

By-law Number 43-2023
of The Regional Municipality of Durham

Being a by-law to amend by-law number 86-2001.

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 Regional Municipality of Durham requires certain amendments to By-law 86-2001;

And Whereas in accordance with the Act, a development charge background study has been completed in support of the proposed amendment to By-law 86-2001;

And Whereas the Council of The Regional Municipality of Durham has given notice and held a public meeting on the 12th day of April 2023 in accordance with the Act;

And Whereas the Council of The Regional Municipality of Durham has permitted any person who attended the public meeting to make representations in respect of the proposed amendments;

And Whereas the Council of The Regional Municipality of Durham has determined that a further public meeting is not necessary pursuant to Section 12(3) of the Act;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Section 1 of By-law 86-2001 is amended as follows:

(a) for “apartment building” replace definition with,

“means a residential building, or the residential portion of a mixed-use building, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade but does not include a triplex, semi-detached duplex, semi-detached triplex, or townhouse. Despite the foregoing, an “apartment building” includes stacked townhouses;”

(b) for “bedroom” replace definition with,

“means a habitable room, of at least seven square meters (7 m²) where a built-in closet is not provided, or at least six square meters (6 m²) where a built-in closet is provided, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom or a kitchen;”

(c) add a new definition “detached dwelling” and “detached” as follows,

“means a residential building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units on that parcel of land, where no portion of the building is attached to any building on another parcel of land;”

- (d) **for “duplex” replace definition with,**
“means a building comprising, by horizontal division, two dwelling units on one parcel of land;”
- (e) **delete entire “garden suite” definition;**
- (f) **delete entire “housing services use”/ “housing services” definition;**
- (g) **for “medium density multiples” replace definition with,**
“includes plexes, townhouses and all other residential uses that are not included in the definition of “apartment building”, “apartment”, “mobile homes”, “retirement residence units”, “detached”, “detached dwelling” or “semi-detached dwelling”;”
- (h) **for “non-profit housing development” replace definition with,**
“means development of a building or structure intended for use as residential premises and developed by:
- (i) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) a corporation without share capital to which the Canada Not- for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - (iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act;”
- (i) **for “rental housing” delete,**
“,for the purposes of section 17(a) of the by-law”;
- (j) **for “residential use”, replace definition with,**
“means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include any building or structure containing dwelling units, and include but not limited to, a detached dwelling, a semi-detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;”
- (k) **replace entire “semi-detached duplex” definition with,**
““semi-detached building” means a building on two parcels of land, divided vertically (above or below ground) along the common lot line of the two parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;”
- (l) **for “semi-detached dwelling” replace definition with,**
“means the portion of a semi-detached building on one parcel of

land comprising at least 1 dwelling unit and not more than 3 dwelling units;”

(m) delete entire “single detached dwelling and “single detached” definition;

(n) for “stacked townhouse” replace definition with,

““stacked townhouse” means a building, other than a plex, a detached dwelling or townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;”

(o) replace entire “townhouse” definition with,

““townhouse building” means a residential building, on at least 3 parcels of land divided vertically (above or below ground) along the common lot line between each of the parcels and comprising at least 1 dwelling unit and not more than 3 dwelling units on each parcel;” **and**

(p) add new definition, after “townhouse building”,

““townhouse dwelling” means the portion of a townhouse building on one parcel of land comprising at least 1 dwelling unit and not more than 3 dwelling units;”.

2. Section 9 of By-law 86-2001 is replaced with the following:

“Exemptions

9(1) Development charges shall not be imposed in respect to:

- (a) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
- (b) the enlargement of an existing dwelling unit;
- (c) the creation of additional dwelling units in accordance with the following table:

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
9(1) (c)(i) Existing detached, semi-detached or townhouse dwellings, which contain a single dwelling unit, and where there are no other dwelling units in other buildings or structures on the parcel of land	Two	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
9(1) (c)(ii) Existing detached, semi-detached or townhouse dwellings, each of which contains a single dwelling unit and where there is no more than one dwelling unit in other buildings or structures on the parcel of land	One	No exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
9(1) (c)(iii) Existing detached, semi-detached or townhouse dwellings, each of which contains no more than 2 dwelling units and where there are no other dwelling units in other buildings or structures on the parcel of land	One	This exemption applies only for the creation of a dwelling unit in an ancillary building or structure and no exemption applies for the creation of a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
9(1) (c)(iv) Existing rental residential buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	No exemption applies where it would result in a total number of dwelling units where units created under the exemption in this By-law would exceed the greater of one unit or 1% of the units existing in the building prior to the first exemption for an additional dwelling unit.
9(1) (c)(v) An existing residential building not in another class of residential building described in this table.	One	No exemption applies where a dwelling unit has already been created with an exemption this By-law.

