OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to impose and provide for payment of area specific development charges for services related to a highway and stormwater management services for the Simpson Road (Phase 3 – from 228 metres South of Parr Boulevard to Mayfield Road) Development Area being By-law Number 2021-009 as amended by By-law 2025-115. The following consolidation is an electronic reproduction made available for information purposes only and is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-law 2025-115 the by-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2021-09

A by-law to impose and provide for payment of area specific development charges for services related to a highway and stormwater management services for the Simpson Road (Phase 3 – from 228 metres South of Parr Boulevard to Mayfield Road) Development Area

WHEREAS Subsection 2(1) of the Development Charges Act, 1997 provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital expenditures required because of the increased need for services arising from development in the area to which the by-law applies;

AND WHEREAS at the direction of the Council of The Corporation of the Town of Caledon, Watson & Associates Economists Ltd. has prepared a Background Study entitled, “Town of Caledon Simpson Road (Phase 3 from 228 metres south of Parr Boulevard. to Mayfield Road) and Stormwater Management Pond Area-Specific Development Charges Background Study, dated December 9, 2020”;

AND WHEREAS notice of a public meeting was given during the month of December 2020 as required by Paragraph 12(1)(b) of the Development Charges Act, 1997 and in accordance with Ontario Regulation 82/98;

AND WHEREAS the Council of The Corporation of the Town of Caledon made the Background Study available to the public as of December 9, 2020 as required by Paragraph 12(1)(c) of the Development Charges Act, 1997;

AND WHEREAS the Council of The Corporation of the Town of Caledon held a public meeting on January 21, 2021 at which all persons in attendance were provided with an opportunity to make representations relating to the draft version of this by-law as required by Subsection 12(2) of the Development Charges Act, 1997;

AND WHEREAS by resolution passed on February 2, 2021, the Council of The Corporation of the Town of Caledon:

a) adopted the foregoing Background Study, and;
b) determined that it was not necessary to hold any further public meetings with respect to this by-law.

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts as follows:

Definitions

1. (1) In this by-law,

(a) “accessory”, where used to describe a building, structure or use, means a building, structure or use that is subordinate, incidental and exclusively devoted to a main building, structure or use and that is located on the same lot as such main building, structure or use;

(b) “Act” means the Development Charges Act, 1997, S.O. 1997;

(c) “agricultural building or structure” means a building or structure that is used for the purposes of or in conjunction with animal husbandry, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a bona fide farmer.

(d) “apartment dwelling” means a dwelling unit in a building containing more than six dwelling units where the dwelling units are connected by an interior corridor.

(e) “apartment dwelling unit” means a dwelling unit in a building containing three or more dwelling units that share a common external access to the outside through a common vestibule or a common corridor system or a combination thereof;

(f) “bona fide farmer” means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the Town of Caledon;

(g) “benefiting 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;

(h) “building or structure” means a building or structure occupying an area greater than 10 square metres consisting of a wall, roof, floor or any of them or a structural system serving the function thereof, including an air supported structure, or mezzanine.

(i) “commercial building” means a non-residential building other than an agricultural building, an industrial building or an institutional building.

(j) “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;

(k) “development charge” means a development charge imposed pursuant to this by-law;

(l) “duplex dwelling unit” means a dwelling unit in a building divided horizontally into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule;

(m) “dwelling unit” means a room or suite of rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which a kitchen, sanitary facilities and living quarters are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway;

(n) “dwelling unit” means a room or suite of rooms used or designed or intended for use by one or more persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons.

(o) “front-ending agreement” means an agreement made under Section 44 of the Act between the municipality and any or all owners within a benefiting area providing for the costs of services for which there will be an increased need as a result of development to be borne by one or more of the parties to the agreement and providing for persons who, in the future, develop land within the area defined in the agreement to pay an amount to reimburse some part of the some of the work;

(p) “grade” means the average level of finished ground adjoining a building or structure at all of its exterior walls;

(q) “industrial building” means a building used for or in connection with:

(a) manufacturing, producing, processing, storing or distributing something;
(b) research or development in connection with manufacturing, producing or processing something;
(c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place; or,
(d) office or administrative purposes, if they are,
(i) carried out with respect to manufacturing, producing, processing, storage or

distributing of something; and,

(ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.

