

**CONSOLIDATION FOR INFORMATION PURPOSES ONLY  
FOR ORIGINAL BY-LAWS CONTACT CITY CLERK**

**Authority:** Item 6, General Issues Committee  
Report 11-021 (FCS11053(a))  
CM: June 29, 2011

**Bill No. 174**

Item 5, General Issues Committee  
Report 12-004 (FCS 12015)  
CM: February 15, 2012

**Bill No. 053**

Item 5, Audit, Finance &  
Administration Committee  
Report 18-011 (FCS18054(a))  
CM: August 17, 2018  
Ward: City Wide

**Bill No. 228**

Item 9, Audit, Finance &  
Administration Committee Report  
19-009 (FCS19050)  
CM: June 12, 2019  
Ward: City Wide

**Bill No. 141**

**THE CITY OF HAMILTON  
BY-LAW NO. 11-174 (Consolidated with 12-053, 18-228 and 19-141)**

**Being a By-law to impose development charges against lands to pay for increased capital costs required because of increased needs for GO Transit Service arising from development within the City of Hamilton**

**WHEREAS** the *Development Charges Act*, 1997, S.O.1997, Chapter 27 (hereinafter referred to as the "Act") authorizes municipalities to pass a By-law for the imposition of 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 said By-law applies.

**AND WHEREAS** the City of Hamilton, as required by Section 10 of the Act, has undertaken and completed a development charge background study regarding the anticipated amount, type and location of development, the increase in need for service, the deductions required

under the Act, estimated capital costs to provide for such increased needs, including the long term capital and operating costs for capital infrastructure required for the service, as well as the attribution related to new residential development.

**AND WHEREAS**, as required by Section 11 of the Act, this By-law is being enacted within one year of the May 2011 completion of the said development charge background study, titled "*City of Hamilton 2011 Development Charge Background Study for Water, Wastewater, Storm Water and GO Transit Services*," prepared by Watson and Associates dated May 20, 2011;

**AND WHEREAS** in advance of passing this By-law the Council of the City of Hamilton has made the background study available to the public at least two weeks prior to the public meeting and given notice of and held a public meeting on June 9, 2011 in accordance with Section 12 of the Act regarding its proposals for this development charges By-law;

**AND WHEREAS** the Council of the City of Hamilton, through its General Issues Committee, has received written submissions and heard all persons who applied to be heard no matter whether in objection to, or in support of, the said By-law;

**AND WHEREAS**, Council intends that development-related post 2031 capacity will be paid for by future development charges;

**AND WHEREAS** the Council of the City of Hamilton, at its meeting of June 15, 2011, has adopted and approved the said background study and the development charges and policies recommended by the General Manager of the Finance and Corporate Services Department to be included in this By-law and determined that no further public meetings are required under Section 12 of the Act;

**AND WHEREAS**, Council approved Report FCS11 respecting "*2011 City of Hamilton Water, Wastewater and Stormwater Development Charge By-law; Amendment to Development Charge By-law 09-143, and Development Charge By-law for Go Transit Services*", thereby updating its capital budget and forecast where appropriate;

**AND WHEREAS** the Council of the City of Hamilton, at its meeting of February 22<sup>nd</sup>, 2012, has approved the enactment of a Bylaw to expand the Downtown Hamilton Community Improvement Project Area as set out therein; and approved policies to be included in the said Development Charges By-laws 09-143, 11-174 and 11-175 by way of amendments thereto;

**AND WHEREAS**, in advance of passing this amending Bylaw, the Council of the City of Hamilton has given notice of and held a public meeting on February 15, 2012 in accordance with Section 12 of the Act regarding its proposals for this Development Charges Bylaw;

**AND WHEREAS** the Council of the City of Hamilton, through its General Issues Committee, has received written submissions and heard all persons who applied to be heard no matter whether in objection to, or in support of, this bylaw, and has determined that no further public meetings are required under Section 12 of the Act;

