

BACKGROUND STUDY

RE: TOWN OF WHITBY

**PROPOSED DEVELOPMENT
CHARGE BY-LAW AMENDMENT
RE: INDEXING PROVISION**

JULY 10, 2009




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 Planning for growth

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1. INTRODUCTION AND RATIONALE

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1.1 Introduction

This report proposes a change in the indexing provisions for the Town's development charge by-law, in order to defer the scheduled indexing of the charge which is to occur on August 1 of this year.

It is proposed that that the rates currently in effect not be adjusted on August 1, 2009 and that on August 1, 2010, the rates be indexed based on the change in the index over the previous two-year period (i.e. August 1, 2008-August 1, 2010).

This proposed change is in response to a request from the residential building industry to reduce the impact of development charges during the current economic downturn.

Since this change represents an amendment to the Town's development charge by-law, but does not otherwise impact the calculation or application of the charge, a Background Study has been prepared, but has been "scoped" to address the indexing policy alone.

1.2 Statutory and By-law Provisions

Paragraph 10 of ss. 5(1) of the *Development Charge Act, 1997 (DCA, 1997)* states that:

"The rules may also provide for the indexing of development charges based on the prescribed index."

Paragraph 2 of Section 6 of the *DCA, 1997* states that:

"A development charge by-law must set out the following:

.....

2. An express statement indicating, how if at all, the rules provide for exemptions, for the phasing in of development charges and for the indexing of development charges."

....

Section 7 of the O. Reg 82/98 states that:

"The Statistics Canada Quarterly, Construction Price Statistics, Catalogue number 62-007 is prescribed as the index for the purpose of paragraph 10 of subsection 5(1) of the Act."

The Catalogue referenced above was renamed "Capital Expenditure Price Statistics," as of the fourth quarter of 2001. It contains an index published quarterly, typically six weeks following the end of each quarter.

The Town of Whitby Development Charge By-Law No. 6080-08 sets out the Town's policy with regard to indexing of development charges. Section 13 states that:

"The development charges referred to in Schedule 'B2' shall be adjusted annually without amendment to the by-law, commencing on August 1, 2009 and annually thereafter on August 1, while this by-law is in force, in accordance with the most recent twelve month change in the Statistics Canada Quarterly 'Construction Price Statistics.'"

The most recently published information from the prescribed index indicates an increase of 4.5% from the first quarter of 2008 to the first quarter of 2009. If this adjustment were to be applied to the rates currently in effect, the following increase would result:

	Currently in Effect	Indexed	Increase
Residential (per SDU)	\$10,208	\$10,667	\$459
Non-residential (per Sq.Ft. of GFA)	\$3.62	\$3.78	\$0.16

The Town is proposing to not index the charges on August 1, 2009 and instead, adjust the rates on August 1, 2010 based on the change in the index for the previous two-year period. In this way, the indexing of the charges would be deferred for the August, 2009 to August, 2010 period but not waived altogether. Thus, development occurring August 1, 2009-August 1, 2010 would pay less than would otherwise be the case, whereas development occurring post-2010, would not.

1.3 Rationale for the Proposed Deferral

The Town has been requested by representatives from the residential building industry to consider options to reduce the impact of development charges, given the current economic climate.

The Town has experienced a significant decline in building permit activity in the recent period. From January to May of this year, building permits have been issued for a total of 98 new residential units. This compares with a total of 315 units for the same five month period in 2008.

Non-residential construction activity has also declined significantly, compared with the previous year. In the first five months of this year, the value of construction for commercial and industrial

permits equalled \$7.83 million. During the same period in 2008, the total value of commercial and industrial construction was \$41.80 million.

Maintaining the existing level of development charges without introducing an indexing-related increase at this time, should have a positive impact on the Town's development prospects. While the magnitude of this positive effect is difficult to measure, it would represent part of the cumulative impact of various measures undertaken by senior levels of government, in order to provide some relief for local development and the building industry during this economic recession. In addition, the Region recently waived the indexing of its development charges for a one year period.

Staff report CS35-09 to Operations Committee estimated the revenue loss to the Town associated with the deferral at approximately \$120,000 for the one year involved.

2. THE PROPOSED BY-LAW AMENDMENT

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The Town's Development Charge By-law No. 6080-08 is contained in Appendix A and the proposed amendment to By-law No. 6080-08 involving development charge indexing, is presented on pages 2-2/3.

