

of

The Regional Municipality of Waterloo

A By-law to Establish Development Charges for

The Regional Municipality of Waterloo

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Whereas The Regional Municipality of Waterloo (hereinafter referred to as the "Region") has and will continue to experience growth through development of land which will increase the need for services provided by the Region;

And Whereas Section 2(1) of the "Development Charges Act, 1997" (hereinafter referred to as the "Act") empowers the Council of the Region to pass by-laws for the imposition of Development Charges against land located in the municipality because the development of land would increase the need for services;

And Whereas the Region has undertaken a background study dated April 23, 2019 to examine the anticipated development for the municipality and the capital costs necessary to provide the increased service associated with projected development within a maximum time frame of ten (10) years and to determine the uses and areas within the municipality in which development will increase the need for services, which study and the report resulting therefrom have been completed and considered by the Council of the Region in accordance with Section 10(1) of the Act;

And Whereas the Council of the Region has held a public meeting on May 8, 2019 in accordance with Section 12 of the Act, notice of which was given on or prior to April 11, 2019, the Council of the Region made available the draft background study and information sufficient for the public to understand the proposed Development Charges By-law on April 23, 2019 and at the public meeting, Council heard all persons who applied to be heard whether in objection to or support of the said proposed by-law;

And Whereas the Region received submissions from members of the public before, at and following the aforesaid public meeting;

And Whereas Council, at its meeting on June 26, 2019 has considered all submissions made by the public and the recommendations and proposals made by Regional staff, and the aforesaid background study;

Now Therefore the Council of The Regional Municipality of Waterloo hereby enacts as follows:

Definitions:

1. In this By-law:

- (1) "Accessory Building" means a building or structure, or part of a building or structure, that is:

- (a) a parking garage that is exclusively devoted to providing vehicle parking to the main use situated on the same Site;
- (b) a mechanical room that is exclusively devoted to providing heating, cooling, ventilating, electrical, mechanical or telecommunications equipment for a building or buildings that contain one or more Dwelling Units or Lodging Units situated on the same Site
- (c) an entrance way, elevator, stairwell or hallway that provides access to a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
- (d) a pool area, change room, restroom, fitness facility, kitchen, laundry room, lounge or meeting room that is for the exclusive use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
- (e) a storage room that provides storage exclusively to a resident or residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site; or
- (f) an exterior deck, porch, canopy, gazebo, storage shed or stairway that is exclusively devoted to the use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;

and for the purposes of this definition, "Site" shall include common elements of the same condominium as the applicable main use, buildings, Dwelling Units or Lodging Units;

- (2) "Accessory Use" means a use that is normally subordinate or incidental to and exclusively devoted to a principal use, building or structure on a Site that does not through any manner or design share the same gross floor area of the principal use or occupy more than the percentage of gross floor area of the Site permitted as an accessory use by the applicable zoning by-laws;
- (3) "Apartment" means a Dwelling Unit located in a Residential Building which is not a Single Detached Dwelling, a Semi-Detached Dwelling, or a Townhouse Dwelling within the respective meanings ascribed thereto under this By-law;
- (4) "Applicant" means the registered owner of a Site applying for a Development Charge exemption for Eligible Costs for a Brownfield;
- (5) "Brownfield" means a Site which contained environmental contamination either in the ground or buildings due to the operational activities of a previous land use, where the extent of the contamination rendered the property vacant, under-utilized, unsafe, unproductive or abandoned, and for which a Record of Site Condition was filed on or after January 1, 2006;
- (6) "Building Code Act" means S.O. 1992, c. 23, as amended;
- (7) "Development" means any activity or proposed activity in respect of one or more of the actions referred to in Subsection 2(2) of the

