Office Consolidation

This is a consolidation of the County's By-law to establish development charges for the County of Simcoe, being By-law No. 6930 as amended by By-law No. 7165-26 and By-law No. 7190-26. The following consolidation is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-law. Official versions of By-laws can be obtained from the County Clerk's Department. If there are any discrepancies between this consolidation and By-laws No. 6930, 7165-26 and 7190-26, the original By-laws shall prevail.

BY-LAW NO. 6930

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A By-law to establish development charges for the Corporation of the County of Simcoe and to repeal By-law No. 6555

Whereas subsection 2(1) of the *Development Charges Act, 1997* c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies; and

Whereas the Council of The Corporation of the County of Simcoe (“County of Simcoe”) has given Notice in accordance with Section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act; and

Whereas the Council of the County of Simcoe has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on October 26, 2021; and

Whereas the Council of the County of Simcoe had before it a report entitled Development Charges Background Study dated September 24, 2021 (the “Study”) prepared by Hemson Consulting Ltd., wherein it is indicated that the development of any land within the County of Simcoe will increase the need for services as defined herein; and

Whereas by Resolution adopted by Council on November 23, 2021, Council has indicated its intent that the future excess capacity identified in the Study dated September 24, 2021, prepared by Hemson Consulting Ltd., shall be paid for by development charges or other similar charges; and

Whereas the Council of the County of Simcoe has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as “area rating” or “area specific development charges”, and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide basis; and

Whereas the Study dated September 24, 2021 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle; and

Whereas the Council of the County of Simcoe will give consideration to incorporating the Asset Management Plan outlined in the Study within the County of Simcoe ongoing practices and Corporate Asset Management Plan; and

Whereas by Resolution adopted by Council on November 23, 2021, Council approved the Study and determined that no further public meetings were required under Section 12 of the Act;

Now therefore, the Council of the Corporation of the County of Simcoe enacts as follows:

DEFINITIONS

1. In this by-law,
   (1) “Act” means the Development Charges Act, 1997, c. 27;

   (2) “Administration Service” means any and all studies carried out by the municipality with respect to eligible services for which a development charge by-law may be imposed under the Development Charges Act, 1997;

   (3) “Agricultural use” means a bona fide farming operation;

   (4) “Apartment dwelling” means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor and including a stacked townhouse;

   (5) “Area Municipality” means a lower-tier municipality that forms part of the County;

(6) “Back to back townhouse” mean 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;

(7) “Bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;

(8) “Board of Education” means a board defined in s.s. 1(1) of the Education Act, R.S.O. 1990, c.E.2;

(9) “Building Code Act” means the Building Code Act, R.S.O. 1992, c. 23 as amended;

(10) “Cannabis Use” means a building used, designed or intended for growing, cultivation, production, testing, destroying, storing or distribution excluding retail sales, of marijuana or cannabis and for the purposes of the by-law is defined as a non-residential use;

(11) “Capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,

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

(b) to improve land;

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

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

i. rolling stock with an estimated useful life of seven years or more,

ii. furniture and equipment, other than computer equipment, and

iii. 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.

(e) to undertake studies in connection with any of the matters;

(f) to complete the development charge background study under Section 10 of the Act;

(g) as interest on money borrowed to pay for costs in (a) to (d); required for provision of services designated in this by-law within or outside the municipality.

(12) "Council" means the Council of The Corporation of the County of Simcoe;

(13) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;

(14) "Development charge" means a charge imposed pursuant to this By- law;

(15) "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;

(16) "Farm building" means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use and excluding cannabis use;

(17) "Farm Equipment Dealership" means a building or structure used solely for sale of farm equipment including but not limited to vehicles and equipment necessary for a bona fide framing operation;

(18) "Garden Suite" means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable, as defined by the *Planning Act*;

(19) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;

(20) "Gross floor area" means the sum total of the total areas of all floors in a building or structure whether at, above or below grade measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

(a) includes the floor area of a mezzanine atrium or air supported structure and the space occupied by interior wall partitions; and

(b) where a building or structure does not have any walls the gross floor area of the building or structure shall be the total of the area of all floors including the ground floor that are directly beneath the roof of the building or structure.

(21) "Industrial Building" means a building used for or in connection with,

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

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

(c) 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,

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

i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.