THE CORPORATION OF THE TOWN OF WHITBY
BY-LAW NO. ____-09

Being a by-law to amend By-law No. 6080-08, being the "Whitby Development Charge By-law No. 6080-08."

WHEREAS Section 19 of the *Development Charges Act, 1997*, S.O. 1997, c.27 (the "Act"), provides for amendments to development charge by-laws;

AND WHEREAS the Council of The Town of Whitby requires an amendment to By-law No. 6080-08;

AND WHEREAS in accordance with the Act, a development charge background study has been completed in support of the proposed amendment to By-law No. 6080-08;

AND WHEREAS the Council of The Town of Whitby has given notice and held a public meeting on the 24th day of July, 2009, in accordance with the Act;

AND WHEREAS the Council of The Town of Whitby has permitted any persons who attended the public meeting to make representations in respect of the proposed amendment;

AND WHEREAS the Council of The Town of Whitby has determined that a further public meeting is not necessary pursuant to Section 12(3) of the Act;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF WHITBY HEREBY ENACTS AS FOLLOWS:

By-law No. 6080-08 is hereby amended as follows:

1. By deleting Section 13 and replacing it with the following:

13. DEVELOPMENT CHARGE SCHEDULE INDEXING

(1) The development charges referred to in Schedule "B2" shall be adjusted without amendment to this by-law on August 1, 2010 in accordance with the most recent twenty-four month change in the Statistics Canada Quarterly, "Construction Price Statistics".

(2) Commencing on August 1, 2011, and annually thereafter on August 1, while this by-law is in force, the charges referred to in Schedule "B2",

as adjusted by subsection (1), shall be adjusted without amendment to this by-law in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics".

By-law read a first, second and third time and finally passed this 24th day of July, A.D, 2009.

Clerk

Mayor

3. IMPLEMENTATION

3. IMPLEMENTATION

Figure 3-1 sets out the timetable for the proposed by-law amendment process.

**FIGURE 3-1
SCHEDULE OF DATES FOR THE TOWN OF WHITBY DC
BY-LAW AMENDMENT PROCESS**

1.	Staff Report to Council	June 22, 2009
2.	Public Meeting Ad placed in newspaper(s)	July 2, 2009
3.	Background study and proposed by-law available to public	July 10, 2009
4.	Public meeting of Council	July 24, 2009
5.	Council considers adoption of background study and passage of by-law amendment. (Council also considers public input and if by-law is to be changed, formally determines whether a further public meeting is necessary.)	July 24, 2009
6.	Newspaper and written notice given of by-law passage	By 20 days after passage
7.	Last day for by-law appeal	40 days after passage
8.	Town makes available pamphlet (where by-law not appealed)	by 60 days after inforce date

APPENDIX A
DEVELOPMENT CHARGE BY-LAW NO. 6080-08

THE CORPORATION OF THE TOWN OF WHITBY**BY-LAW NO. 6080-08****BEING A BY-LAW OF THE CORPORATION OF THE TOWN OF WHITBY
WITH RESPECT TO DEVELOPMENT CHARGES.**

WHEREAS section 2(1) of the *Development Charges Act, 1997* (hereinafter called "the Act") enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality for increased capital costs required because of the increasing need for services arising from development in the area to which the by-law applies;

AND WHEREAS the Council of the Corporation of the Town of Whitby has made "The Town of Whitby Development Charge Background Study," dated May 9, 2008, prepared by Watson & Associates Economists Ltd., available to the public at least two weeks prior to the public meeting and has given Notice in accordance with section 12 of the Act of its intention to pass a by-law under section 2 thereof and has heard all persons who applied to be heard whether in objection thereto or in support thereof;

AND WHEREAS the Council, in adopting the Development Charge Background Study on June 16th, 2008, resolved that, prior to the expiry of this by-law, a further background study be undertaken when, either, the Town has amended and adopted its Official Plan to conform with the Growth Plan for the Greater Golden Horseshoe as well as the Region of Durham's Official Plan as approved by the Minister of Municipal Affairs and Housing, and there are no appeals outstanding therefrom, or, Council has determined by resolution that a further background study is required;

AND WHEREAS the Council in adopting the Development Charge Background Study on June 16th, 2008, directed that development charges be imposed on land under development or redevelopment within the geographical limits of the municipality as hereinafter provided.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITBY enacts as follows:

