

DEVELOPMENT CHARGES BYLAW CITY OF BRANTFORD

CONSOLIDATED VERSION

BYLAWS

54-2009, May 4, 2009

77-2010, June 28, 2010

OMB ORDER (phase 1) November 30, 2010

OMB ORDER (phase 2), August 30, 2011

[NOTE: this consolidation has been prepared for convenience purposes only. For interpretation or accurate reference, please refer to the original Bylaw and amendments.]

Bylaw No. 54 – 2009
of
The Corporation of the City of Brantford
*Being a bylaw to amend Chapter 261 - Development Charges
of the City of Brantford Municipal Code*

WHEREAS subsection 2(1) of the Development Charges Act, 1997 S.O. 1997 c.27 (hereinafter called the Act) enables the council of a municipality by by-law to impose development charges against land to pay for increased needs for services arising from development of the area to which the by-law applies, for municipal services as designated in the by-law where any one or more of the actions set out in subsection 2(2) of the Act, is required for such development;

AND WHEREAS the Council of The Corporation of the City of Brantford, at its meeting of May 4, 2009 approved a report dated April 20, 2009 and entitled the “City of Brantford 2008-09 Development Charges Background Study” which report was prepared by Hemson Consulting Ltd.;

AND WHEREAS the Council of The Corporation of the City of Brantford has given notice in accordance with section 12 of the Act of its public meeting of Council to permit discussion of its proposed by-law and background study;

AND WHEREAS the Council of the Corporation of the City of Brantford has heard all persons who applied to be heard no matter whether in objection to, or in support of, the said by-law at a public meeting held on March 23, 2009;

AND WHEREAS the Council of the Corporation of the City of Brantford in adopting the “Development Charge Background Study” on May 4, 2009 directed that development charges be imposed on land under development or redevelopment within the geographical limits of the City of Brantford as hereinafter provided.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD ENACTS AS FOLLOWS:

1. The City of Brantford Municipal Code is amended by repealing Chapter 261 thereof and by substituting Schedule “A” to this By-law therefore.
2. By-law 90-2004, as amended, is hereby repealed.

READ A FIRST TIME: May 4, 2009
READ A SECOND TIME: May 4, 2009
PASSED: May 4, 2009

MAYOR

CLERK

Schedule “A”
CHAPTER 261
DEVELOPMENT CHARGES

Article 1
SHORT TITLE

261.1.1 Citation

This Chapter may be cited as the “Development Charges By-law”.

Article 2
INTERPRETATION

261.2.1 Act - defined

“Act” means the *Development Charges Act*, 1997, S.O. 1997 c.27 and any regulations passed thereunder.

261.2.2 Accessory use - defined

“accessory use” has the same meaning as defined in the Zoning By-law.

261.2.3 Affordable Housing – defined

“affordable housing” has the same meaning as defined in the City of Brantford Municipal Housing Facilities Bylaw 178-2006, as amended. **[Bylaw 77-2010, June 28, 2010]**

261.2.4 Apartment unit - dwelling - defined

“apartment unit” (or “apartment dwelling”) means any dwelling unit within a building containing five or more dwelling units sharing a common hall or halls and common entry.

261.2.5 Benefitting area - defined

“benefitting area” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service.

261.2.6 Board of education - defined

“board of education” has the same meaning as that specified in the *Education Act*, R.S.O. 1990, c.E.2 or any successor legislation.

261.2.7 Building permit

“building permit” means a permit allowing construction as required by the Building Code Act .

261.2.8 Building Code Act - defined

“Building Code Act” means the *Building Code Act*, S.O. 1992, C. 23, as amended.

261.2.9 Capital cost - defined

“capital cost” has the same meaning it has-in the Act.

261.2.10 Contaminated - defined

“Contaminated” means the presence of a contaminant in soil, sediment or ground water at a property in concentrations that exceed the maximum concentrations set out in the applicable site condition standards prescribed by Ministry of the Environment guidelines or regulations approved under the *Environmental Protection Act*, R.S.O. 1990, c.E.19.

261.2.11 Council - defined

“Council” means the Council of the Corporation of the City of Brantford.

261.2.12 Credit - defined

“credit” means a development charge contribution recognized by the City where the City agrees to allow a person to perform work that relates to a service to which the development charge by-law relates.

261.2.13 Demolition permit - defined

“demolition permit” means a permit allowing demolition as required by the Building Code Act.

261.2.14 Development - defined

“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 or usability thereof, and includes redevelopment.

261.2.15 Development charge - defined

“development charge” means a charge imposed pursuant to this Chapter.

261.2.16 Development Charge Background Study - defined

“development charge background study” means a Development Charge Background Study approved by the Council for the City of Brantford.

261.2.17 Dwelling unit - defined

“dwelling unit” has the same meaning as defined in the Zoning By-law. In the case of a special care/special need dwelling, either a room or suite of rooms used, or designed or intended for use, by one or more persons with or without exclusive sanitary and/or culinary facilities.

261.2.18 Environmental remediation – defined

“environmental remediation” means work carried out to remove contaminated substances from soil, sediment or ground water on a property, including off-site disposal of such contaminated substances but does not include environmental site assessments or the demolition of existing buildings or structures. **[Bylaw 77-2010, June 28, 2010]**

261.2.19 Existing - defined

“existing” means existing at the time a development charge is payable with respect to the development of a lot or a portion thereof or at any time in the 120 months prior thereto.

261.2.20 Existing industrial building - defined

“existing industrial building” has the same meaning as defined in the Act.

261.2.21 Farm building - defined

“farm building” means that part of a bona fide farming operation encompassing barns, silo and other ancillary development to an agricultural use, but excluding a residential use.

261.2.22 Floor Area – defined

“floor area” means the amount of floor space within an apartment unit, including space occupied by its interior partitions, measured to the interior face of walls separating the apartment unit from the exterior and from the remainder of the building.

261.2.23 Front-ending agreement - defined

“front-ending agreement” means an agreement made under section 44 of the Act.

261.2.24 Grade - defined

“grade” has the same meaning as “finished grade level” as defined in the Zoning By-law.

261.2.25 Gross floor area - defined

“gross floor area” means the total area of all floors, above or below grade measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building.

