

**THE REGIONAL MUNICIPALITY OF WATERLOO**

**BY-LAW NO. 09-024**

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 June 16, 2009, 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 20, 2009 in accordance with Section 12 of the Act, notice of which was given on or prior to April 30, 2009, 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 17, 2009 and May 6, 2009 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 special meeting on June 16, 2009 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:

- (a) "Accessory Building" means a building or structure which is incidental, subordinate and exclusively devoted to providing vehicle parking or utility services to the main use situate on the same Site;
- (b) "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;
- (c) "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;
- (d) "Applicant" means the owner of a Site applying for a Development Charge exemption for Eligible Costs for a Brownfield.
- (e) "Brownfield" means a property 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;
- (f) "*Building Code Act*" means S.O. 1992, c. 23, as amended;
- (g) "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;
- (h) "*Development Charges Act, 1997*" means S.O. 1997, c.27, as amended;
- (i) "Development Charge" means a charge imposed pursuant to this By-law;
- (j) "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 or motel designed for human habitation shall not constitute a Dwelling Unit;
- (k) "Eligible Costs" means the sum of the direct costs of remediating the Brownfield plus an allowance for indirect remediation costs less the value of any other financial assistance provided for the Brownfield by the Region of Waterloo, all as set out in Schedule C of the By-law;
- (l) "Existing Industrial Building" means a building or buildings existing on a Site on April 1, 1999, or a building or portion of a building constructed on a Site for which full Development Charges were paid, that is used for or in connection with;
  - (i) the production, compounding, processing, packaging, crating, bottling, packing or assembly of raw or semi-processed goods or materials ("manufacturing") or Warehousing;
  - (ii) research or development activities in connection with the manufacturing;
  - (iii) retail sales by a manufacturer, if retail sales are an Accessory Use at the Site where manufacturing is carried out; or,
  - (iv) office or administrative purposes if they are:

1. carried out as an Accessory Use to the manufacturing or Warehousing; and
  2. in or attached to the building or structure used for such manufacturing or Warehousing;
- (m) "Factor" means the Factor applicable to the type of Dwelling Unit contained in a residential component or the gross floor area of a Non-Residential component, in each service category in respect of a pre-existing development as set out in Tables 1 and 2 of Part III of Schedule A to this By-law;
- (n) "Farm" means a parcel of land on which the predominant activity is Farming. A Farm shall not include a greenhouse;
- (o) "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;
- (p) "Farming" means the production of crops or the breeding, raising or maintaining of livestock, or both, and includes but is not limited to:
- (i) fur farming;
  - (ii) fruit and vegetable growing;
  - (iii) the keeping of bees;
  - (iv) fish farming; and
  - (v) 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; or
  - (iii) storage or processing 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.
- (q) "Grade" with respect to a Dwelling Unit or Single Detached Dwelling means the average level of finished ground adjoining same at all exterior walls;
- (r) "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;
- (s) "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 use 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;
- (t) "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;
- (u) "Local Board" has the same meaning as in Section 1 of the Act;

- (v) "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;
- (w) "Lodging Unit" means a room located within a Lodging House which:
  - (i) is designed to be occupied for human habitation by one resident;
  - (ii) is not normally accessible to persons other than the resident without the permission of the resident; and
  - (iii) 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, group home, or hostel designed for human habitation shall not constitute a Lodging Unit;
- (x) "Mixed Use Development" means Development containing both Residential and Non-Residential uses;
- (y) "Net Assessable Development" means the number of Dwelling Units, Lodging Units or the Non-Residential gross floor area, or any combination thereof, comprising a Development after the subtraction of any applicable Redevelopment Allowance in accordance with subsections 4(3) to (6) inclusive of this By-law and Schedule A, Part IV, Section 4 of this By-law;
- (z) "Non-Residential Development" means the Development of land for Non-Residential Use;
- (aa) "Non-Residential Use" means any commercial, industrial, institutional or other use, except Farming, not included in the definition of Residential Use;
- (bb) "*Planning Act*" means R.S.O. 1990, c. P.13 as amended;
- (cc) "Pre-Existing Development" means a building or structure or lawful use thereof existing on the land at the time a Development Charge is payable in respect of the Development of the land or at any time in the five (5) years prior thereto;
- (dd) "Redevelopment Allowance" means an adjustment made to the number of Residential units or Non-Residential gross floor area of Development, or both, in the calculation of net assessable Development in respect of the Regional services already available to the pre-existing development;
- (ee) "Region" means The Regional Municipality of Waterloo;
- (ff) "Regulation" means O.Reg. 82/98, as amended;
- (gg) "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;
- (hh) "Residential Development" means the Development of land in whole or in part for any Residential Use;
- (ii) "Residential Use" means the use of land, buildings or structures as one or more Dwelling Units or Lodging Units, including a Farm dwelling;
- (jj) "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;
- (kk) "Service Group" means a group of services provided for in Schedule B to this By-