1. In this by-law,

DEFINITIONS

- (a) "Act" means the *Development Charges Act, 1997, S.O. 1997, c. 27, as amended*,
- (b) "apartment dwelling" means a dwelling unit in an apartment dwelling house;
- (c) "apartment dwelling house" means a building or part of a building containing four or more dwelling units, which units have a common entrance from street level and are served by a common corridor;
- (d) "bedroom" means any room used or designed or intended for use as sleeping quarters including but not limited to, a den, a study, a family room or other similar use;
- (e) "commercial" means any non-residential development not defined as "industrial" or "institutional" in this by-law;

- (f) "Council" means the council of the Town;
- (g) "detached dwelling" means a dwelling containing only a dwelling unit or a dwelling unit and an accessory apartment;
- (h) "development" includes redevelopment;
- (i) "development charge" means a charge imposed pursuant to this by-law adjusted in accordance with Section 13;
- (j) "dwelling unit" means a room or suite of rooms used or designed or intended for use by one person or persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (k) "grade" means the average level of finished ground adjoining a building at all exterior walls;
- (l) "gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls 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;
- (m) "hospital" means land, buildings or structures used, or designed or intended for use as defined in the *Public Hospitals Act, R.S.O. 1990, c. P.40*, as amended;
- (n) "Industrial" means any building used for or in connection with,
 - i) manufacturing, producing, processing, storing or distributing something and includes a greenhouse;
 - ii) research or development in connection with manufacturing, producing or processing something;
 - iii) retail sales by a manufacturer, producer or processor of something manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place; and,
 - iv) office for administrative purposes, if carried out with respect to manufacturing, producing, processing, storage or distribution and in or attached to the building or structure used for the manufacturing, producing, storage or distribution;
- (o) "institutional" means lands, buildings or structures owned by and used or designed or intended for use by:
 - i) a hospital;
 - ii) a place of worship; or

- iii) a nursing home owned by an organized body for a non-profit purpose where the use is carried on without profit or gain, the body is registered as a charitable organization and is licensed or approved under a special or general Act but excludes any building, or part of a building containing a dwelling unit;
- (p) "non-residential use" means land, buildings or structures or portions thereof used, or designed or intended for a use other than a residential use;
- (q) "other dwelling" means any residential dwelling which is not a single detached dwelling, a semi-detached dwelling, townhouse dwelling with less than three bedrooms or an apartment dwelling;
- (r) "parking structures/garages" means a building or structure provided exclusively for the purpose of vehicle parking;
- (s) "place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O. 1990, c. A.31*, as amended;
- (t) "residential use" means land or buildings or structures, or part thereof, of any kind whatsoever used, designed or intended to be used as a residence for one or more individuals, and containing one or more dwelling units, but does not include a boarding or lodging house or a hotel or motel;
- (u) "semi-detached dwelling" means a building on a lot or lots, divided by a common wall or a connecting wall to contain two dwelling units, each unit having its own entrance from the outside;
- (v) "single detached dwelling" means a building located on lot containing one dwelling unit, which is freestanding, separate and detached from other main buildings or main structures, but does not include a mobile home;
- (w) "Town" means The Corporation of the Town of Whitby; and
- (x) "townhouse dwelling" means one of a group of not more than eight or less than three dwelling units attached to each other side by side.

2. SCHEDULE OF DEVELOPMENT CHARGES

- (1) Subject to the provisions of this by-law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedule B1 or B2, as applicable, which relate to the services set out in Schedule A.
- (2) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units, in accordance with Schedule B1 or B2, as applicable;
 - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the number of square feet of

gross floor area of such development, in accordance with Schedule B1 or B2, as applicable;

- (c) Where a non-residential development has both industrial and commercial uses, development charges will be imposed against the commercial or industrial gross floor area of the building or structure and as though the uses were separate.
- (3) Council hereby determines that the development of land, buildings or structures for residential and non-residential uses have required or will require the provision, enlargement, expansion or improvement of the services referenced in Schedule A.
- (4) This by-law shall be phased in part, and development charges shall be payable in the amounts applicable at the date of payment as set out in the tables in Schedule B1 and B2. Determination of the applicable rate shall be subject to the provision that complete building permit applications received prior to August 1, 2008, will be subject to the development charge rate in effect as of July 31, 2008 and complete building permit applications received prior to January 1, 2009 will be subject to the development charge rate in effect as of December 31, 2008. A complete building permit means that all drawings and plans have been submitted in final form and all fees and charges have been paid, including the applicable Town of Whitby development charge.

