A By-law to provide for the payment of Development Charges and to repeal By-law 0161-2014 and By-law 0034-2016

WHEREAS section 2 of the *Development Charges Act, 1997* ("the Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services from development;

AND WHEREAS a development charges background study was completed within one year of enacting this By-law and was made available to the public on April 5, 2019, in accordance with sections 10 and 12 of the Act;

AND WHEREAS the Council of The Corporation of the City of Mississauga ("Council") gave notice of and held a public meeting on May 8th, 2019 and has heard all persons who requested to be heard;

AND WHEREAS on June 5, 2019, Council resolved that increases in the need for services attributable to development identified in the By-law will be met;

AND WHEREAS on June 5, 2019, Council expressed its intention that infrastructure related to post-2028 development and future excess capacity shall be paid for by development charges;

AND WHEREAS Council considered the use of more than one development charges by-law to reflect different needs for services in different areas, also known as area rating or area specific development charges, and determined that it is fair and reasonable that charges be calculated on a uniform, city-wide basis;

NOW THEREFORE, Council enacts as follows:

PART I – DEFINITIONS

1. In this By-law, the following terms shall have the corresponding meaning:

"accessory" means use of a building or structure that is normally incidental and subordinate to and located on the same lot as the principal use;

"Act" means the *Development Charges Act, 1997,* S.O. 1997, c. 27, as amended, or any successor thereto;

"Apartment Unit" means, for the purposes of Schedule "A", a unit in an apartment, a duplex, triplex and a stacked townhouse;

"Assessment Act" means the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, or any successor thereto;

"Board of Education" has the same meaning as "board" set out in the *Education Act,* R.S.O. 1990, c. E.2, as amended, or any successor thereto;

"Building By-law" means the City's Building By-law 0251-2013, as amended, or any successor thereto;

"Building Code Act, 1992" means the *Building Code Act, 1992,* S.O. 1992, c. 23, as amended, or any successor thereto and all regulations thereto, including the Ontario Building Code, as amended;

"building or structure" means a building or structure consisting of a wall, roof and floor or any of them or a structural system serving the function thereof, including an air supported structure, mezzanine, exterior storage tank, or industrial tent, but does not include:

(1) A free-standing roof-like structure constructed on lands used for a gas bar or a service station; or

(2) An exterior accessory storage tank;

"capital costs" means the costs incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of, and authorized by, the City or a local board,

(1) to acquire land or an interest in land, including a leasehold interest,

(2) to improve land,

(3) to acquire, lease, construct or improve buildings and structures,

(4) to acquire, lease, construct or improve facilities including,

  (a) rolling stock with an estimated useful life of seven years or more,

  (b) furniture and equipment, other than computer equipment, and

  (c) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act,* R.S.O. 1990, c. P.44, as amended, or any successor thereto,

(5) to undertake studies in connection with any of the matters referred to in paragraphs (1) to (4) above,

(6) costs of the development charge background study required under Section 10 of the Act, and

(7) interest on money borrowed to pay for costs described in paragraphs (1) to (6) above,

required for the provision of designated services in a development charge by-law within or outside the City;

"City" means The Corporation of the City of Mississauga;

"Council" means the Council of The Corporation of the City of Mississauga;

"development" means:

(1) creating a new lot(s);

(2) constructing or placing one or more buildings or structures on land;

(3) adding to or altering a building or structure that has the effect of increasing the size and usability thereof; and

(4) redevelopment, whether or not the land is already serviced.

"development charge" means a charge imposed under this By-law;

"dwelling unit" means one or more habitable rooms designed, occupied or intended to be occupied as living quarters as a self-contained unit and shall, as a minimum contain sanitary facilities, accommodation for sleeping and one kitchen, and includes:

(1) **“apartment”** means a building or part thereof, containing more than three dwelling units, and with a shared entrance and exit facilities through a common vestibule(s),

(2) **“back to back townhouse”** means a building with four or more dwelling units divided vertically including a common rear wall each with an independent entrance and has a yard abutting at least one exterior wall of each dwelling unit,