**NOW THEREFORE**, the Council of the City of Hamilton hereby enacts as follows:

## **Definitions**

1. In this By-law,

- (a) **“Act”** means the *Development Charges Act, 1997*, S.O. 1997, c.27.
- (b) **“adaptive reuse”** means the alteration of an existing building on a Protected Heritage Property for compliance of its continuing or resumed use(s) with current Building Code requirements; or, for compliance of its proposed new use(s) with current building code requirements; or, for ensuring its structural integrity; or for optimizing its continued, resumed or new use(s); while maintaining the cultural heritage value or interests of the subject building; and in compliance with the conditions of any Heritage Permit required for the subject alterations.
- (c) **“affordable housing project”** means a development or redevelopment that provides housing and incidental facilities for persons of low and moderate income.
- (d) **“apartment dwelling”** means a building containing more than two dwelling units where the dwelling units are connected by an interior corridor, but does not include a residential facility. For the purposes of this By-law, apartment dwelling includes a stacked townhouse and a mobile home.
- (e) **“apartment dwelling unit”** means a dwelling unit within an apartment dwelling.
- (f) **“back-to-back townhouse dwelling”** means a building containing four or more dwelling units vertically by a common wall, including a rear common wall, that do not have rear yards.
- (g) **“back-to-back townhouse dwelling unit”** means a dwelling unit within a back-to-back townhouse dwelling.
- (h) **“bedroom”** means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.
- (i) **“Board of Education”** means a board as defined in Subsection 1(1) of the *Education Act 1997*, S.O. 1997, c.E.2.
- (j) **“building”** means any structure or building as defined in the Building Code but does not include a vehicle.
- (k) **“Building Code”** means Ontario Regulation 332/12 as amended or any successor thereto made under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.
- (l) **“Council”** means the Council of the City of Hamilton.
- (m) **“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

or any development requiring any of the actions described in section 12, and includes redevelopment.

- (n) **“development charge”** or **“development charges”** means the charges imposed by this By-law against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which this By-law applies.
- (o) **“Downtown Hamilton Community Improvement Project Area”** or **“CIPA”** means the area shown on Schedule “B”.
- (p) **“Downtown Public Art Reserve”** means a public art reserve established and administered by the City of Hamilton that may fund public art in the CIPA.
- (q) **“duplex”** means a Building containing two dwelling units, but shall not include a semi-detached dwelling.
- (r) **“dwelling unit”** means a room or suite of rooms used, or designed or intended for use by one or more persons living together as a single housekeeping unit in which culinary and sanitary facilities are provided for the exclusive use of such person or persons.
- (s) **“full kitchen”** means a kitchen which contains a fridge, stove and sink.
- (t) **“garden suite”** has the same meaning as it has in subsection 39.1(2) of the *Planning Act*.
- (u) **“GO Transit Service”** includes stations, sites, parking facilities, rolling stock, storage yards, layover facilities, maintenance facilities, tunnels, grade separations, crossings, track, corridor rail expansions, bus terminals, control centres, capital works studies, background studies, and financing costs.
- (v) **“grade”** means the average level of proposed or finished ground adjoining a building at all exterior walls.
- (w) **“laneway”** means a public highway or road allowance having a width of less than 12.0 metres.
- (x) **“laneway house”** means a dwelling unit abutting a laneway on the same lot or parcel of land as another single detached dwelling or semi-detached dwelling, physically detached from and secondary to the single detached dwelling or semi-detached dwelling.
- (y) **“live/work unit”** means a building, or part of thereof, which contains, or is intended to contain, both a dwelling unit and non-residential areas and which is intended for both residential use and non-residential use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential areas.
- (z) **“local board”** means any municipal service board, municipal business corporation, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of the City, excluding a school board, a

conservation authority, any municipal business corporation not deemed to be a local board under O. Reg 168/03 under the *Municipal Act*, 2001, S.O. 2001, c.25.