3. APPLICABLE LANDS

- (1) Subject to subsections (2), (3), (4) and (7), this by-law applies to all lands in the Town of Whitby, whether or not the lands or use is exempt from taxation under Section 3 of the *Assessment Act, 1990, c.A..31*.
- (2) This by-law shall not apply to land that is:
 - (a) owned by:
 - i) a board as defined in subsection 1(1) of the *Education Act*;
 - ii) the Town, or any local board thereof;
 - iii) The Regional Municipality of Durham, or any local board thereof;
or
 - (b) used for the purposes of:
 - i) a local municipality or any local board thereof ;
 - ii) the development of a non-residential farm building used for bona fide agricultural purposes;
 - iii) an institutional use as defined in Section 1.
- (3) This by-law shall not apply to:
 - (a) a temporary use permitted under a zoning by-law amendment enacted under section 39 of the *Planning Act*;

- (b) temporary erection of a building without foundation as 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 or lot levies have previously been paid;
 - (c) parking structures/garages;
 - (d) development where, by comparison with the land at any time within ten years previous to the imposition of the charge:
 - i) no additional dwelling units are being created;
 - ii) no additional non-residential gross floor area is being added;
 - (e) where a development charge has been paid to the Town pursuant to previous by-laws under the *Development Charges Act, 1989 or 1997*, prior to the enactment of this by-law unless a subsequent action has the effect of increasing the need for services.
- (4) Section 2 of this by-law shall not apply to that category of exempt development described in s.s. 2(3) of the Act, namely:
- (a) the enlargement of an existing dwelling unit or the creation of one or two additional dwelling units in an existing detached dwelling; or
 - (b) the creation of one additional dwelling unit in any other existing residential building.
- (5) Notwithstanding subsection (4)(a), development charges shall be calculated and collected in accordance with Schedule B1 or B2, as applicable, where the total residential gross floor area of the additional one or two dwelling units is greater than the total gross floor area of the existing dwelling unit.
- (6) Notwithstanding subsection (4)(b), development charges shall be calculated and collected in accordance with Schedule B1 or B2, as applicable, where the additional dwelling unit has a residential gross floor area greater than,
- (a) in the case of a semi-detached house, the gross floor area of the existing smallest dwelling unit, and
 - (b) in the case of any other residential building, the residential gross floor area of the smallest dwelling unit contained in the residential building.
- (7) Section 2 of this by-law shall not apply to that category of exempt development described in s.4 of the Act and s.1 of O.Reg. 82/98, namely:
- (a) the enlargement of the gross floor area of an existing industrial building, if the gross floor area is enlarged by 50 percent or less;
 - (b) for the purpose of (a), the term "existing industrial building" shall have the same meaning as those terms have in O.Reg. 82/98 under the Act.
 - (c) Notwithstanding subsection (a), if the gross floor area is enlarged by more than 50 per cent, development charges shall be payable and collected and the amount payable shall be in accordance with s.4(3) of the Act.

- (8) Notwithstanding subsection (1), development charges shall not be imposed with respect to an enlargement of the gross floor area of an existing commercial building where such a building is located within the Downtown Community Improvement Plan Areas as defined in Schedule C – Map 1 and Map 2 to this by-law, and the gross floor area is enlarged by either fifty percent of the presently existing gross floor area or 5,000 square feet, whichever is less.

The amount of the charge is the charge otherwise payable on the total gross floor area enlargement, less the amount of the reduction defined in this subsection.

- (9) Where a conflict exists between the provisions of this by-law and any other agreement between the Town and the owner, with respect to land to be charged under this by-law, the provisions of such agreement prevail to the extent of the conflict.