- Act and includes redevelopment;
- (8) "Development Charges Act, 1997" means S.O. 1997, c.27, as amended;
  - (9) "Development Charge" means a charge imposed pursuant to this By-law;
  - (10) "Dwelling Unit" means one or more rooms occupied or designed for human habitation which include a separate, private entrance together with cooking and sanitary facilities for the exclusive use of the occupants thereof. A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home or hostel designed for human habitation shall not constitute a Dwelling Unit;
  - (11) "Eligible Costs" means the sum as determined pursuant to Schedule C of this By-law;
  - (12) "Existing Industrial Building" means a building or buildings existing on a Site on August 1, 2014, or a building or portion of a building constructed on a Site for which full Development Charges were paid, that is currently used for or in connection with:
    - (a) the production, compounding, processing, packaging, crating, bottling, packing or assembly of raw or semi-processed goods or materials ("manufacturing") or Warehousing;
    - (b) research or development activities in connection with the manufacturing;
    - (c) retail sales by a manufacturer, if retail sales are an Accessory Use at the Site where manufacturing is carried out; or,
    - (d) office or administrative purposes if they are:
      - i. carried out as an Accessory Use to the manufacturing or Warehousing; and
      - ii. in or attached to the building or structure used for such manufacturing or Warehousing;
  - (13) "Farm" means a parcel of land on which the predominant activity is Farming. A Farm shall not include a greenhouse;
  - (14) "Farm Occupation" means a vocational use permitted by the applicable zoning by-law and carried on in a building or as an Accessory Use in a portion of a building on a Farm where Farming also occurs;
  - (15) "Farming" means the production of crops or the breeding, raising or maintaining of livestock, or both, and includes but is not limited to:
    - (a) fur farming;

- (b) fruit and vegetable growing;
- (c) the keeping of bees;
- (d) fish farming; and
- (e) sod farming,

and includes such buildings and structures located on a Farm that are designed and intended to be used solely for or in connection with:

- i. storage or repair of farm equipment;
- ii. storage or processing of materials used in the production or maintenance of crops or livestock on the Farm; or
- iii. storage of the products derived from the Farm's production of crops or livestock.

Farm and Farming shall not include a Dwelling Unit located on a Farm or such buildings and structures located on a Farm that are designed and intended to be used solely for or in connection with the processing of the crops or livestock through mechanical, chemical or other means to create an altered product;

- (16) "Grade" with respect to a Dwelling Unit or Single Detached Dwelling means the average level of finished ground adjoining same at all exterior walls;
- (17) "Greenhouse" means any nursery building where any form or quantity of flowers, household plants, landscaping plants, horticultural products or manufactured household or gardening products not produced on the Site is offered for sale;
- (18) "Gross Floor Area" means the total floor area of a building or structure or part thereof measured from the outside faces of exterior walls or between the outside faces of exterior walls and the centre line of any partition walls and, in the case of a Dwelling Unit, includes only those areas above grade. The gross floor area shall include any area which is being used for the repair or for the public sale of vehicles but shall exclude any area which is specifically designed for the parking of passenger motor vehicles;
- (19) "Home Occupation" means a vocational use, which is not a Farm Occupation, carried on in conjunction with a Dwelling Unit on the same property as permitted by the applicable municipal zoning by-law;
- (20) "Local Board" has the same meaning as in Section 1 of the Act;
- (21) "Lodging House" means a building designed or intended to contain, or containing Lodging Units where the residents share access to common areas of the building, other than the Lodging Units;
- (22) "Lodging Unit" means a room located within a Lodging House which:

- (a) is designed to be occupied for human habitation by one resident;
- (b) is not normally accessible to persons other than the resident without the permission of the resident; and
- (c) may contain either cooking or sanitary facilities, but not both, for the exclusive use of the resident of the unit.