(r) "institutional use" means the use of land, buildings or structures for a public or non-profit purpose, including a religious, charitable, educational, health or welfare purpose, and, without limiting the generality of the foregoing, may include such uses as schools, hospitals, places of worship, recreation facilities, community centres and government buildings;

(s) "local board" means a local board as defined in the Municipal Act, 2001; other than a board defined in subsection 1(1) of the Education Act;

(t) "lot" means a parcel of land that is capable of being legally conveyed in accordance with Section 50 of the Planning Act or is described in accordance with a registered plan of condominium;

(u) "mixed use" means land, buildings or structures used or designed or intended to be used for a combination of residential uses and non-residential uses;

(v) "multiple dwelling unit" means a dwelling unit other than a dwelling unit in a single-detached dwelling, a semi-detached dwelling, a duplex dwelling, an apartment building or a garden suite;

(w) "non-residential" means used or designed or intended to be used other than for residential purposes;

(x) "protracted", in relation to a temporary building or structure, means the existence of such temporary building or structure for a continuous period of more than eight months;

(y) "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 on such land has been or is to be demolished, or changing the use of a building or structure from residential to mixed use or non-residential or from non-residential to residential or mixed use or from mixed use to residential or non-residential;

(z) "Regulation" means Ontario Regulation 82/98, as amended;

(aa) "residential" means used or designed or intended to be used as a home or residence of one or more persons;

(bb) "semi-detached dwelling unit" means a dwelling unit in a building divided vertically by a common wall both above and below grade into two separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule;

(cc) "service" means a service described in this by-law or in an agreement made under Section 44 of the Act;

(dd) "single-detached dwelling unit" means a dwelling unit in a completely detached building containing only one dwelling unit;

(ee) "structure" means anything constructed, the use of which requires location on or in the ground or attached to something having location on or in the ground;

(ff) "temporary building or structure" means a building or structure that is constructed, erected or placed on land for a continuous period of not more than eight months, or an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof for a continuous period of not more than eight months;

(gg) "total floor area" means the total of the 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 space occupied by interior walls and partitions;

(b) includes, below grade, only the floor area that is used for commercial or industrial purposes;
(c) includes the floor area of a mezzanine;
(d) where a building or structure does not have any walls, the total floor area shall be the total area of the land directly beneath the roof of the building or structure and the total areas of the floors in the building or structure;
(e) 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, washrooms, and the parking and loading of vehicles; and
(f) excludes the area of any self-contained structural shelf and rack storage facility permitted by the Building Code Act.

(hh) "Town" means The Corporation of the Town of Caledon

(ii) "townhouse dwelling unit" means a dwelling unit in a building divided vertically both above and below grade into three or more dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.

(jj) All words defined in the Act or the Regulation have the same meaning in this by-law as they have in the Act or Regulation unless they are defined otherwise in this by-law.

(kk) 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 provisions in the statute or regulation or code as amended, replaced, revised or consolidated from time to time.

AFFECTED LANDS

2.(1) Subject to Subsection 2 of this Section, this by-law applies to the land in the South Simpson Industrial Secondary Plan Area that is outlined on Schedule A attached hereto, whether or not such land is exempt from taxation under Section 3 of the Assessment Act.

(2) This by-law shall not apply to land that is owned by and used for the purposes of:

(a) a board as defined in Subsection 1(1) of the Education Act;
(b) the Town or any local board thereof;
(c) The Regional Municipality of Peel or any local board thereof; or,
(d) any other municipality or local board thereof.