4. APPLICATION OF CHARGES

- (1) Subject to subsection (2), development charges shall apply to, and shall be calculated, paid and collected in accordance with the provisions of this by-law in respect of land to be developed for residential and non-residential uses within the geographical limits of the Town, where,
- (a) the development requires,
 - (i) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act, R.S.O. 1990, cP.13*, as amended (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* applies;
 - (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 9 of the *Condominium Act, 1998 S.O. c. 19*, as amended; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992 S.O. c. 23*, as amended, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect of local services as described in s.59(2)(a) and (b) of the Act;

5. **LOCAL SERVICE INSTALLATION**

Nothing in this by-law prevents Council from requiring, as a condition of any approval under s.41, 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install or pay for such local services, as Council may require, or that the owner pay for the local connection to a storm drainage facility and associated administration, processing or inspection fees, related to the approval or within the area to which the approval relates.

6. **MULTIPLE CHARGES**

- (1) Where two or more of the actions described in Section 4(1) of this by-law are required before land to which a development charge applies can be developed, only one development charge shall be calculated, paid and collected in accordance with the provisions of this by-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in Section 4(1) of this by-law occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule A, an additional development charge shall be calculated and collected in accordance with the provisions of this by-law.
- (3) If a development does not require a building permit but does require one or more of the actions described in Subsection 4(1) of this by-law, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such action.

7. **SERVICES IN LIEU**

Council may authorize an owner, through an agreement under s.38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit, without interest, against the development charge in accordance with the agreement provisions and the provisions of s.39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu, as determined by the Town. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the Town in respect of the development to which the agreement relates.

8. **DEVELOPMENT CHARGE REDEVELOPMENT CREDITS**

- (1) Where residential space is being converted to non-residential space, the development charge equivalent that would have been payable on the residential space shall be deducted from the charge calculated on the non-residential space being added.
- (2) Where non-residential space is being converted to residential space, the development charge equivalent that would have been payable on the non-residential space shall be deducted from the charge calculated on the residential units being added.
- (3) An owner who has obtained a demolition permit and demolished existing dwelling units or a non-residential building or structure in accordance with the provisions

of the *Building Code Act* shall not be subject to the development charge with respect to the development being replaced, provided that the building permit for the replacement residential units or non-residential building or structure is issued not more than ten years after the date of issuance of the demolition permit and provided that any dwelling units or non-residential floor area created in excess of what was demolished shall be subject to the development charge imposed under section 2.

- (4) No redevelopment credit shall be made in excess of the development charge payable for a redevelopment.

9. TIMING OF CALCULATION AND PAYMENT

- (1) Development charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit granted by the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full to the Town.
- (3) Notwithstanding subsections (1) and (2), an owner and the Town of Whitby may enter into an agreement to provide for the payment in full of a development charge before building permit issuance or later than the issuing of a building permit.
- (4) If a development does not require a building permit, the development charge shall be calculated and paid in full at the rate in effect at the time the approval is granted as a condition of the earliest of any of the approvals required for the development and enumerated in Section 4 of this by-law.

10. BY-LAW REGISTRATION

This By-law or a certified copy of this by-law may be registered against the title to any land to which this by-law applies.

11. RESERVE FUNDS

- (1) Monies received from payment of development charges shall be maintained in a separate reserve fund for each service designated in Schedule "A," plus interest earned thereon.
- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of s.35 of the Act.
- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve fund or funds referred to in subsection (1).

- (5) The Treasurer of the Town shall, commencing in 2009 for the 2008 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Sections 12 and 13 of O.Reg. 82/98, or any amending regulation.

12. BY-LAW AMENDMENT OR REPEAL

- (1) Where this by-law or any development charge prescribed thereunder is amended or repealed by order of the Ontario Municipal Board or by resolution of the Council, the Town Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection (1) shall be paid to the registered owner of the land on the date on which the refund is paid.
- (3) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
- (a) interest shall be calculated from the date on which the overpayment was collected to the day on which the refund is paid;
- (b) interest shall be paid at the Bank of Canada rate in effect on the date of enactment of this by-law.

13. DEVELOPMENT CHARGE SCHEDULE INDEXING

The development charges referred to in Schedule "B2" shall be adjusted annually, without amendment to this by-law, commencing on August 1, 2009, and annually thereafter on August 1, while this by-law is in force, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics".

14. BY-LAW ADMINISTRATION

This by-law shall be administered by the Treasury Department and the Planning Department.

Prior to the expiry of this by-law, a further background study shall be undertaken when, either, the Town has amended and adopted its Official Plan to conform with the Growth Plan for the Greater Golden Horseshoe as well as the Region of Durham's Official Plan as approved by the Minister of Municipal Affairs and Housing, and there are no appeals outstanding therefrom, or, Council has determined by resolution that a further background study is required

15. SCHEDULES TO THE BY-LAW

The following schedules to this by-law form an integral part of this by-law:

- Schedule A-** Designated Municipal Services under this by-law
Schedule B1- Schedule of Development Charges applicable from August 1, 2008 to December 31, 2008
Schedule B2- Schedule of Development Charges applicable from January 1, 2009 to July 31, 2013
Schedule C- Map 1 and 2 of Area Boundaries for the Town of Whitby CIP Areas

16. DATE BY-LAW EFFECTIVE

This by-law shall come into force and effect on August 1, 2008.

17. EXISTING DEVELOPMENT CHARGE BY-LAW REPEAL

By-law 5266-03 is repealed effective the date that this by-law comes into force and effect.

18. SEVERABILITY

If, for any reason, any provision, section, subsection or paragraph of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all of the remainder of this by-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.


19. SHORT TITLE

This by-law may be cited as the "Whitby Development Charge By-law #6080-08."

20. NON-BINDING NATURE

Nothing in this by-law or Council's approval of a capital forecast shall be construed so as to commit or require the Town or its Council to authorize or proceed with any specific capital project at any specific time.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF JULY, A.D., 2008.



Paul Jones, Clerk



Patricia Perkins, Mayor

SCHEDULE "A"**(To Development Charges By-law 6080-08)****DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

1. General Government (including development-related capital growth studies);
2. Fire (including fire stations, vehicles and equipment);
3. Roads and Related (including roads, structures, sidewalks, streetlights, traffic signals, operations facilities and vehicles);
4. Parks and Recreation (including parkland and trail development and equipment and services related thereto; major indoor recreational facilities, furnishings and equipment and services related thereto; and parks maintenance and equipment);
5. Libraries (including furniture, shelving, equipment and services related thereto and including materials acquired for circulation, reference or information purposes by a library board);
6. Storm water management works.

SCHEDULE "B1"
(To Development Charges By-law 6080-08)
Schedule of Development Charges
Effective August 1, 2008 to December 31, 2008

Service	Residential Development Unit Type				Non-Residential Sq.ft. of GFA	
	Single, Semi or Detached	Apartments 2 BR+/ Towns 2 BR	Apartments < 2 BR	Other Dwellings	Commercial	Industrial
General Government	\$ 292	\$ 205	\$ 112	\$ 242	\$ 0.21	\$ 0.11
Fire	169	119	65	140	\$ 0.12	\$ 0.06
Parks & Recreation	4,227	2,969	1,621	3,501	\$ 0.34	\$ 0.17
Libraries	313	220	120	259	\$ 0.02	\$ 0.01
Roads & Related	4,638	3,258	1,778	3,842	\$ 2.71	\$ 1.35
Stormwater Management	569	400	218	471	\$ 0.22	\$ 0.11
Total	\$ 10,208	\$ 7,171	\$ 3,914	\$ 8,455	\$ 3.62	\$ 1.81

SCHEDULE "B2"
(To Development Charges By-law 6080-08)
Schedule of Development Charges
Effective January 1, 2009 to July 31, 2013

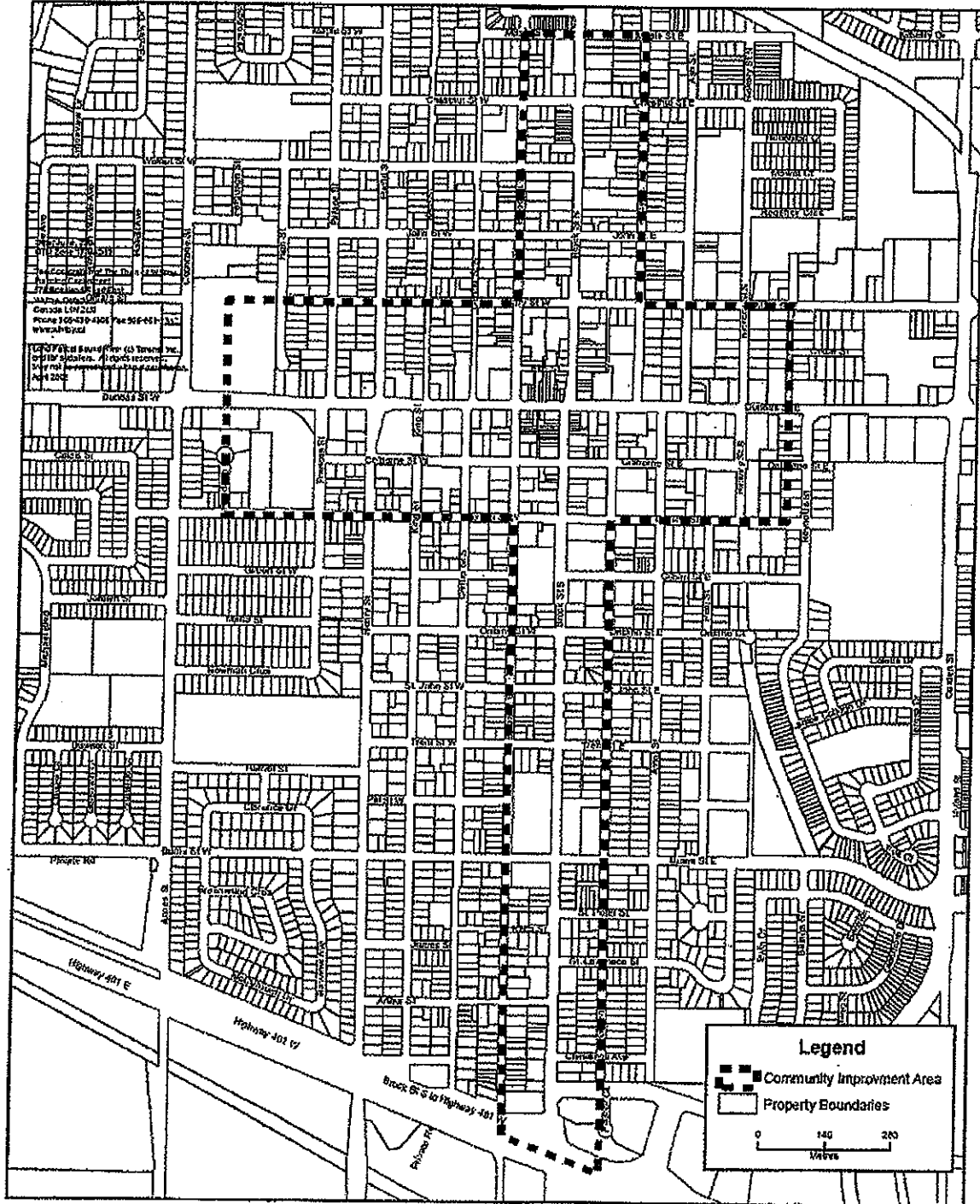
Service	Residential Development Unit Type				Non-Residential Sq.ft. of GFA	
	Single, Semi or Detached	Apartments 2 BR+/ Towns 2 BR	Apartments < 2 BR	Other Dwellings	Commercial	Industrial
General Government	\$ 292	\$ 205	\$ 112	\$ 242	\$ 0.21	\$ 0.21
Fire	169	119	65	140	\$ 0.12	\$ 0.12
Parks & Recreation	4,227	2,969	1,621	3,501	\$ 0.34	\$ 0.34
Libraries	313	220	120	259	\$ 0.02	\$ 0.02
Roads & Related	4,638	3,258	1,778	3,842	\$ 2.71	\$ 2.71
Stormwater Management	569	400	218	471	\$ 0.22	\$ 0.22
Total	\$ 10,208	\$ 7,171	\$ 3,914	\$ 8,455	\$ 3.62	\$ 3.62

Note: The development charges described in Schedule B2 above shall be adjusted annually pursuant to section 13 of this by-law.

SCHEDULE "C"
(To Development Charges By-law 6080-08)

Town of Whitby Downtown Whitby Community Improvement Project Area

**MAP 1 - AREA BOUNDARIES FOR THE DOWNTOWN WHITBY
COMMUNITY IMPROVEMENT PROJECT AREA**



Canada LHM 2135
Phone 1-800-431-4300 Fax 905-881-1111
www.lhm.ca

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SCHEDULE "C"

(To Development Charges By-law 6080-08)

Town of Whitby Downtown Brooklin Community Improvement Project Area

MAP 2 - AREA BOUNDARIES FOR THE DOWNTOWN BROOKLIN COMMUNITY IMPROVEMENT PROJECT AREA