A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available group home, or hostel designed for human habitation shall not constitute a Lodging Unit;

- (23) "Mixed Use Development" means Development containing both Residential and Non-Residential Uses;
- (24) "Non-Residential Development" means the Development of land for Non-Residential Use;
- (25) "Non-Residential Use" means any commercial, industrial, institutional or other use, except Farming, not included in the definition of Residential Use;
- (26) "Planning Act" means R.S.O. 1990, c. P.13, as amended;
- (27) "Region" means The Regional Municipality of Waterloo;
- (28) "Regulation" means Ontario Regulation 82/98, as amended;
- (29) "Residential Building" means a building containing one or more Dwelling Units with or without any Non-Residential component and in the case of a single or semi-detached dwelling or townhouse dwelling means the individual Dwelling Unit;
- (30) "Residential Development" means the Development of land in whole or in part for any Residential Use;
- (31) "Residential Use" means the use of land, buildings or structures as one or more Dwelling Units or Lodging Units, including a Farm dwelling;
- (32) "Semi-Detached Dwelling" means one Dwelling Unit within a building containing only two Dwelling Units, which is divided from the other Dwelling Unit by a vertical solid wall or partition extending from foundation to roof;
- (33) "Service Group" means a group of services provided for in Schedule B to this By-law;
- (34) "Services" means the services listed in Schedule B to this By-law;
- (35) "Servicing Agreement" means any agreement entered into in connection with the Development of land including an agreement under Section 51 or Section 53 of the Planning Act but not including an agreement under Section 41 of the Planning Act;
- (36) "Single Detached Dwelling" means a building containing only one Dwelling Unit and shall include a modular or mobile home

connected to any of water, sanitary or electrical utility service;

- (37) "Site" means a parcel of land situated in the Region which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a Development having two or more lots consolidated under identical ownership;
- (38) "Townhouse Dwelling" means one Dwelling Unit within a building containing three or more Dwelling Units which is divided from the other Dwelling Units by one or more vertical solid walls or partitions extending from foundation to roof; and
- (39) "Warehousing" means a building in which the main use is bulk storage and/or wholesale distribution of manufactured goods or materials.

Rules for the Application and Imposition of Development Charges:

- 2. It is hereby declared by the Council of the Region that all Development of land within the Region, unless otherwise specified in this By-law, will increase the need for services.
  - 3.
    - (1) Subject to subsection (4), this By-law applies to all lands in the Region whether or not the land or the use thereof is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c. A.31, as amended;
    - (2) Council hereby imposes the Development Charges shown in Schedule A of this By-law upon the Development of land to which this By-law applies calculated in the manner set out in Section 4 and said Schedule A;
    - (3) The services to which the Development Charges imposed by subsection (2) relate are those listed in Schedule B to this By-law;
    - (4) This By-law does not apply to:
      - (a) (i) Development of land owned and for any municipal use by the:
        - Region
        - City of Kitchener
        - City of Waterloo
        - City of Cambridge
        - Township of North Dumfries
        - Township of Wilmot
        - Township of Woolwich
        - Township of Wellesley
- Or any Local Board of such municipality or their successors, being institutions within the category of institution hereby defined as "Municipalities within the geographical limits of the Regional Municipality of Waterloo";

- (ii) Development of land owned and for any conservation authority use by the Grand River Conservation Authority;
  - (iii) Development of land owned and for any education use by a Board as defined in Subsection 1(1) of the Education Act, R.S.O. 1990, c. E.2, as amended;
  - (iv) the Crown in right of Ontario or the Crown in right of Canada;
- (b) the Development of land that constitutes, in accordance with the Regulation only:
- (i) the enlargement of an existing Dwelling Unit;
  - (ii) the creation of the first two additional Dwelling Units in a Single Detached Dwelling Unit;
  - (iii) the creation of the first additional Dwelling Unit in a Semi-Detached, Townhouse (row) or Apartment building;
- (c) Development for any one or more of the following uses of land:
- (i) a temporary use permitted under an area municipal zoning by-law enacted in accordance with Section 39 of the Planning Act;
  - (ii) a Home Occupation;
  - (iii) Farming, excluding a Farm Occupation;
  - (iv) temporary erection of a building without a foundation defined in the Building Code Act for a period not exceeding six (6) consecutive months and not more than six (6) months in any one calendar year on a Site for which Development Charges have previously been paid;
  - (v) an Accessory Building, provided that the total Gross Floor Area of the Accessory Building or Buildings on the Site does not exceed the total Gross Floor Area of the applicable main use, buildings, Dwelling Units or Lodging Units;
- (d) one or more enlargements of an Existing Industrial Building on the same Site up to a maximum of fifty percent (50%) of the existing gross floor area, as defined in the Regulation, on that Site before the first enlargement;
- (e) Hospitals within the meaning of the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended; and
- (f) Development of a remediated Brownfield to the maximum of the Eligible Costs on that Site as set out in Schedule C of this By-law, provided that the criteria as set out in Schedule C of this By-law is satisfied and such Development occurs no later than seven years from the date of issuance of the required Record of Site Condition.

