

By-Law Number 16-053
of
The Regional Municipality of Waterloo

A By-law to Amend By-law 14-046 Regarding Development Charges – Transit
Services and Waste Management Services

Whereas The Regional Municipality of Waterloo 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 by By-law 14-046 (the “RDC By-law”) respecting the imposition of development charges was passed by the Council of The Regional Municipality of Waterloo (hereinafter referred to as the “Region”) on June 27, 2014;

And Whereas the Smart Growth for Our Communities Act, 2015, Statutes of Ontario, Chapter 26, amended the Act to provide for certain amendments pertaining to a municipality’s authority to impose development charges relating to Transit Services and Waste Management Services;

And Whereas the Council of the Region has completed and considered a background study dated August 15, 2016, in accordance with the Act in order to consider a by-law to amend the RDC By-law pursuant to the Act;

And Whereas the Council of the Region has held a public meeting on September 13, 2016 in accordance with the Act, notice of which was given on or prior to August 22, 2016, the Council of the Region has made available the background study and information sufficient to the public to understand the proposed by-law on August 15, 2016 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 November 30, 2016 has considered all submissions made by the public and the recommendations and proposals made by Regional staff and the aforesaid background study;

And Whereas Council has determined that no further public meeting is required;

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

1. Section 4(9) of the RDC By-law is amended by adding the following:

(a.1) Where a building permit is issued during the period January 1, 2017 to February 28, 2019 inclusive pertaining to Development in the Core Area of Waterloo as shown in Schedule D to this By-law and if no reduction described in (a) above is applicable, then the Development Charge for Transit Services shall be reduced by 77% of the then current applicable Development Charge for Transit Services and the Development Charge for Waste Management Services shall be \$0 with respect to such Development within the Core Area of Waterloo; and

2. Schedule "A" (Part I and Part III) of the RDC By-law is amended by adding the words "Waste Management" to the respective Footnote **. Schedule A (Part II) of the RDC By-law is amended by adding the words "Waste Management" to the Footnote ***.
3. Schedule "A" of the RDC By-law is amended by deleting the following:

Part I Residential Development Charges (\$ Per Unit)								
Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling Township		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
Transit Services	\$788	\$0	\$592	\$0	\$429	\$0	\$243	\$0
Total Hard Services	\$16,348	\$16,348	\$12,274	\$12,274	\$8,904	\$8,904	\$5,031	\$5,031
Total General Services	\$10,752	\$10,174	\$8,072	\$7,638	\$5,854	\$5,539	\$3,309	\$3,131
Total Full Services	\$17,936	\$17,358	\$13,466	\$13,032	\$9,767	\$9,452	\$5,520	\$5,342

Part II – Non-Residential Development Charges (\$ Per Square Foot of Gross Floor Area)				
Service Category	Non-Residential (Excluding Industrial)		Non-Residential (Industrial)	
	City	Township	City	Township
Transit	\$0.44	\$0.00	\$0.22	\$0.00
Total Hard Services	\$8.73	\$8.73	\$4.36	\$4.36
Total General Services	\$6.13	\$5.69	\$3.07	\$2.85
Total Full Service	\$9.77	\$9.33	\$4.89	\$4.67

Part III - Residential Redevelopment Factors (effective August 1, 2014)								
Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
General Government	0.006	0.006	0.005	0.005	0.003	0.003	0.002	0.002
Police Service	0.014	0.015	0.011	0.011	0.008	0.008	0.004	0.005
Emergency Medical Services	0.005	0.005	0.004	0.004	0.003	0.003	0.002	0.002
Airport	0.012	0.013	0.009	0.010	0.007	0.007	0.004	0.004
Operations	0.007	0.007	0.005	0.005	0.004	0.004	0.002	0.002
Transit Services	0.044	0.000	0.033	0.000	0.024	0.000	0.014	0.000
Library Service	0.000	0.012	0.000	0.009	0.000	0.007	0.000	0.004
Transportation	0.511	0.528	0.384	0.396	0.278	0.288	0.157	0.162
Water Supply	0.115	0.119	0.087	0.089	0.063	0.065	0.035	0.037
Wastewater	0.285	0.295	0.214	0.221	0.155	0.161	0.088	0.091
Total Hard Services*	0.911	0.942	0.684	0.707	0.496	0.513	0.280	0.290
Total General Services**	0.599	0.586	0.450	0.440	0.326	0.319	0.184	0.180
Total Full Service	1.000	1.000	0.751	0.751	0.545	0.545	0.308	0.308