(d) the creation of additional dwelling units in accordance with the following table:

Description of Class of Proposed New Residential Buildings & Number of Units Proposed	Restrictions
9(1) (d)(i) the second or third dwelling units in a proposed detached, semi-detached or townhouse dwelling where there are no other dwelling units, existing or proposed, in other buildings or structures on the parcel of land	No exemption applies for the creation of first dwelling unit or where a dwelling unit or units which would result in more than a total of three dwelling units on a parcel of land
9(1) (d)(iii) one dwelling unit in a proposed new residential building that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or townhouse dwelling which would not contain more than a two dwelling units.	No exemption applies for the creation of a dwelling unit which would result in more than a total of three dwelling units on a parcel of land.

- (e) non-profit housing development; and
- (f) residential units that are affordable housing units required to be included in a development or redevelopment (“inclusionary zoning units”) pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) of that Act.”

3. **In Section 11(1) of By-law 86-2001 the reference to “ten years” is replaced with “five years”.**
4. **In Section 11(2) of By-law 86-2001 the reference to “ten year” is replaced with “five year”.**
5. **Section 11(3) of By-law 86-2001 is deleted.**
6. **Section 11(4) of By-law 86-2001 is renumbered section 11(3).**
7. **Following section 11(3) add new section, as follows:**

“Reduction for Rental Housing Development

11(4) The development charges set out on Schedule B shall be:

- (a) In rental housing development, for dwelling units with 3 or more bedrooms: 75% of the Total of All Charges shown on Schedule B;
- (b) In rental housing development, for dwelling units with 2 bedrooms: 80% of the Total of All Charges shown on Schedule B; and
- (c) In rental housing development, for all other dwelling units: 85% of the Total of All Charges shown on Schedule B.”

8. **In Section 12 of By-law 86-2001 the reference to “section 21” is replaced with “section 17”.**
9. **In Section 13 of By-law 86-2001 the reference to “section 13” is replaced with “section 12 of this by-law”.**

10. **Section 14 of By-law 86-2001 is deleted.**
11. **Section 15 of By-law 86-2001 is renumbered section 14 and the reference to “sections 13 and 22” is replaced with “sections 12 and 21 of this by-law”.**
12. **Section 16 of By-law 86-2001 is renumbered section 15 and the reference to “section 13” is replaced with “section 12 of this by-law”.**
13. **Section 17 of By-law 86-2001 is replaced with,**

“16 Notwithstanding subsection 12 , 13 and 14 of this by-law, where development charges become payable after January 1, 2020 for development of rental housing that is not non-profit housing development and institutional development, development charges shall be paid in equal annual instalments, with interest where applicable pursuant to the Region of Durham Development Charge Interest Rate Policy as amended from time to time, beginning on the earlier of the date of issuance of a permit under the Building Code Act, 1992 authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

17 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, to a maximum of 3% per annum as of the first day of July in accordance with the Statistics Canada Quarterly, *Construction Price Statistics*, catalogue number 62- 007, for the most recently available annual period ending March 31. For greater certainty, the first such annual indexing shall be effective from July 1, 2002, and for each first day of July thereafter.”
14. **In Section 18 of By-law 86-2001 the references to “section 21”, “section 17”, “sections 13 and 15” are replaced with “section 17”, “section 16” and “sections 12 and 14” respectively.**
15. **Section 22 of By-law 86-2001 is replaced with,**

“Interest

22. Development charges payable per this by-law shall bear interest in accordance with the Region of Durham Development Charge Interest Rate Policy, as amended from time to time.”

- 16. In Schedule B to By-law 86-2001 the reference to “single” is deleted and the reference to “section 21” in the Note is replaced with “section 17”.**

This By-law Read and Passed on the 14th day of June, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk