



The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Finance
Report: #2024-F-9
Date: May 14, 2024

Subject:

Final Recommendations Regarding Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges

Recommendations:

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 Charges Background Study dated March 12, 2024 be adopted, including the forecasts of anticipated development, the underlying capital forecasts, the development charges calculations and policies contained in the Background Study, and further, that the approval of the capital forecasts in the Background Study indicate Regional Council's intention to ensure that such an increase in need for services will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;
- B) That the Seaton Residential and Non-residential Development Charges for Water Supply and Sanitary Sewerage be imposed, effective July 1, 2024, as set out in one of the following two sets of schedules depending on the timing of the Royal Assent for Bill 185 (Cutting Red Tape to Build More Homes Act, 2024):
 - i. If Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) does not receive Royal Assent prior to June 30th 2024:

Table 1

Region of Durham Recommended Seaton Residential Development Charges \$ Per Dwelling Unit				
Service Category	Phase In	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage		\$	\$	\$
(i) Seaton Landowners Constructed Works	80%	6,165	4,870	2,836
(ii) Regional Constructed Works	80%	1,832	1,447	842
(iii) Regional Attribution	80%	2,120	1,675	975
Subtotal – Sanitary Sewerage		10,117	7,992	4,653
Water Supply				
(i) Seaton Landowners Constructed Works	80%	2,129	1,682	979
(ii) Regional Constructed Works	80%	5,529	4,368	2,543
(iii) Regional Attribution	80%	4,302	3,398	1,978
Subtotal – Water Supply		11,960	9,448	5,500
Total Development Charges (July 1, 2024 to June 30, 2025)	80%	<u>\$22,077</u>	<u>\$17,440</u>	<u>\$10,153</u>
July 1, 2025 to June 30, 2026 (85%)	85%	23,456	18,532	10,788
July 1, 2026 to June 30, 2027 (90%)	90%	24,835	19,621	11,425
July 1, 2027 to June 30, 2028 (95%)	95%	26,216	20,712	12,058

Table 2

Region of Durham Recommended Seaton Institutional Development Charges \$ Per Square Foot Of Gross Floor Area		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	0.68
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.58
Subtotal – Sanitary Sewerage		1.48
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.09
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.54
Subtotal – Water Supply		0.85
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$2.33</u>
July 1, 2025 to June 30, 2026	<u>85%</u>	2.47
July 1, 2026 to June 30, 2027	<u>90%</u>	2.62
July 1, 2027 to June 30, 2028	<u>95%</u>	2.77

Table 3

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	2.05
(ii) Regional Constructed Works	80%	0.66
(iii) Regional Attribution	80%	1.76
Subtotal – Sanitary Sewerage		4.47
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.26
(ii) Regional Constructed Works	80%	0.64
(iii) Regional Attribution	80%	1.64
Subtotal – Water Supply		2.54
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$7.01</u>
July 1, 2025 to June 30, 2026 (85%)	<u>85%</u>	7.45
July 1, 2026 to June 30, 2027 (90%)	90%	7.89
July 1, 2027 to June 30, 2028 (95%)	95%	8.32

Table 4

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	107,931
(ii) Regional Constructed Works	80%	34,155
(iii) Regional Attribution	80%	89,211
Subtotal – Sanitary Sewerage		231,297
Water Supply		
(i) Seaton Landowners Constructed Works	80%	13,229
(ii) Regional Constructed Works	80%	32,766
(iii) Regional Attribution	80%	86,657
Subtotal – Water Supply		132,652
Total Development Charges		<u>\$363,949</u>
July 1, 2025 to June 30, 2026	(85%)	386,696
July 1, 2026 to June 30, 2027	(90%)	409,443
July 1, 2027 to June 30, 2028	(95%)	432,188

- ii. if Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) receives Royal Assent prior to June 30th, 2024 and eliminates the phase in of development charge rates:

Table 5

Region of Durham Recommended Seaton Residential Development Charges \$ Per Dwelling Unit			
Service Category	Single Detached & Semi- Detached	Medium Density Multiples	Apartments
Sanitary Sewerage	\$	\$	\$
(i) Seaton Landowners Constructed Works	7,706	6,088	3,545
(ii) Regional Constructed Works	2,290	1,809	1,053
(iii) Regional Attribution	2,650	2,094	1,219
Subtotal – Sanitary Sewerage	12,646	9,991	5,817
Water Supply			
(i) Seaton Landowners Constructed Works	2,661	2,102	1,224
(ii) Regional Constructed Works	6,911	5,460	3,179
(iii) Regional Attribution	5,377	4,248	2,473
Subtotal – Water Supply	14,949	11,810	6,876
Total Development Charges	<u>27,595</u>	<u>21,801</u>	<u>12,693</u>

Table 6

Region of Durham Recommended Seaton Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	0.85
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.73
Subtotal – Sanitary Sewerage	1.85
Water Supply	
(i) Seaton Landowners Constructed Works	0.11
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.68
Subtotal – Water Supply	1.06
Total Development Charges	<u>2.91</u>

Table 7

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	2.56
(ii) Regional Constructed Works	0.82
(iii) Regional Attribution	2.20
Subtotal – Sanitary Sewerage	5.58
Water Supply	
(i) Seaton Landowners Constructed Works	0.33
(ii) Regional Constructed Works	0.80
(iii) Regional Attribution	2.05
Subtotal – Water Supply	3.18
Total Development Charges	<u>8.76</u>

Table 8

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	134,914
(ii) Regional Constructed Works	42,694
(iii) Regional Attribution	111,514
Subtotal – Sanitary Sewerage	289,122
Water Supply	
(i) Seaton Landowners Constructed Works	16,536
(ii) Regional Constructed Works	40,957
(iii) Regional Attribution	108,321
Subtotal – Water Supply	165,814
Total Development Charges	<u>454,936</u>

- C) That the Development Charge policies for the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges as contained in the proposed By-law (Appendix #3), including those related to collection policy and indexing be approved;

- D) That the Seaton Well Interference Policy as provided in Appendix #1 be adopted as of July 1, 2024;
- E) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or by June 30, 2024 be given the option of being processed under the policies and rates of the current Seaton Area Specific Development Charges By-Law #19-2019 or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region.
- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three(3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- F) Subdivision agreements which have been processed according to By-Law #19-2019 must be executed within three months following the termination of By-Law #19-2019, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- Signed Subdivision Agreement received, including all schedules;
 - Payments of fees identified in the agreement received;
 - Securities identified in the agreement received;
 - Prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- G) That the existing complaint procedure as provided in Regional By-law #52-2014 continue for the purpose of conducting hearings, regarding complaints made under Section 20 of the Development Charges Act, 1997;
- H) That Section 12(3) of the Development Charges Act, 1997 requires Regional Council to determine whether a further public meeting is necessary when changes are made to a proposed development charges by-law following a public meeting, and whereas changes were made to the Seaton proposed development charge by-law following the public meeting on March 27, 2024, it is recommended that Regional Council resolve that a further public meeting is not necessary and therefore Council indicate that a second public meeting is not required prior to the passage of the recommended Seaton Area Specific Development Charge By-law;

- I) That the Regional Solicitor be instructed to finalize the proposed Seaton Area Specific Development Charge By-law for presentation to Regional Council for passage and be authorized to modify the by-law if minor changes are required to accommodate the implications of Bill 185;
- 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 such revised by-law(s) be presented to Council for passage;
- K) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997; and
- L) That the Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials.

Report:

1. Purpose

- 1.1 The purpose of this report is to provide final recommendations regarding the proposed Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges. These recommendations form the basis for the by-law to be implemented on July 1, 2024 to replace the existing Seaton Area Specific Development Charge By-law #19-2019.

2. Background

- 2.1 The Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges Background Study (2024 Seaton Area Specific Development Charge Background Study) contained the proposed by-law and provided information regarding the proposed development charge policies for review by Regional Council and the public. The background study was made available to the public (free of charge) beginning March 12, 2024 as indicated in the public notice placed in the Toronto Star on February 26 and 29 and on the Regional and Metroland websites. A Public Meeting of Regional Council was held on March 27th, 2024.
- 2.2 An overview of the estimated capital costs and development forecast utilized to calculate the proposed area specific development charge rates for Seaton contained in the proposed development charge by-law and background study was provided in Report #2024-F-5: Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study (Appendix #2).

3. Previous Reports and Decisions

- 3.1 Report #2023-F-29 provided staff authorization to proceed with the public notice, public release of the proposed by-law and background study and the public meeting

for the renewal of the Seaton Area Specific Development Charge By-law (Seaton ASDC By-law).

- 3.2 Report #2024-F-5 provided Council an overview of the proposed Seaton ASDC By-law.

4. Highlights of Final Recommendations Compared to Proposed By-law and Background Study Recommendations

- 4.1 There was one submission received at the March 27, 2024 Public Meeting. The Region did not receive any further written responses. The submission advised that the Seaton Landowners were continuing to review the Background Study (Appendix #4).
- 4.2 Subsequent to the Public Meeting on March 27, 2024, the Province released Bill 185, Cutting Red Tape to Build More Homes Act, 2024 on April 10, 2024, which if passed as currently drafted, will have implications for the Seaton area specific development charges:
- i) The immediate implications for development charges are that upon Royal Assent, the mandatory 5-year phase in of new development charges will no longer be mandatory. Tables 9 and 10 provide the full calculated residential and non-residential rates respectively that will be in effect if Bill 185 receives Royal Assent prior to June 30, 2024 and the year 1 Phased in Rates (at 80%) if Bill 185 does not receive Royal Assent by June 30, 2024.
 - ii) Notable other changes to the Act include a revised definition of capital costs by reinstating studies as an eligible capital cost (which were removed from eligibility in the More Homes Built Faster Act, 2022), amongst other changes. Staff will continue to monitor Bill 185's status pertaining to its Royal Assent and the related regulations as it relates to the Seaton Area Specific Development Changes By-law.
- 4.3 The recommendations in this report and the recommended Seaton ASDC By-law (Appendix #3) provide both the potential phase-in rates and the full calculated rates to ensure that the Region is prepared to apply the appropriate rates, depending on the timing that Bill 185 takes effect. For example, if Bill 185 is proclaimed on July 15, 2024 and the phase in requirements are eliminated, the by-law is structured to apply the phased-in rates from July 1 to July 14 and the full rates commencing July 15.