261.2.26 Group Residence defined

“group residence” has the same meaning as defined in the Zoning Bylaw. Save and except that for the purposes of this Development Charges By-law it shall include other uses defined in the Zoning By-law as group home, group correctional home, group correctional residence, foster home, crisis residence and a mini-group home, but shall not include any residential building on a lot containing a dwelling unit or units otherwise defined in the Zoning By-law or this Chapter.

261.2.27 Habitable living space - defined

“habitable living space” has the same meaning as defined in the Zoning By-law.

261.2.28 Habitable room - defined

“habitable room” has the same meaning as defined in the Zoning By-law.

261.2.29 Industrial or industrial use - defined

“industrial or industrial use” has the same meaning as defined in the Zoning By-law.

261.2.30 Large apartment – defined

“large apartment” means an apartment unit having a floor area of more than 70 square metres.

261.2.31 Level of service - defined

“level of service” means the prescribed level of service which forms part of the development charges calculation in the Development Charge Background Study.

261.2.32 Local board - defined

“local board” has the same meaning as defined in the Act.

261.2.33 Lot - defined

“lot” has the same meaning as defined in the Zoning By-law.

261.2.34 Municipality - defined

“municipality” means The Corporation of the City of Brantford.

261.2.35 Non-residential - use - defined

“non-residential” (or “non-residential use”) means land and a building, or structure, or portion thereof designed, adopted, intended or used for any purpose other than a residential or industrial use as defined in this Chapter, and without restricting the generality of the foregoing, includes use for a boarding house, a hotel, a motel, nursing home, home for the aged, retirement home and monastery all as defined in the Zoning By-law but does not include a unit designed for combined live/work uses.

261.2.36 Official plan - defined

“official plan” means the Official Plan of the City of Brantford and any amendments thereto.

261.2.37 Other dwelling unit type

“other dwelling unit type” means a dwelling unit in a building or group of buildings on a lot or lots, each building containing dwellings other than single-detached dwellings, semi-detached dwellings or apartment dwellings.

261.2.38 Owner - defined

“owner” means the owner of land or a person who has made application for an approval for the development of land against which a development charge is imposed.

261.2.39 Place of worship - defined

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended or any successor legislation.

261.2.40 Redevelop - defined

“redevelop” (“redeveloped”, “redevelopment”) includes the demolition of existing buildings and structures or parts thereof pursuant to a valid demolition permit, if required and the construction of replacement buildings and structures provided that a completed application for a building permit for such replacement buildings and structures is submitted to the municipality within 120 months of the date of issue of the first demolition permit applicable to such existing buildings and structures and also includes changes of use within existing buildings and structures.

261.2.41 Residential - defined

“residential” means any land, building or structure or portion thereof used, designed, adapted or intended to be used for the purpose of a dwelling unit, a mobile home dwelling or a group residence as defined in this Chapter.

261.2.42 Semi-detached dwelling - defined

“semi-detached dwelling” means a building located on a lot or lots, divided vertically by a party or common wall to contain two dwelling units.

261.2.43 Services - defined

“services” (or “service”) means those services designated in Article 6 of this Chapter.

261.2.44 Servicing agreement - defined

“servicing agreement” means an agreement between an owner and the municipality for the provision of municipal services to specified land within the municipality.

261.2.45 Single detached dwelling - defined

“single detached dwelling” means a building located on a lot containing only one dwelling unit.

261.2.46 Small apartment – defined

“small apartment” means an apartment unit having a floor area equal to or less than 70 square metres.

261.2.47 Special care/special need dwelling – defined

“Special care/special need dwelling” means a building:

- a) Containing two or more dwelling units which units have a common entrance from street level;
- b) Where the occupants have the right to use in common with other occupants halls, stairs, yards, common rooms and accessory buildings;
- c) That is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements;
- d) Where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels; and
- e) Special care/special need dwelling includes, but is not limited to, retirement homes, nursing homes or lodges, chronic care facilities and hospices.

261.2.48 Statistics Canada Index - defined

“Statistics Canada Index” means that index published by Statistics Canada and known as the “Statistics Canada Quarterly, Construction Price Statistics, Catalogue Number 62-007”.

261.2.49 Zoning By-law - defined

“Zoning By-law” means By-law 160-90 of the City of Brantford, as amended.

GENERAL PROVISIONS

261.3.1 Application - all land - within municipality

Subject to Sections 261.5.1 through 261.5.9 inclusive, this Chapter applies to all land in the municipality, whether or not the land or its use is exempt from taxation under the Assessment Act, R.S.O. 1990, c. A.31, as amended.

261.3.2 Charge - increased services - approval - required

A development charge is payable by the owner pursuant to this Chapter for development that requires:

- a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*, R.S.O. 1990, c.13;
- 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*, 1998, S.O. 1998, c.19;
- g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.

261.3.3 Charge – payable- upon issue of permit - other

Development charges shall be calculated and shall be payable in full on the date that the building permit is issued in relation to a building or structure on land to which a development charge applies, or shall be calculated and payable at a date agreed upon pursuant to section 27 of the Act which may be before or after it would otherwise be payable.

261.3.4 Permit - issue - after charge paid

Unless otherwise provided for in an agreement entered into under Section 261.3.3, 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.

261.3.5 Administration – calculation - collection

This bylaw shall be administered by the City of Brantford. The Building Department of the City shall be responsible for the calculation and collection of the applicable development charge pursuant to this bylaw prior to issuance of applicable builder permit(s).

261.3.6 Agreement - registered - against applicable land

A certified copy of the agreement may be registered on title to any land to which an agreement under Section 261.3.3 applies.

Article 4 DEVELOPMENT CHARGES

261.4.1 Calculation - collected - rates - set out

Subject to the provisions of this Chapter, development charges against land shall be calculated and collected in accordance with the rates referenced in Article 7, which relate to the services set out in Section 261.6.4 of this Chapter.

261.4.2 Residential - based on number - type of unit

The development charge with respect to the use of any land, buildings or structures shall be calculated, in the case of the development of residential uses, based upon the number and type of dwelling units.