- law;
- (ll) "Services" means the services listed in Schedule B to this By-law;
  - (mm) "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*;
  - (nn) "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;
  - (oo) "Site" means a parcel of land situated in the Regional Municipality of Waterloo 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;
  - (pp) "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;
  - (qq) "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:
      - Regional Municipality of Waterloo
      - 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 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;
  - (vi) Development occurring within the boundaries of designated downtown core areas as set out in Schedule D to this By-law, provided that a similar exemption for the downtown core area is included in the current development charge by-law of the local municipality.
- (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; and
- (e) Hospitals within the meaning of the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended.
- (f) Development of a remediated Brownfield to the maximum of the Eligible Costs on that Site as set out in Schedule D of this By-law, provided that such Development occurs no later than five years from the date of issuance of the required Record of Site Condition.

Calculation of Development Charges:

4. (1) Subject to subsections (2) to (7) 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), (5) and (6) below, where the Development of land to which this By-law applies entails a material alteration to or replacement of the buildings or structures or the use thereof that constitute a Pre-Existing Development, the Development Charge payable shall be calculated on the net assessable Development.
  
- (4) The net assessable Development shall be determined in the manner set out in Schedule A, Part IV, Section 4.
  
- (5) (a) No Redevelopment Allowance shall be made in excess of the actual Development of the Site.
- (b) Any Redevelopment Allowance allowed under this By-law shall be applied to the first building permit issued in respect of the Site within five (5) years from the date of alteration, demolition or destruction due to natural or criminal acts beyond the control of the owner of the buildings or structures that gave rise to the redevelopment allowance. The balance of the Redevelopment Allowance remaining after issuance of the first building permit, if any, shall be applied to any subsequent building permits issued within the same aforementioned time limit.

- (6) In determining whether above subsections (3) to (5) inclusive apply, demolition or alteration shall be deemed to have occurred as of the date of the permit issued therefore and destruction due to natural or criminal acts shall be deemed to have occurred on the date such acts first occurred.
- (7) Subject to subsection (8) 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.
- (8) 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 area municipality in which the land is located prior to the issuance of a building permit under the *Building Code* 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, 2010, 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 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. 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.
13. 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.

14. 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, 2009, updated on the first business day of every January, April, July and October thereafter for the life of this By-law.
15. By-law No. 04-049, as amended, is hereby repealed effective at midnight on July 31, 2009.
16. This By-law shall come into force and effect on August 1, 2009.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 16th day of June, 2009.

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REGIONAL CLERK

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REGIONAL CHAIR

**Schedule A****PART I - Residential Development Charges (\$ Per Unit) (effective August 1, 2009, and in effect up to and including December 31, 2009)**

Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
General Government	\$116	\$116	\$87	\$87	\$66	\$66	\$34	\$34
Emergency Medical Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Airport	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operations	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transit Services	\$269	\$0	\$205	\$0	\$155	\$0	\$77	\$0
Library Service	\$0	\$205	\$0	\$155	\$0	\$118	\$0	\$59
Transportation	\$6,874	\$6,874	\$5,212	\$5,212	\$3,953	\$3,953	\$1,961	\$1,961
Water Supply	\$1,088	\$1,088	\$826	\$826	\$626	\$626	\$310	\$310
Wastewater	\$682	\$682	\$517	\$517	\$392	\$392	\$193	\$193
<b>Total Hard Services *</b>	<b>\$8,644</b>	<b>\$8,644</b>	<b>\$6,555</b>	<b>\$6,555</b>	<b>\$4,971</b>	<b>\$4,971</b>	<b>\$2,464</b>	<b>\$2,464</b>
<b>Total General Services**</b>	<b>\$7,259</b>	<b>\$7,195</b>	<b>\$5,504</b>	<b>\$5,454</b>	<b>\$4,174</b>	<b>\$4,137</b>	<b>\$2,072</b>	<b>\$2,054</b>
<b>Total Full Service</b>	<b>\$9,029</b>	<b>\$8,965</b>	<b>\$6,847</b>	<b>\$6,797</b>	<b>\$5,192</b>	<b>\$5,155</b>	<b>\$2,575</b>	<b>\$2,557</b>

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

\*\* - General Services includes General Government, Emergency Medical Service, Airport, Operations, Transportation, Transit Services (Cities only), and Library Services (Townships only)

**Schedule A Continued**

PART I - Residential Development Charges (\$ Per Unit) (effective January 1, 2010, subject to adjustment pursuant to section 6 of this By-law)

Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
General Government	\$409	\$409	\$286	\$286	\$236	\$236	\$124	\$124
Emergency Medical Services	\$61	\$61	\$43	\$43	\$35	\$35	\$18	\$18
Airport Operations	\$172	\$172	\$120	\$120	\$99	\$99	\$52	\$52
Transit Services	\$504	\$0	\$352	\$0	\$290	\$0	\$153	\$0
Library Service	\$0	\$174	\$0	\$121	\$0	\$100	\$0	\$51
Transportation	\$7,335	\$7,335	\$5,127	\$5,127	\$4,232	\$4,232	\$2,222	\$2,222
Water Supply	\$2,563	\$2,563	\$1,792	\$1,792	\$1,479	\$1,479	\$777	\$777
Wastewater	\$1,275	\$1,275	\$891	\$891	\$736	\$736	\$386	\$386
<b>Total Hard Services *</b>	<b>\$11,173</b>	<b>\$11,173</b>	<b>\$7,810</b>	<b>\$7,810</b>	<b>\$6,447</b>	<b>\$6,447</b>	<b>\$3,385</b>	<b>\$3,385</b>
<b>Total General Services**</b>	<b>\$8,602</b>	<b>\$8,272</b>	<b>\$6,013</b>	<b>\$5,782</b>	<b>\$4,962</b>	<b>\$4,772</b>	<b>\$2,606</b>	<b>\$2,500</b>
<b>Total Full Service</b>	<b>\$12,440</b>	<b>\$12,110</b>	<b>\$8,696</b>	<b>\$8,465</b>	<b>\$7,177</b>	<b>\$6,987</b>	<b>\$3,769</b>	<b>\$3,666</b>

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

\*\* - General Services includes General Government, Emergency Medical Service, Airport, Operations, Transportation, 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, 2009 and in effect up to and including December 31, 2009)

Service Category	Industrial/Commercial/ Institutional	
	City	Township
General Government	\$0.06	\$0.06
Emergency Medical Services	\$0.00	\$0.00
Airport	\$0.00	\$0.00
Operations	\$0.00	\$0.00
Transit Services	\$0.16	\$0.00
Library Service	\$0.00	\$0.00
Transportation	\$4.27	\$4.27
Water Supply	\$.48	\$.48
Wastewater	\$.42	\$.42
<b>Total Hard Services **</b>	<b>\$5.17</b>	<b>\$5.17</b>
<b>Total General Services***</b>	<b>\$4.49</b>	<b>\$4.33</b>
<b>Total Full Service</b>	<b>\$5.39</b>	<b>\$5.23</b>

\* - Gross Floor Area

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

\*\*\* - General Services includes General Government, Emergency Medical Services, Airport, Operations, Transportation, Transit Services (Cities only), and Library Services (Townships only)

**Schedule A Continued**

PART II - Non-Residential Development Charges (\$ Per Square Foot of GFA\*) (effective January 1, 2010, subject to adjustment pursuant to section 6 of this By-law)