Calculation of Development Charges:

4. (1) Subject to subsections (2) to (9) inclusive, in calculating the

Development Charge applicable in respect of any Development including Mixed Use Development, the total charge payable shall be the aggregate of:

- (a) the charges applicable to any Residential Use component of the Development; plus
  - (b) the charges applicable to any Non-Residential Use component of the Development.
- (2)
- (a) A Development Charge shall be imposed in accordance with Schedule A with respect to the Gross Floor Area of an Industrial Building being increased by more than fifty percent (50%) of the gross floor area of an Existing Industrial Building on the Site.
  - (b) A building on a Site used for research purposes in connection with manufacturing shall be under the same ownership as a building on a Site used for manufacturing purposes.
  - (c) Despite one or more new Sites being divided from the original Site which result in an Existing Industrial Building being separated on a Site from its previous enlargement or enlargements for which an exemption was granted under Section 3(4)(d) of this By-law, further exemptions, if any, pertaining to the Existing Industrial Building shall be calculated on the basis of the gross floor area of the Existing Industrial Building prior to the first enlargement and the Site prior to its division.
- (3) Subject to subsections (4) to (7), where any Development on a Site replaces or changes a former or existing development, the Development Charge applicable to the Development shall be reduced by a redevelopment allowance, without interest, not to exceed an amount equal to the total of:
- (a) the number and types of legally established Dwelling Units and Lodging Units in the former or existing development; and
  - (b) the legally established Gross Floor Area of all Non-Residential Use components in the former or existing development;
- at the rates applicable to such Units or Gross Floor Area pursuant to this By-law at the time the first building permit for the Development is issued.
- (4) In determining the Development Charge payable pursuant to subsection (3) of this section, the total redevelopment allowance applicable to the Site shall be calculated only with respect to the services that were provided to the former or existing development.
- (5) A redevelopment allowance pursuant to subsection (3) of this section shall not apply to any of the following:
- (a) a former development that was for a Residential Use or was a Mixed Use Development if the demolition permit was



issued or, if there was not an issued demolition permit, the actual demolition or destruction occurred more than five years prior to issuance of the building permit for the Development; and

- (b) a former development that was for a Non-Residential Use if the demolition permit was issued or, if there was not an issued demolition permit, the actual demolition or destruction occurred more than ten years prior to issuance of the building permit for the Development.
- (6) In the event of a division of a Site into two or more parcels, any applicable redevelopment allowance pursuant to subsection (3) shall be apportioned equally between or amongst the resultant parcels of land on a per unit area basis unless otherwise apportioned pursuant to an agreement in force and registered on title to the Site comprising all of the parcels related to a consent application under Section 53 of the Planning Act in which case such agreement shall prevail.
  - (7) The redevelopment allowance applicable to a Site pursuant to subsection (3) shall be reduced for each subsequent Development by the redevelopment allowance applicable to such subsequent Development.
  - (8) Subject to subsection (9) below, only one Development Charge shall be payable hereunder in respect of a Development of land even though two or more actions described in Subsections 2 (2) (a) to (g) inclusive of the Act may occur in order for the land to be developed.
  - (9) If two or more of the actions described in Subsections 2(2)(a) to (g) inclusive of the Act occur, or if the same action occurs more than once at different times in respect of the Development of land then an additional Development Charge shall apply in respect of the subsequent action where the Development which is the subject of the subsequent action would have attracted a greater Development Charge than was paid or payable in respect of the earlier action, but in no case shall a refund be made of any Development Charge paid and in no case shall the total Development Charge payable in respect of the Development exceed the highest charge applicable to the Development as a whole.
- 5. Subject to any agreement made pursuant to Section 27(1) of the Act, the whole of the Development Charge imposed under this By-law shall be calculated at the rate in effect at the time of the issuance of the building permit and paid in full to the Treasurer of the lower-tier municipality in which the land is located prior to the issuance of a building permit under the Building Code Act for any building or structure in connection with the Development in respect of which the Development Charge hereunder is payable.
  - 6. The charges set out in Schedule A of this By-law on which a Development Charge is based shall be adjusted without amendment to this By-law on January 1 of each year, commencing on January 1, 2020, in accordance with section 7 of the Regulation.