- (aa) **“lodging house”** means a building that is used or designed to provide four or more lodging units, which may share common areas of the building other than the lodging unit and do not appear to function as a single housekeeping unit and does not include a residential facility.
- (bb) **“lodging unit”** means a room or set of rooms located in a lodging house designed or intended to be used for sleeping and living accommodation, which:
  - (i) is designed for the exclusive use of the resident or residents of the unit;
  - (ii) is not normally accessible to persons other than the resident or residents of the unit; and,
  - (iii) may contain either a bathroom or full kitchen but does not contain both for the exclusive use of the resident or residents of the unit.
- (cc) **“lot”** means a lot, block or parcel of land which can be legally and separately conveyed pursuant to section 50 of the *Planning Act* and includes a development having two or more lots consolidated under a single ownership.
- (dd) **“mixed use development”** means a building used, designed or intended for use for both residential and non-residential uses.
- (ee) **“mobile home”** means a building recognized in the Building Code as a “Mobile Home” in accordance with the standard for mobile homes in CSA Z240.2.1 “Structural requirements for Manufactured Homes” or CSA A277 “Procedures for Factory Certification of Buildings”.
- (ff) **“multiple unit dwelling”** means a building consisting of two or more dwelling units attached by a vertical or horizontal wall or walls other than a single detached dwelling, semi-detached dwelling, apartment dwelling, or residential facility. Multiple unit dwelling includes, but is not limited to, townhouse dwelling, back-to-back townhouse dwelling, duplex, and the portion of a live/work unit intended to be used exclusively for living accommodations for one or more individuals.
- (gg) **“non-residential development”** or **“non-residential use”** is any development other than a residential development or residential use.
- (hh) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P. 13.
- (ii) **“Protected Heritage Property”** means a property that is designated under Part IV of the *Ontario Heritage Act*, subject to a Heritage Easement under Part II of the *Ontario Heritage Act*, subject to a Heritage Easement under Part IV of the *Ontario Heritage Act*, or subject to a covenant or agreement on title held between the property owner and a conservation authority or level of government in the interest of conserving built heritage.
- (jj) **“Redevelopment”** means the construction, erection or placing of one or more Buildings on land where all or part of a building has previously been demolished on such land, or changing the use of a building from a residential Development to

a non-residential development or from a non-residential development to a residential development, or changing a building from one form of residential development to another form of residential development or from one form of non-residential use to another form of non-residential use and including any development or redevelopment requiring any of the actions described in Section 12.

(kk) **“Regulation”** means Ontario Regulation 82/98 under the Act.

(ll) **“Residential Development”** or **“Residential Use”** means:

- (i) a single detached dwelling;
- (ii) a semi-detached dwelling;
- (iii) a residential facility;
- (iv) a laneway house;
- (v) a multiple unit dwelling;
- (vi) an apartment dwelling; or
- (vii) the portion of a mixed-use development comprised of any dwelling units and any areas intended to be used exclusively by the occupants of the dwelling units,

but does not include any buildings used or designed to be used for use as short term accommodation.

(mm) **“residential facility”** means a building or part thereof containing four or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level and:

- (i) where the occupants have the right to use, in common, halls, stairs, yards, common rooms and accessory buildings;
- (ii) which may or may not have exclusive sanitary facilities for each occupant;
- (iii) which does not have exclusive full kitchen facilities for each occupant;
- (iv) where support services such as meal preparation, grocery shopping, laundry; and
- (v) housekeeping, nursing, respite care and attendant services may be provided at various levels.

For the purposes of this By-law, residential facility includes a lodging house and a garden suite.

(nn) **“semi-detached dwelling”** means a building consisting of two dwelling units attached by a vertical wall or walls, each of which has a separate entrance or access to grade.

