



**BY-LAW NUMBER 41-2022
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to establish development charges for The Corporation of the City of Stratford and to repeal By-law 45-2017.

WHEREAS the Development Charges Act 1997, S.O. 1997, Ch. 27 (the "Act") authorizes municipalities to pass by-laws in order to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area;

AND WHEREAS The Corporation of the City of Stratford has completed a development charges background study in compliance with section 10 of the Act, in support of the imposition of development charges;

AND WHEREAS the Council of The Corporation of the City of Stratford intends to ensure that the increase in the need for services attributable to anticipated development will be met;

AND WHEREAS the Council of The Corporation of the City of Stratford intends that the future increased capacity in services identified in the background study shall be paid for by development charges or other similar charges;

AND WHEREAS the Council of The Corporation of the City of Stratford, has given notice, made said background study and draft Development Charges By-law available to the public and held a public meeting on the 1st of March, 2022 in accordance with section 12 of the Act;

AND WHEREAS the Council of The Corporation of the City of Stratford has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charges background study's proposed policies;

AND WHEREAS the Council of The Corporation of the City of Stratford has determined that no further public meeting is required in accordance with section 12(3) of the Act;

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1.0 DEFINITIONS

1.1 In this By-law,

- (a) "accessory", when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith;
- (b) "act" means the *Development Charges Act, 1997, S.O. 1997, c.27*, as amended, or any successor thereof;
- (c) "apartment" means a dwelling unit other than a triplex, or townhouse, in a building containing three (3) or more dwelling units accessible from a corridor system connecting with a common entrance from outside the dwelling, where the occupants have the common right to use halls, stairs, elevators, and yards, the said dwelling being located on a single lot being held and maintained under one (1) ownership or under condominium ownership;
- (d) "class" means a grouping of services combined to create a single service for the purposes of this By-law and as provided in section 7 of the *Development Charges Act*;
- (e) "commercial" means a building, structure, or lot, for which the use is commercial in nature pertaining to the buying or selling of commodities or the supplying of services for remuneration, including the supplying of services in a residential use property for profit, but does not include activities associated with the manufacturing, warehousing or assembly of goods, any construction work or uses accessory to an industrial use;
- (f) "converted dwelling" means a single detached dwelling or an attached pair of semi-detached dwellings that has been altered or otherwise converted to contain therein more than one (1) dwelling unit;
- (g) "City" means The Corporation of the City of Stratford;
- (h) "development" means the construction, erection or placing of one or more buildings or structures on lands or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, includes redevelopment and requires one or more of the actions listed in section 3.4;
- (i) "development charge" means a charge imposed pursuant to this By-law;
- (j) "dwelling unit" means a room or rooms located within a building or structure which are occupied or designed or intended to be occupied by one or more persons as a single housekeeping unit

and for which a separate private entrance (from outdoors or a common hallway), bathroom and kitchen facilities are provided;

- (k) "gross floor area" means the total floor area, measured between the outside of the exterior walls or between the outside of exterior and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls;
- (l) "industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use;
- (m) "institutional" means development of a building or structure intended for use,
 - (i) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
 - (ii) as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
 - (iii) by any of the following post-secondary institutions for the objects of the institution:
 - a) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - b) a college or university federated or affiliated with a university described in subclause (a), or
 - c) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*;
 - (iv) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - (v) as a hospice to provide end of life care;

- (n) "interest rate" means the annual rate of interest calculated in the City's D.C. Interest Policy;
- (o) "local board" means a local board as defined in section 1 of the *Municipal Affairs Act* other than a board as defined in subsection 1 (1) of the *Education Act*;
- (p) "non-profit housing development" means development of a building or structure intended for use as residential premises by,
 - (i) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.
- (q) "non-residential use" means lands, building or structures used, designed or intended for the principal use for other than residential use, and shall include, but is not limited to, commercial, industrial and institutional forms of development;
- (r) "owner" means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office and includes a person who had made application for approval for the development of land upon which a development charge is imposed;
- (s) "Quadruplex dwelling" means a dwelling other than a converted dwelling or a townhouse dwelling containing four (4) dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule;
- (t) "redevelopment allowance" shall have the meaning ascribed in section 4.3 (a);
- (u) "rental housing" means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- (v) "residential use" means lands, building or structures used, designed or intended for all residential uses;
- (w) "semi-detached dwelling" means one of a pair of single dwellings which are attached together horizontally in whole or in part above grade and divided vertically from each other by a common wall,

and each of which has a private independent entrance directly from yard, the said pair of dwellings being free standing, separate and detached from other main buildings or main structures;