261.4.3 Group residence – single unit

In the case of a group residence, the development charge shall be calculated as a single dwelling unit for so long as its definition and character as a group residence is maintained. In the event that the building's status as a group residence is discontinued, altered, abandoned, removed from a required register or converted to a use that is not a group residence then in the case of a residential use each individual dwelling unit, less one, and in the case of all other uses, the development charges payable shall be in accordance with the provisions of this Chapter.

261.4.4 Non-residential - based on - gross floor area

The development charge with respect to the use of any land, buildings or structures shall be calculated, in the case of the development of non-residential uses, based upon the gross floor area of the development.

261.4.5 Industrial – based on –gross floor area – enlargements-cap

The development charge with respect to the use of any land, buildings or structures shall be calculated and payable, in the case of the development of industrial uses, based upon the gross floor area of the development except that:

- a) if the gross floor area of an existing industrial building on a lot is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero;
- b) if the gross floor area of an existing industrial building is enlarged by more than 50 per cent, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - i. determine the amount by which the enlargement exceeds 50 per cent of the total gross floor area before the enlargement;

- ii. divide the amount determined under paragraph (b) (i) by the amount of the enlargement.
- c) for the purposes of this section, the gross floor area of an existing industrial building shall be calculated as:
- i. the total gross floor area of the existing industrial building or buildings on the lot existing prior to the issuance of any building permit permitting expansion on or after May 17, 2004; or
 - ii. the total gross floor area of the industrial building or buildings erected pursuant to first building permit approved on a lot that was either vacant or created on or after May 17, 2004;
- d) the enlargement contemplated for the purposes of subsections (a), (b) and (c) shall apply where:
- i. such enlargement is attached to the existing industrial building other than by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing, shared connected roof or parking facility or any of them, and both the enlargement and the existing industrial building are constructed on lands owned by the same beneficial owner; or
 - ii. the existing industrial building or buildings and the enlargement, whether attached or free-standing, are constructed on a lot provided that the lot has not been the subject of a severance approval for land division purposes since May 17, 2004 and provided further that the lot is not the subject of a severance application for land division purposes for a period of five (5) years from the date of issuance of a building permit for the said enlargement. In the event that the lot has been severed or a severance application is made, development charges shall be made a condition of said severance application and in either such event are otherwise payable in accordance with the provisions of this Chapter.
- e) the development charge calculated, collected and payable for an industrial use shall not exceed the charge that would be payable where the gross floor area of the industrial use is equal to 25 per cent of the lot area.
- e) f) despite the provisions of this section, no further industrial development charge shall be payable in respect of development on a lot that has previously paid development charges under the provisions of this Chapter if the previous amount paid was the equivalent of a land area rate.

261.4.6 Mixed-use - based on - type - as set out

The development charge with respect to the use of any land, buildings or structures shall be

calculated, in the case of a development which has residential (including affordable housing), non-residential uses and industrial uses, or any combination of two or more of such uses, (mixed-use developments), by application of Sections 261.4.2 to 261.4.5, inclusive, of this Chapter to each respective component use. All exemptions (excluding affordable housing) rate reduction provisions of this Chapter apply to any mixed-use development.

261.4.7 Service - enlargement - expansion - improvement

Council hereby determines that the development of land, buildings or structures for residential, non-residential uses and industrial uses have required or will require the provision, enlargement, expansion or improvement of the services referenced in Section 261.6.4 of this Chapter.

261.4.8 Redevelopment - other use - calculation

Despite Section 261.4.1, where an existing residential, non-residential use or industrial building or structure is redeveloped to another such use or combination thereof the development charges payable and calculated in accordance with Article 7 shall be reduced by deducting from the development charges payable in respect of such redevelopment the amount obtained by applying the rates set forth in Article 7 against the existing residential, non-residential or industrial development to be demolished/converted on the lot and in the case of an existing industrial building or structure, the provisions of subsection 4.5 of this Chapter also apply except subsections 4.5(a), (b), (c) and (d) where the development constitutes demolition in part or whole of the existing industrial building, provided there shall be no reduction to the extent that any development charges relating to any such existing development remain unpaid.

261.4.9 Reduction – Brownfield properties

Where a development charge is payable for the development or redevelopment of land and the lands are located within the Brownfield Sites Community Improvement Project Area, as depicted in Schedule “C”, the development charge payable shall be reduced by an amount equal to the cost of the environmental remediation of the lands necessary for the issuance of an affidavit that the lands are suitable for the proposed use, or the filing of a record of site condition under the Environmental Protection Act, or for the cost of complying with any certificate of property use issued under the Environmental Protection Act. To qualify for the reduction, all environmental remediation work must have been carried out by qualified persons as defined in the Environmental Protection Act and copies of the supporting documentation must be provided to the City of Brantford. The reduction shall be based on actual verified costs and shall be net of any other grant that may have been provided by the City of Brantford for the work that is subject to the reduction under this section. Upon receipt of payment of the applicable development charges, the property owner that undertook the qualifying remediation of the lands shall receive any credits of this provision, subject to the agreement of the subsequent owner paying the development charge.

261.4.10 Negative charge - calculated - no payment - no refund

Where the calculations contemplated by Sections 261.4.8 and 261.4.9 result in a negative amount owing for development charges no development charge shall be payable and no money shall be refunded to an owner.

Article 5
EXEMPT LAND

261.5.1 Board of education

This Chapter shall not apply to land that is owned by and used for the purposes of a board of education.

261.5.2 City - local board

This Chapter shall not apply to land that is owned by and used for the purposes of the City of Brantford, or any local board thereof.

261.5.3 Farm building

This Chapter shall not apply to land that is owned by and used for the purposes of the development of a farm building as defined in this Chapter.

261.5.4 Place of worship - cemetery

This Chapter shall not apply to land that is owned by and used for the purposes of a place of worship, a churchyard, cemetery and burial ground exempt from taxation under section 3 of the Assessment Act, R.S.O. 1990, c. A.31, as amended.

261.5.5 Dwelling unit - additional - not created

This Chapter shall not apply to residential development on a lot where, by comparison with the lot at any time within 120 months previous to the imposition of the charge, no additional dwelling units are being created.

261.5.6 Affordable housing exemption

This Chapter shall not apply to development that creates affordable housing dwelling units or affordable housing dwelling units located within a mixed-use developments that meet the definition of affordable housing and all required criterion, as outlined in the City of Brantford Municipal Housing Facilities Bylaw No. 178-2006, as amended.

[Bylaw 77-2010, June 28, 2010]

261.5.7 Enlarged - dwelling unit - floor area limitation

This Chapter shall not apply to any development if the only effect of the development is to:

- a) enlarge an existing dwelling unit; or
- b) create up to two additional dwelling units within an existing residential building if such additional dwelling units are within the classes and comply with the restrictions contained in the following table:

Name of class of residential building	Description of class of residential buildings	Maximum number of additional dwelling units	Restrictions
Single detached dwellings	Residential buildings, each of which contains a single detached unit that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings	One	The total gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

261.5.8 Development Charges Exemption Area

This Chapter shall not apply to development on lands located within the boundary of the “Development Charges Exemption Area” as shown on Schedule “A” to this Chapter.”

Article 6

SERVICE - INSTALLATION - STANDARD

261.6.1 Local service - installation - condition of agreement

Nothing in this Chapter prevents Council from requiring, as a condition of an agreement under section 41, 51 or 53 of the Planning Act, R.S.O. 1990, c. P.13, that the owner, at his or her own expense, shall install such local services within the plan of subdivision and otherwise, as Council may require or that the owner pay for local connections to water mains, sanitary sewers and/or

storm drainage facilities installed at the owner's expense.

261.6.2 Single charge - multiple actions - required

Where two or more of the actions referenced in Section 261.3.2 are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this Chapter.

261.6.3 Additional charges - multiple actions

Despite Section 261.6.2, if two or more of the actions described in Section 261.3.2 occur at different times, and if the subsequent action results in development, additional development charges shall be calculated and collected in accordance with the provisions of this Chapter.

261.6.4 Designated services - categories - set out

Development charges against land to be developed for residential, non-residential and industrial uses shall be based upon the following designated services provided by the City of Brantford:

CATEGORIES OF MUNICIPAL SERVICES

1. Fire Department
2. Police Service
3. Public Library
4. Parks and Recreation
5. Public Transit
6. Municipal Parking
7. Municipal Airport
8. Land Ambulance
9. Public Works
10. General Government
11. Roads and Related
12. Water Services
13. Waste Water Services

Article 7

SCHEDULE OF CHARGES

261.7.1 Rates - charges - set out - categories

Subject to the provisions of this Chapter, development charges shall be imposed against land on development for residential, non-residential and industrial uses and shall be calculated and collected in accordance with the following:

- a) from the date of passing of this bylaw to December 31st, 2009 in accordance with the charges in Schedule 'B-1';
- b) from January 1st, 2010, in accordance with the charges in Schedule 'B-2'.

261.7.2 Rates - Residential Development - Residential Infill Area

Despite Section 261.7.1, development charges shall be imposed against land on development within the residential infill area depicted on Schedule 'C' and shall be calculated and collected in accordance with the following:

- a) from the date of passing of this bylaw to December 31st, 2009 in accordance with the charges in Schedule 'B-3';
- b) from January 1st, 2010, in accordance with the charges in Schedule 'B-4'.

Article 8
SERVICES IN LIEU

261.8.1 Substitution - for charge

Council may authorize an owner to substitute the whole or such part of the development charge applicable to the owner's development as may be specified in an agreement, by the provision at the sole expense of the owner, of services in lieu.

261.8.2 Credit - against charges

The agreement set out in Section 261.8.1 shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge otherwise applicable to the development, equal to the reasonable cost to the owner of providing the services in lieu, provided such credit shall not exceed the total development charge payable by an owner to the municipality.

261.8.3 Credit - against charges - extra capacity

No credit may be given for any part of the cost of work that relates to an increase in the level of service that exceeds the City's 1999-2008 average.

261.8.4 Front-ending agreements - authorized

Council may enter into a front-ending agreement with any or all owners within a benefiting area pursuant to section 44 of the Act, providing for the cost of the work to be borne by one or more of the parties to the agreement and for those subsequently developing land within the area defined in the agreement to reimburse some part of the costs.

Article 9
RESERVE FUND

261.9.1 Maintained - separate - for purpose collected

Money received from payment of development charges shall be maintained in a separate reserve fund for each service to which the development charge relates. The money may be spent only for capital costs determined under section 5(1) of the Act.

261.9.2 Separate account - created - City

Council directs the Treasurer to deposit each development charge collected, together with interest earned thereon, into a separate account for each service listed in Section 261.6.4 and in proportion to the charges indicated.

261.9.3 Charge - unpaid - added to tax roll

Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

261.9.4 Charge - unpaid - collected as taxes - credited to fund

Where any unpaid development charges are collected as taxes under Section 261.9.3, the money so collected shall be credited to the development charge reserve fund or funds referred to in Section 261.9.1.

261.9.5 Fund - statement - annually - by Treasurer

On or before May 1 in each year, the Treasurer shall provide Council with the Statement required under section 43 of the Act.

Article 10
FINANCIAL

261.10.1 Overpayment - due to repeal - amendment

If the Ontario Municipal Board repeals or amends this Chapter or orders the council of the municipality to repeal or amend this Chapter, the Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal. If the municipality is required to make a refund of any development charge pursuant to section 18 or 25 of the Act, the Treasurer shall forthwith calculate the amount to be refunded.

261.10.2 Refund - paid to land owner

Refunds that are required to be paid under Section 261.10.1 shall be paid within the timeframe specified in the Act by crediting the tax account of the lands in respect of which the development charge was originally paid. Where the refund results in the creation of an overpayment in the applicable tax account, the taxpayer shall have the option of receiving such overpayment or allowing it to remain on the account. In the event that the development charge related to lands which are exempt from municipal taxes, the refund shall be paid to the owner who made the payment.

261.10.3 Refund - interest - calculation - procedure

Refunds that are required to be paid under Section 261.10.1 shall be paid with interest to be calculated as follows:

- a) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
- b) the refund shall include the interest owed under this Article;

- c) interest shall be paid at the Bank of Canada rate on the day the by-law came into force.

261.10.4 Interest rate - Bank of Canada - adjusted quarterly

The Bank of Canada interest rate in effect on the date of enactment of the enabling by-law shall be adjusted on the next following business day to the rate established by the Bank of Canada on that day, and shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October to the rate established by the Bank of Canada on the day of the adjustment.

261.10.5 Indexing - charges - annually - without amendment

The development charges set out in Schedules 'B-2' and 'B-4' shall be adjusted annually without amendment to this by-law, on the first day of January commencing January 1, 2011, in accordance with the most recent change in the non-residential Construction Cost Index (Toronto), Statistics Canada Quarterly, Construction Price Statistics (Catalogue 62-007).

Article 11
REPEAL - ENACTMENT

261.11.1 Effective date

This Chapter shall come into force and effect on the date of the final passing of the enabling bylaw.

261.11.2 Effective - term - unless repealed

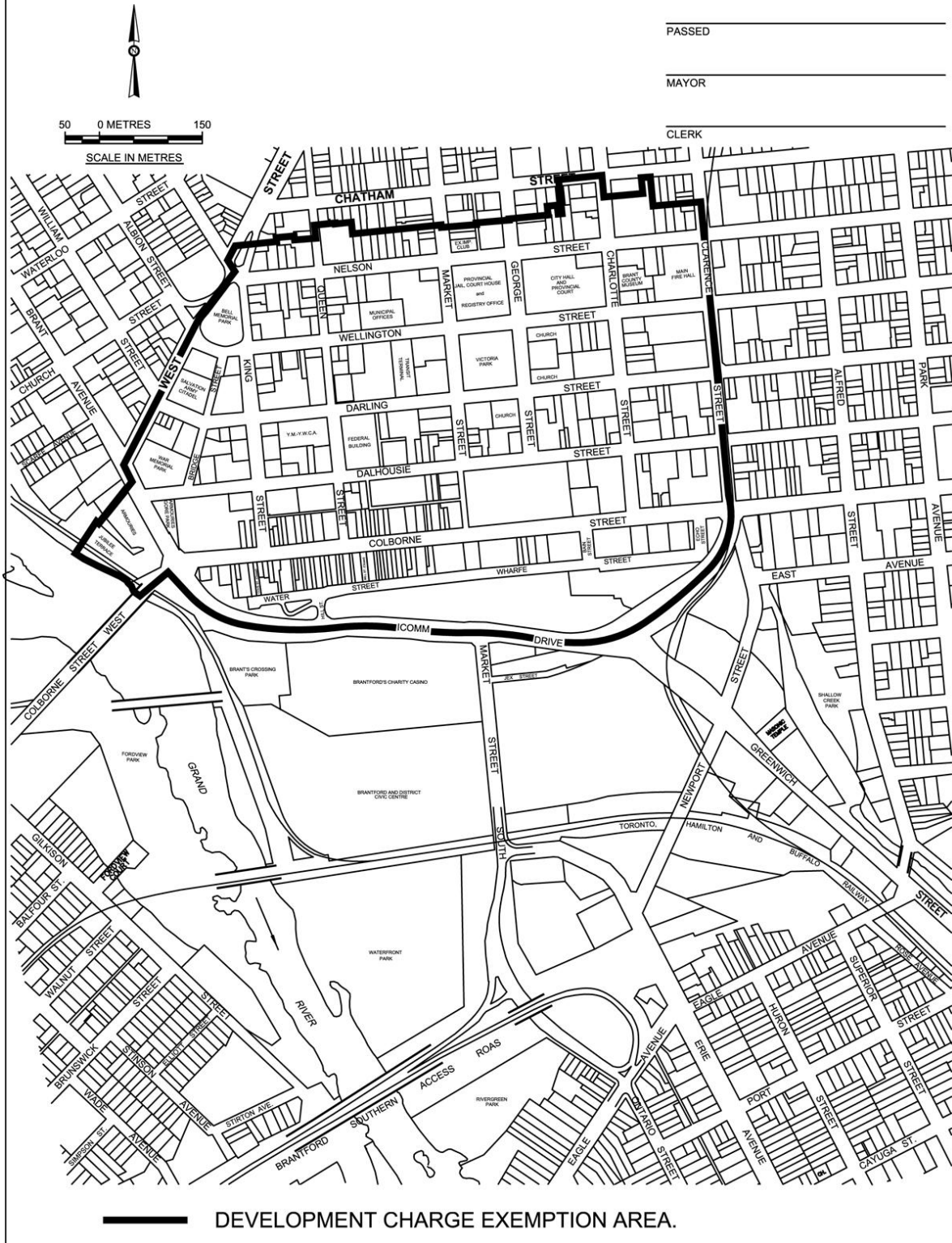
This Chapter shall continue in force and effect for a term not to exceed five years from the date of its enactment, unless it is repealed at an earlier date by subsequent bylaw.

261.11.3 Interpretation – Recitative Provisions

In the event that the Act is amended, any portions of this Chapter which consist of the recitation of any provisions of the Act shall be deemed to have been automatically amended as necessary to achieve compliance with such amendments.

SCHEDULES

THIS IS SCHEDULE 'A' TO BYLAW NUMBER _____.



Schedule B-1
City of Brantford
City-Wide Development Charges
from Date of Passing of Bylaw to December 31, 2009

SERVICE	Residential (Per Housing Unit) ¹				Non-Residential ¹		Industrial ¹	
	Single Detached & Semi-Detached Dwellings	Large Apartment over 70 sq. m.	Small Apartment less than 70 sq. m.	All Other Dwelling Unit Types	By Gross Floor Area		By Gross Floor Area	
					Per sq. ft.	Per sq. m.	Per sq. ft.	Per sq. m.
General Government	\$116.31	\$82.82	\$48.94	\$81.31	\$0.08	\$0.87	\$0.07	\$0.76
Fire Department	\$132.13	\$94.08	\$55.59	\$92.37	\$0.09	\$0.99	\$0.09	\$0.87
Police Service	\$122.83	\$87.45	\$51.68	\$85.87	\$0.08	\$0.87	\$0.07	\$0.76
Roads and Related	\$5,213.69	\$3,712.11	\$2,193.57	\$3,644.85	\$3.55	\$38.11	\$3.11	\$33.42
Water Services	\$455.02	\$323.97	\$191.44	\$318.10	\$1.26	\$13.46	\$1.10	\$11.79
Waste Water Services	\$924.93	\$658.55	\$389.15	\$646.61	\$0.99	\$10.61	\$0.87	\$9.30
Public Works:								
Building & Fleet	\$139.58	\$99.38	\$58.73	\$97.58	\$0.10	\$0.99	\$0.09	\$0.87
Parks	\$403.84	\$287.53	\$169.91	\$282.32	\$0.01	\$0.13	\$0.01	\$0.11
Major Recreation Facilities	\$1,253.41	\$892.42	\$527.35	\$876.25	\$0.06	\$0.62	\$0.05	\$0.54
Public Library	\$369.42	\$263.02	\$155.43	\$258.25	\$0.01	\$0.12	\$0.01	\$0.11
Public Transit	\$174.01	\$123.89	\$73.21	\$121.65	\$0.11	\$1.23	\$0.09	\$1.08
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$9,305.17	\$6,625.22	\$3,915.00	\$6,505.16	\$6.33	\$68.00	\$5.55	\$9.61

Notes:

1. Rates applicable to a particular development are subject to the express provisions of Chapter 261 of the City of Brantford Municipal Code as amended.

Schedule B-3
City of Brantford
Schedule of Residential Development Charges for Residential Infill
Area
from Date of Passing of Bylaw to December 31, 2009

SERVICE	Residential (Per Housing Unit) ¹			
	Single Detached & Semi-Detached Dwellings	Large Apartment over 70 sq. m.	Small Apartment less than 70 sq. m.	All Other Dwelling Unit Types
General Government	\$60.00	\$40.00	\$25.00	\$42.00
Fire Department	\$68.00	\$45.00	\$29.00	\$47.00
Police Service	\$63.00	\$42.00	\$27.00	\$44.00
Roads and Related	\$2,668.00	\$1,778.00	\$1,132.00	\$1,866.00
Water Services	\$233.00	\$155.00	\$99.00	\$163.00
Waste Water Services	\$474.00	\$316.00	\$201.00	\$331.00
Public Works: Building & Fleet	\$72.00	\$48.00	\$30.00	\$50.00
Parks	\$206.00	\$138.00	\$88.00	\$144.00
Major Recreation Facilities	\$641.00	\$428.00	\$272.00	\$448.00
Public Library	\$189.00	\$126.00	\$80.00	\$132.00
Public Transit	\$89.00	\$59.00	\$38.00	\$62.00
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$4,763.00	\$3,175.00	\$2,021.00	\$3,329.00

Notes:

1. Rates applicable to a particular development are subject to the express provisions of Chapter 261 of the City of Brantford Municipal Code as amended.

Schedule B-2
City of Brantford
City-Wide Development Charges
As of January 1, 2010
[OMB BOARD ORDER November 30, 2010]

SERVICE	Charge By Residential Unit Type ¹				Calculated Non-Residential and Industrial Charge Sq. m ¹
	Single & Semi- Detached	Rows & Other Multiples	Large Apartment over 70 sq. m	Small Apartment 70 sq. m or less	
Fire Department	\$227	\$155	\$118	\$104	\$1.22
Police Service	\$68	\$46	\$35	\$31	\$0.37
Public Library	\$893	\$611	\$466	\$407	\$0.00
Parks & Recreation	\$3,859	\$2,640	\$2,011	\$1,760	\$0.00
Public Transit	\$163	\$111	\$85	\$74	\$0.88
Municipal Parking	\$577	\$395	\$301	\$263	\$3.10
Municipal Airport	\$0	\$0	\$0	\$0	\$0.00
Land Ambulance	\$28	\$19	\$14	\$13	\$0.14
Public Works: Buildings & Fleet	\$187	\$128	\$98	\$85	\$1.01
General Government	\$61	\$42	\$32	\$28	\$0.32
General Services Charge Per Unit	\$6,063	\$4,147	\$3,160	\$2,765	\$7.04
Roads And Related	\$7,033	\$4,811	\$3,666	\$3,207	\$35.82
Water Services	\$1,541	\$1,054	\$803	\$703	\$7.64
Waste Water Services	\$946	\$647	\$493	\$431	\$4.73
Engineered Services Charge Per Unit	\$9,520	\$6,512	\$4,962	\$4,341	\$48.19
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$15,583	\$10,659	\$8,122	\$7,106	\$55.23

Notes:

1. Rates applicable to a particular development are subject to the express provisions of Chapter 261 of the City of Brantford Municipal Code as amended.

Schedule B-4
City of Brantford
Schedule of Residential Development Charges for Residential Infill
As of January 1, 2010
[OMB BOARD ORDER November 30, 2010]

SERVICE	Charge By Residential Unit Type ¹			
	Single & Semi-Detached	Rows & Other Multiples	Large Apartment Over 70 sq. m	Small Apartment 70 sq. m or less
Fire Department	\$227	\$155	\$118	\$104
Police Service	\$68	\$46	\$35	\$31
Public Library	\$893	\$611	\$466	\$407
Parks & Recreation	\$3,859	\$2,640	\$2,011	\$1,760
Public Transit	\$163	\$111	\$85	\$74
Municipal Parking	\$577	\$395	\$301	\$263
Municipal Airport	\$0	\$0	\$0	\$0
Land Ambulance	\$28	\$19	\$14	\$13
Public Works: Buildings & Fleet	\$187	\$128	\$98	\$85
General Government	\$61	\$42	\$32	\$28
General Services Charge Per Unit	\$6,063	\$4,147	\$3,160	\$2,765
Roads And Related	\$3,517	\$2,406	\$1,833	\$1,604
Water Services	\$1,417	\$969	\$738	\$646
Waste Water Services	\$717	\$490	\$374	\$327
Engineered Services Charge Per Unit	\$5,651	\$3,865	\$2,945	\$2,577
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$11,714	\$8,012	\$6,105	\$5,342

Notes

1. Rates applicable to a particular development are subject to the express provisions of Chapter 261 of the City of Brantford Municipal Code as amended.

Schedule B-2
City of Brantford
City-Wide Development Charges
As of January 1, 2010

OMB BOARD ORDER August 30, 2011

SERVICE	Charge By Residential Unit Type ¹				Calculated Non-Residential and Industrial Charge Sq. m ¹
	Single & Semi- Detached	Rows & Other Multiples	Large Apartment over 70 sq. m	Small Apartment 70 sq. m or less	
Fire Department	\$ 141	\$ 97	\$ 74	\$ 64	\$ 0.75
Police Service	\$ 68	\$ 46	\$ 35	\$ 31	\$ 0.37
Public Library	\$ 660	\$ 452	\$ 344	\$ 301	\$ -
Parks & Recreation	\$ 2,812	\$ 1,924	\$ 1,466	\$ 1,282	\$ -
Public Transit	\$ 163	\$ 111	\$ 85	\$ 74	\$ 0.88
Municipal Parking	\$ 473	\$ 323	\$ 246	\$ 216	\$ 2.54
Municipal Airport	\$ -	\$ -	\$ -	\$ -	\$ -
Land Ambulance	\$ 18	\$ 13	\$ 10	\$ 8	\$ 0.10
Public Works: Buildings & Fleet General Government	\$ 117 \$ 61	\$ 80 \$ 42	\$ 61 \$ 32	\$ 53 \$ 28	\$ 0.62 \$ 0.32
General Services Charge Per Unit	\$ 4,513	\$ 3,088	\$ 2,353	\$ 2,057	\$ 5.58
Roads And Related	\$ 7,033	\$ 4,811	\$ 3,666	\$ 3,207	\$ 35.82
Water Services Waste Water Services	\$ 1,541 \$ 946	\$ 1,054 \$ 647	\$ 803 \$ 493	\$ 703 \$ 431	\$ 7.64 \$ 4.73
Engineered Services Charge Per Unit	\$ 9,520	\$ 6,512	\$ 4,962	\$ 4,341	\$ 48.19
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$ 14,033	\$ 9,600	\$ 7,315	\$ 6,398	\$ 53.77

Schedule B-4
City of Brantford
Schedule of Residential Development Charges for Residential Infill
As of January 1, 2010
OMB BOARD ORDER August 30, 2011

SERVICE	Charge By Residential Unit Type ¹			
	Single & Semi-Detached	Rows & Other Multiples	Large Apartment over 70 sq. m	Small Apartment 70 sq. m or less
Fire Department	\$ 141	\$ 97	\$ 74	\$ 64
Police Service	\$ 68	\$ 46	\$ 35	\$ 31
Public Library	\$ 660	\$ 452	\$ 344	\$ 301
Parks & Recreation	\$ 2,812	\$ 1,924	\$ 1,466	\$ 1,282
Public Transit	\$ 163	\$ 111	\$ 85	\$ 74
Municipal Parking	\$ 473	\$ 323	\$ 246	\$ 216
Municipal Airport	\$ -	\$ -	\$ -	\$ -
Land Ambulance	\$ 18	\$ 13	\$ 10	\$ 8
Public Works: Buildings & Fleet	\$ 117	\$ 80	\$ 61	\$ 53
General Government	\$ 61	\$ 42	\$ 32	\$ 28
General Services Charge Per Unit	\$ 4,513	\$ 3,088	\$ 2,353	\$ 2,057
Roads And Related	\$ 3,517	\$ 2,406	\$ 1,833	\$ 1,604
Water Services	\$ 1,417	\$ 969	\$ 738	\$ 646
Waste Water Services	\$ 717	\$ 490	\$ 374	\$ 327
Engineered Services Charge Per Unit	\$ 5,651	\$ 3,865	\$ 2,945	\$ 2,577
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$ 10,164	\$ 6,953	\$ 5,298	\$ 4,634

Schedule B-2
City of Brantford
City-Wide Development Charges
As of January 1, 2011

SERVICE	Charge By Residential Unit Type ¹				Calculated Non-Residential and Industrial Charge Sq. m ¹
	Single & Semi- Detached	Rows & Other Multiples	Large Apartment over 70 sq. m	Small Apartment 70 sq. m or less	
Fire Department	\$ 142	\$ 98	\$ 75	\$ 65	\$ 0.78
Police Service	\$ 69	\$ 46	\$ 35	\$ 31	\$ 0.37
Public Library	\$ 665	\$ 456	\$ 347	\$ 303	\$ -
Parks & Recreation	\$ 2,834	\$ 1,939	\$ 1,478	\$ 1,292	\$ -
Public Transit	\$ 164	\$ 112	\$ 86	\$ 75	\$ 0.89
Municipal Parking	\$ 477	\$ 326	\$ 248	\$ 218	\$ 2.56
Municipal Airport	\$ -	\$ -	\$ -	\$ -	\$ -
Land Ambulance	\$ 18	\$ 13	\$ 10	\$ 8	\$ 0.10
Public Works:					
Buildings & Fleet	\$ 118	\$ 81	\$ 61	\$ 53	\$ 0.62
General Government	\$ 61	\$ 42	\$ 32	\$ 28	\$ 0.32
General Services Charge Per Unit	\$ 4,548	\$ 3,113	\$ 2,372	\$ 2,073	\$ 5.62
Roads And Related	\$ 7,089	\$ 4,849	\$ 3,695	\$ 3,233	\$ 36.11
Water Services	\$ 1,553	\$ 1,062	\$ 809	\$ 709	\$ 7.70
Waste Water Services	\$ 954	\$ 652	\$ 497	\$ 434	\$ 4.77
Engineered Services Charge Per Unit	\$ 9,598	\$ 6,563	\$ 5,001	\$ 4,376	\$ 48.58
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$ 14,144	\$ 9,676	\$ 7,373	\$ 6,449	\$ 54.20

Notes:

1. Rates applicable to a particular development are subject to the express provisions of Chapter 261 of the City of Brantford Municipal Code as amended.

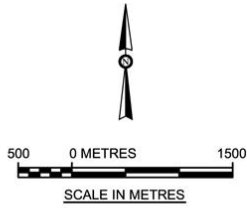
Schedule B-4
City of Brantford
Schedule of Residential Development Charges for Residential Infill
As of January 1, 2011

SERVICE	Charge By Residential Unit Type ¹			
	Single & Semi-Detached	Rows & Other Multiples	Large Apartment over 70 sq. m	Small Apartment 70 sq. m or less
Fire Department	\$ 142	\$ 98	\$ 75	\$ 65
Police Service	\$ 69	\$ 46	\$ 35	\$ 31
Public Library	\$ 665	\$ 456	\$ 347	\$ 303
Parks & Recreation	\$ 2,834	\$ 1,939	\$ 1,478	\$ 1,292
Public Transit	\$ 164	\$ 112	\$ 88	\$ 75
Municipal Parking	\$ 477	\$ 326	\$ 248	\$ 218
Municipal Airport	\$ -	\$ -	\$ -	\$ -
Land Ambulance	\$ 18	\$ 13	\$ 10	\$ 8
Public Works:				
Buildings & Fleet	\$ 118	\$ 81	\$ 61	\$ 53
General Government	\$ 61	\$ 42	\$ 32	\$ 28
General Services Charge Per Unit	\$ 4,548	\$ 3,113	\$ 2,372	\$ 2,073
Roads And Related	\$ 3,545	\$ 2,425	\$ 1,848	\$ 1,617
Water Services	\$ 1,428	\$ 977	\$ 744	\$ 651
Waste Water Services	\$ 723	\$ 494	\$ 377	\$ 330
Engineered Services Charge Per Unit	\$ 5,696	\$ 3,896	\$ 2,969	\$ 2,598
TOTAL DEVELOPMENT CHARGE BY DEVELOPMENT CATEGORY	\$ 10,244	\$ 7,009	\$ 5,341	\$ 4,671

Notes:

1. Rates applicable to a particular development are subject to the express provisions of Chapter 261 of the City of Brantford Municipal Code as amended.

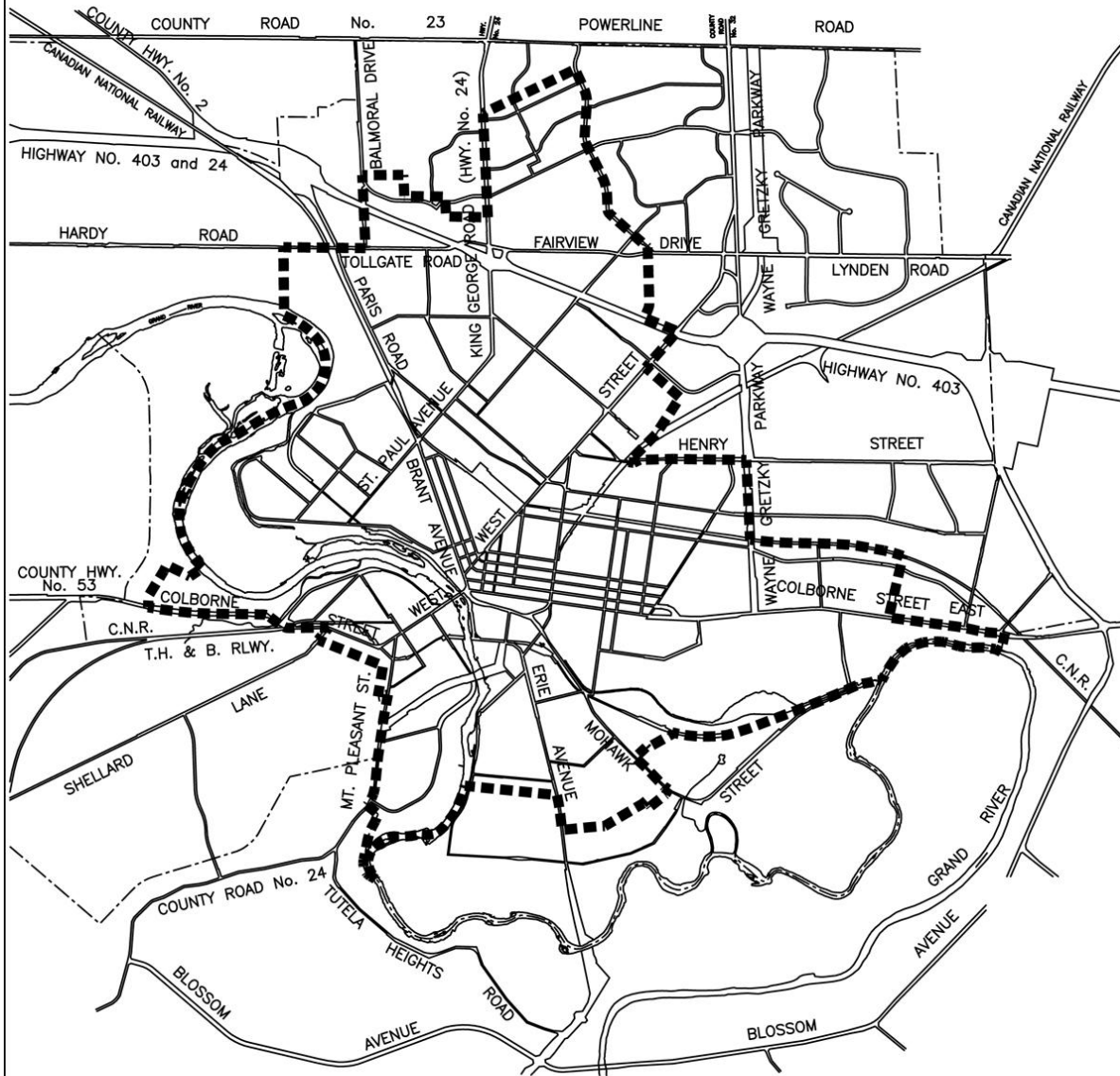
THIS IS SCHEDULE 'C' TO BYLAW NUMBER _____ .



PASSED

MAYOR

CLERK



LEGEND:



BROWNFIELDS COMMUNITY IMPROVEMENT PROJECT AREA.