Prior Agreements and Payments:

7. Any Servicing Agreements made under the Planning Act, prior to the coming into force of By-law No. 91-91 of the Region shall remain in full force and effect and, to the extent of conflict with this By-law, shall prevail.

Credits:

8. Credits may be given as required under Sections 38 to 41 inclusive of the Act, and shall be applied against the Development Charge payable under this By-law on a Site to a maximum of the Development Charge otherwise payable for the services to which the work relates and in a manner set forth in an agreement authorized by Council. When such an agreement is entered into, the credit assigned to a Site shall not exceed the Development Charge payable calculated on the maximum density of Development permitted by a draft plan of subdivision condition or the municipal zoning by-law which pertains to the Site on that date, whichever is greater.

Reserve Funds:

9. The Regional Treasurer shall establish and retain reserve funds in accordance with the provisions of the Act and shall, on or before June 1 of each year, prepare and provide to Council a financial statement with respect to each Reserve Fund or Funds so established.

General Provisions:

10. Subject to Section 59 of the Act, nothing in this By-law limits the right of Council to require or request an owner to install such services as Council requires at the owner's expense. Nothing in this By-law relieves an owner of any obligation to install, at the owner's expense, such services as are requested or required by Council as a condition of any approval under the Planning Act.
11. Prior to the time a Development Charge is payable, the Regional Treasurer, upon request, shall certify to the Treasurer of the area municipality in which such Site is located the amount of the Development Charge applicable to the proposed Development of such Site, the date upon which it is payable or whether it has been paid or otherwise satisfied, pursuant to section 5 of this By-law or any applicable agreement and, where it has not yet been paid, the manner in which the Development Charge is to be paid. Such certificate shall be sufficient evidence of the Development Charge payable under this By-law for the purposes of the issuance of a building permit by the Chief Building Official of the area municipality in which the Site is located. Such certificate may, prior to the issuance of the building permit, be amended by the Regional Treasurer in which case this provision shall apply to such amended certificate. Unless such a certificate is obtained and the amount provided for therein paid at the time and in the manner provided, the owner of land to which a Development Charge applies remains fully liable for the amount of the Development Charge payable, determined in accordance with this By-law.
12. For greater certainty, unless otherwise stated herein,
  - (1) a Development Charge, including any rate or exemption pursuant