- (x) "services" means services designated in section 2.0 of this By-law;
- (y) "single detached dwelling" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures;
- (z) "special care facilities" means lands or Buildings without dwelling units, which are used or designed or intended for use for the purpose of providing supervision, nursing care or medical treatment, that are licensed, approved or supervised under any special or general Act;
- (aa) "special care/special dwelling" means the residential portion of Special Care Facilities, including Group Homes, containing rooms or suites of rooms designed or intended to be used for sleeping and living accommodations that have a common entrance from street level:
 - (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 and/or culinary facilities;
 - (iii) That is designed to accommodate persons with specific needs. Including, but not limited to, independent permanent living arrangements; and
 - (iv) Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care, and attendant services may be provided at various levels.
- (bb) "townhouse" means one of a group of two or more dwellings including row dwellings, other than a semi-detached, triplex or apartment building, which are attached together horizontal in whole or in part above grade and divided vertically from each other by a common wall between each two (2) adjacent dwellings, and each of which has a private independent entrance directly from a yard;
- (cc) "triplex" means a dwelling which is divided horizontally into three (3) dwelling units.

2.0 DESIGNATION OF SERVICES/CLASSES OF SERVICES

2.1 The categories of services/classes of services for which development charges are imposed under this By-law are noted as lettered headings, as follows:

- (a) Public Works;
- (b) Fire Protection Services
- (c) Police Services;
- (d) Parks and Recreation Services;
- (e) Library Services;
- (f) Growth Studies;
- (g) Housing Services;
- (h) Waste Diversion Services;
- (i) Services Related to a Highway;
- (j) Water Services;
- (k) Wastewater Services; and
- (l) Storm Water Management Services (area specific).

3.0 APPLICABILITY RULES

3.1 This By-law applies to development on all lands in the geographic area of the City;

3.2 Development charges on development shall be payable in the amounts established in section 4.0 of this By-law;

3.3 Despite the provisions of subsection 3.2 of this By-law, development charges shall not be imposed on development undertaken on lands owned by and used for the purposes of:

- (a) the City or a local board or commission thereof;
- (b) the County of Perth or a local board or commission thereof;
- (c) a School Board as defined in subsection 1 (1) of the *Education Act*; and
- (d) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the *Development Charges Act, 1997* if the development in respect of which development charges would

otherwise be payable is intended to be occupied and used by the university.

3.4 Approval for Development:

- (a) Except as provided for in this By-law, development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
 - (i) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act*;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*;
 - (vii) the issuance of a permit under the *Building Code Act, 1992*, in relation to a building or structure.
- (b) No more than one (1) development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two (2) or more of the actions described in subsection 3.4 (a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4 (b), if two or more of the actions described in subsection 3.4 (a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

3.5 Exemptions:

- (a) Despite any other provisions of this By-law, development charges shall not be imposed with respect to:
 - (i) a development that is limited to only the enlargement of an existing dwelling unit;
 - (ii) the creation of additional dwelling units as provided in Schedule A of this By-law;
 - (iii) a development of existing commercial buildings or structures or part thereof where the square footage is not increased;

- (iv) any use permitted pursuant to section 39 of the *Planning Act*;
- (v) the creation of residential use within existing buildings located in the Heritage Conservation District, pursuant to City By-law No. 173-97;
- (vi) the conversion of industrial buildings to residential uses within Special Policy Area No. 7: Factory District, of the City's Official Plan;
- (vii) an industrial development; and
- (viii) an accessory building.

4.0 CALCULATION OF DEVELOPMENT CHARGE RULES

4.1 Residential Uses:

The development charges described in Schedule B to this By-law shall be imposed on residential use development including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type and number of residential development dwelling units.

4.2 Non-Residential:

(a) Commercial/Institutional Uses:

- (i) The development charges described in Schedule C to this By-law shall be imposed on commercial/institutional use development, including commercial/institutional use development in a mixed-use building, according to the gross floor area of the commercial/ institutional use development;

4.3 Redevelopment Allowance:

- (a) Whereas a result of development, a building or structure existing on the land within five (5) years was or is to be demolished, in whole or in part, the development charge otherwise payable with respect to such development shall be reduced by the following amounts:
 - (i) in the case of a residential building or structure, or in the case of a mixed-use building or structure for the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 4.1 of this By-law by the number, according to the form of dwelling units that have been or will be demolished or converted to another principal use; and