Table 9
Comparison of Seaton Residential ASDC Charges
Full Rate vs Phase in Rates ⁽¹⁾
(For a Single Detached Unit)
For July 1, 2024

	<u>Full Rate</u>	<u>Phase in Rates</u>
Water Supply	\$ 14,949	\$ 11,960
Sanitary Sewerage	12,646	10,117
Total - Water & Sewer	<u>\$ 27,595</u>	<u>\$ 22,077</u>

Note 1: the phase in rates displayed in table 9 represent the year 1 phase in rate of 80%.

Table 10
Comparison of Seaton Non-Residential ASDC Charges
Full Rate vs Phase in Rates ⁽¹⁾
For July 1, 2024

	<u>Full Rates</u>	<u>Phase in Rates</u>
Non-Institutional (per sq ft)		
Water Supply	\$ 3.18	\$ 2.54
Sanitary Sewerage	5.58	4.47
Total	<u>8.76</u>	<u>7.01</u>
Institutional (per sq ft)		
Water Supply	1.06	0.85
Sanitary Sewerage	1.85	1.48
Total	<u>2.91</u>	<u>2.33</u>
Prestige Employment Lands (per hectare)		
Water Supply	165,814	132,652
Sanitary Sewerage	289,122	231,297
Total	<u>\$454,936</u>	<u>\$363,949</u>

Note 1: the phase in rates displayed in table 10 represent the year 1 phase in rate of 80%.

- 4.4 It is estimated that if the Region was required to phase in the Seaton water and sewer area specific development charges over five years, that up to \$9.9 million in water supply costs and \$9.5 million in sanitary sewer capital costs would not be recovered by development charges and would need to be funded by water and sewer user rates. If Bill 185 is passed by July 1, 2024 as currently drafted, these costs will be recovered by development charges and will not need to be funded by water and sewer user revenue.

5. Input / Questions Regarding Proposed Seaton Residential and Non-residential Development Charges

- 5.1 Pursuant to the requirements of the DCA, 1997, Regional Council held a public meeting on March 27, 2024 to receive input on the proposed development charge by-law and policies contained in the background study.
- 5.2 No verbal submissions were made at the public meeting of Council held to consider the proposed Seaton ASDC By-law for water supply and sanitary sewerage.
- 5.3 The only formal correspondence provided to the Region with respect to the proposed Seaton Area Specific Development Charge By-law was a letter (Attachment #4) from the lawyer on behalf of the Trustee for the group of landowners developing lands in the Seaton community. The letter noted that the Seaton Landowners' Group appreciated the timely co-operation from Regional staff, and that they were still reviewing the background study. It was noted that if they had any issues based on their continuing review of the Background Study and supporting material, they would advise the Region in advance of enactment of the Seaton ASDC By-law.
- 5.4 The Region subsequently met with the consultants representing the Seaton Landowners to answer any questions regarding the by-law. They have not provided any further correspondence requesting changes to the background study.

6. Further Considerations by Regional Council per DCA, 1997

Formal Consideration of Need for Further Public Meeting

- 6.1 If the final recommendations vary from the proposed by-law in the 2024 Seaton Area Specific Development Charge Background Study released March 12, 2024, Regional Council is required under the provisions of the DCA to consider whether a second public meeting is required. An additional public meeting would require public notices to be placed providing at least twenty day's notice of such a public meeting.
- 6.2 The only change to the Seaton ASDC by-law from the by-law presented in the March 12 Background Study is that it added an option without the phase-in DC rates over the first four years, without any change to the proposed calculated rates, in order to accommodate the unknown timing of the passing of Bill 185. Accordingly, it is recommended that Council indicate that a second public meeting is not required prior to the passage of the recommended Seaton ASDC By-law.

7. Necessary Approvals and Actions to Support Proposed Development Charge By-law

- 7.1 In order to implement the recommended ASDC By-law, various administrative tasks must be undertaken by the Regional Solicitor, Regional Clerk and Regional Treasurer. These include the notification of the passage of by-laws and preparation

of an information pamphlet.

8. Transition Policies

8.1 The following provides a list of transition policies to be utilized for the implementation of the Seaton ASDC By-law (same transitional policies utilized for prior development charge studies):

- A) Any complete submission of a subdivision agreement received by June 30, 2024 will be provided the option of being processed under the current Seaton Area Specific Development Charge By-law or the new by-law. This will provide developers the option to pay the current development charge rates (i.e. the rates prior to the increase on July 1, 2024). The subdivision agreement must be executed by September 30, 2024; and
- B) Any complete building permit application received prior to June 30, 2024 will be processed at the current rates (prior to the July 1, 2024 increase), assuming the building permit is issued by August 31, 2024 (Written correspondence to the area treasurers is provided advising them of this transition process for building permit applications).

9. Conclusion

9.1 The recommendations in this report will create the necessary new area specific development charge by-law (related charges and policies) for Seaton to allow the appropriate infrastructure to be constructed to accommodate the anticipated development in Seaton in accordance with the existing Seaton Front Ending Agreement and will provide the flexibility to allow the full calculated rate to be implemented upon Bill 185 receiving Royal Assent.

9.2 The Commissioner of Works, the Commissioner of Planning and Economic Development and the Regional Solicitor concur with these recommendations and these departments have assisted throughout the development charge review.

10. Appendices

Appendix #1: Seaton Well Interference Policy

Appendix #2: Report #2024-F-5: Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study

Appendix #3: Recommended Seaton Area Specific Development Charge By-law

Appendix #4: Letter of Correspondence from the Seaton Landowners Group

Additional copies of the 2024 Seaton Development Charge Background Study are available from the Regional Clerk's Office or the Regional website.

Respectfully submitted,

Original Signed By

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer

Appendix #1
Seaton Well Interference Policy

Appendix 1 - Seaton Well Interference Policy

1. Introduction

The Region has an established Well Interference Policy as approved in the 2023 Regional Development Charge Background Study. This policy provides relief to residents in situations where their private well has potentially been negatively impacted by the construction of Regional services. The construction of Regional services does not include Area Municipal servicing impacts due to grading, stormwater management ponds, storm sewers, foundation drain collectors etc. The current policy has been Regional practice since 1999.

The existing Regional Well Interference Policy uses Development Charge revenue to:

- provide a temporary supply of water during construction of Regional Services to the affected homeowner unless the resident is unwilling to cooperate with the Region's investigation into the well interference claim, as determined by the Commissioner of Works; and,
- construct watermains and water services to homes (e.g. only to the front line of homes that have been or will potentially be negatively impacted). Work on private property remains at the homeowner's expense.

These costs are included in the Seaton Area Specific Development Charge Study and are funded 100% from water area specific development charges.

2. Financial Impact

The capital costs included in the 2024-2038 forecast is \$6.1 million, to be recovered from development charges. There is no matching user rate contribution as 100% of the cost associated with the well interference policy is funded by development charges.

3. Recommendations

It is recommended that the Regional Well Interference Policy apply to the Seaton Community.

Attachment No. 1
Well Interference Policy

Well Interference Policy

A. Definition of Terms

Affected Party	Shall be the owner of the property that is subject to a Well Impact.
Connection Fee	Shall be the fee paid by a homeowner for a Water Connection, as defined in the Region's Water System by-law.
Frontage Charge	Shall be the charge paid by a homeowner for a Watermain, as defined in the Region's Water System by-law.
Regional Service	Shall be a Watermain, Water Connection, sanitary sewer, sanitary sewer connection, Regional storm sewer, Regional storm sewer connection or Regional Road and for greater clarity, the construction of Regional services does not include local servicing impacts due to grading, storm water management ponds, storm sewers, foundation drain collectors etc.
Temporary Supply of Water	Shall be a system of supplying water to an Affected Party during the construction period by any method deemed appropriate by the Region.
Water Connection	Shall refer to a water service connection and related appurtenances designed in accordance with Regional standards and located within the road right-of way, between the Watermain and the private property line.
Watermain	Shall refer to a watermain system and related appurtenances designed in accordance with Regional standards.
Well Impact	Shall refer to negative influences on the performance of a well, as determined by the Region, that reasonably, and in light of all available data can be attributed to the construction of a Regional Service.
Works on Private Property	Shall refer to all works outside of the municipal road right-of-way including, but not limited to, underground piping, internal and external plumbing, and the abandonment of unused wells.

B. Policy

1. Well Interference During Construction Provisions

- a) A Temporary Supply of Water will be provided to an Affected Party at no cost during the construction period where there is a direct impact on the existing private well supply. Once a Water Connection is constructed and available for use to the property, this provision no longer applies. This often takes the form of water deliveries and temporary above ground tanks. In order to invoke this aspect of the Policy, there needs to be some evidence of an actual impact related to the construction of Regional services as determined by Regional staff, such as:
 - Lowering of the water level in the well beyond a usable level; and/or
 - Negative impact on the quality of the water.
- b) In the event that the resident is unwilling to cooperate with the Region's investigation into the well interference claim, as determined by the Commissioner of Works, the "During Construction Provisions" of the well interference policy will no longer be available to provide relief to the subject property.

2. Well Interference Provisions Post Construction

- a) When Regional services are constructed, water services will be extended to adjacent properties that have private wells which potentially could be negatively impacted by construction which must be within the urban boundary or abutting the urban boundary and conform with the Region's water service request connection policy.
- b) Once the watermain and water service is constructed to the property line, the temporary water supply is removed and the affected homeowner is given the choice to connect to the Regional service. This offer never expires.
- c) The Region will waive the applicable Frontage Charges and Connection Fee for properties serviced by Regional Water supply under this policy.
- d) The costs of constructing the Works on Private Property, including any plumbing requirements and the abandonment of unused wells will be borne by the property owner.
- e) In the event that an Affected Party is located outside of the water supply service area (outside the urban boundary) or when it is not economically feasible to extend water services to the affected party, a new well may be constructed as an alternative method of addressing a well impact, subject to the approval of Committee of the Whole and Council.