IMPOSITION OF DEVELOPMENT CHARGES

3.(1) Subject to Subsection 2 of this Section, development charges shall be imposed against land that is to be developed if the development requires:

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
(b) the approval of a minor variance under Section 45 of the Planning Act;
(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; or,
(g) the issuing of a building permit under the Building Code Act, 1992 in relation to a building or structure.

(2) Only one development charge shall be imposed against land to which this by-law applies even though two or more of the actions described in Subsection 1 of this Section are required for such land to be developed.

(3) Notwithstanding Subsection 2 of this section, if two or more of the actions described in Subsection 1 of this section occur at different times, additional development charges shall be imposed in accordance with this by-law in respect of any additional development permitted by the subsequent action.

DESCRIPTION OF SERVICES

4.(1) Development charges shall be imposed in accordance with this by-law in respect of Services Related to a Highway and Stormwater Management Services on the benefitting lands described Schedule A attached hereto.

(2) The development charges applicable to a development, as determined in accordance with this by-law, shall apply without regard to the services required for or to be used by such development.

CALCULATION OF DEVELOPMENT CHARGES

5. Development charges that are to be imposed upon land in that part of the South Simpson Industrial Secondary Plan Area that is outlined on Schedule A attached hereto that is to be developed for any purpose, including, without limiting the generality of the foregoing, residential uses, non-residential uses and/or mixed uses, shall be in the amounts set out in Schedule B attached hereto and adjusted in accordance with Section 10 of this by-law.

RESIDENTIAL INTENSIFICATION

6.(1) This by-law shall not apply with respect to any of the actions described in Subsection 1 of Section 3 of this by-law if the only effect of such action is to:

(a) permit the enlargement of an existing dwelling unit;
(b) permit the creation of one or two additional dwelling units in or ancillary to an existing single-detached dwelling, provided that the total gross floor area of the additional dwelling unit or the additional dwelling units is not greater than the gross floor area of the dwelling unit in the existing single-detached dwelling;
(c) permit the creation of one additional dwelling unit in or ancillary to an existing semi-detached or row dwelling, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the dwelling unit in the existing semi-detached or row dwelling; or
(d) permit the creation of one additional dwelling unit in or ancillary to any other existing residential building, provided that the gross floor area of the additional dwelling unit is not greater than the gross floor area of the smallest existing dwelling unit in the existing residential building.

(2) This by-law shall not apply with respect to any of the actions described in Subsection 1 of Section 3 of this by-law in respect to the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
3.	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

(3) Notwithstanding any other provision of this by-law, for the purpose of Subsection 1 and 2 of this section, the terms “single-detached dwelling”, “semi-detached dwelling”, “row dwelling” and “gross floor area” shall have the same meanings provided for them in the Regulation.

INDUSTRIAL EXPANSION

7. (1) Notwithstanding any other provision of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge applicable to such development shall be determined as follows:

(a) if the gross floor area is enlarged by fifty percent or less, cumulatively from the original building floor area, the amount of the development charge in respect of the enlargement shall be zero; or,

(b) if the gross floor area is enlarged by more than fifty percent cumulatively from the original building gross floor area, the amount of the development charge in respect of the enlargement shall be calculated on the amount by which the proposed enlargement exceeds fifty percent of the gross floor area of the industrial building prior to any enlargements.

(2) Notwithstanding any other provision of this by-law, for the purpose of Subsection 1 and 5 of this Section, the terms “existing industrial building” and “gross floor area” shall have the same meanings provided for them in the Regulation.

(3) For the purpose of interpreting the definition of “existing industrial building” in the Regulation, regard shall be had for the classification of the land on which the existing industrial building is located under the Assessment Act and in particular:

(a) whether the land is within a tax class such that taxes on the land are payable at the industrial tax rate; and,

(b) whether more than fifty percent of the gross floor area of the existing industrial building has an industrial property code for assessment purposes.

(4) For the purpose of applying Subsection 1 of this Section, the gross floor area of an existing industrial building shall be calculated as it was prior to the first enlargement of such existing industrial building for which an exemption under Subsection 1 of this Section applies.

