the need for services.

5. The development charge applicable to a development as determined under this by-law shall apply without regard to the services required or used by an individual development.

6. Development charges shall be imposed under this by-law, for the following categories of services to pay for the increased capital costs required because of increased needs for services arising from development: RECREATION SERVICES.

Approvals for Development

7. Except as otherwise provided in this by-law, development charges shall be imposed against all lands, buildings or structures within the area to which this by-law applies, if the development of such lands, buildings or structures requires any of the following approvals:

   (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;

   (b) the approval of a minor variance under section 45 of the Planning Act;

   (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;

   (d) the approval of a plan of subdivision under section 51 of the Planning Act;

   (e) a consent under section 53 of the Planning Act;

   (f) the approval of a description under section 9 of the Condominium Act; or

   (g) the issuing of a permit under the Building Code Act in relation to a building or structure.

8. No more than one development charge for each service designated in section 6 of 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 7 are required before the lands, buildings or structures can be developed.

9. Notwithstanding section 8, if two or more of the actions described in section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.

10. Where a development requires an approval described in section 7 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under section 7.

11. If a development does not require a building permit but does require one or more of the approvals described in section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted, and such development charge shall be paid prior to the granting of the approval required.

Calculation of Development Charges

12. 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, based upon the number and type of dwelling units;

   (b) in the case of a live-work development, based upon the number and type of dwelling units, only; and

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

Amount of Charge – Residential

13. (1) The development charges described in Schedule A and A1 to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential component of the mixed use building or structure, according to the type of residential use.

(2) Despite subsection 13(1), the development charges described in Schedule A and A1 to this by-law for large apartments shall be imposed on all dwelling units in single detached dwellings, semi-detached dwellings and multiple-dwellings constructed in a planned seniors retirement community, provided that the zoning by-law in force for the planned seniors retirement community limits the number of bedrooms in any dwelling unit to 2 bedrooms, and the number of dwelling units in the community and the maximum floor area of the dwelling units to amounts determined by Council in the zoning bylaw.

(3) Where the application for a site plan application, if applicable, or for a building permit application, is for the development of row houses as defined in this bylaw, the development charge payable shall be the amounts set out in Schedule A and A1 for row houses and shall be effective as of the date of this bylaw.

(4) If the development charges required to be paid by subsections 13(1), 13(2) or 13(3) or any part of them remains unpaid after they are payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes in accordance with subsection 32(1) of the Act.

Indexing of Development Charges

14. The development charges set out in Schedule A1 hereto shall be adjusted, without amendment to this by-law, semi-annually on February 1st and August 1st in each year, commencing February 1st, 2025 in accordance with the latest available issue of the index prescribed in the regulations, with the base index value being that in effect on February 1st, 2024.

Phasing, Timing of Calculation and Payment

15. (1) The development charges set out in this by-law are not subject to phasing in and are payable in full, from the effective date of this bylaw, and subject to any applicable exemptions, credits, and discounts.

(2) Subject to sections 22 and 23 of this by-law (with respect to redevelopment), subsection 15(3) below, and sections 26.1 and 26.2 of the *Act*, the development charge shall be calculated as of, and shall be payable, on the date the first building permit is issued in relation to a building or structure on the land to which the development charge applies.

(3) Where a development charge applies to land in relation to which a building permit is required, no building permit shall be issued until the development charge has been paid in full.

(4) Notwithstanding subsections 15(2) and 15(3), the City may, in its sole discretion, require an owner to enter into an agreement, including the provision of security for the owner's obligations under agreement, pursuant to section 27 of the *Act*, providing for all or part of a development charge to be paid before or after it otherwise would be payable. In that event, the terms of such agreement shall then prevail over the provision of this by-law.

Payment By Money or the Provision of Services

16. (1) Payment of development charges shall be by cash, by certified cheque, or by bank draft.