3. Future Redevelopment of the Lands

- a) In the event that a property which has received the benefits of this policy is severed or subdivided in the future, Frontage Charges and Connection Fees will be payable to the Region for any new lots created at the rates in effect at the time of connection of the newly created lots to the Regional water supply system.
- b) In the event that a property which has received the benefits of this policy is rezoned or redeveloped in the future for a different use, Frontage Charges and Connection Fees will be payable to the Region for the property at the rates in effect at the time of rezoning or redevelopment application.

4. Other Matters

- a) Once connected to the Regional water supply system and provided the benefits of the Policy, the residents will be charged for water usage based on water meter readings and Regional water rate policies as approved by Council.
- b) Any existing unconnected properties that are experiencing impacts, where the watermain was previously constructed, will be granted the benefits of the Policy. The Policy is not retroactive to any previously connected properties that paid frontage and connection charges at the time of connection.
- c) Where the Region requests that the developer of a nearby development construct a watermain under the Well Interference Policy, the developer will be compensated for those works upon issuance of the “Completion Acceptance Letter” and provision of supporting documentation in accordance with the terms of the executed subdivision or servicing agreement.
- d) In the event that well monitoring is required, this work is to be completed by the Region and funded by the well interference program.
- e) In the event that there is a dispute with respect to the issue of actual well impact, the Region will request that the Ministry of the Environment, Conservation and Parks review the situation and provide a decision in the matter as a means of resolving the dispute.
- f) That Council approval be required for well interference work that exceeds \$250,000 and approval of the Commissioners of Works and Finance be required for works under \$250,000.

Appendix #2

**Report #2024-F-5: Public Meeting Regarding Proposed Seaton Water
Supply and Sanitary Sewer Area Specific Development Charges
By-law and Background Study**



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Finance
Report: #2024-F-5
Date: March 27, 2024

Subject:

Public Meeting Regarding Proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges By-law and Background Study

Recommendations:

- A) Report #2024-F-5 be received for information; and
- B) All submissions received by Regional Council and the written submissions received by the Regional Clerk by 5:00 p.m. on April 30, 2024, including those opinions expressed verbally at the March 27, 2024 public meeting, be received and referred to Regional staff for consideration in the preparation of the final development charge recommendations and by-law scheduled to be presented to Regional Council for approval on May 29, 2024.

Report:

1. Purpose

- 1.1 The purpose of this report is to provide information regarding the public meeting of Council to be held in the Regional Council Chambers on March 27, 2024 with regard to the proposed Seaton Water Supply and Sanitary Sewer Area Specific Development Charges (ASDC) By-law. Regional Council is scheduled to make final decisions on the proposed by-law at the May 29, 2024 regular Regional Council meeting, subsequent to prior public input. The Development Charges Act, 1997 (DCA) permits public representations relating to the proposed by-law to be made to Council by any person who attends the March 27, 2024 public meeting.
- 1.2 The notice of the public meeting has been advertised in the Toronto Star on February 26 and 29 (Attachment #1). In addition, the notice has been posted on the Regional and Metroland websites. The proposed development charge (DC) by-law and background study were available to the public at no cost since March 12, 2024

from the Regional Clerk and were also posted on the Regional website. The public notice, public release of the proposed by-law and background study and the public meeting were authorized by Regional Council on November 29, 2023 (Report #2023-F-29).

- 1.3 The purpose of the March 27, 2024 public meeting of Council is to fulfill the statutory requirement to solicit input from the public and stakeholders and to provide the necessary background information on the proposed new DC by-law. The final by-law is scheduled for discussion in accordance with the Council approved timetable, which permits the public and stakeholders to provide input up to 5:00 p.m. on April 30, 2024. Thus, any decision by Regional Council regarding the proposed by-law will be made during the May 29, 2024 Regional Council meeting (following Finance and Administration Committee on May 14, 2024) to ensure implementation of the new by-law on July 1, 2024.

2. Background

- 2.1 Region-wide Development Charge By-law No. 42-2023 (passed in June 2023) imposes DCs for water supply and sanitary sewerage services, except for the lands located within the Seaton Community (Attachment #2 provides a Map of the Seaton Community). The rationale for excluding the Seaton Community from the calculation of the Region-wide DC for water supply and sanitary sewerage services is that a front-ending agreement was executed to advance the water supply and sanitary sewerage infrastructure required to accommodate the development of the Seaton Community. Area-specific DCs in the Seaton Community for water supply and sanitary sewerage services facilitates, in part, the provision of DC credits.
- 2.2 The first Seaton ASDC By-law (By-law No. 19-2013) was approved by Regional Council in April 2013 for the imposition of water supply and sanitary sewerage area-specific DCs against all lands within the Seaton Community, located in the City of Pickering, that are developed for residential and non-residential uses. The by-law came into effect on November 26, 2015 which is coincident with the effective date of the Seaton Phase 1 Regional Infrastructure Front-ending Agreement (RFEA) between the Region of Durham and the Seaton Landowners Group. The Seaton ASDC By-law was renewed in 2019, at the request of the Seaton Landowners, and became effective on July 1, 2019 (By-law No. 38-2019) and expires on June 30, 2024.
- 2.3 The updated Seaton ASDC By-law for water supply and sanitary sewerage services collects, on an equitable basis, the funds necessary to construct watermains, sanitary sewers, pumping stations, reservoirs, plant capacity and any other water supply and sanitary sewerage capital infrastructure necessary to develop the Seaton Community.
- 2.4 On the residential lands, a per unit DC for water supply and sanitary sewerage services applies, based on three dwelling unit types (i.e. singles and semi-detached units, medium density multiples and one category for apartments).

2.5 Two different non-residential DCs apply to land within the Seaton Community as follows:

- A) The prestige employment lands along Highways 407 and 7 are subject to a land area-based area specific DC (i.e. a per hectare DC). It is a uniform per hectare charge that applies to all forms of non-residential development on these lands; and
- B) A separate non-residential DC applies within the mixed-use area (i.e. non-residential development on lands outside of the prestige employment lands). The non-residential DC within the mixed-use area is imposed on a floor-area basis (per square foot charge), comprised of an institutional and non-institutional DC.

2.6 There are three separate components of capital works within the residential and non-residential DCs. These components are:

- A) Landowner constructed and financed works;
- B) Region constructed / landowner financed works; and
- C) Regional attributions (mainly prior infrastructure costs and future plant expansions required for subsequent development phases).

3. Previous Reports and Decisions

3.1 Report #2023-F-29 provided staff authorization to proceed with the public notice, public release of the proposed by-law and background study and the public meeting for the renewal of the Seaton ASDC By-law.

4. Highlights of the Proposed Seaton ASDC By-law

4.1 The proposed capital forecasts, and resultant Seaton ASDC rates, are based on the development forecasts of the Seaton Community to 2039. The forecasts have been updated based on the timing of plans of subdivisions in the Seaton Community, development to date and the anticipated timing of services. Additionally, the population and employment forecasts that were completed in preparation of Envision Durham informed the development forecasts for Seaton.

4.2 The proposed Seaton ASDC rates reflect higher infrastructure costs and changes to the residential and non-residential development forecasts, which has had an impact on the rates as discussed below. An interdisciplinary team of staff from Finance, Works, Planning and Economic Development and Legal Services has collaborated to prepare the DC Background Study.

4.3 Based on the updated development forecasts, capital cost estimates and cashflow projections, the following table identifies the calculated area-specific DCs for water supply and sanitary sewerage services applicable to the residential and non-residential uses within the Seaton Community.

**Table 1
Proposed Seaton Water Supply and Sanitary Sewer ASDCs
Full Calculated Charges**

	Residential (per SDE)	Non-Residential Lands		Prestige Employment Lands I/C/I (per hectare)
		Mixed Use Area Non-Institutional (per sq ft)	Institutional (per sq ft)	
Water Supply				
Region Constructed - Landowner Funded Works	\$ 6,911	\$ 0.80	\$ 0.27	40,957
Regional Attributions	5,377	2.05	0.68	108,321
Landowner Constructed and Funded Works	2,661	0.33	0.11	16,536
Total - Water Supply	14,949	3.18	1.06	165,814
Sanitary Sewerage				
Region Constructed - Landowner Funded Works	2,290	0.82	0.27	42,694
Regional Attributions	2,650	2.20	0.73	111,514
Landowner Constructed and Funded Works	7,706	2.56	0.85	134,914
Total - Sanitary Sewerage	12,646	5.58	1.85	289,122
Total - Water Supply and Sanitary Sewerage				
Region Constructed - Landowner Funded Works	9,201	1.62	0.54	83,651
Regional Attributions	8,027	4.25	1.41	219,835
Landowner Constructed and Funded Works	10,367	2.89	0.96	151,450
Total - Water & Sewer	\$ 27,595	\$ 8.76	\$ 2.91	\$ 454,936

4.4 Changes to the DCA in late 2022, resulting from the More Homes Built Faster Act (Bill 23), require any DC by-law (passed on or after January 1, 2022) to phase-in the calculated charges over a five-year period, as shown in Table 2. The phase-in provisions allow for a maximum of 80 per cent of the full calculated charges to be imposed in the first year of a new DC by-law. This phase-in provision applies to both residential and non-residential rates.

**Table 2
Phase-in Schedule of Charges under New DC By-laws**

Year 1	Year 2	Year 3	Year 4	Year 5
July 1, 2024 to June 30, 2025	July 1, 2025 to June 30, 2026	July 1, 2026 to June 30, 2027	July 1, 2027 to June 30, 2028	July 1, 2028 to June 30, 2029
80%	85%	90%	95%	100%

4.5 It is proposed that the phased-in charges apply to the Regional Attribution portions of the ASDC, which works are emplaced and funded by the Region. This approach would require user rate funding to cover the revenue shortfall for the Regional Attribution ASDC during the phase-in period. The phase-in would also apply to the credits earned for the Region Constructed Works and Landowner Constructed Works portion of the ASDC. This approach would delay credit recovery of the upfront funding by the Landowners.

