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# The Regional Municipality of Durham Report

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To: Finance and Administration Committee  
From: Commissioner of Finance  
Report: #2021-F-36  
Date: December 14, 2021

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**Subject:**

Final Recommendations Regarding Amendments to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019

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**Recommendation:**

That the Finance and Administration Committee recommends to Regional Council:

- A) That Pursuant to Section 10(1) of the Development Charges Act, 1997, the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge Background Study dated October 12, 2021 be adopted;
- B) That effective January 1, 2022, Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019 be amended, as set out in the amending by-law (Attachment No. 1) to address the changes to Development Charges Act, 1997, resulting from Bill 108: *More Homes, More Choice Act, 2019*, Bill 138: *Plan to Build Ontario Together Act, 2019*, Bill 197, *COVID-19 Economic Recovery Act 2020* and O. Reg. 454/19 and to modify the development charge calculations for updated capital costs estimates;
- C) That the Seaton Residential Development Charges for Water Supply and Sanitary Sewerage as indicated in Table 1 below be imposed, effective January 1, 2022 (including indexing):

Table 1

<b>Region of Durham Recommended Seaton Residential Development Charges \$ Per Dwelling Unit</b>			
<b>Service Category</b>	<b>Single Detached &amp; Semi-Detached</b>	<b>Medium Density Multiples</b>	<b>Apartments</b>
<b>Sanitary Sewerage</b>	\$	\$	\$
(i) Seaton Landowners Constructed Works	6,087	4,809	2,801
(ii) Regional Constructed Works	2,551	2,016	1,173
(iii) Regional Attribution	2,541	2,007	1,169
Subtotal – Sanitary Sewerage	<b>11,179</b>	<b>8,832</b>	<b>5,143</b>
<b>Water Supply</b>			
(i) Seaton Landowners Constructed Works	2,526	1,996	1,162
(ii) Regional Constructed Works	6,066	4,793	2,790
(iii) Regional Attribution	4,312	3,406	1,983
Subtotal – Water Supply	<b>12,904</b>	<b>10,195</b>	<b>5,935</b>
<b>Total Development Charges</b>	<b><u>\$24,083</u></b>	<b><u>\$19,027</u></b>	<b><u>\$11,078</u></b>

D) That the Seaton Institutional Development Charges as indicated in Table 2 below be imposed, effective January 1, 2022 (including indexing):

Table 2

<b>Region of Durham Recommended Seaton Institutional Development Charges \$ Per Square Foot Of Gross Floor Area</b>	
<b>Service Category</b>	<b>\$</b>
<b>Sanitary Sewerage</b>	
(i) Seaton Landowners Constructed Works	0.62
(ii) Regional Constructed Works	0.25
(iii) Regional Attribution	0.58
Subtotal – Sanitary Sewerage	<b>1.45</b>
<b>Water Supply</b>	
(i) Seaton Landowners Constructed Works	0.08
(ii) Regional Constructed Works	0.21
(iii) Regional Attribution	0.46
Subtotal – Water Supply	<b>0.75</b>
<b>Total Development Charges</b>	<b><u>\$2.20</u></b>

- E) That the Seaton Non-Institutional Development Charges for each service as indicated in Table 3 below be imposed, effective January 1, 2022 (including indexing):

**Table 3**  
**Region of Durham**  
**Recommended Seaton Non-Institutional Development Charges**  
**\$ Per Square Foot Of Gross Floor Area**

<b>Service Category</b>	<b>\$</b>
<b>Sanitary Sewerage</b>	
(i) Seaton Landowners Constructed Works	1.76
(ii) Regional Constructed Works	0.74
(iii) Regional Attribution	1.70
Subtotal – Sanitary Sewerage	<b>4.20</b>
<b>Water Supply</b>	
(i) Seaton Landowners Constructed Works	0.25
(ii) Regional Constructed Works	0.59
(iii) Regional Attribution	1.34
Subtotal – Water Supply	<b>2.18</b>
<b>Total Development Charges</b>	<b><u>\$6.38</u></b>

- F) That the Seaton Prestige Employment Land Area Development Charges as indicated in Table 4 below be imposed, effective January 1, 2022 (including indexing):

**Table 4**  
**Region of Durham**  
**Recommended Seaton Prestige Employment Land Area**  
**Development Charges**  
**\$ Per Net Hectare**

<b>Service Category</b>	<b>\$</b>
<b>Sanitary Sewerage</b>	
(i) Seaton Landowners Constructed Works	85,624
(ii) Regional Constructed Works	35,920
(iii) Regional Attribution	81,299
Subtotal – Sanitary Sewerage	<b>202,843</b>
<b>Water Supply</b>	
(i) Seaton Landowners Constructed Works	12,511
(ii) Regional Constructed Works	28,983
(iii) Regional Attribution	64,247
Subtotal – Water Supply	<b>105,741</b>
<b>Total Development Charges</b>	<b><u>\$308,584</u></b>

- G) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or before December 31, 2021 be given the option of being processed under the rates of the current Development Charges By-Law No. 38-2019, where a complete submission requires all of the following to have been submitted to, and received by, the Development Approvals Division in a form satisfactory to the Region:
- i) Ministry of the Environment and Climate Change approval;
  - ii) Detailed cost estimate;
  - iii) Three (3) copies of the proposed Final Plan (M-Plan);
  - iv) Regional Planning approval of the Final Plan;
  - v) Three (3) copies of all proposed Reference Plans (R-Plans);
  - vi) Three (3) copies of approved General Plan of Services (signed by the Local Municipality and the Region); and
  - vii) Regional Subdivision Agreement Information Checklist.

Subdivision agreements which have been processed according to By-Law No. 38-2019, excluding the impact from the recommended amendments, must be executed within three months following the effective date of the amendments, which are recommended to take effect on January 1, 2022. Otherwise, the subdivision agreements shall be deemed cancelled and will be replaced with a subdivision agreement processed according to By-law No. 38-2019 as amended. The execution of the subdivision agreements requires all of the following to have been submitted to, and received by, the Regional Legal Department in a form satisfactory to the Region:

- i) signed Subdivision Agreement, including all schedules;
  - ii) payments of fees identified in the agreement;
  - iii) securities identified in the agreement;
  - iv) prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads, and
  - v) Insurance Certificate.
- H) That Regional Council determine that no further public meeting is required;
- I) That the Regional Solicitor be instructed to prepare the requisite amending Development Charge By-law for presentation to Regional Council and passage;
- J) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations, and that any such revised by-law(s) be presented to Council for passage;
- K) That the Regional Treasurer be instructed to prepare the requisite development charge pamphlet and related materials pursuant to the Development Charges Act, 1997; and

- L) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997.
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## **Report:**

### **1. Purpose**

- 1.1 The purpose of this report is to provide the final recommendations regarding the amendments to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge (ASDC) By-law No. 38-2019 as proposed in the Development Charge (DC) Background Study released October 12, 2021.

### **2. Background**

- 2.1 The recommended amendments to Seaton Water Supply and Sanitary Sewerage ASDC By-law No. 38-2019 are required to address the changes in the Development Charges Act, 1997 (DCA) resulting from Bill 108, More Homes, More Choice Act, 2019, Bill 138, Plan to Build Ontario Together Act, 2019, Bill 197, COVID-19 Economic Recovery Act, 2020 and O. Reg. 454/19 and to modify the development charge calculation for updated capital cost estimates.
- 2.2 The changes to the DCA that impact the Seaton Water Supply and Sanitary Sewerage ASDC By-law No. 38-2019 include the following:
- a. The timing and process for the collection of DCs;
  - b. The determination of the DC rates (i.e. freezing of DC rates); and
  - c. The broadening of exemptions for additional (secondary) units.
- 2.3 In addition, since the approval of the Seaton ASDC By-law (No. 38-2019) in June 2019 (effective July 1, 2019), design and construction work have advanced or been completed on a number of Seaton water supply and sanitary sewerage capital projects, resulting in changes to the capital costs estimates. The proposed amending by-law includes an update to the capital forecast, resulting in revised Seaton ASDCs. Updating the capital program and related ASDCs supports the appropriate development charge credits applied to the Seaton Landowners who upfronted the capital costs for this service area under the Seaton Phase 1 Front-Ending Agreement.
- 2.4 The Seaton Water Supply and Sanitary Sewerage ASDC Background Study contained the proposed by-law amendments. The background study was made available to Regional Council and the public (free of charge) beginning on October 12, 2021 as indicated in the public notices placed in the Toronto Star on September 25 and October 2 and in the local Metroland newspapers throughout the Region from September 23 to October 7, 2021.
- 2.5 An overview of the key recommendations contained in the proposed DC by-law and background study was provided in Report #2021-F-27: Public Meeting Regarding

Proposed Amendments to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019.

### **3. Previous Reports and Decisions**

- 3.1 The following reports provided updates to Regional Council on the status of the changes to the DCA and the related amendments required to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019:
- a. Report #2021-F-22; and
  - b. Report #2021-F-27.

### **4. Recommended Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law Amendments**

#### **Overview of Public Input Regarding Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law Amendments**

- 4.1 No verbal submissions were made at the public meeting of Council held to consider the proposed Seaton Water Supply and Sanitary Sewerage ASDC By-law amendment and Background Study on October 27, 2021.
- 4.2 The Region did not receive any comments regarding the proposed amendments subsequent to the public meeting.

#### **Final Recommendations**

- 4.3 There are no recommended changes to the proposed amending by-law as presented in the Seaton Water Supply and Sanitary Sewerage ASDC DC By-law amendment and Background Study released on October 12, 2021. The following provides a summary of the recommended amendments to Seaton Water Supply and Sanitary Sewerage ASDC By-law No. 38-2019.

#### **Collection and Freezing of DCs and Exemption of Additional (Secondary) Units**

- 4.4 The recommended amendments to Seaton Water Supply and Sanitary Sewerage ASDC By-law No. 38-2019 include:
- a. Broadening the exemption for additional (secondary) units to apply to the creation of additional units within, or ancillary to prescribed new residential units; and
  - b. Modifying the DC By-law with respect to the collection of DCs and determination of the DC rate:
    - DCs for rental housing development and institutional developments (as defined in O. Reg. 454/19) are to be paid in six equal installments over

five years, commencing the earlier of the date of issuance of occupancy permit or the date of first occupancy. The subsequent annual installments are due on the annual anniversary date of the first installment;

- DCs for non-profit housing developments (as defined in O. Reg. 454/19) are to be paid in twenty-one equal installments over twenty years, commencing the earlier of the date of issuance of occupancy permit or the date of first occupancy. The subsequent annual installments are due on the annual anniversary date of the first installment; and
- DC rates are locked in on the date of application for an approval of development in a site plan control area or, if this does not apply, the date an application for an amendment to a by-law passed under Section 34 of the Planning Act. The DC rates are frozen until two years from the date the site plan application or zoning application is approved and are only applicable for site plan and zoning by-law amendment applications received after December 31, 2019.

- 4.5 As the legislation allows municipalities to charge interest to recover the costs associated with the development charge deferral and / or the freezing of DCs, the recommended amending by-law provides a clause to allow for the application of interest charges. Regional staff are developing a Regional Development Charge Interest Rate Policy for future Committee and Council consideration.

#### **Adjustment to Capital Costs**

- 4.6 Since the approval of the Seaton ASDC By-law (No. 38-2019) in June 2019 (effective July 1, 2019), design and construction work have advanced or been completed on a number of Seaton water supply and sanitary sewerage capital projects, resulting in changes to the capital costs estimates. The proposed amending by-law includes an update to the capital forecast, resulting in revised Seaton ASDCs.

#### **Recommended New Development Charge Rates**

- 4.7 Table 5 provides the recommended residential Seaton ASDC rates for January 1, 2022 that incorporates the updated capital cost estimates (adjusted for indexing on July 1, 2020 and July 1, 2021). These are the same proposed DC rates as provided in the Background Study released on October 12, 2021.
- 4.8 Table 6 provides the existing rates for a single detached / semi-detached unit and the recommended rates incorporating the adjustments to the capital program.

**Table 5**  
**Recommended Seaton Residential ASDC Rates in Effect for January 1, 2022**

<b>Service Category</b>	<b>Single / Semi</b>	<b>Medium Density</b>	
	<b>Detached</b>	<b>Multiples</b>	<b>Apartments</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Sanitary Sewerage</b>			
Seaton Landowners Constructed DCs	6,087	4,809	2,801
Regional Seaton-Specific DCs	2,551	2,016	1,173
Regional Attributions DCs	2,541	2,007	1,169
<b>Subtotal - Sanitary Sewerage</b>	<b>11,179</b>	<b>8,832</b>	<b>5,143</b>
<b>Water Supply</b>			
Seaton Landowners Constructed DCs	2,526	1,996	1,162
Regional Seaton-Specific DCs	6,066	4,793	2,790
Regional Attributions DCs	4,312	3,406	1,983
<b>Subtotal - Water Supply</b>	<b>12,904</b>	<b>10,195</b>	<b>5,935</b>
<b>Total Development Charges</b>	<b>\$ 24,083</b>	<b>\$ 19,027</b>	<b>\$ 11,078</b>

**Table 6**  
**Comparison of Current and Recommended ASDCs for January 1, 2022**  
**For Single Detached/Semi Detached Dwelling Units**

<b>Service Category</b>	<b>Current Rate</b>	<b>Recommended Rate</b>	<b>Variance</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Sanitary Sewerage</b>			
Seaton Landowners Constructed DCs	5,437	6,087	650
Regional Seaton-Specific DCs	1,976	2,551	575
Regional Attributions DCs	2,919	2,541	(378)
<b>Subtotal - Sanitary Sewerage</b>	<b>10,332</b>	<b>11,179</b>	<b>847</b>
<b>Water Supply</b>			
Seaton Landowners Constructed DCs	2,601	2,526	(75)
Regional Seaton-Specific DCs	6,102	6,066	(36)
Regional Attributions DCs	4,312	4,312	-
<b>Subtotal - Water Supply</b>	<b>13,015</b>	<b>12,904</b>	<b>(111)</b>
<b>Total Development Charges</b>	<b>\$ 23,347</b>	<b>\$ 24,083</b>	<b>\$ 736</b>

### Seaton Non-residential ASDCs

- 4.9 Table 7 provides the existing Seaton non-residential water supply and sanitary sewerage ASDC rates and the recommended rates after the adjustments to the capital program. Similar to the residential charges, the sanitary sewer non-residential ASDCs increase for the landowner constructed/landowner financed projects and the Regional constructed/landowner financed projects. There is also a decrease in the costs of the capital related to the sanitary sewer Regional Attributions and small reductions in the water non-residential ASDCs.



**Table 7**  
**Comparison of Current and Recommended Seaton Non-residential ASDCs**  
**for January 1, 2022**

<b>Non-Institutional Development Charges</b>				
<b>\$ Per Square Foot of Gross Floor Area</b>				
<b>Service Category</b>	<b>Current Rates</b>	<b>Recommended Rates</b>		
		<b>January 1, 2022</b>	<b>Change</b>	
<b>Sanitary Sewerage</b>				
Seaton Landowners Constructed DCs	1.57	1.76	0.19	
Regional Seaton-Specific DCs	0.59	0.74	0.15	
Regional Attributions DCs	1.95	1.70	(0.25)	
<b>Subtotal - Sanitary Sewerage</b>	<b>4.11</b>	<b>4.20</b>	<b>0.09</b>	
<b>Water Supply</b>				
Seaton Landowners Constructed DCs	0.27	0.25	(0.02)	
Regional Seaton-Specific DCs	0.60	0.59	(0.01)	
Regional Attributions DCs	1.34	1.34	-	
<b>Subtotal - Water Supply</b>	<b>2.21</b>	<b>2.18</b>	<b>(0.03)</b>	
<b>Total Development Charges</b>	<b>\$ 6.32</b>	<b>\$ 6.38</b>	<b>\$ 0.06</b>	
<b>Institutional Development Charges</b>				
<b>\$ Per Square Foot of Gross Floor Area</b>				
<b>Service Category</b>	<b>Current Rates</b>	<b>Recommended Rates</b>		
		<b>January 1, 2022</b>	<b>Variance</b>	
<b>Sanitary Sewerage</b>				
Seaton Landowners Constructed DCs	0.54	0.62	0.08	
Regional Seaton-Specific DCs	0.21	0.25	0.04	
Regional Attributions DCs	0.67	0.58	(0.09)	
<b>Subtotal - Sanitary Sewerage</b>	<b>1.42</b>	<b>1.45</b>	<b>0.03</b>	
<b>Water Supply</b>				
Seaton Landowners Constructed DCs	0.09	0.08	(0.01)	
Regional Seaton-Specific DCs	0.22	0.21	(0.01)	
Regional Attributions DCs	0.46	0.46	-	
<b>Subtotal - Water Supply</b>	<b>0.77</b>	<b>0.75</b>	<b>(0.02)</b>	
<b>Total Development Charges</b>	<b>\$ 2.19</b>	<b>\$ 2.20</b>	<b>\$ 0.01</b>	
<b>Prestige Employment Land Area Development Charges</b>				
<b>\$ Per Net Hectare</b>				
<b>Service Category</b>	<b>Current Rates</b>	<b>Recommended Rates</b>		
		<b>January 1, 2022</b>	<b>Variance</b>	
<b>Sanitary Sewerage</b>				
Seaton Landowners Constructed DCs	76,788	85,624	8,836	
Regional Seaton-Specific DCs	28,102	35,920	7,818	
Regional Attributions DCs	93,143	81,299	(11,844)	
<b>Subtotal - Sanitary Sewerage</b>	<b>198,033</b>	<b>202,843</b>	<b>4,810</b>	
<b>Water Supply</b>				
Seaton Landowners Constructed DCs	12,851	12,511	(340)	
Regional Seaton-Specific DCs	29,147	28,983	(164)	
Regional Attributions DCs	64,247	64,247	-	
<b>Subtotal - Water Supply</b>	<b>106,245</b>	<b>105,741</b>	<b>(504)</b>	
<b>Total Development Charges</b>	<b>\$ 304,278</b>	<b>\$ 308,584</b>	<b>\$ 4,306</b>	

## **5. Further Considerations by Regional Council Per DCA, 1997**

### **Formal Consideration of Need for Further Public Meeting**

- 5.1 If the proposed by-law is changed, then Regional Council is required under the provisions of the DCA to consider whether a further public meeting is required. An additional public meeting would require public notices to be placed providing at least twenty days notice of such a public meeting.
- 5.2 Given that the final recommendations do not vary from the proposed amending DC by-law as provided in the Seaton Water Supply and Sanitary Sewerage ASDC Background Study, a further public meeting will not be required, assuming the recommendations in this report are accepted and no change is made.

### **Direction to Regional Staff**

- 5.3 Direction from Regional Council is required for the Regional Solicitor, Regional Clerk and Regional Treasurer to complete the various administrative tasks needed to implement the recommended DC amendments. These tasks include the revision of development agreements, the production and distribution of a development charge pamphlet, and the necessary public notification provisions.

## **6. Relationship to Strategic Plan**

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
  - a. Ensuring the Region's DC By-law is in conformity with the DCA, supporting Goal 5 (Service Excellence).

## **7. Conclusion**

- 7.1 It is recommended that the Seaton Water Supply and Sanitary Sewerage ASDC By-law amendment be approved as proposed in the Background Study dated October 12, 2021.
- 7.2 This report has been reviewed by staff of the Planning & Economic Development, Works and Corporate Services - Legal departments who concur with the recommendations.

**8. Attachments**

Attachment No. 1: Recommended Development Charge By-law Amendment

Respectfully submitted,

Original Signed By

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N. Taylor, BBA, CPA, CA  
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

**By-law Number \*\*-2021**  
**of The Regional Municipality of Durham**

Being a by-law to amend By-law No. 38-2019

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 38-2019;

And Whereas in accordance with the *Act*, a development charge background study has been completed in support of the proposed amendment to By-law 38-2019;

And Whereas the Council of The Regional Municipality of Durham has given notice and held a public meeting on the 27<sup>th</sup> day of October 2021 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 38-2019 is hereby amended by adding the following definitions and renumbering the remaining definitions:
  - (x) “institutional development”, for the purposes of section 19(a) of the by-law, means development of a building or structure intended for use,
    - (a) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
    - (b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
    - (c) by any of the following post-secondary institutions for the objects of the institution:
      - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
      - (ii) a college or university federated or affiliated with a university described in subclause (i), or
      - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
    - (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
    - (e) as a hospice to provide end of life care.

- (gg) non-profit housing development, for the purpose of section 19(b) means development of a building or structure intended for use as residential premises by,
- (a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
  - (b) 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
  - (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.
- (qq) “rental housing” for the purpose of section 19(a) of the by-law, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

2. Section 9 of By-law 38-2019 is hereby deleted and replaced with the following:

**Exemptions**

9(1) In this section, “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.

9(2) 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:

<b>Description of Class of Existing Residential Buildings</b>	<b>Maximum Number of Additional Dwelling Units</b>	<b>Restrictions</b>
Existing single detached residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Existing semi-detached or row residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.

other parts, attached to other buildings.		
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	None
An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

(d) the creation of a second dwelling unit in accordance with the following table:

Description of Class of Proposed New Residential Buildings	Restrictions
Proposed new residential detached buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
Proposed new semi-detached or row residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

3. Section 16 of By-law 38-2019 is hereby deleted and replaced with the following:

**Timing of Payment of Development Charges**

17. Development charges, determined in accordance with section 20 and adjusted in accordance with section 23 of this by-law, are payable in full on the date

on which a building permit is issued with respect to each dwelling unit, building or structure.

4. Section 17 (1) of By-law 38-2019 is hereby amended as follows:

Delete “21” after section and replace with “23”.

5. Section 18 (1) of By-law 38-2019 is hereby amended as follows:

Delete “21” after section and replace with “23”.

6. Section 18 (3) of By-law 38-2019 is hereby amended as follows:

Delete “21” after section and replace with “23”.

7. By-law 38-2019 is hereby amended by inserting a new Section 19 as follows and renumbering the remainder of the sections:

19. Notwithstanding sections 16, 17 and 18, where development charges become payable after January 1, 2020 for development of:

- (a) rental housing that is not non-profit housing development and institutional development, development charges shall be paid in equal annual instalments 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;
- (b) Non-profit housing development, development charges shall be paid in equal annual instalments 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 twenty anniversaries of that date;

8. By-law 38-2019 is hereby amended by inserting a new Section 20 as follows and renumbering the remainder of the sections:

### **Determining Amount Payable**

20. The development charges payable will be the development charge shown in the applicable Schedules to this by-law to be payable, with indexing under section 23, and, where applicable, with interest under section 25 of this by-law as of

- (1) for those developments to which section 19 applies,
  - (a) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* was made, provided the first building permit is issued within two years of the date that application was approved;
  - (b) if clause (a) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made, provided the first building permit is issued within two years of the date that amendment comes into force and effect; or
  - (c) if neither clause (a) nor clause (b) applies, the day the development charge would be payable in accordance with sections 16, 17 and 18 of this by-law; and
- (2) for those developments to which section 19 does not apply,

- (a) for applications filed after December 31, 2019, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* was made, provided the date the development charge is payable is within two years of the date that application was approved;
- (b) if clause (a) does not apply, for applications filed after December 31, 2019, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made, provided the date the development charge is payable is within two years of the date that amendment comes into force and effect; or
- (c) if neither clause (a) nor clause (b) applies, the day the development charge would be payable in accordance with sections 16, 17 and 18 of this by-law.

9. By-law 38-2019 is hereby amended by inserting a new Section 25 as follows and renumbering the remainder of the sections:

**Installment Interest**

25. Development charges payable by instalment pursuant to section 20 of this by-law shall bear interest in accordance with the Region of Durham Development Charge Interest Rate Policy, as amended from time to time.

10. The Schedules to By-law 38-2019 are hereby deleted and replaced with the Schedules to this by-law.

11. Section 27 of By-law 38-2019 is hereby deleted and replaced as follows:

27. This By-law shall come into force on January 1, 2022.

12. Section 29 of By-law 38-2019 is hereby deleted and renumbering the remainder of the sections.

This By-law Read and Passed on the 22 day of December, 2021.

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J. Henry, Regional Chair and CEO

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R. Walton, Regional Clerk



**Schedule "B"**

**Residential Development Charges per Dwelling Unit  
\$ per Dwelling Unit**

<b>Service Category</b>	<b>Single Detached &amp; Semi-Detached</b>	<b>Medium Density Multiples</b>	<b>Apartments</b>
<b>Sanitary Sewerage</b>			
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	5,738	4,533	2,640
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	2,405	1,900	1,106
(iii) Regional Attribution Sanitary Sewerage Development Charges	2,395	1,892	1,102
<b>Subtotal – Sanitary Sewerage</b>	<b>10,538</b>	<b>8,325</b>	<b>4,848</b>
<b>Water Supply</b>			
(i) Seaton Landowners Constructed Water Supply Development Charges	2,381	1,881	1,095
(ii) Regional Seaton-Specific Water Supply Development Charges	5,718	4,518	2,630
(iii) Regional Attribution Water Supply Development Charges	4,064	3,210	1,869
<b>Subtotal – Water Supply</b>	<b>12,163</b>	<b>9,609</b>	<b>5,594</b>
<b>Total Development Charges</b>	<b><u>\$22,701</u></b>	<b><u>\$17,934</u></b>	<b><u>\$10,442</u></b>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 23 of this By-law.

**Schedule “C”**

**Institutional Development Charges  
\$ per Square Foot of Gross Floor Area**

<b>Service Category</b>	<b>Institutional Development Charges</b>
<b>Sanitary Sewerage</b>	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	0.58
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.24
(iii) Regional Attribution Sanitary Sewerage Development Charges	0.55
Subtotal – Sanitary Sewerage	<b>1.37</b>
<b>Water Supply</b>	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.08
(ii) Regional Seaton-Specific Water Supply Development Charges	0.20
(iii) Regional Attribution Water Supply Development Charges	0.44
Subtotal – Water Supply	<b>0.72</b>
<b>Total Development Charges</b>	<b><u>\$2.09</u></b>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 23 of this By-law.

**Schedule “D”**

**Non-Institutional Non-Residential Development Charges  
\$ per Square Foot of Gross Floor Area**

<b>Service Category</b>	<b>Non-Institutional Development Charges</b>
<b>Sanitary Sewerage</b>	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	1.66
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.70
(iii) Regional Attribution Sanitary Sewerage Development Charges	1.60
Subtotal – Sanitary Sewerage	<b>3.96</b>
<b>Water Supply</b>	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.24
(ii) Regional Seaton-Specific Water Supply Development Charges	0.56
(iii) Regional Attribution Water Supply Development Charges	1.26
Subtotal – Water Supply	<b>2.06</b>
<b>Total Development Charges</b>	<b><u>\$6.02</u></b>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 23 of this By-law.

**Schedule "E"**

**Prestige Employment Land Area Development Charges  
\$ per Net Hectare**

<b>Service Category</b>	<b>Prestige Employment Land Area Development Charges</b>
<b>Sanitary Sewerage</b>	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	80,709
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	33,858
(iii) Regional Attribution Sanitary Sewerage Development Charges	76,632
<b>Subtotal – Sanitary Sewerage</b>	<b>191,199</b>
<b>Water Supply</b>	
(i) Seaton Landowners Constructed Water Supply Development Charges	11,793
(ii) Regional Seaton-Specific Water Supply Development Charges	27,319
(iii) Regional Attribution Water Supply Development Charges	60,559
<b>Subtotal – Water Supply</b>	<b>99,671</b>
<b>Total Development Charges</b>	<b><u>\$290,870</u></b>

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to section 23 of this By-law.