(5) Notwithstanding any other provision of this by-law, development charges shall not be imposed with respect to the construction or erection of a building that is accessory to and not more than fifty percent of the gross floor area of an existing industrial building or the construction or erection of the gross floor area of an existing industrial building, provided that, prior to a building permit or building permits being issued for such building or buildings, the owner or owners of the land on which such building or buildings are to be constructed or erected enter into a written agreement with the Town

which has the effect of counting the floor area of such building or buildings against the exemption provided for in subsection 1 of this section.

REDEVELOPMENT

8. Subject to section 7 of this by-law, where, in conjunction with the redevelopment of land, a building or structure on such land was demolished in whole or in part on or after November 6, 1991, or is to be demolished in whole or in part or converted from a residential use to a non-residential use or vice-versa, the development charge to be imposed with respect to such redevelopment shall be reduced by the following amounts:

(1) in the case of a residential building or the residential portion of a mixed use building or structure, an amount calculated by multiplying the development charge that would have been applicable under section 5 of this by-law by the number of dwelling units that have completed culinary and sanitary facilities, according to the type thereof, that have been or are to be demolished or converted to another use; or,

(2) in the case of a non-residential building or the non-residential portion of a mixed use building or structure, an amount calculated by multiplying the applicable development charge under section 5 of this by-law by the total floor area, according to the type thereof, that has been or is to be demolished or converted to another use;

provided that evidence satisfactory to the Town is provided by the property owner as to the total floor area or type and number of dwelling units that have been demolished, that such amounts shall not exceed in total the amount of the development charges to otherwise be imposed with respect to the redevelopment.

TEMPORARY BUILDINGS OR STRUCTURES

9.(1) Notwithstanding any other provision of this by-law, development charges shall not be imposed under this by-law in respect of the construction or erection of a temporary building or structure so long as its status as a temporary building or structure is maintained in accordance with the provisions of this by-law.

(2) Upon application being made for the issuance of a building permit for the construction or erection of a temporary building or structure to which, but for Subsection 1 of this Section, development charges apply, the Town may require the owner or owners of the land on which such temporary building or structure is to be constructed or erected to either:

(a) pay for development charges on the proposed temporary building for which the owner or owners may apply for a refund no later than one month following the time period defined in this by-law for temporary buildings or structures; or

(b) enter into an agreement with the Town pursuant to section 27 of the Act and submit security, satisfactory to the Town, to be realized upon in the event that the temporary building or structure becomes protracted and development charges thereby become payable.

(3) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, nor ever to have been a temporary building or structure and, subject to any agreement made pursuant to section 27 of the Act, development charges under this by-law shall become payable forthwith.

INDEXING

10. The development charges described in Schedule B to this by-law shall be adjusted without amendment to this by-law on February 1st and August 1st in each year, commencing on August 1, 2021, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) with the base index value being that in effect on 1 August 2021.

PAYMENT OF DEVELOPMENT CHARGES

11.(1) Development charges set out in Schedule B and adjusted in accordance with Section 10 of this by-law to the date of payment, shall be payable:

(a) in regard to development charges imposed under section 5 of this by-law, with respect to a dwelling unit in a building or structure for which a building permit is issued, on the date that the building permit is issued; and,
(b) in regard to development charges being imposed under section 5 of this by-law, with respect to a building or structure for which a building permit is issued, on the date that the building permit is issued.
(c) prior to final approval of a plan of subdivision or a plan of condominium for the land that is to be developed;
(d) prior to a certificate being issued for a consent for the land that is to be developed; or,
(e) prior to a building permit being issued for the construction of a building or structure on the land that is to be developed;

whichever occurs earlier.