- (oo) **“service”** means service defined in the by-law or designated in an agreement under section 44 of the Act.
- (pp) **“short term accommodation”** means a building designed or used or designed or intended for use as a temporary rental sleeping accommodation for travellers and shall include but not be limited to a motel, motor hotel, hotel or an apartment hotel.
- (qq) **“single detached dwelling”** means a building containing one dwelling unit and not attached to another building, whether or not the single detached dwelling is situated on a single lot.
- (rr) **“stacked townhouse dwelling”** means a building containing four or more dwelling units which are horizontally and vertically separated in a split level or stacked manner, where each dwelling unit egresses directly outside to grade (no egress to a common corridor).
- (ss) **“stacked townhouse dwelling unit”** means a dwelling unit within a stacked townhouse dwelling.
- (tt) **“student residence”** means a residential development that is solely owned by a university, college of applied arts and technology or other accredited post-secondary institution, designed or intended to be used for sleeping and living accommodations by students of the university, college of applied arts and technology or other accredited post-secondary institution that owns the residential development.
- (uu) **“temporary building or structure”** means a building without a foundation which is constructed, erected or placed on land for a continuous period of time not exceeding one year, or a like addition or alteration to an existing building or an existing structure that has the effect of increasing the usability thereof for a continuous period not exceeding one year.
- (vv) **“townhouse dwelling”** means a building divided vertically into three or more dwelling units, by common walls which prevent internal access between units where each dwelling unit egresses directly outside to grade.
- (ww) **“townhouse dwelling unit”** means a dwelling unit within a townhouse dwelling.

## Schedules

2. The following schedules to this By-law form an integral part of this By-law:

Schedule “A”: GO Transit Development Charges

Schedule “B”: Downtown Community Improvement Plan (CIP) Area

Schedule “C”: Height Restrictions for Downtown Hamilton CIPA Exemption

## Lands Affected

3. This By-law applies to all land within the City of Hamilton, with respect to the GO Transit Service provided within and outside of the City.

4. The development of land in the City is also subject to By-law 09-143, as amended and any successor by-law, and any additional development charge by-laws that may be enacted from time to time by the City.

### **Designation of Services**

5. All residential development of land within the area to which this By-law applies will increase the need for GO Transit service.
6. The development charges applicable to a development as determined pursuant to this By-law shall apply without regard to the service required or used by an individual development.
7. The service for which development charges are imposed under this by-law is the GO Transit service.

### **Approvals for Development**

8. The development of land is subject to a development charge where the development requires the following:
  - (a) the passing of a zoning By-law or 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 in accordance with Section 50 of the *Condominium Act*, R.S.O. 1990, c. C.26, or Section 9 of the *Condominium Act 1998*, S.O. 1998, c.19; or
  - (g) the issuance of a permit under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, or successor legislation, in relation to a building or structure.
9. Where two or more of the actions described in section 8 of this By-law occur at different times, or a second or subsequent building permit is issued resulting in increased, additional or different development, then additional development charges shall be imposed in respect of such increased, additional, or different development permitted by that action.
10. Where a development requires an approval described in section 8 of this By-law after the issuance of a building permit and no development charges have been paid,



then the development charges shall be paid prior to the granting of the approval required under section 8 of this By-law.

11. If a development does not require a building permit but does require one or more of the approvals described in section 8 of this By-law, then, notwithstanding section 8 of this By-law, development charges shall nonetheless be payable.
12. Nothing in this By-law prevents Council from requiring, in an agreement under Section 51 or as a condition of consent or an agreement respecting same under section 51 or as a condition or an agreement respecting same under Section 53 of the *Planning Act*, that the owner, at his or her own expense, shall install such local services related to or within a lot or lots, or a plan of subdivision, as Council may require, in accordance with the City's applicable local services policies in effect at the time.

### **Calculation of Development Charges**

13. A development charge imposed pursuant to this By-law is applicable only to residential development and shall, subject to any other applicable provision hereof, be calculated as follows:
  - (a) subject to (b), (c) and (d) below, in the case of residential development or the residential portion of mixed use development, based on the number and type of dwelling units;
  - (b) in the case of a residential facility, based upon the number of bedrooms;
  - (c) in the case of a dwelling unit containing six (6) or more bedrooms, the sixth and any additional bedroom shall be charged at the applicable residential facility rate; or
  - (d) in the case of an apartment with dwelling units containing six (6) or more bedrooms, the applicable "apartment 2 bedroom +" rate shall apply to the dwelling unit and five (5) bedrooms and the applicable residential facility rate to the sixth and each additional bedroom.
14. Subject to the provisions of this By-law, development charges against land are to be calculated and collected in accordance with the rates set out in Schedule "A" of this By-law.