- (ii) in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 4.2 of this By-law by the gross floor area devoted to commercial uses that has been or will be demolished or converted to another principal use.
- (b) In calculating the reduction provided for in subsection 4.3 (a) of this By-law, the following provisions apply:
 - (i) the redevelopment of lands where buildings or structures have been demolished or converted to another principal use earlier than the five (5) years prior to the payment of development charges are not eligible for inclusion in the calculation of a redevelopment allowance;
 - (ii) the redevelopment allowance will be calculated and credited against development charges otherwise payable when such charges are paid;
 - (iii) the redevelopment allowance shall not exceed the total development charges otherwise payable;
 - (iv) the onus is on the owner subject to the charge to provide sufficient evidence of units or commercial gross floor area demolished or converted to another principal use, and of the timing of such demolition or conversion, in order to justify the redevelopment allowance;
 - (v) in absence of other evidence, a demolished building will be considered to have been demolished on the latest date of issue of a demolition permit;

5.0 COLLECTION OF DEVELOPMENT CHARGES

- 5.1 Development charges imposed under section 4 of this By-law are payable on the date on which a building permit is issued.
- 5.2 Despite subsection 5.1, the City may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable.
- 5.3 If at the time of issuance of building permits for a development for which development charges have already been paid, pursuant to subsection 5.2 of this By-law, the development charge for the number and type of dwelling unit for which building permits are being issued is less than at the time that payments were made, a refund shall be paid by the City, which refund shall be the difference between the development charges previously collected, adjusted in accordance with section 8.0 of this By-law, to the date of issuance of building permits, and the development

charges for which building permits are being issued, calculated at the date of issuance.

- 5.4 Despite subsection 5.3 of this By-law, a refund shall not exceed the amount of the development charges paid pursuant to subsection 5.2 of this By-law.
- 5.5 Notwithstanding subsections 5.1 and 5.2, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of first occupancy certificate issued, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 5.6 Notwithstanding subsections 5.1 and 5.2 development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of first occupancy certificate issued, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 5.7 Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsections 5.1 and 5.2 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under subsections 5.1 and 5.2 shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application, including interest.
- 5.8 If a development charge or any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

6.0 PAYMENT BY SERVICES

- 6.1 Despite subsection 5.1 and despite subsection 5.2, the City may by agreement with an owner, permit a development charge to be paid in money or by the provision of services or by a combination of both. Where services are provided in full or partial satisfaction of a development charge, the City shall credit the owner with an amount equal to the reasonable cost, as agreed to by the City and the owner, of providing the services. No such credit given shall exceed the total development charge payable by the owner.

7.0 OVERSIZING OF SERVICES

- 7.1 The City may by agreement with an owner, require that the services for a subdivision be increased and/or oversized to support development beyond the said subdivision, the City shall credit the owner with an amount equal to the reasonable cost, as agreed to by the City and the owner, over and

above those required for the said subdivision, known as local services. This credit will be reduced from the development charge applicable to the said subdivision. Provision of local services will continue to be the responsibility of the owner.

8.0 INDEXING

- 8.1 Development charges imposed pursuant to this By-law shall be adjusted annually on January 1st, without amendment to this By-law, by the percentage change in accordance with the prescribed index in the Act.
- 8.2 The first such adjustment provided for in subsection 8.1 of this By-law, shall occur January 1, 2023, using the most recently available data for the percentage change in the said index for the previous year.

9.0 FRONT-END FINANCING

- 9.1 The City may enter into front-end agreements with owners in accordance with the provisions of the Act.

10.0 ACCOUNTABILITY

- 10.1 All monies paid pursuant to this By-law shall be maintained separately from all other revenues or receipts of the City. The Treasurer of the City shall establish separate reserve funds, pursuant to the thirteen categories of services designated in subsection 2.1.
- 10.2 The Treasurer of the City shall provide to the Council of the City an annual financial statement related to this By-law and the development charge reserve funds established under subsection 10.1 of this By-law. This annual statement shall be provided on a date directed by Council.
- 10.3 The City shall pay interest on a refund under subsections 18 (3), (5) and 25 (2) or 36 of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force, updated on the first business day of every January, April, July and October thereafter.

11.0 SCHEDULES

- 11.1 The following schedules to this By-law form an integral part thereof:
- Schedule A - Exception Relating to the Creation of Additional Dwelling Units
- Schedule B - Residential Use Development Charges
- Schedule C - Non-Residential Use Development Charges
- Schedule D - Area Denoting where the Riverbend Storm Water Management charge shall be imposed

12.0 DATE BY-LAW IN FORCE

12.1 This By-law shall come into force upon final passage.

13.0 DATE BY-LAW EXPIRES

13.1 This By-law shall expire on April 6, 2027, unless sooner amended or repealed.

14.0 REPEAL

14.1 By-law 45-2017, and any amendments, are hereby repealed upon passage of this By-law.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 6th day of April, 2022.