- to this By-law, shall be determined and payable for a Development at the time of and upon a building permit being issued for the Development;
- (2) if a Development consists of one building that requires more than one building permit, the Development Charge for the Development is payable upon the first building permit being issued; and
  - (3) an Applicant for a building permit shall bear the onus and provide the Regional Treasurer with such information and documentation as necessary to satisfy the Regional Treasurer in regard to any Development Charge rate or exemption as alleged by the Applicant at the time of the building permit.
13. The Regional Treasurer shall refund, without interest, any Development Charge that has been paid if the Chief Building Official of the area municipality in which the Site is located cancels the building permit under the Building Code Act for the building or structure within seven years of the issuance of the building permit.
  14. Where a Development Charge is payable hereunder, but any matter as to calculation, manner or timing for payment thereof is not expressly provided for herein, such matters shall be determined in accordance with the Act and Regulations, where applicable by analogy to similar provisions hereof and in accordance with the general principles underlying the Act and this By-law.
  15. Nothing in this By-law shall be construed so as to commit or require the Region or its Council to authorize or proceed with any specific capital project or to enter into any Servicing Agreement or provide any credit for the construction of Regional works at any time and Council shall retain discretion not to proceed with any of the capital projects forecasted if it deems appropriate or advisable for any reason including, but not limited to, the lack of funding from Development Charges or otherwise.
  16. The interest rate for the purposes of Sections 18(3), 25(2) and Section 36 of the Act is what the Bank of Canada rate is on August 1, 2019, updated on the first business day of every January, April, July and October thereafter for the life of this By-law.
  17.
    - (1) By-law No. 14-046, as amended, is hereby repealed effective at 11:59 p.m. on July 31, 2019.
    - (2) Notwithstanding subsection (1), Schedule C of By-law No. 14-046, as amended, shall continue to apply to:
      - (a) an approval in writing as executed by the Region that was granted pursuant to section 5 of the Schedule C of By-law No. 14-046, as amended, prior to its repeal herein;
      - (b) an application that is complete pursuant to section 5 of Schedule C of By-law No. 14-046, as amended, prior to its repeal herein; and
      - (c) an application that is complete pursuant to subsection 5(d) of Schedule C of By-law No. 14-046, as amended, save and except for the requirements in subsections 5(d),(v),

(vi), (vii), (viii) and/or (x), provided that a building permit for the Site has been issued, all prior to the repeal of By-law No. 14-046, as amended.

18. This By-law shall come into force and effect on August 1, 2019.

By-law read a first, second and third time and finally passed in the Council Chamber in The Regional Municipality of Waterloo this 26 day of June, A.D., 2019.

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Regional Clerk

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Regional Chair

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**Schedule A**

**Part I - Residential Development Charges (\$ Per Unit) (effective August 1, 2019, subject to adjustment pursuant to section 6 of this By-law)**

Service Category	Single/Semi Detached		Townhouse		Apartment		Lodging	
	Dwelling		Dwelling		Dwelling		Unit	
	City	Township	City	Township	City	Township	City	Township
General Government	298	298	223	223	162	162	103	103
Police Service	812	812	607	607	442	442	282	282
Paramedic Services	170	170	127	127	93	93	59	59
Airport	585	585	437	437	319	319	203	203
Operations	162	162	121	121	88	88	56	56
Transit Services	3,072	-	2,296	-	1,673	-	1,066	-
Library Service	-	646	-	483	-	352	-	224
Waste Management	298	298	223	223	162	162	103	103
Transportation	11,997	11,997	8,966	8,966	6,532	6,532	4,163	4,163
Water Supply	4,442	4,442	3,320	3,320	2,419	2,419	1,541	1,541
Wastewater	6,220	6,220	4,648	4,648	3,387	3,387	2,158	2,158

Total Hard Services*	22,659	22,659	16,934	16,934	12,338	12,338	7,862	7,862
Total General Services**	17,394	14,968	13,000	11,187	9,471	8,150	6,035	5,193
Total Full Service	28,056	25,630	20,968	19,155	15,277	13,956	9,734	8,892

\* - Hard Services includes Transportation, Water Supply, Wastewater

\*\* - General Services includes General Government, Police Service, Paramedic Services, Airport, Operations, Transportation, Waste Management, Transit Services, (Cities only), and Library Services (Townships only)

**Schedule A Continued**

Part II - Non-Residential Development Charges (\$ Per Square Foot of GFA\*)  
 (effective August 1, 2019, subject to adjustment pursuant to section 6 of this By-law)