### **Exemptions for Intensification of Existing Housing**

15. (1) No development charge shall be imposed where the only effect of an action referred to in Section 8 of this By-law is to:
  - (a) permit an enlargement to an existing dwelling unit;
  - (b) permit one or two additional dwelling units in an existing single detached dwelling; or

- (c) permit one additional dwelling unit in any other existing residential building.
- (2) Notwithstanding sub-section (1), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- (3) Notwithstanding sub-section (1), development charges shall be imposed if the additional unit has a gross floor area greater than:
  - (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
  - (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

### **Exemptions for Certain Buildings**

- 16. No development charge shall be imposed on any building owned by and used for the purposes of:
  - (a) the City of Hamilton;
  - (b) a Board of Education;
  - (c) a local board; or,
  - (d) CityHousing Hamilton

### **Other Exemptions from Development Charges**

- 17. Notwithstanding any other provision of this By-law, the following types of development are exempted from development charges under this By-law in the manner and to the extent set out below. Unless otherwise specified herein, the said exemption is equivalent to one hundred percent (100%) of the development charges otherwise payable:
  - (a) a laneway house;
  - (b) a garden suite; and
  - (c) until such time as the City's Housing Services Division develops and implements a Development Charge Incentive Program, dwelling units within an affordable housing project that (A) either have been approved to receive construction funding from the Government of Canada or the Province of Ontario (including their Crown corporations) under an affordable housing program or have been approved by the City of Hamilton through an affordable housing program; and (B) the affordable housing project in which the dwelling unit is situated is not eligible for funding for development charge liabilities from the Government of Canada or the Province of Ontario (including their Crown corporations)

## Downtown Hamilton Community Improvement Project Area (CIPA) Exemption

18. Development within the boundaries of the Downtown Hamilton Community Improvement Project Area (CIPA) as shown on Schedule “B” attached to this By-law shall:

- (a) be exempted from the following percentages of the development charges otherwise payable, after all other credits and exemptions are considered, under the By-law for only the portion of the building that is within the height restrictions as shown in Schedule “C” attached to this By-law based on the later of the date on which development charges are payable or the date all applicable development charges were actually paid:

Date	Percentage of exemption (%)	Percentage of development charge payable (%)
July 6, 2011 to July 5, 2015	90	10
July 6, 2015 to July 5, 2016	85	15
July 6, 2016 to July 5, 2017	80	20
July 6, 2017 to July 5, 2018	75	25
July 6, 2018 to July 6, 2019	70	30
July 6, 2019 to July 5, 2020	60	40
July 6, 2020 to July 5, 2021	50	50
July 6, 2021 to July 5, 2022	40	60
July 6, 2022 to July 5, 2023	40	60
July 6, 2023 to July 6, 2024	40	60

Schedule “C” attached to this By-law shall not be amended by any decision by the Local Planning Appeal Tribunal relating to the City’s Zoning By law Amendment 18-114; or by any amendments, including site specific or area specific, to the City’s Zoning By-law 05-200 either through Local Planning Appeal Tribunal decisions or by Council.

For clarity, any development in excess of the height restrictions as shown in Schedule “C” attached to this By-law shall be subject to the full calculated development charge and only be reduced if there are any credits or exemptions remaining after applying any and all other credits or exemptions to the portion of the building that is within the height restrictions as shown in Schedule “C” attached to this By-law.

- (b) for each year this By-law is in effect an additional exemption will apply as follows:
- (i) a dollar for dollar exemption on any remaining development charges payable equal to any amount of contribution by the payer of the development charges to the Downtown Public Art Reserve in an amount not to exceed ten percent of the development charges otherwise payable on the height that is within the height restrictions as shown as Schedule “C”; and

- (ii) the amount of all exemption provided in Subsection 27(b) shall be limited to \$250,000 annually and any single exemption shall be reduced by the amount it would exceed the \$250,000 limit.

The exemptions in Section 18 shall not apply in addition to the exemptions in Sections 15, 17 and 19. The exemptions provided in Section 18 shall only apply if the amount of exemption is greater than that provided under Sections 15, 17 and 19, individually or cumulatively. If the exemptions under Section 15, 17 and 19 are greater, individually or cumulatively, than that which could be provided under Section 18, no exemption pursuant to Section 18 shall apply.

### **Partial Exemptions**

- 19. The following types of residential development will be partially exempt from development charges under this By-law in the manner and to the extent set out below:
  - (a) development of a Brownfield property that has been approved by the City for an ERASE Redevelopment Grant, or any successor thereof. The amount of the exemption hereunder is equivalent to the cost of environmental remediation on, in or under the property as approved by the City under the ERASE Redevelopment Grant program and required to be paid by the owner, up to but not exceeding the amount of the development charges otherwise payable under this By-law;
  - (b) Until June 30, 2020 development of a student residence is exempt from 50% of the development charge otherwise payable pursuant to this By-law according to the type of residential development. After June 30, 2020 no exemption shall be provided for development of a student residence and the development of a student residence will be subject to the payment of development charges payable pursuant to this By-law.
  - (c) redevelopment of an existing residential development for the purpose of creating residential facilities within the existing building envelope is exempt from 50% of the development charge otherwise payable pursuant to this By-law;
  - (d) redevelopment of an existing residential facility for the purpose of creating more residential facility units within the existing building envelope shall be exempt from 50% of the development charge otherwise payable pursuant to this By-law. Notwithstanding anything else contained in this By-law, save and except paragraph 20(d) and Section 24, the credit applicable to any such redevelopment shall be based on 100% of the residential facility rate in effect at the time of receipt by the Chief Building Official of a complete building permit application for the said redevelopment within the meaning of Section 33 of this By-law;
  - (e) the adaptive reuse of the part of a building on a Protected Heritage Property that contains:

- (iii) heritage attributes that are the subject of designation under Part IV of the Ontario Heritage Act;
- (iv) features subject to a Heritage Easement under Part II of the Ontario Heritage Act;
- (v) features subject to a Heritage Easement under Part IV of the Ontario Heritage Act; or
- (vi) features subject to a covenant or agreement on title held between the property owner and a conservation authority or level of government in the interest of conserving,

is exempted from development charges.

### **Rules with Respect to Redevelopment - Demolitions**

20. In the case of the demolition of all or part of a building:
- (a) in the case of a demolition permit issued after the effective date of this By-law, a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that a building permit has been issued for the redevelopment within five (5) years from the date the demolition permit has been issued;
  - (b) the credit shall be calculated based on the portion of a building used for a residential purpose that has been demolished by multiplying the number and type of dwelling units demolished by the relevant development charges in effect on the date when the development charges are payable pursuant to this By-law;
  - (c) for greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the demolished building or part thereof would have been exempt pursuant to this By-law; and
  - (d) the amount of any credit pursuant to this section shall not exceed, in total, the amount of the development charges otherwise payable pursuant to this By-law with respect to the redevelopment.

### **Rules with Respect to Redevelopment - Conversions**

21. Where an existing non-residential building or structure is converted to a residential use, the residential development charge payable for the residential units created shall not be reduced.
22. Where an existing residential building is converted to non-residential uses, there is no development charge payable under this By-law.
23. Development charges payable for the conversion of uses in a mixed use building or structure shall be determined in accordance with sections 21 and 22.

24. The amount of any credit shall not exceed in total the amount of the development charges otherwise payable under the By-law.