Service Category	Industrial/Commercial/ Institutional	
	City	Township
General Government	\$0.25	\$0.25
Emergency Medical Services	\$0.04	\$0.04
Airport	\$0.21	\$0.21
Operations	\$0.08	\$0.08
Transit Services	\$0.35	\$0.00
Library Service	\$0.00	\$0.00
Transportation	\$4.58	\$4.58
Water Supply	\$2.29	\$2.29
Wastewater	\$1.16	\$1.16
<b>Total Hard Services **</b>	<b>\$8.03</b>	<b>\$8.03</b>
<b>Total General Services***</b>	<b>\$5.51</b>	<b>\$5.16</b>
<b>Total Full Service</b>	<b>\$8.96</b>	<b>\$8.61</b>

\* - Gross Floor Area

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

\*\*\* - General Services includes General Government, Emergency Medical Services, Airport, Operations, Transportation, Transit Services (Cities only), and Library Services (Townships only)

## Schedule A Continued

PART III - Residential Redevelopment Factors (effective August 1, 2009 and in effect up to and including December 31, 2009)

Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
General Government	0.013	0.013	0.010	0.010	0.007	0.007	0.004	0.004
Emergency Medical Services	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Airport Operations	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Transit Services	0.030	0.000	0.023	0.000	0.017	0.000	0.009	0.000
Library Service	0.000	0.023	0.000	0.017	0.000	0.013	0.000	0.007
Transportation	0.761	0.767	0.577	0.581	0.438	0.441	0.217	0.219
Water Supply	0.120	0.121	0.091	0.092	0.070	0.070	0.034	0.035
Wastewater	0.076	0.076	0.057	0.058	0.043	0.044	0.021	0.022
<b>Total Hard Services *</b>	<b>0.957</b>	<b>0.964</b>	<b>0.725</b>	<b>0.731</b>	<b>0.551</b>	<b>0.555</b>	<b>0.273</b>	<b>0.275</b>
<b>Total General Services**</b>	<b>0.804</b>	<b>0.803</b>	<b>0.609</b>	<b>0.608</b>	<b>0.462</b>	<b>0.461</b>	<b>0.229</b>	<b>0.230</b>
<b>Total Full Service</b>	<b>1.000</b>	<b>1.000</b>	<b>0.758</b>	<b>0.758</b>	<b>0.575</b>	<b>0.575</b>	<b>0.285</b>	<b>0.285</b>

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

\*\* - General Services includes General Government, Emergency Medical Services, Airport, Operations, Transportation, Transit Services (Cities only), and Library Services (Townships only)

## Schedule A Continued

PART III - Residential Redevelopment Factors (effective January 1, 2010)

Service Category	Single/Semi Detached Dwelling		Townhouse Dwelling		Apartment Dwelling		Lodging Unit	
	City	Township	City	Township	City	Township	City	Township
General Government	0.032	0.033	0.022	0.023	0.018	0.019	0.010	0.010
Emergency Medical Services	0.005	0.005	0.003	0.003	0.003	0.003	0.002	0.002
Airport Operations	0.014	0.014	0.010	0.010	0.008	0.008	0.004	0.004
Transit Services	0.010	0.010	0.007	0.007	0.006	0.006	0.003	0.003
Library Service	0.040	0.000	0.028	0.000	0.023	0.000	0.012	0.000
Transportation	0.000	0.014	0.000	0.010	0.000	0.008	0.000	0.004
Water Supply	0.577	0.593	0.403	0.414	0.334	0.342	0.173	0.180
Wastewater	0.214	0.220	0.150	0.154	0.123	0.127	0.065	0.067
	0.108	0.111	0.075	0.078	0.062	0.064	0.033	0.034
<b>Total Hard Services *</b>	<b>0.899</b>	<b>0.924</b>	<b>0.629</b>	<b>0.646</b>	<b>0.519</b>	<b>0.533</b>	<b>0.272</b>	<b>0.280</b>
<b>Total General Services**</b>	<b>0.678</b>	<b>0.669</b>	<b>0.474</b>	<b>0.467</b>	<b>0.392</b>	<b>0.386</b>	<b>0.204</b>	<b>0.202</b>
<b>Total Full Service</b>	<b>1.000</b>	<b>1.000</b>	<b>0.699</b>	<b>0.699</b>	<b>0.577</b>	<b>0.577</b>	<b>0.303</b>	<b>0.303</b>