Service Category	Non-Residential	
	City	Township
General Government	0.17	0.17
Police Service	0.47	0.47
Paramedic Services	0.03	0.03
Airport	0.34	0.34
Operations	0.09	0.09
Transit Services	1.95	0.00
Library Service	0.00	0.05
Waste Management	0.01	0.01
Transportation	6.82	6.82
Water Supply	2.58	2.58
Wastewater	3.61	3.61

Total	13.01	13.01
Hard Services **		
Total	9.88	7.98
General Services***		
Total	16.07	14.17
Full Service		

\* - Gross Floor Area

\*\* - Hard Services includes Transportation, Water Supply Wastewater

\*\*\* - General Services includes General Government, Police Service, Paramedic Services, Airport, Operations, Transportation, Waste Management, Transit Services (Cities only), and Library Services (Townships only)

Part III - Calculation Provisions:

1. Charges shall include components for only those Service Groups available or to be made available to a Site in connection with the Development in accordance with the terms or conditions associated with its approval or any area municipal or Regional capital forecast in effect at the time the Development Charge is imposed whether or not such services will be used by the Development.
2. Subject to Part III, Section 1 of this Schedule, the charges applicable to residential Development shall be the sum of the amounts calculated by multiplying the number of units of each type referred to in Part I of this Schedule forming part of the Development by the rates listed thereunder in the relevant Service Groups.
3. Subject to Part III, Section 1 of this Schedule, the charge applicable to Non-Residential Development shall be the sum of the amounts calculated by multiplying the Gross Floor Area of all buildings and structures forming part of the Development by the rates listed in the relevant Service Groups in Part II of this Schedule.

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**Schedule B**

Service Group	Services Included	Service Category
General:	1. General Government	General Government
Basic Services:	2. Police	Police
	3. Paramedic	Paramedic
	4. Airport	Airport
	5. Operations	Operations
	6. Waste Diversion	Waste Management
	Transportation Services:	7. Transportation
Transit Services:*	8. Transit Operations	Transit
Library Services:**	9. Library	Library
Water Supply:	10. Water Works	Water Services
Wastewater:	11. Wastewater Works	Water Services

\*applicable only to Development in the Cities of Cambridge, Kitchener and Waterloo

\*\*applicable only to Development in the Townships of North Dumfries, Wellesley, Wilmot and Woolwich.



## Schedule C

### Eligible Costs and Eligibility Criteria for an Exemption for a Development Charge on a Remediated Brownfield

#### 1. Eligibility Criteria

- (1) An Applicant must not have been the registered owner of the Brownfield during the operational activities of the land use which created the Brownfield, nor have been found by any court, tribunal or other body with lawful jurisdiction to be responsible for the subject contamination of the Brownfield;
- (2) Sites must meet the definition of a Brownfield as set out in this By-law; and
- (3) Sites in property tax arrears are not eligible to receive an exemption.

#### 2. Eligible Costs

- (1) The Eligible Costs for the Development Charge exemption shall be determined as follows:
  - (a) the direct costs of remediating the Brownfield as determined herein shall be added up, subject to the following percentages:
    - (i) 100% of direct remediation costs if the required Record of Site Condition for the Brownfield is issued on or before December 31, 2021; and
    - (ii) 50% of direct remediation costs if the required Record of Site Condition for the Brownfield is issued between January 1, 2022 and July 31, 2024;
  - (b) the value of any financial assistance provided by the Region and / or a lower-tier municipality under its Brownfields Financial Incentive Program, or any successor thereto, shall be deducted; and
  - (c) the net amount after the calculations in subsections (a) and (b) shall be reduced, if applicable, so that the amount for Eligible Costs does not exceed the sum of \$1,000,000 per Brownfield.
- (2) Direct remediation costs include the cost of the following, exclusive of HST:
  - (a) Phase I Environmental Site Assessments;
  - (b) Phase II Environmental Site Assessments (only for the portion not already funded by the Region under its Brownfields Financial Incentive Program or any successor thereto);
  - (c) Remedial Action Plan/ Remedial Work Plan;
  - (d) Risk Assessment;
  - (e) Environmental Rehabilitation;
  - (f) Risk Mitigation Measures;
  - (g) Disposal of contaminated soil;
  - (h) Placing of clean fill and grading;
  - (i) Building demolition costs related to remediation; and

- (j) Filing of a Record of Site Condition (provided that at least one other cost item above has been incurred).

### 3. Review of Eligible Costs

- (1) Direct remediation costs submitted by the Applicant will be subject to an audit that confirms the link between direct remediation costs submitted by the Applicant and the work plan followed to achieve filing of the Record of Site Condition.
- (2) The audit will be carried out in accordance with the standards set out in Section 5815 of the Canadian Institute of Chartered Accountants Handbook – Special Reports – Audit Reports on Compliance with Agreements, Statutes and Regulations, or any successor thereto.
- (3) The audit report should clearly indicate that the direct remediation costs submitted by the Applicant relate to the rehabilitation of the Brownfield and the work plan followed to achieve filing of the Record of Site Condition.
- (4) The cost of the audit is not a direct remediation cost and is the responsibility of the Applicant.

### 4. Work and Quality Requirements

An Applicant for an exemption must provide a copy of the Record of Site Condition and the associated acknowledgment from the Ministry of the Environment, Conservation and Parks, or any successor Ministry, to verify that environmental remediation has been completed in accordance with Regulation 153/04 of the Environmental Protection Act, as well as standards set by the Canadian Standards Association, and all other applicable standards, all as may be amended or superseded from time to time.

### 5. Conditions for Receiving Exemption

- (1) Eligibility for this exemption commences thirty (30) calendar days after a Record of Site Condition has been filed for the subject property to allow the Ministry of the Environment, Conservation and Parks, or any successor Ministry, to complete its audit process and terminates on the date that is seven years from the date of commencement of eligibility. If a Record of Site Condition does not pass the Ministry audit, the redevelopment shall be ineligible for the development charge exemption.
- (2) Approval of the exemption will only be granted after the Eligible Costs have been determined and verified in accordance with this Schedule.
- (3) If a building permit is issued for the subject Brownfield prior to the determination of the Eligible Costs then the applicable Development Charge without regard to the applicability of this exemption to the Development on the Site must be paid in full. In such cases, the Development Charge shall be held by the Region and any calculated Development Charge exemption shall be refunded to the Applicant if and when approval of the exemption is granted.
- (4) An Applicant for the Development Charge exemption shall submit the following materials as evidence of work undertaken, compliance with standards and costs incurred:

- (a) A copy of the Record of Site Condition;
  - (b) Acknowledgement letter from the Ministry of the Environment indicating receipt of the Record of Site Condition;
  - (c) Remedial work plan or action plan used to achieve filing of the Record of Site Condition and all other associated documents;
  - (d) Certificate of property use, if applicable;
  - (e) Original cost estimates for remediation prepared by a Qualified Person as defined in Regulation 153/04 of the Environmental Protection Act, as amended;
  - (f) Paid invoices from a Qualified Person as defined in Regulation 153/04 of the Environmental Protection Act, as amended;
  - (g) Paid invoices from contractors in respect of remediation work;
  - (h) Summary of all Eligible Costs;
  - (i) Signed declaration that the subject property is not property tax arrears; and
  - (j) The audit report as required by Section 3.
6. (1) The Eligible Costs as approved herein shall apply to the entire Brownfield on which the environmental contamination exists or existed.
- (2) In the event of a division of a Brownfield into two or more parcels, any Eligible Costs as approved herein, shall be apportioned equally between or amongst the resultant parcels of land on a per unit area basis unless otherwise apportioned pursuant to an agreement in force and registered on title to the Brownfield comprising all of the parcels related to a consent application under Section 53 of the Planning Act in which case such agreement shall prevail.
- (3) The Eligible Costs as approved herein applicable to a Brownfield shall be reduced for each subsequent Development by the Eligible Costs applicable to such subsequent Development.