"Daniel B. Mathieson"
Mayor – Daniel B. Mathieson

"Tatiana Dafoe"
Clerk – Tatiana Dafoe

**This is Schedule "A" to By-law Number 41-2022
Adopted this 6th day of April, 2022**

Exception Relating to the Creation of Additional Dwelling Units

Name of Class of Residential Building	Description of Class of Residential Building	Maximum Number of Additional Dwelling Units	Restrictions
Existing single detached dwellings	Existing residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Existing semi-detached dwellings or row dwellings	Existing residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Existing rental residential buildings	Existing residential rental buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None.
Other existing residential buildings	An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.
Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units.	The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings	The proposed new semi-detached dwelling or row dwelling must only	The proposed new semi-detached dwelling or row dwelling must be located on a parcel of

Name of Class of Residential Building	Description of Class of Residential Building	Maximum Number of Additional Dwelling Units	Restrictions
	and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	contain two dwelling units.	land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.	The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

Source: O. Reg. 82/98, s. 2.

**This is Schedule "B" to By-law Number 41-2022
Adopted this 6th day of April, 2022**

Residential Use Development Charges

City-Wide Services/ Class of Service	Residential Single and Semi Detached Dwelling	Residential Multiples	Residential Apartments – 2 Bedrooms +	Residential Apartments – Bachelor and 1 Bedroom	Residential Special Care/Special Dwelling Units
Public Works (Facilities and Fleet)	\$702	\$549	\$407	\$302	\$279
Fire Protection Services	\$333	\$261	\$193	\$143	\$133
Police Services	\$479	\$375	\$278	\$206	\$191
Parks and Recreation Services	\$3,265	\$2,555	\$1,892	\$1,406	\$1,300
Library Services	\$607	\$475	\$352	\$261	\$242
Growth Studies	\$266	\$208	\$154	\$115	\$106
Housing Services	\$2,341	\$1,832	\$1,356	\$1,008	\$932
Waste Diversion	\$633	\$495	\$367	\$273	\$252
Total City-Wide Services/Class of Service	\$8,626	\$6,750	\$4,999	\$3,714	\$3,435

Infrastructure Services	Residential Single and Semi Detached Dwelling	Residential Multiples	Residential Apartments – 2 Bedrooms +	Residential Apartments – Bachelor and 1 Bedroom	Residential Special Care/Special Dwelling Units
Services Related to a Highway	\$3,374	\$2,640	\$1,955	\$1,453	\$1,343
Wastewater Services	\$3,765	\$2,946	\$2,182	\$1,622	\$1,499
Water Services	\$340	\$266	\$197	\$146	\$135
Total Infrastructure Services	\$7,479	\$5,852	\$4,334	\$3,221	\$2,977
GRAND TOTAL CITY-WIDE + INFRASTRUCTURE SERVICES	\$16,105	\$12,602	\$9,333	\$6,935	\$6,412

Area Specific Charge Riverbend Servicing Area	Residential Single and Semi Detached Dwelling	Residential Multiples	Residential Apartments – 2 Bedrooms +	Residential Apartments – Bachelor and 1 Bedroom	Residential Special Care/Special Dwelling Units
Stormwater and Drainage	\$2,774	\$2,171	\$1,607	\$1,195	\$1,104

**This is Schedule "C" to By-law Number 41-2022
Adopted this 6th day of April, 2022**

Non-Residential Use Development Charges

City-Wide Services/Class of Service	Non-Residential (per sq.ft. of Gross Floor Area)
Public Works (Facilities and Fleet)	0.44
Fire Protection Services	0.20
Police Services	0.29
Parks and Recreation Services	0.18
Library Services	0.03
Growth Studies	0.17
Housing Services	0.00
Waste Diversion	0.03
Total City-Wide Services/Class of Service	1.34

Infrastructure Services	Non-Residential (per sq.ft. of Gross Floor Area)
Services Related to a Highway	0.48
Wastewater Services	0.55
Water Services	0.05
Total Infrastructure Services	1.08
GRAND TOTAL CITY-WIDE + INFRASTRUCTURE SERVICES	2.42

Area Specific Charge Riverbend Servicing Area	Non-Residential (per sq.ft. of Gross Floor Area)
Stormwater and Drainage	1.05

**This is Schedule "D" to By-law Number 41-2022
Adopted this 6th day of April 2022**

Area Denoting where the Riverbend Storm Water Management Charge shall be imposed