- 4.6 Table 3 provides a comparison of current Seaton ASDC and the proposed full calculated charges. Table 4 provides a comparison of current Seaton ASDC and the Year 1 phased-in residential charges (for July 1, 2024) for a single detached equivalent (SDE) unit. The full calculated SDE residential DC is proposed to decrease from the current Seaton ASDC of \$31,723 per SDE to \$27,595, as shown in Table 3.
- 4.7 The main reason for the decrease in the full calculated charge is due to an increase to the residential development forecast, based on updated information. The capital costs are being allocated over a higher number of residential units which puts downward pressure on the rates. The total Seaton residential development forecast is now estimated at 17,052 SDE units, as compared to 15,274 SDE units in the 2019 Seaton ASDC Background Study.
- 4.8 As well, adjustments have been made to the Seaton ASDC By-law since its adoption in 2019, to accommodate inflationary pressures as follows:
- A) The Seaton ASDC By-law was amended in June 2021 to update the charges to reflect higher capital costs of future projects and projects completed; and
 - B) The Seaton ASDC rates have been indexed for the past two years at nearly 30%, as prescribed in the Seaton ASDC By-law and permitted under the DCA.
- 4.9 The adjustments made to the current Seaton ASDC since 2019 reduces fluctuations in the charges with the renewal of future by-laws.

Table 3
Comparison of Current and Proposed Full Calculated Seaton Residential ASDCs (per SDE)

	<u>Current Rates</u> <u>(By-law No. 38-2019)</u>	<u>Proposed</u> <u>Calculated</u> <u>Rates</u>	<u>Change</u>
Water Supply			
Region Constructed - Landowner Funded Works	\$ 7,990	\$ 6,911	\$ (1,079)
Regional Attributions	5,680	5,377	(303)
Landowner Constructed and Funded Works	3,327	2,661	(666)
Total - Water Supply	16,997	14,949	(2,048)
Sanitary Sewerage			
Region Constructed - Landowner Funded Works	3,360	2,290	(1,070)
Regional Attributions	3,348	2,650	(698)
Landowner Constructed and Funded Works	8,018	7,706	(312)
Total - Sanitary Sewerage	14,726	12,646	(2,080)
Total - Water Supply and Sanitary Sewerage			
Region Constructed - Landowner Funded Works	11,350	9,201	(2,149)
Regional Attributions	9,028	8,027	(1,001)
Landowner Constructed and Funded Works	11,345	10,367	(978)
Total - Water & Sewer	\$ 31,723	\$ 27,595	\$ (4,128)

4.10 Table 4 provides a comparison of the current Seaton ASDC and the Year-1 phased-in residential charges under the new Seaton ASDC By-law for July 1, 2024 (80% phase in applied).

Table 4
Comparison of Current and Year-1 Phased-in Seaton Residential ASDCs for July 1, 2024 (per SDE)

	Current Rates (By-law No. 38-2019)	Proposed Phase-in Rates ⁽¹⁾	Change
Water Supply			
Region Constructed - Landowner Funded Works	\$ 7,990	\$ 5,529	\$ (2,461)
Regional Attributions	5,680	\$ 4,302	(1,378)
Landowner Constructed and Funded Works	3,327	\$ 2,129	(1,198)
Total - Water Supply	16,997	11,960	(5,037)
Sanitary Sewerage			
Region Constructed - Landowner Funded Works	3,360	1,832	(1,528)
Regional Attributions	3,348	2,120	(1,228)
Landowner Constructed and Funded Works	8,018	6,165	(1,853)
Total - Sanitary Sewerage	14,726	10,117	(4,609)
Total - Water Supply and Sanitary Sewerage			
Region Constructed - Landowner Funded Works	11,350	7,361	(3,989)
Regional Attributions	9,028	6,422	(2,606)
Landowner Constructed and Funded Works	11,345	8,294	(3,051)
Total - Water & Sewer	\$ 31,723	\$ 22,077	\$ (9,646)

Notes:

1. Mandatory phase in of 80% is applied to the Regional Attribution payments and the Region Construction and Landowner Constructed credits.

4.11 Table 5 provides a comparison of current non-residential Seaton ASDC with the full calculated DCs for water supply and sanitary sewerage services applicable to the non-residential lands within the Seaton Community.

4.12 The full calculated charges are slightly higher than the current rates, mainly due to the change in the non-residential development forecast since the prior Seaton ASDC Background Study. Unlike the residential development forecast, the forecasts for the non-residential development in this background study are lower than the forecasts utilized in the 2019 Study, based on updated information. The capital costs allocated over a lower forecast of non-residential development (i.e. square footage and acres) puts upward pressure on the charges.

4.13 The full calculated non-residential charges would be higher if the adjustments mentioned previously did not take place (i.e. amendment to the by-law in 2021 and the indexing of nearly 30% over the previous two years).

Table 5
Comparison of Current and Full Calculated Non-residential ASDCs
(per sq ft and per hectare)

	Current Rates (By-law No. 38-2019)	Proposed Calculated Rates	Change
Non-Institutional (per sq ft)			
Water Supply	\$ 2.86	\$ 3.18	\$ 0.32
Sanitary Sewerage	5.52	5.58	0.06
Total	8.38	8.76	0.38
Institutional (per sq ft)			
Water Supply	0.99	1.06	0.07
Sanitary Sewerage	1.91	1.85	(0.06)
Total	2.90	2.91	0.01
Prestige Employment Lands (per hectare)			
Water Supply	139,291	165,814	26,523
Sanitary Sewerage	267,201	289,122	21,921
Total	\$ 406,492	\$ 454,936	\$ 48,444

4.14 Table 6 provides a comparison of current non-residential Seaton ASDC and the Year 1 phased-in non-residential charges for July 1, 2024 (80% phase in applied).

Table 6
Comparison of Current and Year 1 Non-residential ASDCs for July 1, 2024
(per sq ft and per hectare)

	Current Rates (By-law No. 38-2019)	Proposed Phase-in Rates ⁽¹⁾	Change
Non-Institutional (per sq ft)			
Water Supply	\$ 2.86	\$ 2.54	\$ (0.32)
Sanitary Sewerage	5.52	4.47	(1.05)
Total	8.38	7.01	(1.37)
Institutional (per sq ft)			
Water Supply	0.99	0.85	(0.14)
Sanitary Sewerage	1.91	1.48	(0.43)
Total	2.90	2.33	(0.57)
Prestige Employment Lands (per hectare)			
Water Supply	139,291	132,652	(6,639)
Sanitary Sewerage	267,201	231,297	(35,904)
Total	\$ 406,492	\$ 363,949	\$ (42,543)

Notes:

1. Mandatory phase in of 80% is applied to the Regional Attribution payments and the Region Construction and Landowner Constructed credits.

5. Proposed Changes to the Seaton ASDC By-law

- 5.1 In order to minimize the amount of user rate funding required to finance DC shortfalls, the proposed Seaton ASDC By-law continues to include the following policies:
- A) Minimal discretionary exemptions; and
 - B) The per hectare charge on the prestige employment lands will eliminate the exemption provided for the expansion of an industrial building.
- 5.2 Several changes to the Seaton ASDC By-law are proposed, in order to align with Regional Development Charge By-law No. 42-2023. These include:
- A) Broadening the definition of a bedroom to meet the area requirements of the Ontario Building Code; and
 - B) Broadening the definition of apartment building to include stacked townhouses.
- 5.3 Several changes to the Seaton ASDC By-law are being made to reflect changes to the DCA legislation through the More Homes, More Choice Act (Bill 108), the COVID-19 Economic Recovery Act, 2020 (Bill 197), the More Homes Built Faster Act (Bill 23) and the Affordable Homes, Good Jobs Act, 2023 (Bill 134). This includes exemptions for non-profit housing, secondary units and affordable housing, discounts for rental housing and the five-year phase in of both the ASDC payments and DC credits.

6. Staff Consultation to Date

- 6.1 Staff have sent letters to the local development industry (representatives of the Durham Homebuilders Association and the Building Industry and Land Development Association), the local Chambers of Commerce and Boards of Trade with an offer to meet and discuss the proposed DC by-law. Regional staff have also advised the local area municipalities of the Seaton ASDC By-law renewal.
- 6.2 Staff have also sent a letter to the Trustee representing the Seaton Landowners Group, advising of the timetable and opportunities to provide comments as part of the public process. Staff have met numerous times with the consultants representing the Seaton Landowners Group in preparation of the Seaton ASDC Background Study.

7. Next Steps

- 7.1 The DCA and associated regulations require that Regional Council hold at least one public meeting to receive public representation on the proposed Seaton Water Supply and Sanitary Sewer ASDC By-law and Background Study.
- 7.2 The Public meeting will be held on March 27, 2024 during the regular meeting of Regional Council to provide the public an opportunity to comment on the proposed Seaton ASDC By-law.

- 7.3 Any verbal or written input offered by the public during the public meeting on March 27, 2024 will be considered. The DCA permits public representations relating to the proposed by-laws from any person who attends the March 27, 2024 meeting.
- 7.4 The public notice, which advised of the public meeting of Regional Council to be held on March 27, 2024, have also advised that written submissions by the public received by the Regional Clerk by 5 p.m. on April 30, 2024, will be considered in preparing the final recommendations and by-law.
- 7.5 On May 29, 2024, Regional Council will consider the following:
- A) the approval of the capital forecasts contained in the Seaton ASDC Background Study as required by the DCA;
 - B) the approval of the Seaton ASDC Background Study as constituting Council's Development Charge Background Study for the purposes of section 10 of the DCA; and,
 - C) the approval of the final recommendations and Seaton ASDC By-law.
- 7.6 If the proposed by-law is changed following the March 27, 2024 public meeting, Regional Council must also formally consider whether a second public meeting is required. Council's decision in this regard should be reflected in an appropriately worded resolution. Further, Council's decision will be final and not subject to review by a court or the Ontario Land Tribunal (OLT).
- 7.7 The recommendations presented by staff to the Finance and Administration Committee (on May 14, 2024) and Regional Council on May 29, 2024 will have given due consideration to the public input received.

8. Relationship to Strategic Plan

- 8.1 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).

9. Conclusion

- 9.1 In accordance with the public consultation process previously approved by Regional Council, it is recommended that this report be received for information with final recommendations regarding the proposed Seaton ASDC By-law to be presented to the Finance and Administration Committee on May 14, 2024 and to Regional Council on May 29, 2024.
- 9.2 Further, it is recommended that all submissions received by Regional Council and the written submissions received by the Regional Clerk by 5 p.m. on April 30, 2024, including those opinions expressed verbally or in writing at the March 27, 2024 public meeting, be received and referred to Regional staff for consideration in the

preparation of the final Seaton ASDC recommendations and by-law.

9.3 The Planning and Economic Development, Works and Corporate Services - Legal departments have worked on the Seaton ASDC Background Study and reviewed this report.

10. Attachment

Attachment #1: Seaton Area Specific Development Charge By-law Public Notice

Attachment #2: Map of Seaton Community

Respectfully submitted,

Original Signed By _____

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

Recommended for Presentation to Committee

Original Signed By _____

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1
Seaton Area Specific Development Charge By-law Public Notice



**REGIONAL MUNICIPALITY OF DURHAM
NOTICE OF PUBLIC MEETING
REGARDING AREA SPECIFIC DEVELOPMENT CHARGES
FOR THE WATER SUPPLY AND SANITARY SEWERAGE
SERVICES IN THE SEATON COMMUNITY
OF THE CITY OF PICKERING**

On March 27, 2024 the Council of the Region of Durham will hold a public meeting, pursuant to Section 12 of the Development Charges Act, 1997. This public meeting will be held to present the proposed Area Specific Development Charges By-law and the related underlying background study and to obtain public input on that proposed by-law and study regarding water supply and sanitary sewerage services in the Seaton Community of the City of Pickering.

The public meeting is to be held:

Wednesday, March 27, 2024
9:30 a.m.

The Regional Municipality of Durham Headquarters
Council Chambers
605 Rossland Road East
Whitby, Ontario

In order that sufficient information is made available to the public, copies of the proposed by-law and the background study will be made available as of March 12, 2024, upon request. The documents will also be posted on the Regional website, at durham.ca, on March 12, 2024.

To submit written correspondence to Regional Council, contact Legislative Services by email at clerks@durham.ca, or mail your comments to the Regional Clerk, Regional Municipality of Durham, 605 Rossland Road East, Whitby, ON L1N 6A3 by 5:00 PM on Tuesday April 30, 2024.

If you wish to make a delegation before Regional Council at the public meeting, submit your request in writing to delegations@durham.ca by noon on Tuesday, March 26, 2024. Members of the public who register in advance of the meeting will be provided with the details to delegate electronically. Please note that this meeting will be held in a hybrid meeting format with electronic and in-person participation.

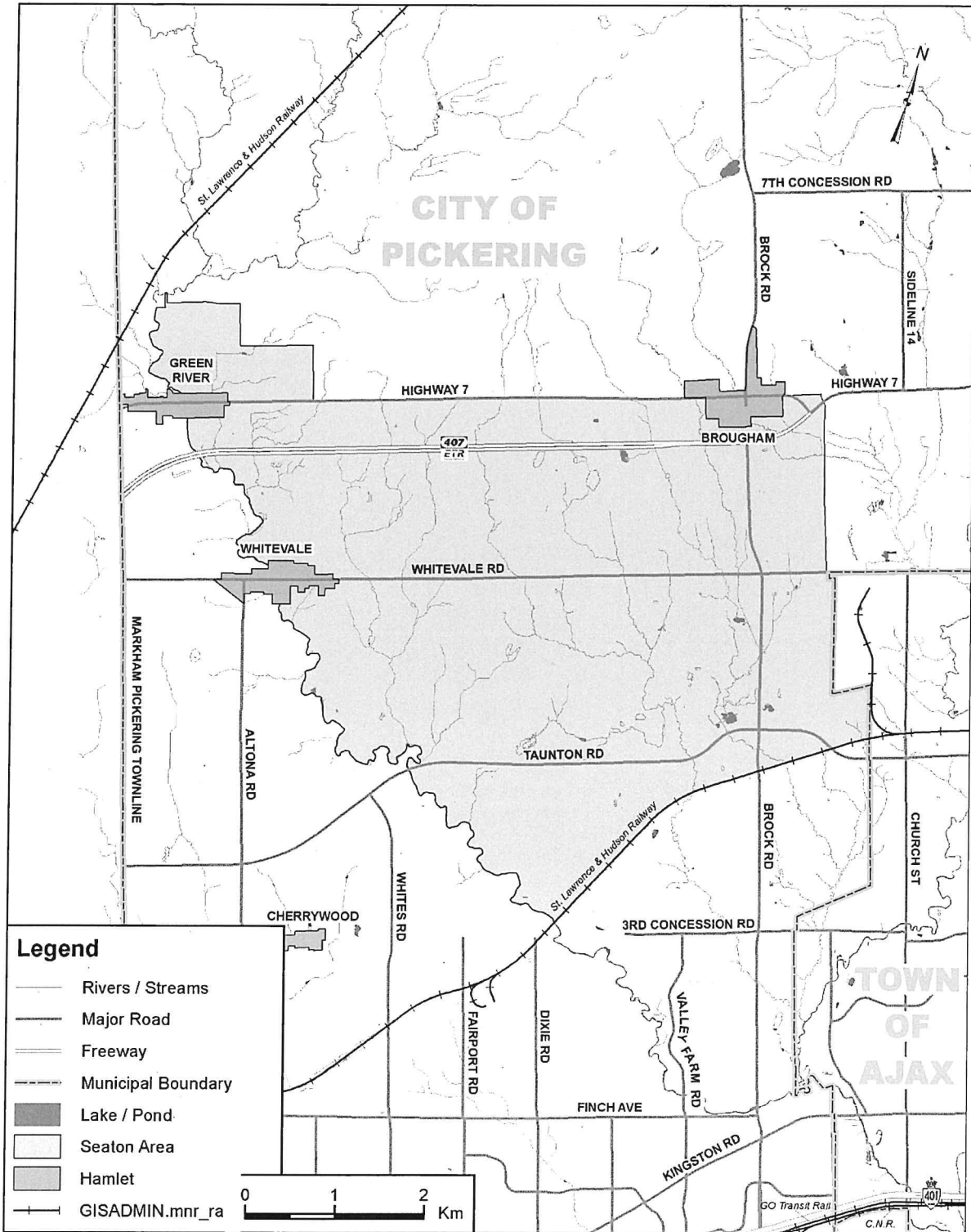
Members of the public can also view the meeting via live streaming at durham.video as an alternative to attending the meeting in person. Information you provide or present during the public meeting, including your name, are subject to the requirements of the Municipal Freedom of Information and Protection of Privacy Act. This will form part of the public record and may be made available to the public.

All submissions received in writing, as well as those opinions expressed at the Public Meeting, will be considered prior to Council's decision. Council's decision is anticipated during the regular Regional Council meeting of May 29, 2024.

Further information may be obtained by contacting Mary Simpson, Director of Risk Management, Economic Studies and Procurement, Regional Finance Department at 905-668-4113 (ext. 2301) or mary.simpson@durham.ca.

Alexander Harras
Director of Legislative Services / Regional Clerk

Attachment #2 Map of the Seaton Community



Appendix #3

**Recommended Seaton Area-Specific Development Charge By-law for
Water Supply and Sanitary Sewer**

By-law Number ^^ -2024

of The Regional Municipality of Durham

Being a by-law to establish Area-Specific Development Charges for the Seaton Community – Water Supply and Sanitary Sewerage Services.

WHEREAS section 2(1) of the *Development Charges Act, 1997*, provides that 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 arising from development of the area to which the by-law applies if the development requires one or more of the approvals identified in section 2(2) of the *Development Charges Act, 1997*;

AND WHEREAS a development charge background study has been completed in support of the imposition of development charges;

AND WHEREAS the Council of The Regional Municipality of Durham has given notice and held a public meeting on March 27, 2024, in accordance with section 12(1) of the *Development Charges Act, 1997*;

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 development charges;

NOW THEREFORE, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Interpretation

Definitions

1.1 In this By-law,

- (a) “Act” means the *Development Charges Act, 1997*, or a successor statute;
- (b) “affordable residential unit” has the meaning set out in section 4.1 of the Act and regulations, once they are in force;
- (c) “agricultural use” means lands, buildings or structures, excluding any portion thereof used as a dwelling unit or for a commercial use, used or designed or intended for use for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, greenhouses, horticulture, market gardening, pasturage, poultry keeping, and equestrian facilities;

- (d) “air-supported structure” means a structure consisting of a pliable membrane that achieves and maintains its shape and is supported by internal air pressure;
- (e) “apartment building” 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;
- (f) “apartment” means a dwelling unit in an apartment building or a single storey dwelling unit located within or above a residential garage or a commercial use;
- (g) “area municipality” means a lower-tier municipality that forms part of the Region;
- (h) “bedroom” 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;
- (i) “building or structure” means a permanent enclosed structure and includes an air-supported structure;
- (j) “Central Pickering Development Plan” means the development plan approved under the Ontario Planning and Development Act in regard to the Seaton Community;
- (k) “commercial use” means land, buildings or structures used, or designed or intended for use for either or both of office and retail uses as defined in this by-law;
- (l) “Council” means the Council of the Regional Municipality of Durham;
- (m) “detached dwelling” and “detached” 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;
- (n) “development” includes redevelopment;
- (o) “development charges” means charges imposed pursuant to this By-law in accordance with the Act;

- (p) “duplex” means a building comprising, by horizontal division, two dwelling units on one parcel of land;
- (q) “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;
- (r) “existing industrial building” means a building used for or in connection with,
 - (i) manufacturing, producing, processing, storing or distributing something;
 - (ii) research or development in connection with manufacturing, producing or processing something;
 - (iii) 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;
 - (iv) office or administrative purposes, if they are,
 - (v) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - (vi) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (s) “Front-Ending Agreement” means the Agreement between the Region and the Seaton Landowners in regard to the development of the Seaton Community;
- (t) “farm building” means a building or structure used, in connection with a bona fide agricultural use and includes barns, silos, and similar structures, and includes a dwelling located on the same lot as the agricultural use or on a lot directly abutting the agricultural use, which is used exclusively for the housing of temporary or seasonal persons employed exclusively for the farming of that agricultural use, but otherwise excludes a building or structure used, or designed or intended for use for residential or commercial uses;
- (u) “gross floor area” means (except for the purposes of sections 2.20 and 2.21) in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the

building or structure or pliable membrane in the case of an air supported structure, or from the centre line of a common wall separating a non-residential and a residential use, and, for the purposes of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;

- (v) “hospice” means a building or structure used to provide not for profit palliative care to the terminally ill;
- (w) “industrial use” means lands, buildings or structures used or designed or intended for use for manufacturing, producing, processing, fabricating or assembly of raw goods, research or development in connection therewith, and includes office uses, warehousing or bulk storage of goods and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or similar use;
- (x) “institutional development” for the purposes of section 3.11 means development of a building or structure intended for use,
 - (i) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - (ii) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
 - (iii) by any of the following post-secondary institutions for the objects of the Institution:
 1. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 2. a college or university federated or affiliated with a university described in subclause (i), or
 3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
 - (iv) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - (v) as a hospice to provide end of life care.
- (y) “institutional use” means lands, buildings or structures used or designed or intended for use by a non-profit organized body, society

or religious group for promoting a public and non-profit purpose, and would include a hospice and office uses where such uses are accessory to an institutional use;

- (z) “local board” means a local board as defined in the Municipal Affairs Act, other than a board defined in subsection 1(1) of the Education Act;
- (aa) “medium density multiples” 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”;
- (bb) “mixed-use” means land, buildings or structures used, or designed or intended for use, for a combination of at least two of commercial, industrial, institutional or residential uses;
- (cc) “Mixed-Use Area” means the lands within the Seaton Community that are not designated Prestige Employment Lands on the land use plan of the Central Pickering Development Plan;
- (dd) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent or temporary residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (ee) “net hectare” means the area in hectares of a parcel of land exclusive of the following:
 - (i) lands conveyed or to be conveyed to the City of Pickering or a local board thereof or the Region or a local board thereof;
 - (ii) lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways;
 - (iii) hazard lands conveyed or to be conveyed to a conservation authority as a condition of development;
 - (iv) lands identified as “Natural Heritage System” pursuant to the Central Pickering Development Plan; and
 - (v) storm water management facility areas;
- (ff) “non-institutional use” means lands, buildings or structures used, or designed or intended for non-residential uses other than institutional uses;

- (gg) “non-profit housing development”, 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;
- (hh) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use, and includes agricultural, commercial, industrial and institutional uses;
- (ii) “office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker, mortgage company, medical clinic, builder, land developer;
- (jj) “plex” means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- (kk) “Prestige Employment Land Area” means the lands within the Seaton Community shown on Schedule “G”, which are designated Prestige Employment Lands on the land use plan of the Central Pickering Development Plan;
- (ll) “Region” means the Regional Municipality of Durham;
- (mm) “Regional Attribution Sanitary Sewerage Development Charges” means charges in regard to infrastructure for sanitary sewerage services that have been, or will be, constructed and financed by the Region under the Front-Ending Agreement;
- (nn) “Regional Attribution Water Supply Development Charges” means charges in regard to infrastructure for water supply services that have

been, or will be, constructed and financed by the Region under the Front-Ending Agreement;

- (oo) “Regional Seaton-Specific Sanitary Sewerage Development Charges” means charges in regard to infrastructure for sanitary sewerage services to be constructed by the Region and financed by the Seaton Landowners under the Front-Ending Agreement;
- (pp) “Regional Seaton-Specific Water Supply Development Charges” means charges in regard to infrastructure for water supply services to be constructed by the Region and financed by the Seaton Landowners under the Front-Ending Agreement;
- (qq) “rental housing”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.
- (rr) “residential use” 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 is 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;
- (ss) “retail use” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services for consumption or use and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include, but not be limited to, food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres, automotive dealers, automotive repair shops, gasoline service stations, government owned retail facilities, private daycare, private schools, private lodging, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, medical clinics, funeral homes, motels, hotels, rooming houses, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, self-storage facilities and secure document storage;
- (tt) “retirement residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has

separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;

- (uu) “retirement residence unit” means a unit within a retirement residence;
- (vv) “rooming house” means a detached building or structure which comprises rooms that are rented for lodging and where the rooms do not have both culinary and sanitary facilities for the exclusive use of individual occupants;
- (ww) “Seaton Community” means the lands shown on Schedule “F”, which may generally be described as being bounded: to the south by the Canadian Pacific Railway right-of-way; to the west by West Duffins Creek; to the north by Provincial Highway No. 7; and to the east by Sideline 16 and the boundary between the City of Pickering and the Town of Ajax, and excludes the lands comprising the Hamlet communities of Whitevale, Green River and Brougham;
- (xx) “Seaton Landowners” means 1133373 Ontario Incorporated, Lebovic Enterprises Limited, Affiliated Realty Corporation Limited, Chestermere Investments Limited, Hunley Homes Limited, 1350557 Ontario Limited, Zavala Developments Inc., Mattamy (Seaton) Limited, White Sun Developments Limited, and Her Majesty the Queen In Right of Ontario as represented by the Minister of Infrastructure, or their respective successors and assigns;
- (yy) “Seaton Landowners Constructed Sanitary Sewerage Development Charges” means charges in regard to infrastructure for sanitary sewerage services to be constructed and financed by the Seaton Landowners under the Front-Ending Agreement;
- (zz) “Seaton Landowners Constructed Water Supply Development Charges” means charges in regard to infrastructure for water supply services to be constructed and financed by the Seaton Landowners under the Front-Ending Agreement;
- (aaa) "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;
- (bbb) “semi-detached dwelling” 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;
- (ccc) “semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;

- (ddd) “services” means the services designated in section 2.8 of this by-law;
- (eee) “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;
- (fff) “storm water management facility area” means the area bounded by the limit of grading for such facility including necessary sloping, maintenance access and associated infrastructure, but does not include any maintenance access road which serves any additional purpose on the property or any portion of the facility located within the Natural Heritage System lands;
- (ggg) “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;
- (hhh) “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;
- (iii) “triplex” means a building comprising 3 dwelling units.

1.2 In this by-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any successor statute or section.

2. Application of By-law — Rules

Circumstances Where Development Charges are Payable

- 2.1 Development charges shall be payable in the amounts set out in sections 2.9 and 2.13 to 2.19 of this by-law where:
- (a) the lands are located in the area described in section 2.2; and
 - (b) the development of the lands requires any of the approvals set out in section 2.4.

Area to Which By-law Applies

2.2 Subject to section 2.3, this by-law applies to all lands in the Seaton Community.

- 2.3 This by-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the Region or a local board thereof;
 - (b) a board as defined in subsection 1(1) of the Education Act; and
 - (c) an area municipality or a local board thereof in the Region.

Approvals for Development

- 2.4 Development charges shall be imposed upon all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
- (a) the passing of a zoning by-law or of an amendment thereto 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 9 of the *Condominium Act, 1998*; or
 - (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Designation of Services

- 2.5 Council has determined that the development of the land to which this by-law applies increases the need for the services designated in section 2.8.
- 2.6 No more than one development charge for each service designated in section 2.8 shall be imposed on land to which this by-law applies even though two or more of the actions described in section 2.4 are required before the land can be developed.
- 2.7 Notwithstanding section 2.6, if two or more of the actions described in section 2.4 occur at different times, additional development charges shall be imposed, if the subsequent action has the effect of increasing the need for services.

2.8 The categories of services for which development charges are imposed under this by-law are as follows:

- (a) water supply; and
- (b) sanitary sewerage.

The components of the services designated in section 2.8 are described on Schedule “A”.

Amount of Charge

Residential

2.9 The development charges set out as Total Development Charges in Schedule “B” to this by-law shall be imposed upon residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, upon the residential uses in the mixed use building or structure, according to the type of residential unit.

Exemptions

2.10 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
2.10 (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

Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
2.10 (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
2.10 (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
2.10 (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.
2.10 (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
2.10 (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
2.10 (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;
- (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; and
- (g) once section 4.1 of the Act and related regulations come into force, affordable residential units.

Mobile Home

- 2.11 The development charges imposed upon a mobile home under section 2.9 shall be payable at the rate applicable to an apartment. However,
- (a) The development charges paid in regard to a mobile home shall be refunded in full to the then current owner thereof, upon request, if the mobile home is removed within ten years of the issuance of the building permit relating thereto; and
 - (b) The onus is on the applicant to produce evidence to the satisfaction of the Region, acting reasonably, which establishes that the applicant is entitled to the refund claimed under this section.

Retirement Residence Unit

- 2.12 The development charges imposed on a retirement residence unit under section 2.9 shall be payable at the rate applicable to an apartment.

Non-Residential

Institutional

- 2.13 The development charges set out as Total Development Charges in Schedule “C” to this by-law shall be imposed upon institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the institutional uses in the mixed use building or structure.
- 2.14 The development charges described in section 2.13 of this by-law shall apply in the Mixed-Use Area.

Non-Institutional

- 2.15 The development charges set out as Total Development Charges in Schedule “D” to this by-law shall be imposed upon non-institutional uses of lands, buildings or structures, and, in the case of a mixed use building or structure, upon the non-institutional uses in the mixed use building or structure.
- 2.16 The development charges described in section 2.15 of this by-law shall apply in the Mixed-Use Area.

Prestige Employment Land Area

- 2.17 The development charges set out as Total Development Charges in Schedule “E” to this by-law shall be imposed upon all uses of lands, buildings or structures within the Prestige Employment Land Area.
- 2.18 The development charges described in section 2.17 shall be
- (a) calculated based upon the number of net hectares of the entire parcel of land upon which the development will occur.
- 2.19 Notwithstanding sections 2.13 and 2.15 of this by-law, the development charges described in Schedules “C” and “D” shall not be imposed upon any uses of lands, buildings or structures within the Prestige Employment Land Area.

Exemption for Enlargement of Existing Industrial Building

- 2.20 Despite any other provisions of this by-law, 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 shall be calculated as follows:

- (a) if the gross floor area is enlarged by fifty percent or less, the amount of the development charge in respect of the enlargement is zero;
- (b) if the gross floor area is enlarged by more than fifty percent the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - (i) determine the amount by which the enlargement exceeds fifty percent of the gross floor area before the enlargement; and
 - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.

2.21 For the purposes of section 2.20 the following provisions apply:

- (a) the gross floor area of an existing industrial building shall be calculated as it existed as of July 1, 2024;
- (b) subject to (c) below, the enlargement need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land as the existing industrial building;
- (c) in the event that the enlargement is in the form of a standalone building or structure located on the same parcel of land as per (b) above, prior to the issuance of a building permit for the standalone building or structure, the owner shall be required to enter into an agreement with the Region under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands. Such agreement will require that in the event that the lands upon which any standalone building or structure is located are the subject of an application for consent under section 53 of the Planning Act; or for which a by-law is passed under subsection 50(7) of the Planning Act, within 10 years of building permit issuance for such standalone building or structure, that the development charges that would have otherwise been payable for such standalone building or structure, shall become due and payable.

2.22 In sections 2.20 and 2.21 “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.

- (a) This section does not apply to the development of land within the Prestige Employment Land Area.

Reduction for Rental Housing Developments

2.23 The development charges set out in 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;
- (d) The amounts in subsections (a) to (c) are in addition to any applicable mandatory phase-in reductions pursuant to section 3.18 of this by-law.

3. Administration

Timing of Payment of Development Charges

- 3.1 Development charges, determined in accordance with section 3.12 of and adjusted in accordance with section 3.14 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.
- 3.2 Notwithstanding section 3.1, development charges, determined in accordance with section 3.12 and adjusted in accordance with section 3.14 of this by-law, shall be payable, with respect to an approval of a residential plan of subdivision under section 51 of the Planning Act, immediately upon the owner entering into the subdivision agreement with the Region, on the basis of the proposed number and type of dwelling units in the plan of subdivision.
- 3.3 Notwithstanding section 3.2, development charges applicable to a high density or condominium block in a residential plan of subdivision are payable in accordance with section 3.1.
- 3.4 Notwithstanding section 3.1, Council, from time to time, and at any time, may enter into agreements in accordance with section 27 of the Act which provide for all or any part of a development charge to be paid before or after it would otherwise be payable.

- 3.5 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were greater at the time that payments were made pursuant to section 3.2 than for the type of dwelling unit used to calculate the payment under section 3.2, an additional payment to the Region is required, which payment, in regard to such different unit types, shall be the difference between the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits, and the development charges previously collected in regard thereto, adjusted in accordance with section 3.12 of this by-law to the date of issuance of the building permit or permits.
- 3.6 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the total number of dwelling units of a particular type for which building permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, an additional payment to the Region is required, which payment shall be calculated on the basis of the number of additional dwelling units at the rate prevailing as at the date of issuance of the building permit or permits for such dwelling units.
- 3.7 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the type of dwelling unit for which building permits are being issued is different than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, and the development charges for the type of dwelling unit for which building permits are being issued were less at the time that payments were made pursuant to section 3.2 than for the type of dwelling unit used to calculate the payment under section 3.2, a refund in regard to such different unit types shall be paid by the Region, which refund shall be the difference between the development charges previously collected, adjusted in accordance with section 3.12 of this by-law to the date of issuance of the building permit or permits, and the development charges in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.
- 3.8 If, at the time of issuance of a building permit or permits in regard to a lot on a plan of subdivision for which payments have been made pursuant to section 3.2, the total number of dwelling units of a particular type for which

building permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under section 3.2, and there has been no change in the zoning affecting such lot, a refund shall be paid by the Region, which refund shall be calculated on the basis of the number of fewer dwelling units at the rate prevailing as at the date of issuance of the building permit or permits.

- 3.9 Notwithstanding sections 3.7 and 3.8, a refund shall not exceed the amount of the development charges paid under section 3.2.

Payment by Services

- 3.10 Notwithstanding the payments required under sections 3.1 to 3.4, the Region may, by agreement pursuant to section 38 of the Act, permit an owner to provide services in lieu of the payment of all or any portion of a development charge. The Region shall give the owner who performed the work a credit towards the development charge in accordance with the agreement subject to the requirements of the Act.

Instalments

- 3.11 Notwithstanding section 3.1 to 3.4, 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.

Determining Amounts Payable

- 3.12 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 3.14, and where applicable, with interest under section 3.17, as follows:
- (a) for those developments to which section 3.11 applies,
 - (i) (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;
 - (ii) if clause (i) 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

- (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with sections 3.1 to 3.4 of this by-law; and
- (b) for those developments to which section 3.11 does not apply,
- (i) 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;
 - (ii) if clause (i) 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 is brought into force and effect; or
 - (iii) if neither clause (i) nor clause (ii) applies, the day the development charge would be payable in accordance with sections 3.1 to 3.4 of this by-law

Front-Ending Agreements

- 3.13 Council, from time to time, and at any time, may enter into front-ending agreements in accordance with the Act.

Indexing

- 3.14 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2025, and on each successive July 1st date in accordance with the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-207, for the most recently available annual period ending March 31.

Credits

- 3.15 A development charges credit arising from the construction or payment of infrastructure required for water supply services shall only be applied against a development charge imposed under this by-law for water supply services.
- 3.16 A development charges credit arising from the construction or payment of infrastructure required for sanitary sewerage services shall only be applied

against a development charge imposed under this by-law for sanitary sewerage services.

Interest

3.17 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.

Mandatory Phase-in Reduction in First Four Years

3.18 Despite the above, while section 5(6) paragraph 4 of the Act is in force, the Total Development Charges on Schedules B to E of this by-law shall be reduced for the first four years this by-law is in force in accordance with the applicable mandatory phase-in amounts shown under the Total of All Charges Row on each Schedule, with the annual time period to start on the day this by-law comes into force and increase to the next annual amount on the respective anniversary of the day this by-law comes into force.

Schedules

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

Schedule "A"	-	Components of Services Designated in section 7
Schedule "B"	-	Residential Development Charges
Schedule "C"	-	Institutional Development Charges
Schedule "D"	-	Non-Institutional Non-Residential Development Charges
Schedule "E"	-	Prestige Employment Land Area Development Charges
Schedule "F"	-	Map of Seaton Community
Schedule "G"	-	Map of Prestige Employment Land Area

Date By-law in Force

3.20 This by-law shall come into force on the 1st day of July, 2024.

Repeal

3.21 By-law 38-2019 is hereby repealed effective on the date this by-law comes into force.

Registration

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

Severability

- 3.23 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.

Short Title

- 3.24 This By-law may be cited as the Regional Municipality of Durham Area Specific Development Charges By-law for the Seaton Community – Water Supply and Sanitary Sewerage Services.

This By-law Read and Passed on the 29th day of May, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedule "A"

Designated Regional Services and Service Components Thereunder

Category of Regional Services	Service Components
Water Supply	<ul style="list-style-type: none">• Watermains• Pumping Stations• Reservoirs• Feeder mains• Water Supply Plants and Municipal Wells• Capital Equipment• Environmental Assessment• Water Use Efficiency Strategy• Well Interference
Sanitary Sewerage	<ul style="list-style-type: none">• Sewage Pumping Stations and Forcemains• Trunk and Sanitary Sewers• Water Pollution Control Plants• Sludge Storage and Disposal Facilities• Capital Equipment• Environmental Assessment• Water Use Efficiency

Schedule “B”

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

Service Category	Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage			
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	7,706	6,088	3,545
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	2,290	1,809	1,053
(iii) Regional Attribution Sanitary Sewerage Development Charges	2,650	2,094	1,219
Subtotal – Sanitary Sewerage	12,646	9,991	5,817
Water Supply			
(i) Seaton Landowners Constructed Water Supply Development Charges	2,661	2,102	1,224
(ii) Regional Seaton-Specific Water Supply Development Charges	6,911	5,460	3,179
(iii) Regional Attribution Water Supply Development Charges	5,377	4,248	2,473
Subtotal – Water Supply	14,949	11,810	6,876
Total Development Charges	<u>27,595</u>	<u>21,801</u>	<u>12,693</u>
With Phase-Ins when applicable (see Section 3.18)			
July 1, 2024 to June 30, 2025 (80%)	22,077	17,440	10,153
July 1, 2025 to June 30, 2026 (85%)	23,456	18,532	10,788
July 1, 2026 to June 30, 2027 (90%)	24,835	19,621	11,425
July 1, 2027 to June 30, 2028 (95%)	26,216	20,712	12,058

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

Schedule “C”

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

Service Category	Institutional Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	0.85
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.27
(iii) Regional Attribution Sanitary Sewerage Development Charges	0.73
Subtotal – Sanitary Sewerage	1.85
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.11
(ii) Regional Seaton-Specific Water Supply Development Charges	0.27
(iii) Regional Attribution Water Supply Development Charges	0.68
Subtotal – Water Supply	1.06
Total Development Charges	<u>2.91</u>
With Phase-Ins when applicable (see Section 3.18)	
July 1, 2024 to June 30, 2025 (80%)	2.33
July 1, 2025 to June 30, 2026 (85%)	2.47
July 1, 2026 to June 30, 2027 (90%)	2.62
July 1, 2027 to June 30, 2028 (95%)	2.77

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

Schedule “D”

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

Service Category	Non-Institutional Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	2.56
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	0.82
(iii) Regional Attribution Sanitary Sewerage Development Charges	2.20
Subtotal – Sanitary Sewerage	5.58
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	0.33
(ii) Regional Seaton-Specific Water Supply Development Charges	0.80
(iii) Regional Attribution Water Supply Development Charges	2.05
Subtotal – Water Supply	3.18
Total Development Charges	<u>8.76</u>
With Phase-Ins when applicable (see Section 3.18)	
July 1, 2024 to June 30, 2025 (80%)	7.01
July 1, 2025 to June 30, 2026 (85%)	7.45
July 1, 2026 to June 30, 2027 (90%)	7.89
July 1, 2027 to June 30, 2028 (95%)	8.32

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

Schedule “E”