Service Category	Non-Residential	
	City	Township
General Government	0.006	0.006
Police Service	0.014	0.015
Emergency Medical Services	0.005	0.005
Airport	0.029	0.030
Operations	0.007	0.008
Transit Services	0.045	-
Library Service	-	-
Transportation	0.521	0.546
Water Supply	0.108	0.114
Wastewater	0.264	0.277
Total Hard Services *	0.894	0.936
Total General Services**	0.627	0.610
Total Full Service	1.000	1.000

4. Schedule "A" of the RDC By-law is amended by adding the following:

Part I Residential Development Charges (\$ Per Unit), subject to adjustment pursuant to Section 6 of this By-law commencing January 1, 2018.								
Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
Transit	\$3,465	\$0	\$2,601	\$0	\$1,887	\$0	\$1,066	\$0
Waste Management	\$255	\$255	\$192	\$192	\$139	\$139	\$79	\$79

Part I Residential Development Charges (\$ Per Unit) , subject to adjustment pursuant to Section 6 of this By-law commencing January 1, 2018.								
Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
Total Hard Services	\$16,676	\$16,676	\$12,522	\$12,522	\$9,083	\$9,083	\$5,134	\$5,134
Total General Services	\$13,884	\$10,634	\$10,423	\$7,983	\$7,561	\$5,790	\$4,271	\$3,272
Total Full Services	\$21,212	\$17,962	\$15,926	\$13,486	\$11,553	\$9,782	\$6,527	\$5,528

Part II – Non-Residential Development Charges (\$ Per Square Foot of Gross Floor Area), subject to adjustment pursuant to Section 6 of this By-law commencing January 1, 2018.				
Service Category	Non-Residential (Excluding Industrial)		Non-Residential (Industrial)	
	City	Township	City	Township
Transit	\$1.89	\$0	\$0.95	\$0
Waste Management	\$0.01	\$0.01	\$0.01	\$0.01
Total Hard Services	\$8.91	\$8.91	\$4.45	\$4.45
Total General Services	\$7.70	\$5.81	\$3.86	\$2.91
Total Full Service	\$11.41	\$9.52	\$5.72	\$4.77

Part III - Residential Redevelopment Factors (effective January 1, 2017)								
Service Category	Single/Semi Detached		Townhouse		Apartment		Lodging	
	Dwelling		Dwelling		Dwelling		Unit	
	City	Township	City	Township	City	Township	City	Township
General Government	0.005	0.006	0.004	0.005	0.003	0.003	0.002	0.002
Police Service	0.012	0.015	0.009	0.011	0.007	0.008	0.004	0.004
Emergency Medical Services	0.004	0.005	0.003	0.004	0.002	0.003	0.001	0.002
Airport	0.011	0.013	0.008	0.009	0.006	0.007	0.003	0.004
Operations	0.006	0.007	0.004	0.005	0.003	0.004	0.002	0.002
Transit Services	0.165	-	0.124	-	0.090	-	0.051	-
Library Service	-	0.012	-	0.009	-	0.006	-	0.004
Waste Management	0.012	0.014	0.009	0.011	0.007	0.008	0.004	0.004
Transportation	0.440	0.520	0.330	0.391	0.239	0.283	0.135	0.160
Water Supply	0.099	0.117	0.074	0.088	0.054	0.064	0.031	0.036
Wastewater	0.246	0.291	0.184	0.218	0.134	0.158	0.076	0.089
Total Hard Services *	0.784	0.928	0.589	0.697	0.427	0.506	0.241	0.286
Total General Services**	0.643	0.578	0.483	0.434	0.350	0.315	0.198	0.178
Total Full Service	1.000	1.000	0.751	0.751	0.545	0.545	0.308	0.308

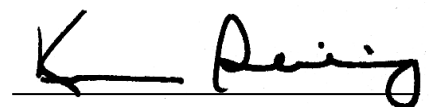
Part III - Non-Residential Redevelopment Factors (effective January 1, 2017)		
Service Category	Non-Residential	
	City	Township
General Government	0.005	0.006
Police Service	0.012	0.015
Emergency Medical Services	0.004	0.005
Airport	0.025	0.030
Operations	0.006	0.007
Transit Services	0.167	-
Library Service	-	-
Waste Management	0.001	0.001
Transportation	0.454	0.545
Water Supply	0.095	0.114
Wastewater	0.230	0.276
Total Hard Services **	0.779	0.935
Total General Services***	0.675	0.610
Total Full Service	1.000	1.000

5. This By-law shall come into force and effect on January 1, 2017

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 30th day of November, A.D., 2016.



Regional Clerk



Regional Chair

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 19, 2017

CASE NO(S): DC170002

PROCEEDING COMMENCED UNDER subsection 14 of the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended

Appellant: Waterloo Region Home Builders' Association
Subject: Development Charges By-law No. 16053
(Transit and Waste Management Services)
Municipality: The Region of Waterloo
OMB Case No.: DC170002
OMB File No.: DC170002
OMB Case Name: Waterloo Region Home Builders' Association v.
Waterloo (Reg. Mun.)

Heard: May 31, 2017 by telephone conference call

APPEARANCES:

Parties

Counsel

Region of Waterloo

R. Brookes

Waterloo Region Home Builders'
Association

J. Meader

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. CONTI ON MAY 31, 2017
AND ORDER OF THE BOARD**

[1] This is the decision for a hearing held by Telephone Conference Call ("TCC") regarding an appeal of the Waterloo Region Home Builders' Association ("Appellant") against the approval by the Region of Waterloo ("Region") of Development Charges By-law No. 16-053 which amended Development Charges By-law No. 14-046 to

incorporate changes to the *Development Charges Act* (“Act”).

[2] Prior to the TCC the Board was informed that the parties had reached a settlement and they filed Minutes of Settlement (“MOS”) (Exhibit 1) and a supporting affidavit of Craig Binning (Exhibit 2). Mr. Binning is a Partner at Hemson Consulting Ltd. and a land economist and municipal finance analyst. He participated in the TCC.

[3] The Board heard that the settlement amends the tables that were included in By-law No. 16-053. Mr. Binning’s Affidavit identified the manner in which By-law No. 16-053 will be changed to achieve the settlement. It also includes an amended Development Charges Background Study.

[4] The parties also filed a draft order which includes revisions to the tables in the By-law No. 16-053 that are necessary to achieve the settlement. Mr. Binning’s evidence was that the changes are appropriate and that they comply with the Act.

[5] Counsel for both parties expressed support for the settlement with both noting that the Minutes of Settlement provide for additional consultation to take place between the parties in the future.

[6] After hearing from the parties and having reviewed the evidence, the Board accepted Mr. Binning’s affidavit and his oral evidence as expert opinion. In view of the settlement and the uncontested opinion evidence, the Board approved the amendments to By-law No. 16-053. The Board adopts the draft order provided by the parties which is attached to this decision.

ORDER

[7] The Board orders that the appeal is allowed in part; and furthermore, the Board orders the matters set out in Attachment 1 and By-law No 16-053 of the Region of Waterloo is amended as set out therein.

"C. Conti"

C. CONTI
VICE-CHAIR

If there is an attachment referred to in this document
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT 1

SCHEDULE "A"

Draft Order

ONTARIO MUNICIPAL BOARD

PROCEEDING COMMENCED UNDER subsection 14 of the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended

Appellant: Waterloo Region Home Builders' Association
("WRHBA")
Subject: Development Charges By-law No. 16-053 (the "DC
By-law")
Municipality: The Region of Waterloo (the "Region")
OMB Case No.: DC170002
OMB File No.: DC170002
OMB Case Name: Waterloo Region Home Builders' Association v.
Waterloo (Regional Municipality)

Heard: May 31, 2017, by Teleconference

ORDER

BEFORE:

)
) Wednesday, the 31st day of May,
) 2017

WHEREAS the Parties have entered into Minutes of Settlement respecting WRHBA's appeal (the "Appeal") of the DC By-law;

AND WHEREAS the Parties have filed with the Board the Minutes of Settlement and a sworn Affidavit of Craig Binning, Partner of Hemson Consulting Ltd., a land economist and municipal finance analyst;

AND WHEREAS THE BOARD is satisfied that the proposed settlement of the Appeal is in the public interest and is within the Board's jurisdiction as set out in section 16 of the *Development Charges Act*, 1997, S.O. 1997, c. 27;

AD RB

NOW THEREFORE THE BOARD ORDERS THAT:

- (1) the Appeal is allowed, in part, by deleting Section 4 of the DC By-law and replacing it with Attachment "1" to this Order and by dismissing the balance of the Appeal of the DC By-law.
- (2) Pursuant to section 17 of the Development Charges Act, 1997, S.O. 1997, c. 27, section (1) of this Order shall be deemed to come into force and effect on January 1, 2017.
- (3) There shall be no costs of this Appeal awarded to either party.

RB CO

Attachment 1

*4. Schedule "A" of the RDC By-law is amended by adding the following:

Part I Residential Development Charges (\$ Per Unit), subject to adjustment pursuant to Section 6 of this By-law commencing January 1, 2018.								
Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
Transit	\$3,365	\$0	\$2,526	\$0	\$1,832	\$0	\$1,035	\$0
Waste Management	\$255	\$255	\$192	\$192	\$139	\$139	\$79	\$79

Part I Residential Development Charges (\$ Per Unit) , subject to adjustment pursuant to Section 6 of this By-law commencing January 1, 2018.								
Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
Total Hard Services*	\$16,676	\$16,676	\$12,522	\$12,522	\$9,083	\$9,083	\$5,134	\$5,134
Total General Services**	\$13,784	\$10,634	\$10,348	\$7,983	\$7,506	\$5,790	\$4,240	\$3,272
Total Full Services	\$21,112	\$17,962	\$15,851	\$13,486	\$11,498	\$9,782	\$6,496	\$5,528

RB AD

Part II – Non-Residential Development Charges (\$ Per Square Foot of GFA*), subject to adjustment pursuant to Section 6 of this By-law commencing January 1, 2018.

Service Category	Non-Residential (Excluding Industrial)		Non-Residential (Industrial)	
	City	Township	City	Township
Transit	\$1.83	\$0	\$0.92	\$0
Waste Management	\$0.01	\$0.01	\$0.01	\$0.01
Total Hard Services **	\$8.91	\$8.91	\$4.45	\$4.45
Total General Services ***	\$7.64	\$5.81	\$3.83	\$2.91
Total Full Service	\$11.35	\$9.52	\$5.69	\$4.77

Part III - Residential Redevelopment Factors (effective January 1, 2017)

Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
	General Government	0.005	0.006	0.004	0.005	0.003	0.003	0.002
Police Service	0.012	0.015	0.009	0.011	0.007	0.008	0.004	0.004
Emergency	0.004	0.005	0.003	0.004	0.002	0.003	0.001	0.002

AD RB

Medical Services								
Airport	0.011	0.013	0.008	0.009	0.006	0.007	0.003	0.004
Operations	0.006	0.007	0.004	0.005	0.003	0.004	0.002	0.002
Transit Services	0.159	-	0.120	-	0.087	-	0.049	-
Library Service	-	0.012	-	0.009	-	0.006	-	0.004
Waste Management	0.012	0.014	0.009	0.011	0.007	0.008	0.004	0.004
Transportation	0.443	0.520	0.332	0.391	0.241	0.283	0.136	0.160
Water Supply	0.100	0.117	0.075	0.088	0.054	0.064	0.031	0.036
Wastewater	0.247	0.291	0.186	0.218	0.135	0.158	0.076	0.089
Total Hard Services *	0.790	0.928	0.593	0.697	0.430	0.506	0.243	0.286
Total General Services**	0.641	0.578	0.481	0.434	0.349	0.315	0.197	0.178
Total Full Service	1.000	1.000	0.751	0.751	0.545	0.545	0.308	0.308

AD RB

Part III - Non-Residential Redevelopment Factors (effective January 1, 2017)

Service Category	Non-Residential	
	City	Township
General Government	0.005	0.006
Police Service	0.012	0.015
Emergency Medical Services	0.004	0.005
Airport	0.025	0.030
Operations	0.006	0.007
Transit Services	0.161	-
Library Service	-	-
Waste Management	0.001	0.001
Transportation	0.458	0.545
Water Supply	0.095	0.114
Wastewater	0.232	0.276
Total Hard Services **	0.785	0.935
Total General Services***	0.673	0.610
Total Full Service	1.000	1.000

CD RB