(22) "Local board" means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the municipality or any part or parts thereof;

(23) "Local services" means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;

(24) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;

(25) "Municipality" means The Corporation of the County of Simcoe;

(26) “Non-residential uses” means a building or structure used for other than a residential use;

(27) “Official plan” means the Official Plan of the County of Simcoe and any amendments thereto;

(28) “Owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

(29) “Planning Act” means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;

(30) “Regulation” means any regulation made pursuant to the Act;

(31) “Residential uses” means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;

(32) “Rows” means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings but including back to back townhouse;

(33) “Semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

(34) “Services” means services set out in Schedule “A” to this By-law;

(35) “Single detached dwelling” means a completely detached building containing only one dwelling unit;

(36) “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.

Added by By-law 7190-26, effective June 23, 2026

(37) "Temporary or Seasonal Structure" means a structure that does not remain in place for more than eight continuous months in any twelve-month period;

Added by By-law 7190-26, effective June 23, 2026

(38) "Seasonal Air Supported Structure" means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure where the structure does not remain in place for more than eight continuous months in any twelve-month period;"

CALCULATION OF DEVELOPMENT CHARGES

2. (1) Subject to the provisions of this By-law, development charges against land in the municipality shall be imposed, calculated and collected in accordance with the Act and base rates set out in Schedules “B” and “C”, 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 redevelopment, or a residential portion of a mixed-use development or redevelopment, the sum of the product of the number of dwelling units of each type multiplied by the corresponding total charge for such dwelling unit type, as set out in Schedule “B”;

b. in the case of non-residential development or redevelopment, or a non-residential portion of a mixed-use development or redevelopment, the development charge shall be the gross floor area of such area multiplied by the corresponding total dollar amount per square metre of gross floor area, as set out in Schedule “C”.

(3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule “A”.

PHASE-IN OF DEVELOPMENT CHARGES AND TRANSITION PROVISIONS

3. (1) The development charges imposed pursuant to this by-law are not being phased in and are payable in full, subject to the exemptions herein, from the effective date of this by-law.

APPLICABLE LANDS

4. (1) Subject to Sections 5, 6 and 7, this by-law applies to all lands in the municipality, whether or not the land or use is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31.

(2) This by-law shall not apply to land that is owned by and used for

the purposes of:

(a) a board of education;

(b) any municipality or local board thereof;

(c) a place of worship exempt under s.3 of the *Assessment Act;*

(d) a public hospital under the *Public Hospitals Act*; and,

(e) a farm building and farm equipment dealership as defined herein.

Added by By-law 7190-26, effective June 23, 2026

(f) a Temporary or Seasonal Structure, including a Seasonal Air Supported Structure, as defined in this by-law.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING AND NEW HOUSING

5. (1) Notwithstanding Section 4 above, no development charge shall be imposed with respect to developments or portions of developments as outlined in Section 2 (3) of the Act and related Regulations.

(2) Notwithstanding subsection 5(1), development charges shall be calculated and collected in accordance with Schedule “B” where the additional dwelling unit does not meet the statutory requirements in Section 2 (3) of the Act and related Regulations.

EXEMPTION FOR ENLARGEMENT OF EXISTING INDUSTRIAL BUILDING

6. Subject to paragraph (c) of this subsection 6, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:

(a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero. For the purpose of this subsection, the gross floor area of an existing industrial building shall be calculated as it existed prior to January 1, 2022 [OR the first enlargement in respect of that building for which an exemption under Section 4 of the Act is sought];

(b) if the gross floor area is enlarged by more than 50 per cent, the

development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement. For the purpose of this subsection, 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;

(c) the exemption for industrial enlargement provided for in this Subsection 2(9) shall apply only to the enlargement of the gross floor area of an existing industrial building:

(i) where such enlargement is attached to the existing industrial building, for the purpose of this Subsection 2(9), 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, shared connected roof, or parking facility;

(ii) where both the enlargement and existing industrial building are constructed on lands owned by the same beneficial owner; and

(iii) shall only apply to the enlargement or enlargements of the existing industrial building to a maximum of the aggregate of fifty per cent of the gross floor area of the existing industrial building while this by-law remains in force;

TREATMENT OF GARDEN SUITES

7. (1) Garden Suites are to be exempt from the payment of development charges subject to an agreement with the Area Municipality specifying the maximum period of time the development is to be permitted and any other matters that may be deemed necessary or appropriate by the Area Municipality, such as installation, maintenance and removal provisions, financial security requirements and restrictions on occupancy.

(2) The development charges shall be paid in full to the County and Area Municipality, upon request, if the Garden Suite has not been demolished or removed within the period of time specified in an agreement between the Municipality and the owner.

DEVELOPMENT CHARGES IMPOSED

8. (1) Subject to subsection (2), development charges shall be calculated

and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential use, where, the development requires:

(i) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*;

(ii) the approval of a minor variance under Section 45 of the *Planning Act*;

(iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* 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 50 of the *Condominium Act*, R.S.O. 1998, S.O. 1998, c.19; or

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

(2) Subsection (1) shall not apply in respect to:

(a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*;

(b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.

LOCAL SERVICE INSTALLATION

9. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act* that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

MULTIPLE CHARGES

10. (1) Where two or more of the actions described in subsection 6(1) are required before land to which a development charge applies can

be developed, only one development charge shall be calculated and collected in accordance with the provisions of this by-law.

(2) Notwithstanding subsection (1), if two or more of the actions described in subsection 6(1) 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 on the additional residential units and non-residential floor area, shall be calculated and collected in accordance with the provisions of this by-law.

SERVICES IN LIEU

11. (1) Council may authorize an owner, through an agreement under Section 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 against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.

(2) In any agreement under subsection 9(1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.

RULES WITH RESPECT TO RE-DEVELOPMENT

12. In the case of the demolition of all or part of a residential or non-residential building or structure:

(1) a credit shall be allowed, provided that the land was improved by occupied structures within the five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit has been issued; and

(2) if a development or redevelopment involves the demolition of and replacement of a building or structure, or the conversion from one principal use to another, a credit shall be allowed equivalent to:

(a) the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, and/or

(b) the gross floor area of the building demolished/converted multiplied by the current non-residential development charge in place at the time the development charge is payable.

13. A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

TIMING OF CALCULATION AND PAYMENT

14. (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 and defined by various references in the Development Charges Act, in accordance with Section 26, 26.1, and 26.2 or if applicable 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 as permitted under the Act.

RESERVE FUNDS

15. (1) Monies received from the payment of development charges under this by-law shall be maintained in separate reserve funds as per the services set out in Schedule “A”.

(2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 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 funds referred to in subsection (1).

(5) The Treasurer of the Municipality shall, in each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in O.Reg. 82/98.

BY-LAW AMENDMENT OR APPEAL

16. (1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of the Council, the Municipal 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 with interest to be calculated as follows:

(a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;

(b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.

(3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

BY-LAW INDEXING

17. The development charges set out in Schedules "B" and "C" to this by-law shall be adjusted annually, as of January 1, 2023, without amendment to this by- law, in accordance with the most recent twelve-month change in the Statistics Canada Quarterly, "Construction Price Statistics".

SEVERABILITY

18. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such

provision and all other provisions of this by-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

19. The headings inserted in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

BY-LAW REGISTRATION

20. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

BY-LAW ADMINISTRATION

21. This by-law shall be administered by the Municipal Treasurer.

SCHEDULES TO THE BY-LAW

22. 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 B - Schedule of Residential Development Charges
Schedule C - Schedule of Non-Residential Development Charges

DATE BY-LAW EFFECTIVE

23. This By-law shall come into force and effect on January 1, 2022.

DATE BY-LAW EXPIRES

Repealed and replaced by By-law 7165-26, effective Feb 10, 2026

24. This By-law will expire on December 31, 2031, unless it is repealed by Council at an earlier date.

REPEAL

25. Upon the coming into force of this By-law, By-law No. 6555 is repealed.

SHORT TITLE

26. This by-law may be cited as the “County of Simcoe Development Charge By-law, 2021.”

By-law enacted this 23rd day of November, 2021.

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Warden County Clerk

Schedule A to By-law No. XXXX

DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Long Term Care & Seniors Services
2. Social Housing
3. Paramedic Services
4. Waste Management
5. Development Related Studies
6. Transit
7. Services Related to a Highway
    a) Public Works
    b) Roads and Related

Schedule B to By-law No. XXXX

SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES

Service	Residential Charge By Unit Type		
	Singles & Semis	Rows & Other Multiples	Apartments
Long Term Care & Seniors Services	$1,965	$1,551	$1,053
Social Housing	$3,153	$2,489	$1,691
Paramedic Services	$354	$280	$190
Waste Management	$378	$299	$203
Development Related Studies	$54	$43	$29
Transit	$214	$169	$115
Services Related to a Highway			
Public Works	$23	$18	$12
Roads And Related	$8,303	$6,555	$4,452
TOTAL CHARGE PER UNIT	**$14,444**	**$11,404**	**$7,745**

Schedule C to By-law No. XXXX

SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES

Service	Non-Residential Charge per Square Metre
Long Term Care & Seniors Services	$0.00
Social Housing	$0.00
Paramedic Services	$1.71
Waste Management	$1.83
Development Related Studies	$0.26
Transit	$1.03
Services Related to a Highway	
Public Works	$0.11
Roads And Related	$42.55
TOTAL CHARGE PER SQUARE METRE	**$47.49**