(2) In the alternative to payment by the means provided in subsection 1 of this section, the Town may, by an agreement made under section 38 of the Act with the owner or owners of land that is to be developed, accept the provision of services in full or partial satisfaction of development charges otherwise payable by such owner or owners, provided that:

(a) If the Town and such owner or owners cannot agree as to the reasonable cost of providing the services, the dispute shall be referred to the Council of the Town and its decision shall be final and binding; and,
(b) if the reasonable cost of providing the services exceeds the amount of the development charge for the service to which the work relates:
    (i) the excess amount shall not be credited against the development charge for any other service, unless the Town has so agreed in an agreement made under section 39 of the Act; and.
    (ii) in no event shall the Town be required to make a cash payment to such owner or owners.

(3) Nothing in this by-law shall prevent the Council of the Town from requiring, as a condition of any approval under the Planning Act, that the owner or owners of land install such local services as the Council of the Town may require in accordance with the policies of the Town with respect to local services.

(4) The Town may require the owner or owners of land that is to be developed to enter into an agreement, including the provision of security for the obligations of such owner or owners under the 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, and the terms of such agreement shall prevail over the provisions of this by-law.

FRONT-ENDING AGREEMENTS

12.(1) Where a development charge by-law is in force, Council may enter into a front-ending agreement with any or all owners within the benefiting area, providing for the payment by the owner or owners of a front-end payment or for the installation of services by the owners or any combination of front-end payments and installation of services. The cost of the work that will benefit a defined benefiting area is to be borne by one or more of the parties to the agreement who will be reimbursed some part of the costs by persons who, in the future, develop land within the benefiting area.

(2) A person is entitled to be given a credit towards a development charge for the amount of their non-reimbursable share of the costs of work under a front-ending agreement.

(3) No credit given pursuant to subsection (2) shall exceed the total development charge payable by the owner for that service, or the level of service underlying Schedule “B”.

(4) The front-end payment required to be made by the benefiting owner under the front-ending agreement may be adjusted annually, without amendment to this by-law, each October, while this by-law is in force, in accordance with the average Bank of Canada rate applied annually.

EFFECTIVE DATE

13. This by-law shall come into force and effect on February 17, 2021.

[Section 14 deleted, By-law 2025-115, effective November 25/25]

[Section 15 to 19 reordered to 14 to 18, By-law 2025-115, effective November 25/25]

REGISTRATION

14. A certified copy of this by-law may be registered in the by-law register in the Peel Land Registry Office and/or against the title to any land to which this by-law applies.

SEVERABILITY

15. In the event that any provision of this by-law is found by a court or tribunal of competent jurisdiction to be invalid, such provision shall be deemed to be severed, and the remaining provisions of this by-law shall remain in full force and effect.

HEADINGS

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

SCHEDULE

17. Schedules A and B attached to this by-law shall be deemed to be a part of this by-law.

SHORT TITLE

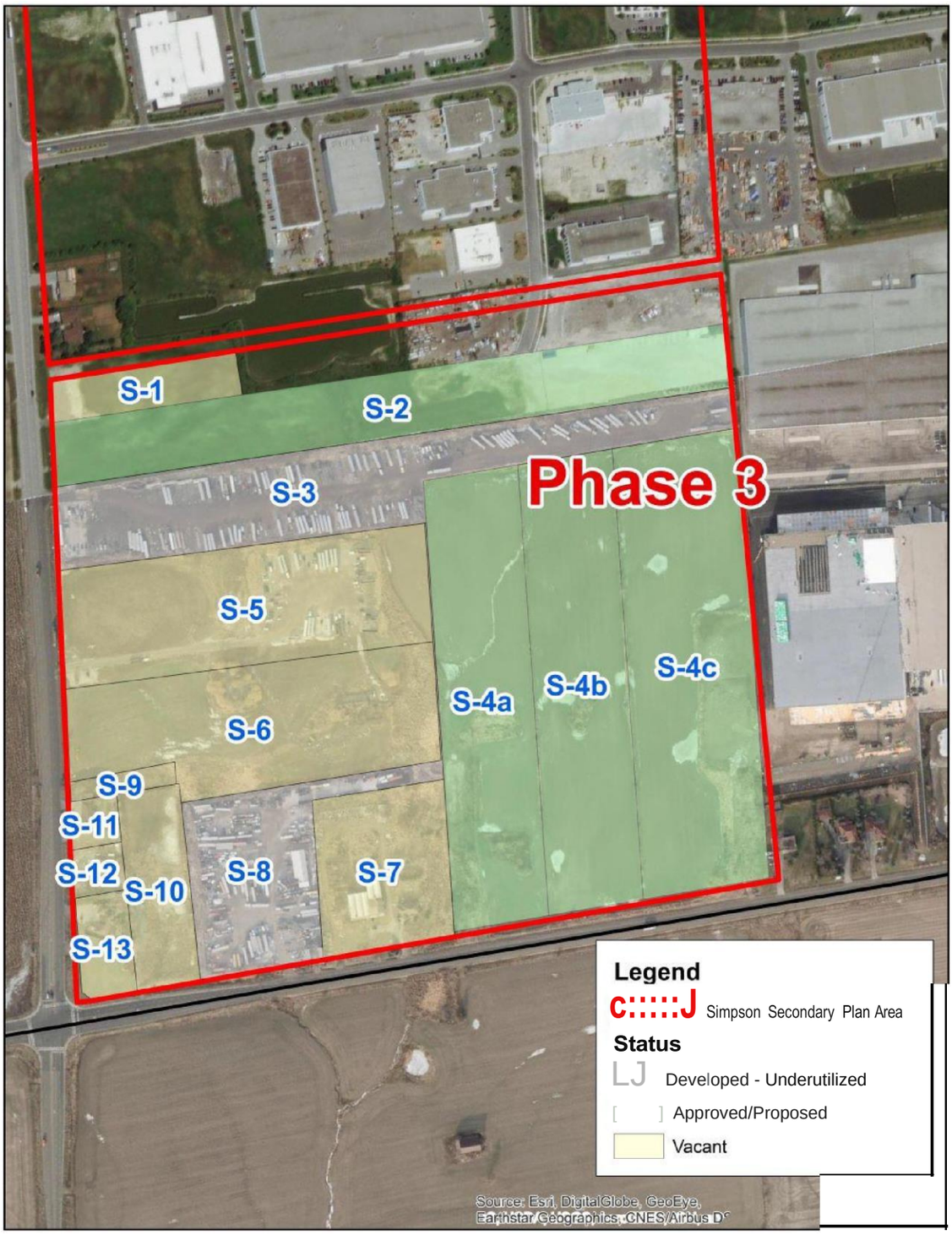
18. This by-law may be referred to as the Simpson Road (Phase 3) Development Area – Area Specific Development Charges By-law.

Enacted by the Town of Caledon Council this 16th day of February, 2021.

_____
Allan Thompson, Mayor

_____
Laura Hall, Town Clerk

SCHEDULE "A" TO BY-LAW NO. 2021-09



dWatson & Associates
ECONOMISTS LTD.

SCHEDULE “B” TO BY-LAW NO. 2021-09

Map Ref	Municipal Address	Developable Land Area (ha.)	D.C. Payable		
			Services Related to a Highway	Stormwater Management Services	Total D.C. per Property
S-3	12155 COLERAINE DR	3.65	3,157,134	550,881	**3,708,014**
S-8	8576 MAYFIELD RD	2.30	1,991,441		**1,991,441**
S-2	0 COLERAINE DR	3.60	3,117,184	928,936	**4,046,120**
S-4a	8664 MAYFIELD RD	10.46	9,055,275	5,114,548	**14,169,822**
S-4b	0 MAYFIELD RD				
S-4c	8746 MAYFIELD RD				
S-5	0 COLERAINE DR	3.46	2,995,324		**2,995,324**
S-6	0 COLERAINE DR	3.30	2,854,690		**2,854,690**
S-7	8602 MAYFIELD RD	1.55	1,345,703		**1,345,703**
TOTAL SIMPSON RD. PHASE 3 LANDS		**28.32**	**24,516,751**	**6,594,364**	**31,111,116**