(2) In the alternative to payment by the means provided in subsection (1), the City may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charge otherwise payable, provided that:

(a) if the City and the owner cannot agree as to the reasonable cost of doing the work under subsection (2), the dispute shall be referred to Council, whose decision shall be final and binding;

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

(i) the excess amount shall not be credited against the charge for any other service, unless the City has so agreed in an agreement entered into under section 38 of the *Act*; and

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

(c) any credits owing to a landowner, or previous landowner, pursuant to an agreement entered into under section 38 of the *Act*, prior to the enactment of this by-law, may, at the City's sole discretion, be recognized and used as a credit under this by-law, pursuant to section 41 of the *Act*; or

(d) any credits owing to a landowner, or previous landowner, pursuant to an agreement entered into under section 38 of the *Act*, either prior to, or after, the enactment of this by-law, which credits do not relate to the category of services covered by this by-law, may, at the City's sole discretion, be recognized and used as a credit under this by-law, pursuant to section 41 of the *Act*.

(3) Nothing in this by-law prevents Council from requiring, as a condition of an agreement under sections 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require, and/or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, and/or administrative, processing, or inspection fees.

Rules with Respect to Exemptions for Intensification of Existing Housing and Discounts for Rental Housing Development

17. (1) This by-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the effect only,

(a) of permitting the enlargement of an existing dwelling unit; or

(b) of creating additional dwelling units in existing rental residential buildings, existing houses, or new residential buildings pursuant to subsections 2 (3.1), 2 (3.2) and 2 (3.2) of the *Act*.

(2) Development charges payable for rental housing developments, where all of the dwelling units are intended to be used as rented residential premises, shall be reduced, in accordance with s.26.2(1.1) of the Act, based on the number of bedrooms in each dwelling unit as follows:

(a) 3 or more bedrooms – 25% reduction;

(b) 2 bedrooms – 20% reduction; and

(c) all other quantities of bedrooms – 15% reduction.

Rules with Respect to Industrial Expansion Exemption

18. (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable under this by-law, is the following:

(a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and

(b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.

(2) For the purpose of this section, the terms “gross floor area” and "existing industrial building” shall have the same meaning as those terms have in the Regulation

(3) For the purpose of interpreting the definition of “existing industrial building” contained in the Regulation, regard shall be had for the classification of the lands in question pursuant to the Assessment Act, and in particular:

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

(b) whether more than fifty per cent (50%) of the gross floor area of the building or structure has an industrial property code for assessment purposes;

(4) Despite subsection (3), distribution centres, warehousing, the bulk storage of goods and truck terminals shall be considered industrial uses.

(5) For the purpose of the application of section 4 of the *Act* to the operation of this by-law:

(a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the *Act* is sought; and

(b) the enlargement of the gross floor area of the existing building must:

(i) be attached to the existing industrial building;

(ii) not be attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, shared below-grade connection, foundation, footing, parking facility, service tunnel or service pipe;

(iii) be for use or in connection with an industrial purpose as set out in this by-law; and

(iv) constitute a bona fide increase in the size of the existing building.

Categories of Exempt Institutions

19. (1) The following categories of institutions are hereby designated as being exempt from the payment of development charges:

(a) land, buildings or structures used as hospitals governed by the *Public Hospitals Act*;

(b) land, buildings or structures owned by and used for the purposes of the City, the Region, or their local boards, as required by the *Act*;

(c) land, buildings or structures owned by and used for the purposes of a municipality or a board as defined in the *Education Act*;

(d) land, buildings or structures owned by and used for the purposes of a college or university;

(e) land, buildings or structures used for the purposes of a Place of Worship, excluding that portion of the land, building or structure used for the purposes of:

i) private schools

ii) banquet halls

iii) supportive housing

iv) daycare facilities

v) retail or commercial;

(f) land, buildings or structures used only for the purpose of a temporary office for new residential sales;

(g) Affordable housing as defined by subsection 4.1 (1) of the *Act*;

(h) Attainable housing as defined by subsection 4.1 (1) of the *Act*;

(i) non-profit housing as defined by subsection 4.2 (1) of the *Act*.

(2) The exemption referred to in this paragraph 19(1) (b) does not apply to the development for residential uses of lands owned by:

(a) the Region or any local board thereof, including the Peel Children's Aid Society; or

(b) any corporation owned, controlled, or operated by the Region, including Peel Non-Profit Housing Corporation.

Agricultural Uses

20. Agricultural uses, as well as farm buildings and other ancillary development to an agricultural use, excluding any residential or commercial uses, shall be exempt from the provisions of this by-law.

Temporary Buildings or Structures

21. (1) Temporary buildings or structures shall be exempt from the provisions of this by-law, so long as the status as a temporary building or structure is maintained in accordance with the provisions of this by-law;

(2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, or ever to have been a temporary building or structure, and the development charges required to be paid under this by-law shall become payable on the date the temporary building or structure becomes protracted; and

(3) Prior to the City issuing a building permit for a temporary building or structure, the City may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to section 27 of the *Act*, providing for all or part of the development charge required by subsection 21(2) to be paid after it would other-wise be payable. The terms of such agreement shall then prevail over the provisions of this by-law.

Rules with Respect to Demolitions

22. (1) (i) Demolishing dwelling units in whole will reduce the development charges otherwise payable for the redevelopment where the owner has provided a copy of the original demolition permit for the number of types of units that have been demolished to the Treasurer, and when redevelopment occurs:

(a) within 5 years from the date the demolition permit was issued; and

(b) on the same lot or block on which the demolished dwelling unit(s) were originally located.

(ii) In cases where a demolition credit crosses over a lot that was subject to land division, the owner directs to which lot the credit applies.

(2) (i) Demolishing the total floor area of all or part of a non-residential building or structure will reduce the development charges otherwise payable for the redevelopment, where the owner has provided a copy of the original demolition permit for the total floor area that was demolished to the Treasurer, and when redevelopment occurs:

(a) within 10 years from the date the demolition permit was issued; and

(b) on the same lot or block on which the demolished building or structure, or part thereof, was originally located; and

(ii) In cases where a demolition credit crosses over a lot that was subject to a land division, the owner directs to which lot the credit applies.

(3) If a credit has been allowed against the development charge otherwise payable and a building permit for the redevelopment has been issued, in advance of the occurrence of the demolition, the owner must complete and provide proof of the demolition no later than 4 months after the issuance of the building permit or the amount for which the development charge credit was provided shall become fully payable.

(4) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable under this by-law with respect to the redevelopment.

(5) For the purposes of this section, dwelling units or total floor area accidentally destroyed by fire shall be deemed to have been demolished under a demolition permit issued on the date of the fire.

Rules with Respect to Change of Use

23. (1) Changing all or part of a residential building to a non-residential use will reduce development charges otherwise payable for by an amount that is equal to the applicable residential development charge multiplied by the number of residential units being converted.

(2) Changing all or part of a building used for industrial uses to non-industrial/non-office use will reduce development charges otherwise payable by an amount that is equal to the applicable non-residential development charge multiplied by the total floor area that has been converted.

(3) Notwithstanding subsection 23 (2), development charges will not apply to a change of use from industrial to non-industrial/non-office uses provided that the original building was constructed prior to 2004.

(4) The exemption in subsection 23 (3) does not apply to conversions to motor vehicle repair shops or motor vehicle body shops.

Speculative Buildings

24. (1) Where an owner has applied for a building permit for a speculative non-residential building or structure, the City may permit the owner to pay the industrial development charge and may require the owner to enter into an agreement with the City, subject to the discretion of the Treasurer, including a requirement to post satisfactory security, to be realized upon by the City in the event that the building or structure is ultimately deemed by the City to be a non-industrial building or structure in accordance with the provisions of this By-law and where development charges at the non-industrial/non-office rate as set out in Schedule "B" and 'B1" hereto are deemed to be payable.

(2) Where the owner has failed to submit evidence satisfactory to the Treasurer to establish that a speculative building is an industrial building in accordance with the terms of any agreement as provided for in subsection 24(1), the City shall apply the security posted to the payment of development charges calculated as if the building were deemed to be a non-industrial building or structure, as of final occupancy, in accordance with the provisions of this Bylaw.

(3) In order for a building or structure deemed to be an industrial use for the purpose of this By-law, at least 51 per cent of the total floor area of the building or structure must be used for industrial purposes, as determined by the City.

(4) Where the City requires payment of development charges at the non-industrial/non-office rate in accordance with the provisions set out above, the amount payable shall be the amount calculated at the rate in effect at the later of the date of issuance of the building permit or the date that the payment of the development charges at the non-industrial rate is received by the City.

(5) Where the City determines that the building or structure is an industrial building, the security provided to the City pursuant to subsection 24(1) of this section shall be released to the owner, without interest.

Major Office Exemption

25. (1) The portion of buildings containing office uses are exempt from the payment of development charges if they are constructed as free-standing or as part of mixed-use building, provided there is a minimum total floor area of 20,000 square feet of office space and provided the office space supports research and lab space, advanced manufacturing, food and beverage processing, health and life sciences, innovation and technology, or professional services..

(2) Accessory uses that are part of or attached to the primary office use referred to in subsection 25(1) that cater to research and lab space, advanced manufacturing, food and beverage processing, health and life sciences, innovation and technology are also exempt from the payment of development charges, provided the area of such uses is less than the area of the primary office use.

Front Ending Agreements

26. The City may enter into agreements under section 44 of the *Act*.

Schedules

27. The following Schedules to this by-law form an integral part of this bylaw:

Schedule 'A' and 'A1'	Residential Development Charges

By-law Registration

28. A certified copy of this by-law may be registered in the by-law register in the Land Registry Office against all lands in the City and may be registered against title to any land to which this by-law applies.

Date By-law Effective

29. This by-law comes into force and effect on August 2, 2024.

Date By-law Expires

30. This by-law expires ten years after the date on which it comes into force and effect.

Repeal

31. By-law 131-2019 is here by repealed, effective on the date this by-law comes into force.

Headings for Reference Only

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

Interpretation

33. All words defined in the *Act* or the Regulation have the same meaning in this by-law as they have in the *Act* or the Regulation, unless they are defined differently in this by-law.

34. All references to the provisions of any statute or regulation or to the Ontario Building Code contained in this by-law shall also refer to the same or similar provision in the statute or regulation or code as amended, replaced, revised or consolidated from time to time.

Severability

35. If, for any reason, any provision, section, subsection or paragraph of this by-law is held invalid, it is hereby declared to be the intention of Council that all 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.

Short Title

36. This by-law may be referred to as the City of Brampton Development Charges By-law for RECREATION SERVICES, 2024.

ENACTED and PASSED this 10th day of July, 2024.

Approved as to form.
2024/07/08
EB

Approved as to content.
2024/07/04
Nash Damer

Patrick Brown, Mayor

Genevieve Scharback, City Clerk

By-law Number 115 - 2024

Schedule 'A'

Residential Development Charges

August 2, 2024 to January 1, 2025

Service	Residential Charge by Unit Type			
	Singles/Semis	**Rows/Other Multiples**	**Large Apartments > 750 Sq.Ft.**	**Small Apartments < = 750 Sq.Ft.**
Recreation Services	$14,981	$11,105	$9,006	$5,190
Total Charge per unit	**$14,981**	**$11,105**	**$9,006**	**$5,190**

By-law Number 115 - 2024

Schedule 'A1'

Residential Development Charges

January 2, 2025 onwards

Service	Residential Charge By Unit Type			
	Singles / Semis	Rows / Other Multiples	Large Apartments > 750 Sq. Ft.	Small Apartments < = 750 Sq. Ft.
Recreation	$14,708	$11,602	$8,318	$5,119
TOTAL CHARGE PER UNIT	**$14,708**	**$11,602**	**$8,318**	**$5,119**