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

\*\* - General Services includes General Government, Emergency Medical Services, Airport, Operations, Transportation, Transit Services (Cities only), and Library Services (Townships only)

## Schedule A Continued

PART III - Non-Residential Redevelopment Factors (effective August 1, 2009 and in effect up to and including December 31, 2009)

Service Category	Industrial/Commercial/Institutional	
	City	Township
General Government	0.011	0.011
Emergency Medical Services	0.000	0.000
Airport Operations	0.000	0.000
Transit Services	0.000	0.000
Library Service	0.030	0.000
Transportation	0.000	0.000
Water Supply	0.792	0.817
	0.089	0.092

Wastewater	0.078	0.080
Total Hard Services *	0.959	0.989
Total General Services**	0.833	0.827
Total Full Service	1.000	1.000

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

\*\* - General Services includes General Government, Emergency Medical Services, Airport, Operations, Transportation, Transit Services (Cities only), and Library Services (Townships only)

Redevelopment Conversion Factors:

1 sq. ft. of Full Service No-Residential GFA = 0.0008196 Full Service Single Detached Dwelling Units

1 Full Service Single Detached Dwelling Unit = 1220.0980 sq. ft. on Non-Residential GFA

Note: 1 square foot = .09290 square metres

1 hectare = 107,642.6265 square feet

1 acre = 0.4047 hectares

**Schedule A Continued**

PART III - Non-Residential Redevelopment Factors (effective January 1, 2010)

Service Category	Industrial/Commercial/ Institutional	
	City	Township
General Government	0.028	0.029
Emergency Medical Services	0.004	0.005
Airport	0.023	0.024
Operations	0.009	0.009
Transit Services	0.039	0.000
Library Service	0.000	0.000
Transportation	0.512	0.531
Water Supply	0.256	0.267
Wastewater	0.129	0.135

Total Hard Services *	0.897	0.933
Total General Services**	0.615	0.598
Total Full Service	1.000	1.000

\* - Hard Services includes Transportation, Water Supply  
Doc. 608823

### Wastewater

\*\* - General Services includes General Government, Emergency Medical Services, Airport, Operations, Transportation, Transit Services (Cities only), and Library Services (Townships only)

### Redevelopment Conversion

Factors:

1 sq. ft. of Full Service No-Residential GFA = 0.0008196 Full Service Single Detached Dwelling Units

1 Full Service Single Detached Dwelling Unit = 1220.0980 sq. ft. on Non-Residential GFA

Note: 1 square foot = .09290 square metres

1 hectare = 107,642.6265 square feet

1 acre = 0.4047 hectares

**Schedule A (Continued)**PART IV - 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 IV, 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 IV, 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.
4. (1) The net assessable Development of a proposed Development for the purpose of calculating the applicable Development Charge, is the number of Dwelling Units and the gross floor area of all Non-Residential components less the total redevelopment allowance applicable to the Site which is the subject of the Development, to a maximum of the total of the number of Dwelling Units and the Non-Residential gross floor area of the proposed Development, calculated as follows:
  - (a) for residential Development, the number and types of units in the Pre-Existing Development times the Factor applicable to each type of unit for each service provided to such pre-existing Development under the Table 1 of Part III of this Schedule; plus
  - (b) for non-residential Development, the gross floor area of the Pre-Existing Development times the Factor applicable to each Service Group provided to such Pre-Existing Development under Table 2 of Part III of this Schedule.
- (2) Prior to subtraction of the redevelopment allowance from the Development, the number of residential Dwelling Units of each type, if any, in the Development shall be multiplied by the Factors set out in Table 1 of Part III of this Schedule for each type of Dwelling Unit and, after subtraction, the balance in each category shall be divided by the same Factor. The sum of the products of this division shall be the net assessable Development.
- (3) For the purpose of applying a redevelopment allowance in respect of residential

Dwelling Units to Non-Residential gross floor area, or vice versa;

- (a) a Single Detached Dwelling Unit to which a Factor of 1 applies corresponds to 1,220.0980 square feet of Non-Residential gross floor area;
  - (b) one square foot of gross floor area corresponds to .0008196 Single Detached Dwelling Units to which a Factor of 1 applies.
- (4)
- (a) The Redevelopment Allowance quantified in accordance with subsection 4(2) of this By-law and this section shall apply to the whole parcel of land on which the Pre-Existing Development exists or existed;
  - (b) in the event of a division of a Site into two or more parcels, any remaining applicable Redevelopment Allowance 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; and
  - (c) the Redevelopment Allowance applicable to a Site on which a Pre-Existing Development existed or to any part thereof after any land division, shall be reduced for each subsequent Development by the Redevelopment Allowance applicable to such subsequent Development.
5. In determining the net assessable Development for the purposes of calculating the Development Charge payable, the total Redevelopment Allowance applicable to the Site shall be calculated only with respect to the services that were provided to the Pre-Existing Development relative to the services required by the Development based on the growth related costs of services established in the Regional Municipality of Waterloo Development Charge background study dated June 16, 2009 and approved by Council on June 16, 2009.

**Schedule B**

<u>Service Group:</u>	<u>Services Included</u>	<u>Service Category</u>
General:	1. General Government	General Government
Basic Services:	2. Police	Police
	3. EMS	EMS
	4. Airport	Airport
	5. Operations Centre	Operations Centre
	6. Transportation	Transportation
Transportation Services:	7. Transit Operations	Transit
Transit Services:*	8. Library	Library
Library Services:**	9. Water Works	Water Services
Water Supply:	10. Wastewater Works	Water Services
Wastewater:		

\* 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
  - (a) An Applicant must not have been the owner of the Brownfield during the operational activities of the land use which created the Brownfield, nor have been found to be responsible for the subject contamination of the Brownfield.
  - (b) Sites must meet the definition of a Brownfield as set out in this By-law.
  - (c) Sites in property tax arrears are not eligible to receive an exemption.
  
2. Terms of Financial Assistance
  - (a) remediating a Brownfield plus an allowance for indirect remediation costs. The calculated development charge exemption is then reduced by the value of any financial assistance provided by the Region of Waterloo under its Brownfields Financial Incentive Pilot Program or any successor thereto.
  - (b) Direct remediation costs include the cost of:
    - (i) Phase I Environmental Site Assessments;
    - (ii) Phase II Environmental Site Assessments (only for the portion not already funded by the Region of Waterloo under its Brownfields Financial Incentive Pilot Program or any successor thereto);
    - (iii) Remedial work plans;
    - (iv) Site specific risk assessments;
    - (v) Environmental rehabilitation;
    - (vi) Disposal of contaminated soil;
    - (vii) Placing of clean fill and grading;
    - (viii) Building demolition costs; and
    - (ix) Filing of a Record of Site Condition (provided that at least one other cost item has been incurred).
  - (c) The allowance for indirect remediation costs is 20 per cent of direct remediation costs to account for indirect costs related to remediation, which includes the cost of an audit under Section 3.
  
3. Review of Eligible Costs
  - (a) 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.
  - (b) 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*.
  - (c) 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.

- (d) The cost of the audit is the responsibility of the Applicant, and is included in the indirect remediation cost.

#### 4. Work and Quality Requirements

- (a) 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 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

- (a) 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 to complete its audit process and terminates on the date that is five (5) 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.
- (b) Approval of the exemption will only be granted after the Eligible Costs have been determined and verified in accordance with this Schedule.
- (c) 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.
- (d) An Applicant for the Development Charge exemption should submit the following materials as evidence of work undertaken, compliance with standards and costs incurred:
  - (i) A copy of the Record of Site Condition;
  - (ii) Acknowledgement letter from the Ministry of the Environment indicating receipt of the Record of Site Condition;
  - (iii) Remedial work plan used to achieve filing of the Record of Site Condition;
  - (iv) Paid invoices from a Qualified Person as defined in Regulation 153/04 of the *Environmental Protection Act*, as amended;
  - (v) Paid invoices from contractors in respect of remediation work;
  - (vi) Signed declaration that the subject property is not property tax arrears;  
and
  - (vii) The audit report as required by Section 3.