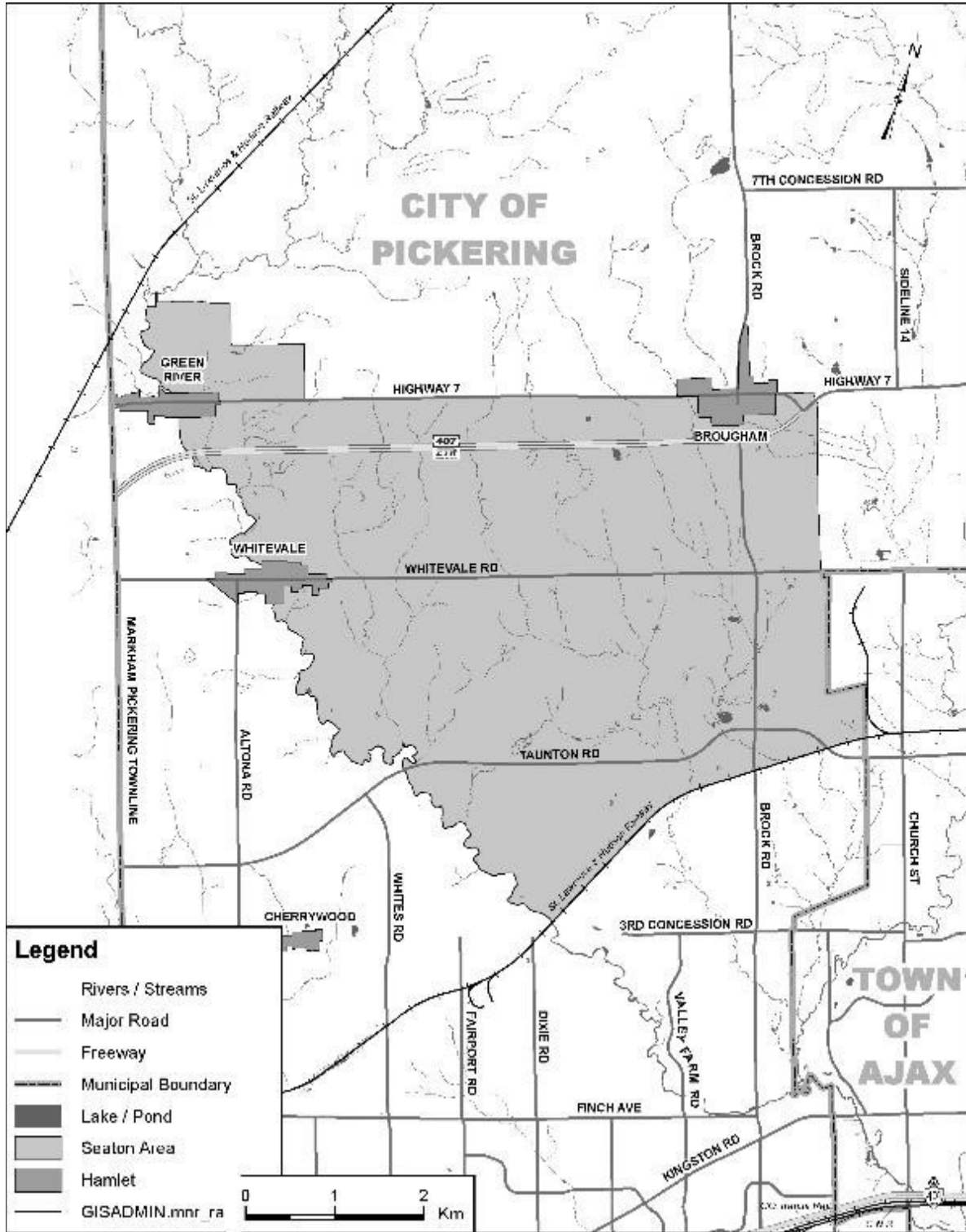
**Prestige Employment Land Area Development Charges
\$ per Net Hectare**

Service Category	Prestige Employment Land Area Development Charges
Sanitary Sewerage	
(i) Seaton Landowners Constructed Sanitary Sewerage Development Charges	134,914
(ii) Regional Seaton-Specific Sanitary Sewerage Development Charges	42,694
(iii) Regional Attribution Sanitary Sewerage Development Charges	111,514
Subtotal – Sanitary Sewerage	289,122
Water Supply	
(i) Seaton Landowners Constructed Water Supply Development Charges	15,536
(ii) Regional Seaton-Specific Water Supply Development Charges	40,957
(iii) Regional Attribution Water Supply Development Charges	108,321
Subtotal – Water Supply	165,814
Total Development Charges	<u>454,936</u>
With Phase-Ins when applicable (see Section 3.18)	
July 1, 2024 to June 30, 2025 (80%)	363,949
July 1, 2025 to June 30, 2026 (85%)	386,696
July 1, 2026 to June 30, 2027 (90%)	409,443
July 1, 2027 to June 30, 2028 (95%)	432,188

NOTE: The development charges described above shall be adjusted annually on July 1 pursuant to Section 3.14 of this By-law.

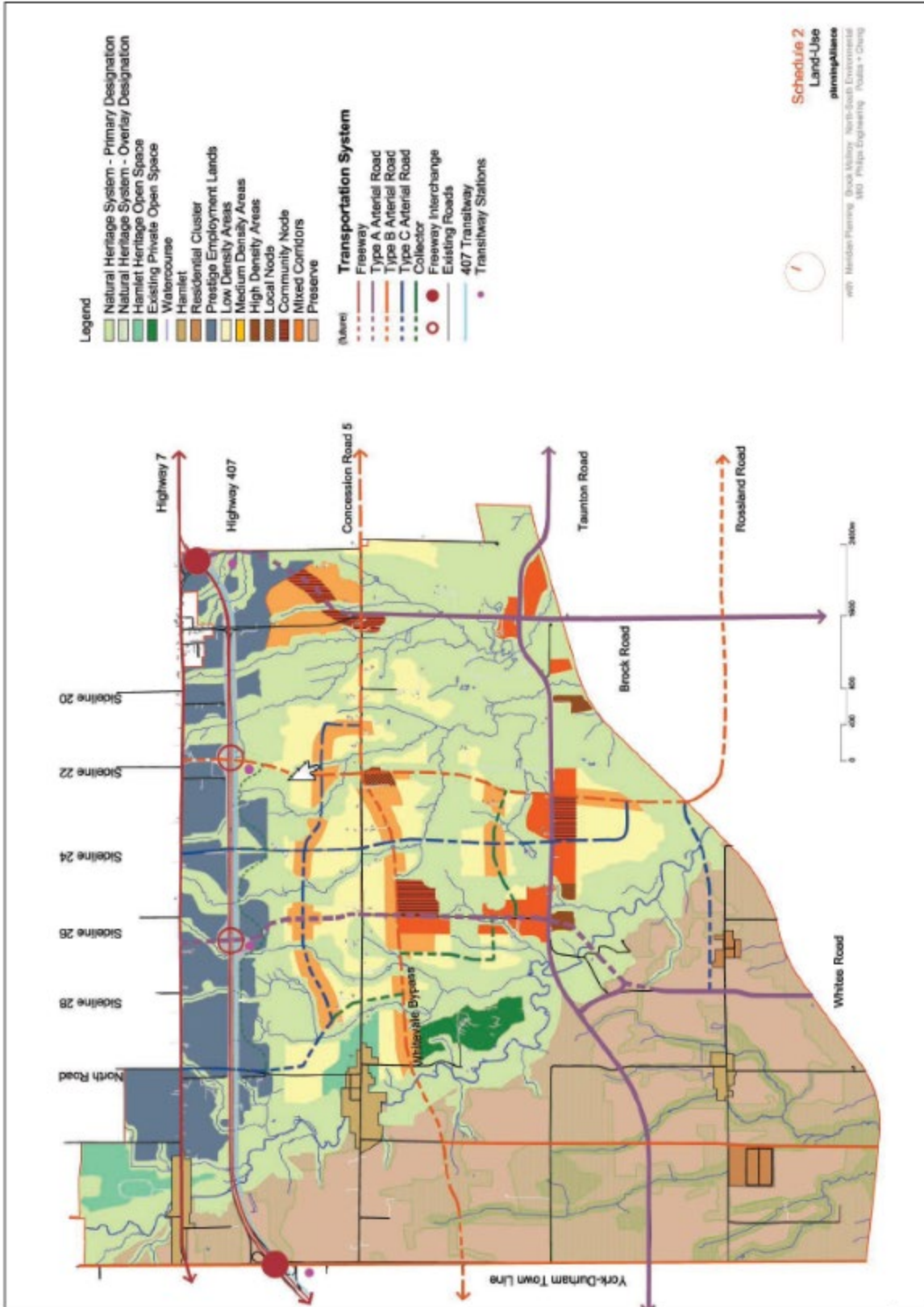
Schedule "F"

Seaton Community



Schedule "G"

Map of Prestige Employment Land Area (Central Pickering Development Plan – Land Use Plan)



Appendix #4

Letter of Correspondence from the Seaton Landowners Group



Barristers & Solicitors

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Facsimile: 416.979.1234
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Direct Line: 416-726-8771
rhowe@goodmans.ca

March 26, 2024

Our File No.: 193127

Via Email

Chair and Members of Regional Council
Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3

Dear Chair Henry and Members of Regional Council

**Re: Public Meeting
Area Specific Development Charges for the Water Supply and Sanitary Sewerage
Services in the Seaton Community of the City of Pickering**

We are writing on behalf of North Pickering Community Management Inc., the trustee for the group of landowners developing lands in the Seaton community (the "Seaton Landowners' Group"), regarding the Region's Area Specific Development Charge for Water Supply and Sanitary Sewerage Services in the Seaton Community (the "ASDC").

The Background Study was released on March 12, 2024. The Seaton Landowners' Group is still in the process of reviewing the Background Study, as well as additional material that Regional staff has kindly provided based on discussions between the consulting team retained by the Seaton Landowners' Group team and staff.

The Seaton Landowners' Group appreciates the timely co-operation from Regional staff, but their review is not yet complete. If any issues arise based on their continuing review of the Background Study and supporting material, we will advise the Region in advance of enactment of the ASDC By-law.

Yours truly,
Goodmans LLP

Robert Howe

cc: Mary Simpson, Director of Risk Management, Economic Studies and Procurement

[1415-0409-6011.1](#)