### **Temporary Buildings or Structures**

25. Where an application is made for the issuance of a permit under the *Building Code Act* in relation to a temporary building or structure, the Chief Building Official, or his or her delegate, may, as a condition of the issuance of the said permit, require that the owner of the land enter into an agreement with the City pursuant to Section 27 of the Act and Section 27 of this By-law and/or submit security satisfactory to the General Manager of Finance and Corporate Services and the City Solicitor, to be realized upon in the event that the temporary building or structure remains on the land for more than one (1) year, or any other time as may be set out in the said agreement or security, from the date of the construction or erection thereof. A temporary building or structure that has not been removed or demolished by the first anniversary of its construction or erection on the land, or by the date specified in an agreement, shall be deemed not to be, nor ever to have been, a temporary building or structure and development charges under this By-law shall become due and payable forthwith and the City may draw upon any letter of credit and/or transfer any cash security into the appropriate development charge reserve fund.

### **Collection of Development Charges**

26. Subject to the provisions of Sections 25 and 27 of this By-law, development charges are payable at the time a building permit is issued with respect to a development.

### **Credit for Services-in-lieu Agreement**

27. In accordance with Sections 38, 39, 40 and 41 of the Act, a person may perform work that relates to the service to which this By-law applies, in return for a credit towards the development charges payable by the said person, by way of an agreement. No such credit shall exceed the total development charges payable by the person.

### **Front-Ending Agreements**

28. Council may authorize a front-ending agreement in accordance with the provisions of Part III of the Act, upon such terms as Council may require, in respect of the development of land.

### **Administration of By-law**

29. This By-law shall be administered by the Corporate Services Department of the City of Hamilton.

### **Indexing**

30. The development charges set out in Schedule "A" of this By-law shall be adjusted annually without amendment to this By-law by the percentage change during the

preceding year, as recorded in the Statistics Canada Quarterly Construction Price Statistics, Catalogue number 62-007. This adjustment shall take place as follows:

- (a) the initial adjustment shall be one year from the effective date of this By-law, and
- (b) thereafter, adjustment shall be made each year on the anniversary of the effective date of this By-law.

### **Reserve Fund Report**

- 31. The General Manager of Finance and Corporate Services shall, in each year prior to June 30 thereof, commencing June 30, 2012 for the 2011 year, furnish to Council a statement in respect of the reserve fund required by the Act for the service to which this By-law relates, for the prior year, containing the information set out in Section 43 of the Act and Section 12 of the Regulation.

### **Transition**

- 32. The development charge rates payable are the rates in effect on the date a completed building permit application is received and accepted by the City, provided that the permit is issued within 6 months of the effective date of a rate increase. Where the said building permit is revoked by the Chief Building Official on or after the date of the rate increase, any subsequent application for a building permit on the lands or site will be subject to the rates in effect on the date of permit issuance. For the purposes of this section, a "complete application" shall mean an application with all required information and plans provided, all application fees paid and all prior charges and taxes relating to the subject land paid and discharged.

### **General**

- 33. This By-law may be referred to as the "*City of Hamilton GO Transit Development Charges By-law, 2011*".

### **Date By-law Effective**

- 34. This By-law shall come into force and take effect at 12:01 a.m. on July 06, 2011.

### **Date By-law Expires**

- 35. This By-law expires December 31, 2019 as authorized by Ontario Regulation 468/16 and Ontario Regulation 489/16 or a revised date as authorized through Provincial Regulations.

### **By-law Registration**

- 36. A certified copy of this By-law may be registered in the Land Titles Office as against title to any land to which this By-law applies.

### **Headings for Reference Only**

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

### **Severability**

38. If, for any reasons, any provision, section, subsection, paragraph or clause 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.

PASSED AND ENACTED THIS 4<sup>th</sup> DAY OF JULY 2011.

"B. Morell"  
ACTING MAYOR

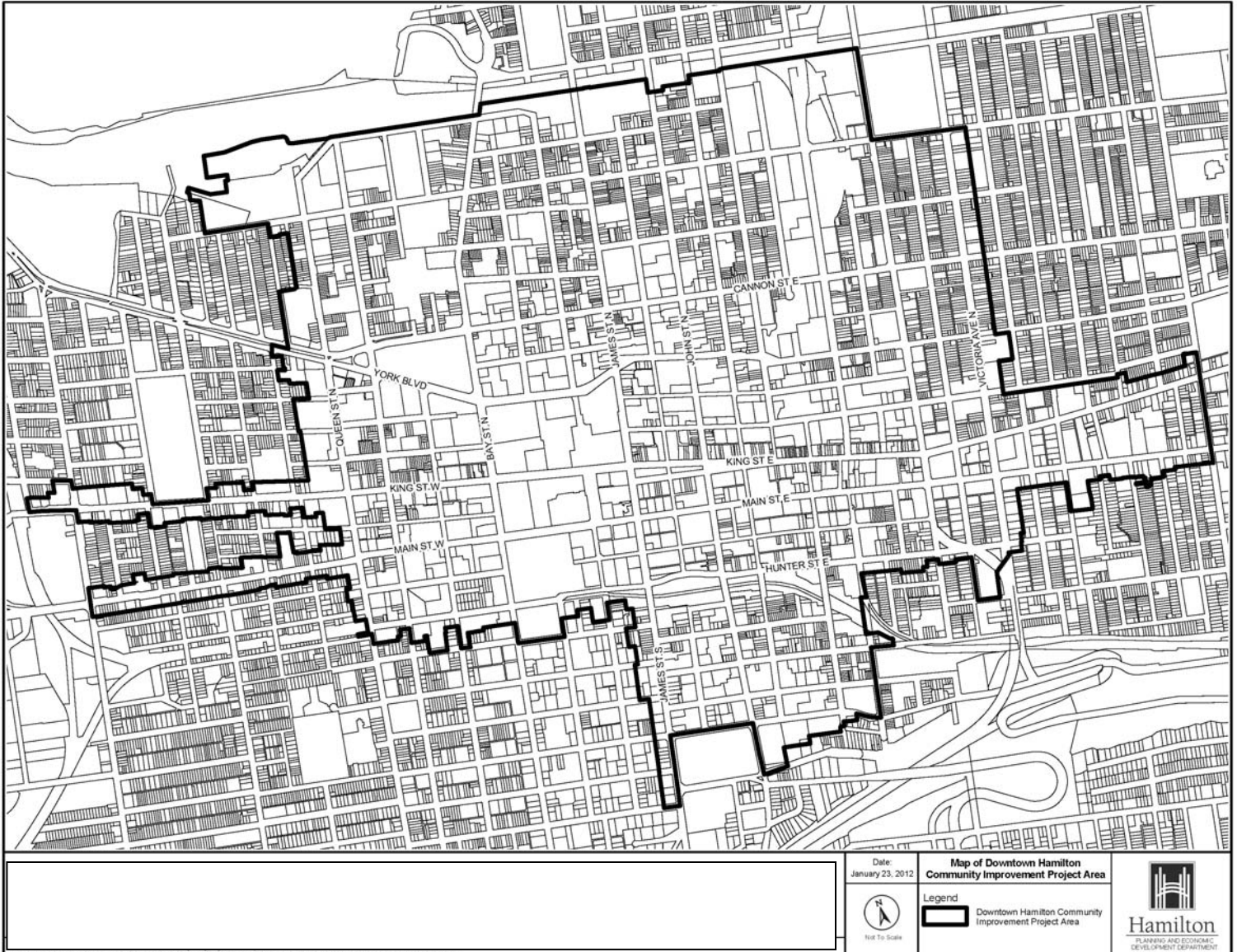
"M. Gallagher"  
ACTING CITY CLERK



**SCHEDULE "A"**  
**GO TRANSIT DEVELOPMENT CHARGES**

Residential Development Type	Charge
Single and Semi-Detached	\$215 per unit
Apartments	
- 2 Bedrooms+	\$133 per unit
- Bachelor and 1 Bedroom	\$89 per unit
Residential Facility	\$70 per bedroom
Other Multiples	\$154 per unit

**SCHEDULE "B"**  
**DOWNTOWN COMMUNITY IMPROVEMENT PROJECT AREA (CIPA)**



# SCHEDULE "C"

## Height Restrictions for Downtown Hamilton CIPA Exemption