(3) **“detached dwelling”** means a building comprised of one dwelling unit,

(4) **“duplex”** means a building that is divided horizontally into two attached dwelling units,

(5) **“linked dwelling”** means two or more buildings, each of which consists of not more than one dwelling unit, attached solely below established grade by a connection spanning between the footings of each building,

(6) **“second unit”** means an accessory dwelling unit located within a detached dwelling, semi-detached dwelling, street townhouse or back to back townhouse,

(7) **“semi-detached”** means a building with two attached dwelling units, each on their own lot, that are divided vertically above grade by a party wall,

(8) **“special care dwelling”** means a building having a common enclosed entrance from street level containing more than three (3) habitable units, which units may or may not have exclusive sanitary and/or culinary facilities and are designed to accommodate individuals with special needs, including an independent long-term living arrangement, where the occupants have the right to use common areas and where support for services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels, and includes retirement buildings and long-term care buildings,

(9) “**stacked townhouse**” means a building with four or more dwelling units divided horizontally or vertically each with an entrance that is independent or through a shared landing and/or external stairwell,

(10) **“street townhouse”** means one of more than two attached dwelling units, not exceeding three storeys in height that are divided vertically above grade by a party wall, and

(11) **“triplex”** means a building that is divided horizontally into three separate dwelling units, each with an entrance that is either independent or through a common vestibule;

“established grade” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“existing industrial building” means a building used for or in connection with,

(1) manufacturing, producing, processing, storing or distributing something,

(2) research or development in connection with manufacturing, producing or processing something,

(3) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,

(4) office or administrative purposes, if they are,

(a) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

(b) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

"**floor**" means the lower surface of an area in a building or structure regardless of its composition;

"gross floor area" means gross floor area as defined in O. Reg. 82/98;

"hazard lands" means lands that are unsuitable for development due to naturally occurring processes including lands covered by water and extending to the furthest landward limit of the flooding or erosion hazard limits as may be determined by the City and/or the Conservation Authority with jurisdiction over the lands with respect to a development;

"industrial" means lands, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing, processing, warehousing or bulk storage of goods, or a distribution centre or truck terminal; research or development in connection with manufacturing, producing, processing, or storage of goods; and office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above;

"live/work unit" mean a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall with direct access between the residential and non-residential areas;

"local board" means a local board as defined in section 1 of the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended, or any successor thereto, other than a board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended;

"mezzanine" means floor area located between the floor and the ceiling of any room or storey, with or without partitions or other visual obstructions;

"mixed use" means any building or structure containing residential and non-residential uses, and where there are no dwelling units at grade;

"net developable area" means, for the purpose of the Storm Water Management service as set out in Schedule "D", the developable area of land calculated on a net hectare basis that excludes lands conveyed or to be conveyed to:

(1) the City pursuant to sections 42, 51 and 53 of the *Planning Act*, and, all lands conveyed or to be conveyed to the City or any local board thereof; or

(2) the Regional Municipality of Peel or any local board thereof, save and except for any lands developed for residential use by the Regional Municipality of Peel or any local board thereof, or any corporation owned, controlled or operated by the Regional Municipality of Peel; or

(3) a Board of Education; or

(4) the Ministry of Transportation for the construction of provincial highways; or

(5) Hydro One Networks Inc., Enersource Corporation, or any of their subsidiaries, for the purposes of providing electricity utility services; or,

(6) any hazard lands conveyed or to be conveyed to a Conservation Authority as a condition of any development;

"non-industrial" means land, buildings or structures or parts thereof used or intended to be used other than for residential or industrial, including but not limited to retail, service, office, hospitality, motor vehicle service, entertainment and recreation, and commercial parking lot.

"non-residential" means lands, buildings or structures or parts thereof used or intended to be used for industrial or non-industrial uses, including the non-residential portion of a live/work unit;

"owner" means the owner of land or any person which has made an application for an approval of the development of land upon which a development charge can be imposed;

"Planning Act" means the *Planning Act,* R.S.O. 1990, c. P.13, as amended, or any successor thereto;

"protracted" means, in relation to a temporary building or structure, construction, alteration, addition or placement on land for a continuous period exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or structure was first constructed or placed on the lands;

"Public Hospitals Act" means the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended, or any successor thereto;

"redevelopment" means constructing or placing one or more buildings or structures on land where all or part of a building or structure has been previously demolished, or changing the use of a building or structure from a residential use to a non-residential use or from a non-residential use to a residential use;

"regulation" means any regulation made pursuant to the Act;

"residential" means lands, buildings or structures or part thereof, used, designed or intended for use as a dwelling but shall not include a lodging house licensed by a municipality or a hotel or motel;

"**Rows and Other Multiples**" means, for the purposes of Schedule "A", a building with three or more attached dwelling units divided vertically above grade each with an at grade yard abutting at least one exterior wall of each dwelling unit, and includes street townhouse and back to back townhouse dwelling units.

"sales trailer" means a temporary sales pavilion that is constructed without foundation, excluding concrete piers or sono tubes, and is used for the principal purpose of promoting the sale of new residential dwelling units;

"service" means a service designated in section 2 of this By-law;

"**Singles and Semis**" means, for the purposes of Schedule "A", a detached dwelling, linked dwelling or semi-detached dwelling;

"Small Unit" means, for the purposes of Schedule "A", any dwelling unit that is 65 m^2 or 700 square feet, or less, in size;

"speculative building" means any building or structure where the ultimate use or occupancy could not be determined to the satisfaction of the City at the time that a development charge became due and payable;

"storey" means that portion of a building other than a cellar or basement included between any floor level and the floor, roof deck or deck ridge next above it;

"SWM DC" means that component of the development charge relating to the provision of the Storm Water Management service as set out in Schedule "D" to this By-law;

"temporary building or structure" means a building or structure constructed or placed on land for a period not exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or structure was first constructed or placed on the lands;

"total floor area" means the aggregate of the areas of each floor and/or mezzanine above or below established grade, measured between the exterior of outside walls of non-residential uses, but excluding:

(1) enclosed areas used for climate control, electrical, energy generation and distribution, or mechanical equipment related to the operation or maintenance of the building;

(2) areas of stairwells, washrooms, elevators or walkways/catwalks used exclusively for the maintenance of and/or access to mechanical equipment related to the operation or maintenance of the building;

(3) enclosed areas devoted to the collection or storage of disposable or recyclable waste generated within the building;

(4) any part of the building or structure above or below established grade, but not including a commercial parking garage, used exclusively for the temporary parking of motor vehicles or the provision of loading space(s) where such loading space(s) are required by the City's Zoning By-law; and

(5) the area of any self-contained structural shelf and rack storage facility;

and where a building or structure has less than four walls, the total floor area shall be equal to the total area occupied and the total areas of any floors and mezzanines in the building or structure, not already included in the sum total;

"truck terminal" means a building, structure or land where trucks and/or tractor trailers are rented, leased, or stored, or are dispatched for hire as common carriers;

"yard" means any open, uncovered, unoccupied space, belonging to a building.

"Zoning By-law" means the City's Zoning By-law 0225-2007, as amended, or any successor thereto.

PART II – DESIGNATED SERVICES

2. Development charges against land to be developed shall be based upon the provision of the following categories of designated services by the City:

(1) Development-Related Studies

(2) General Government (Courthouse and Animal Services);

(3) Recreation and Park Development;

(4) Fire Services;

(5) Library;

(6) Transit;

(7) Roads and Related Infrastructure Services;

(8) Public Works (Building and Fleet);

(9) Living Arts Centre (Debt);

(10) Storm Water Management; and

(11) Parking Services.

PART III – APPLICATION OF BY-LAW RULES

3. For the purposes of complying with section 6 of the Act:

(1) the area to which this By-law applies shall be the area described in section 4 of this By-law;

(2) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be set out in sections 2and 9, and Part IV and V of this By-law;

(3) the rules developed under paragraph 10 of subsection 5(1) of the Act for exemptions shall be the exemptions set forth in sections 5 through 8 both inclusive, of this By-law, indexing of the charges shall be as set out in section 22 of this By-law; and

(4) rules for the redevelopment of land shall be as set out in sections 15 and 16 of this By-law.

Area to Which By-law Applies

4. (1) Subject to subsection 4(2), this By-law applies to all lands in the City, however used, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*.

(2) Subject to subsection 4(3), this By-law shall not apply to land that is owned by and used for the purposes of:

(a) the City or any local board thereof;

(b) a Board of Education; or

(c) the Regional Municipality of Peel or any local board thereof.

(3) The exemption referenced in subsection (2) above, does not apply to lands which are developed for a residential use and are owned by:

(a) the Regional Municipality of Peel or any local board thereof; or

(b) any corporation owned, controlled or operated by the Regional Municipality of Peel.

Exemptions

5. Notwithstanding the provisions of this By-law, no development charges are imposed under this By-law respecting:

(1) land, buildings or structures used as public hospitals governed by the *Public Hospitals Act*;

(2) land, buildings or structures owned by and used for the purposes of a college of applied arts and technology established pursuant to the *Ministry of Training Colleges and Universities Act,* R.S.O. 1990, c. M.19, as amended, or any successor thereto;

(3) land, buildings or structures owned by and used for the purpose of a university established by an Act of the Legislative Assembly of Ontario;

(4) a mobile temporary sales trailer;

(5) a temporary building or structure provided that:

(a) the status of the building or structure as a temporary building or structure is maintained in accordance with the provisions of this By-law; and

(b) the owner has entered into an agreement prior to the temporary building or structure being constructed or placed on the lands, in a form satisfactory to the Commissioner of Corporate Services, which agreement shall include without limitation, the owner providing the City with satisfactory security for the payment of development charges to be drawn upon in the event that the temporary structure becomes protracted or is no longer deemed by the City to be a temporary structure in accordance with the provisions of this By-law or the agreement referred to herein and any unpaid amount will be added to the tax roll;

(6) lands which are zoned for and used as a cemetery, mausoleum, crematorium, and or columbarium, as defined in the Zoning By-law, shall be exempt from the payment of the SWM DC only, and only to the extent that the net developable area of the lands are not occupied by buildings and structures, parking, and paved internal roadways; or

(7) residential development that would have the effect only of enlarging a dwelling unit, creating a second unit in a new dwelling unit, or adding one dwelling unit in any other existing residential building, excluding the non-residential portion of a mixed-use building.

6. Prior to the issuance of the first building permit and at the time of initial construction, a place of religious assembly will receive a grant-in-lieu of development charges equivalent to the development charges attributed to twenty-five percent (25%) of the total floor area of the building.

Industrial Expansion

7. For the purposes of the exemption set out in section 4 of the Act for the enlargement of existing industrial buildings, the following provisions shall apply:

   (1) in this section, the word “building” when applied to an industrial condominium, means an individually owned and conveyable unit within an industrial condominium;

   (2) for the purposes of interpreting the definition of “existing industrial building” contained in the regulation, regard shall be had for the classification of the lands pursuant to the *Assessment Act*, and in particular whether more than 50 per cent of the gross floor area of the building or structure has an industrial tax class code for assessment purposes and be occupied with an existing industrial use;

   (3) notwithstanding subsection 7(2) above, occupied distribution centers, warehousing, bulk storage and truck terminals shall be considered industrial uses;

   (4) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought;

   (5) the enlargement of the gross floor area of the existing building must be attached to the existing industrial building;

   (6) the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing or parking facility, but must share a common wall with the existing building or structure;

   (7) the enlargement shall be for, or in connection with, an industrial use as set out in this By-law;

   (8) if the enlargement is equal to 50 per cent or less of the gross floor area of an existing industrial building, the amount of development charge in respect of the enlargement is nil;

   (9) if the enlargement is greater than 50 per cent of the gross floor area of an existing industrial building, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area of the existing building before the enlargement;

   (10) subject to subsection (10), if the enlargement is greater than 50 per cent of the gross floor area of an existing industrial building, SWM DCs shall be payable on the lot area covered by the enlargement in excess of 50 per cent, plus the lot area covered by any additional parking;

   (11) if prior to this By-law coming into effect the City and the owner or former owner of the lands entered into an agreement with respect to the payment of SWM DCs, the SWM DCs payable on account of an enlargement of more than 50 per cent of the gross floor area of an existing industrial building shall be calculated in accordance with the terms of said agreement.

8. Other than the uses specifically listed in sections 4-7 of this By-law, no lands, buildings and/or structures shall be exempt from development charges solely by virtue of their use.

Development Approvals

9. (1) Development charges shall be imposed and shall be calculated on all lands, building or structures that are developed for residential and non-residential uses, where the development requires any one of the following:

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;

(b) the approval of a minor variance under section 45 of the *Planning Act*;

(c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;

(d) the approval of a plan of subdivision under section 51 of the *Planning Act*;

(e) a consent under section 53 of the *Planning Act*;

(f) the approval of a description under section 50 of the *Condominium Act*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

(2) Only one (1) development charge for each designated service shall be imposed on any land even though two (2) or more of the actions described in subsection 9(1) hereof are required for the land to be developed.

(3) Despite subsection 9(2), and subject to this By-law and to section 4 of the Act, if two (2) or more of the actions described in subsection 9(1) occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by such action.

PART IV – CALCULATION OF DEVELOPMENT CHARGES

Amount of Development Charges

10. Development charges for a development shall be calculated as follows, subject to any reductions calculated in accordance with sections 15 and 16:

(1) (a) in the case of residential development, including a dwelling unit accessory to a non-residential development, or the residential portion of a mixed use development, based on the number and type of dwelling units; and

(b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the total floor area of such development less the total floor area of accessory parking.

(2) Notwithstanding subsections 10(1)(a) and (b) above, in the case of residential and non-residential development, the SWM DC shall be calculated on the basis of the net developable area.

(3) With respect to additional development on lots which have been partially developed and for which the SWM DC has not previously been paid for the entire lot, the calculation of the SWM DC is to be based on the lot area attributable to the new development, which is to be calculated on the basis of the proposed gross floor area as a percentage of the new total floor area of all buildings on the lot.

11. The development charges described in Schedule “A” to this By-law are imposed on land developed for residential uses including dwelling units accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential component of the mixed-use building or structure, according to the type of residential use.

12. The development charges described in Schedule “B” to this By-law are imposed on land developed for industrial uses and, in the case of a mixed use building or structure, on the industrial component of the mixed use building or structure, and are calculated with respect to each of the services according to total floor area of the industrial use.

13. The development charges described in Schedule "C" to this By-law are imposed on land developed for non-industrial uses and, in the case of a mixed use building or structure, on the non-industrial component of the mixed use building or structure, and are calculated with respect to each of the services according to total floor area of the non-industrial use.

14. The development charges described in Schedule “D” to this By-law are imposed on land developed for residential and non-residential uses and are calculated on the basis of the net developable area of the lands to which this By-law applies.

Reduction for Demolition

15. (1) Demolishing dwelling units in all or part of a residential building will reduce the development charges otherwise payable for the redevelopment where satisfactory evidence of the number and types of units demolished has been provided to the Commissioner of Planning and Building or his/her designate and where the building permit for the redevelopment is ready to be issued:

(a) within 5 years from the date the demolition permit was issued with a copy of the original demolition permit; and

(b) on the same lot or block on which the demolished dwelling unit(s) were originally located; and

(c) in cases where a demolition credit crosses over a lot that was subject to land division, the property owner directs to which lot the credit applies.

(2) Demolishing total floor area of all or part of a non-residential building or structure will reduce the development charges otherwise payable for the redevelopment where satisfactory evidence of the total floor area demolished has been provided to the City's Commissioner of Planning and Building or his/her designate and where the building permit for the redevelopment is ready to be issued:

(a) within 10 years from the date the demolition permit was issued with a copy of the original demolition permit; and

(b) on the same lot or block on which the demolished building or structure, or part thereof, was originally located; and

(c) in cases where a demolition credit crosses over a lot that was subject to land division, the property owner directs to which lot the credit applies.

Reduction Change of Use

16. (1) Changing all or part of a non-residential building or structure to a residential use will reduce development charges otherwise payable by an amount that is equal to the applicable non-residential development charge multiplied by the total floor area that has been demolished or converted.

(2) Changing all or part of a residential building to a non-residential use will reduce development charges otherwise payable by an amount that is equal to the applicable residential development charge for the Development-Related Studies, General Government, Fire Services, Transit, Public Works, Parking and Roads services, for the number and type of units being converted to non-residential use.

General

17. Development charge reductions cannot be assigned to other lands or applied to future development, and no refund shall be payable.

18. Notwithstanding section 15 and 16, if lands, building(s) and/or structure(s) of the subject development were previously exempt from or not required to pay development charges, no reduction against development charges will be allowed.

19. Notwithstanding any other provision of this By-law, if SWM DCs were paid in respect of the entire lands to be redeveloped prior to this By-law coming into effect, then no further SWM DCs shall be payable in respect of said lands.

20. All development charges shall be payable, and credited, at the rate in effect on the date of payment.

PART V – TIMING AND PAYMENT OF DEVELOPMENT CHARGES

Development Charges Payable at Building Permit Issuance

21. (1) For each building permit application, development charges shall be calculated and paid in full on the date that the first building permit is issued for 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, no building permit shall be issued, and the City shall be under no obligation to issue a building permit**,** until the development charge(s) has been paid in full.

(3) Notwithstanding subsection 21(1), SWM DCs shall be payable, with respect to an approval of a plan of subdivision under section 51 of the *Planning Act*, prior to the City authorizing execution of a development agreement with the owner.

(4) If a use of land, buildings or structures that constitutes development does not require the issuance of a building permit but requires one or more of the actions listed in subsection 9(1)(a) to (f) inclusive, a development charge shall be payable and shall be calculated and collected on the earliest of any of the actions listed in section 9(1)(a) to (f) inclusive being required, or on a date set by agreement between the City and the owner.

(5) Where a payment or grant in lieu of taxes is provided for or is required in respect of development charges by an Act of Ontario or Canada, the payment or grant in lieu of taxes in respect of the development charge shall be calculated as the amount that would have been otherwise payable directly to the City in furtherance of the provisions of this By-law. Payments or grants in lieu of taxes in respect of development charges shall be payable and collected on the earlier of the occurrence of any of the actions listed in sections 9(1)(a) to (g) inclusive, or the commencement of development.

Deferral Agreements

22. Without limiting the authority of the City to enter into any other agreement, the City is hereby authorized to enter into agreements providing for the payment of all or any part of a development charge before or after it would otherwise be payable, pursuant to section 27 of the Act.

23. (1) In the case of development on lands used for an agricultural use, development charges may be deferred at the request of the owner until such time as a change in use of the lands from agricultural to another use has been approved.

(2) Where the development charges payable with respect to an agricultural use are deferred in accordance with subsection 23(1) above, the owner shall provide to the satisfaction of the Commissioner of Corporate Services an agreement registered on title to the lands confirming that development charges have been deferred, which charges shall be payable upon the approval of a change of use and shall be paid in accordance with the rates in existence at the time change of use is approved;

Speculative Buildings

24. (1) Where an owner has applied for a building permit for a speculative non-residential building or structure, the City may permit the owner to pay the industrial development charge and shall require the owner enter into an agreement with the City, to the satisfaction of the Commissioner of Corporate Services, including a requirement to post satisfactory security, to be realized

upon by the City in the event that the building or structure is ultimately deemed by the City to be a non-industrial building or structure in accordance with the provisions of this Bylaw and where development charges at the non-industrial rate as set in Schedule "C" hereto are deemed to be payable.

(2) In an agreement entered into under subsection 24(1), the City may agree to hold the security posted but in no event shall the City agree to hold security for a period beyond 36 months from the date that a building permit is issued with respect to the development.

(3) Where the owner has failed to submit evidence satisfactory to the Commissioner of Corporate Services, to establish that a speculative building is an industrial building in accordance with the terms of any agreement as provided for in subsection 24(1), the City shall apply the security posted as if the building were deemed to be a non-industrial building or structure in accordance with the provisions of this By-law.

(4) In order for a building or structure deemed to be an industrial use for the purpose of this By-law, at least 51 per cent of the total floor area of the building or structure must be used for industrial purposes, as determined by the City.

(5) Where the City requires the payment of development charges at the non-industrial rate in accordance with the provisions set out above, the amount payable shall be the amount calculated at the rate in effect at the later of the date of issuance of the building permit or the date that the payment of the development charges at the non-industrial rate is received by the City.

(6) Where the City determines that the building or structure is an industrial building, the security provided to the City pursuant to subsection 24(1) of this section shall be refunded or returned to the owner, without interest.

Payment by Services

25. (1) Notwithstanding the requirements of Part IV and section 21, Council may, by agreement with an owner of land, give a credit towards a development charges payable in exchange for work done or to be done for services to which a development charge relates under this By-law, provided that:

(a) the credit will be applied at the time that the development charge for the service category is payable;

(b) if the City and the owner cannot agree as to the reasonable cost of doing the work under this section, the dispute shall be referred to Council whose decision shall be final and binding; and

(c) the amount of the credit shall not exceed the aggregate amount of development charges otherwise payable in respect of the land, buildings or structures.

(2) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, installs such local services as Council may require.

PART VI – REFUNDS

26. Refunds of development charges that have been paid will be made, without interest, where:

(1) a building permit that was issued for which development charges were paid is subsequently cancelled by the City;

(2) development charges have been paid on the issuance of a building permit and a reduction in accordance with sections 15 and 16 is subsequently identified, and the owner makes a written request to the Commissioner of Corporate Services that the amount of the reduction be refunded;

(3) development charges have been paid on or prior to the issuance of a building permit and the building permit is subsequently revised by the City's Chief Building Official or his/her designate, resulting in an overpayment of development charges to the City; or

(4) a clerical or factual error, including the transposition of figures, a typographical or similar error, has occurred with respect to the calculation of a development charge which resulted in an overpayment to the City.

PART VII – ADMINISTRATION

27. (1) This By-law shall be administered by the Commissioner of Corporate Services, and the Commissioner of Planning and Building, and/or their designates, such designation to be in writing.

(2) Any agreement which the City may enter into pursuant to either the provisions of this By-law or the Act shall be to the satisfaction of the Commissioner of Corporate Services and save and except for any agreement entered into pursuant to either section 27 of the Act, or sections 22 to 25 of this By-law, shall be executed on behalf of the City by the said Commissioner of Corporate Services, and the Clerk of the City, without the need for further by-law or resolution of the Council.

28. The Treasurer or his/her designate is authorized to transfer amounts calculated under section 6 from the City's operating budget to the Development Charge Reserve Fund.

PART VIII – GENERAL

29. The following schedules shall form part of this By-law:

Schedule "A" – Amount of Charges – Residential

Schedule "B" – Amount of Charges – Industrial

Schedule "C" – Amount of Charges – Non-Industrial

Schedule "D" – Amount of Storm Water Management Development Charges – Residential and Non-Residential

30. (1) Development charges shall be adjusted semi-annually, without amendment to this By-law, on the first day of February and on the first day of August in each year in accordance with the latest available issue of the index prescribed in the regulations, with the base index value being that in effect on June 25th, 2019.

(2) The adjustment referred to in subsection 30(1) shall be based upon the change in the index for the six (6) month period preceding the most recent issue of the index.

31. Where the City and an owner or former owner of land have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

32. If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of the Council that the remainder of the By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

33. A certified copy of this By-law may be registered against title to any land to which this By-law applies.

PART XIII – TRANSITION AND ENACTMENT

34. This By-law applies to all building permits issued on or after June 26th, 2019.

35. Notwithstanding section 34, where there is an agreement executed before June 25th, 2019 in accordance with section 23 of By-law 0161-2014, as amended, providing for the payment of development charges, the payment of development charges shall be governed by the provisions of said agreement.

36. This By-law may be cited as the Mississauga Development Charges By-law, 2019.

37. This By-law shall come into force on the date it is passed and shall continue in full force and effect for a term of five years unless it is repealed by Council at an earlier date.

38. By-law 0161-2014 and By-law 0034-2016 are repealed.

ENACTED AND PASSED THIS DAY OF , 2019.

APPROVED AS TO FORM City Solicitor MISSISSAUGA			
Date	2019		

_____
MAYOR

_____
CLERK

SCHEDULE "A"
AMOUNT OF CHARGES - RESIDENTIAL

Service	Residential Charge By Unit Type (1)				Percentage of Total
	Singles & Semis	Rows & Other Multiples	Apartment Units	Small Units	
General Government Services	$135	$105	$92	$50	0.4%
Development-Related Studies	$441	$343	$300	$164	1.1%
Library Services	$1,585	$1,233	$1,080	$588	4.0%
Recreation & Parks Development	$16,298	$12,679	$11,108	$6,052	40.8%
Parking Services	$686	$533	$467	$255	1.7%
LAC Debt	$122	$95	$83	$45	0.3%
Sub-total Soft Services	**$19,267**	**$14,988**	**$13,130**	**$7,154**	**48.3%**
Fire Services	$1,167	$908	$796	$434	2.9%
Transit Services	$1,631	$1,269	$1,112	$606	4.1%
Roads and Related Infrastructure	$17,860	$13,895	$12,173	$6,632	44.7%
Sub-total Hard and Prescribed Services	**$20,658**	**$16,072**	**$14,081**	**$7,672**	**51.7%**
TOTAL CHARGE PER UNIT	**$39,925**	**$31,060**	**$27,211**	**$14,826**	**100.0%**
(1) Based on Persons Per Unit Of:	4.02	3.13	2.74	1.49	

SCHEDULE "B"
AMOUNT OF CHARGES - INDUSTRIAL

Service	Industrial Charges		Percentage of Total
	Charge per Square Metre of Total Floor Area	Charge per Square Foot of Total Floor Area	
General Government	$0.58	$0.05	0.6%
Development-Related Studies	$1.90	$0.18	2.1%
Library Services	$0.00	$0.00	0.0%
Recreation & Parks Development	$0.00	$0.00	0.0%
Parking Services	$2.97	$0.28	3.2%
LAC Debt	$0.00	$0.00	0.0%
Sub-total Soft Services	**$5.45**	**$0.51**	**5.9%**
Fire Services	$5.03	$0.47	5.4%
Transit Services	$7.12	$0.66	7.7%
Roads and Related Infrastructure	$74.85	$6.95	81.0%
Sub-total Hard and Prescribed Services	**$87.00**	**$8.08**	**94.1%**
TOTAL CHARGE	**$92.45**	**$8.59**	**100.0%**

SCHEDULE "C"
AMOUNT OF CHARGES - NON-INDUSTRIAL

Service	Non-Industrial Charges		Percentage of Charge
	Charge per Square Metre of Total Floor Area	Charge per Square Foot of Total Floor Area	
General Government	$0.58	$0.05	0.5%
Development-Related Studies	$1.90	$0.18	1.7%
Library Services	$0.00	$0.00	0.0%
Recreation & Parks Development	$0.00	$0.00	0.0%
Parking Services	$2.97	$0.28	2.6%
LAC Debt	$0.00	$0.00	0.0%
Sub-total Soft Services	**$5.45**	**$0.51**	**4.8%**
Fire Services	$5.03	$0.47	4.4%
Transit Services	$7.12	$0.66	6.2%
Roads and Related Infrastructure	$96.59	$8.97	84.6%
Sub-total Hard and Prescribed Services	**$108.74**	**$10.10**	**95.2%**
TOTAL CHARGE	**$114.19**	**$10.61**	**100.0%**

SCHEDULE "D"

AMOUNT OF STORM WATER MANAGEMENT DEVELOPMENT CHARGES

Development Type	Charge per Net Developable Hectare	Charge per Net Developable Acre
Residential	$14,718.00	$5,956.00
Non-Residential	$14,718.00	$5,956.00