



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number \_\_\_\_\_ - 2022

To Establish Community Benefits Charges

**WHEREAS** subsection 37(2) of the Planning Act, R.S.O. 1990, C. P.13, (“the Act”) provides that a council of a municipality may, by by-law, impose community benefits charges against land to pay for capital costs of facilities, services and matters required because of development or redevelopment;

**AND WHEREAS** the City of Brampton (the “City”) has prepared a Community Benefits Charge Strategy prepared in accordance with subsection 37(9) of the Act and Ontario Regulation 509/20 which identifies the facilities, services and matters that will be funded with community benefits charges;

**AND WHEREAS** the City has consulted with such persons and public bodies as the City considers appropriate;

**AND WHEREAS** City Council is desirous of imposing community benefits charges against land to fund the facilities, services and matters identified in the Community Benefits Charge Strategy required because of development or redevelopment;

**NOW THEREFORE** Council enacts as follows:

## DEFINITIONS

1. In this by-law,

- (1) *Appraisal* means an appraisal of land value prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice of the Appraisal Institute of Canada;
- (2) *Building Code Act* means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or successor legislation;

- (3) *Building Permit* means a permit under the *Building Code Act* for construction at or above the first *Storey* of a building;
- (4) *Community Benefits Charge* means a charge imposed pursuant to this by-law;
- (5) *Community Benefits Charge Strategy* means the *Community Benefits Charge Strategy* prepared pursuant to subsection 37(9) of the *Planning Act*;
- (6) *Council* means the council of the *City*;
- (7) *Developed or Development* means:
  - (i) the creation of one or more new lots
  - (ii) the construction, erection or placing of one or more buildings or structures on land;
  - (iii) the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof;
  - (iv) redevelopment; whether or not the land is already serviced; or
  - (v) any proposed activity that requires any of the approvals described in section 3 of this by-law;
- (8) *Ground* means, with reference to a building, structure or part thereof, the average elevation of the finished grade of the ground immediately adjoining a building or structure at all exterior walls;
- (9) “*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;
- (10) *In-kind Contribution* means facilities, services or matters identified in a *Community Benefits Charge Strategy* or otherwise authorized by the Commissioner of Planning, Building and Growth Management Director of Planning or their designate, in the *City’s* sole discretion, in lieu of payment of the *Community Benefits Charge* otherwise applicable, in whole or in part;
- (11) *Owner* means the *Owner* of land or a person who has made application for an approval for the development or redevelopment of land upon which a *Community Benefits Charge* may be imposed;
- (12) *Redevelop or Redevelopment* means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from a *Residential Use* to a non- *Residential Use* or from a non- *Residential Use* to a *Residential Use*, or changing a building or structure from one form of *Residential Use* to another form

of *Residential Use* or from one form of non-*Residential Use* to another form of non-*Residential Use*;

- (13) *Residential Use* means lands, buildings or structures, or portions thereof, used, or designed or intended for use as a home or residence of one or more individuals, and the *Residential Use* portion of a mixed-use building or structure;
- (14) *Residential Unit* means a unit that consists of a self-contained set of rooms located in a building used or intended for *Residential Use* and contains full culinary and sanitary facilities for the use of that *Residential Unit*;
- (15) *Storey* means that portion of a building that is:
  - (a) situated between the top of any floor and the top of the floor next above it; or,
  - (b) if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (16) *Valuation Date*, with respect to land that is the subject of *Development* or *Redevelopment*, means:
  - (a) The day before the day the *Building Permit* is issued in respect of the *Development*, or
  - (b) If more than one *Building Permit* is required for the *Development*, the day before the day the first *Building Permit* is issued.

## APPLICATION

2. A *Community Benefit Charge* shall be payable for the capital cost of facilities, services and matters required for *Development* or *Redevelopment* of all lands in the geographic area of the City, with the exception of land that is owned by and used for the purposes of:

- (a) a board of education
- (b) a provincial or federal crown agency; or
- (c) any municipality or local board.

## APPROVAL FOR DEVELOPMENT AND REDEVELOPMENT

3. (1) Subject to subsection 2 and 4, the *Community Benefit Charge* shall be calculated and collected in accordance with the provisions of this by-law and be imposed on all land to be *Developed* or *Redeveloped*, where the *Development* or *Redevelopment* requires:

- (a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Act*;
- (b) the approval of a minor variance under section 45 of the *Act*;

- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Act* applies;
  - (d) the approval of a plan of subdivision under section 51 of the *Act*;
  - (e) a consent under section 53 of the *Act*;
  - (f) the approval of a description under section 9 of the *Condominium Act, 1998, S.O. 1998, c.19*, as amended or successor legislation; or
  - (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- (2) The *Community Benefit Charge* shall be payable on:
- (a) *Development* of a proposed building or structure with five or more *Storeys* at or above *Ground* and containing ten or more *Residential Units*;
  - (b) *Redevelopment* of existing buildings or structures that will be five or more *Storeys* at or above *Ground* after the *Redevelopment* and add ten or more *Residential Units* to an existing building or structure;

## **EXEMPTIONS**

- 4.(1) Notwithstanding subsections 3(1) and 3(2), no *Community Benefits Charge* is payable on *Development* or *Redevelopment* of a building or structure, or part thereof, intended for the following uses:
- (a) a building or structure intended for use as a long-term care home within the meaning of subsection 2(1) of the *Fixing Long-Term Care Act, 2021*;
  - (b) a building or structure intended for use as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
  - (c) a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
    - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
    - (ii) a college or university federated or affiliated with a university described in subparagraph (i)
    - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
  - (d) a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;

- (e) a building or structure intended for use as a hospice to provide end of life care;
  - (f) a building or structure intended for a *Residential Use* 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*;
  - (g) a home for special care within the meaning of the *Homes for Special Care Act*, R.S.O 1990, c. H.12; and
  - (h) any additional uses prescribed by Ontario Regulation 509/20, as may be amended.
- (2) The value of the gross floor area for any existing residential unit that is not demolished shall be excluded from the value of the land used to determine the community benefit charge payable.
  - (3) The value of the gross floor area for any existing non-residential use that is not demolished or converted to a residential use shall be excluded from the value of the land used to determine the community benefit charge payable.

#### **TIME OF CALCULATION AND PAYMENT**

- 5. (1) The amount of the *Community Benefit Charge* payable is 4% of the value of land that is the subject of the *Development or Redevelopment*, as of the Valuation Date, as determined by an *Appraisal*.
- (2) The *Community Benefit Charge* shall be payable in full on the date that the *Building Permit* is issued in relation to a building or structure on land to which a *Community Benefit Charge* applies, or in accordance with terms of an arrangement for the provision of *In-kind Contributions* as described in subsection 5(3).
- (3) In accordance with subsection 37(6) of the Act, the Commissioner of Planning, Building and Growth Management may, in its sole discretion, permit an *Owner* of land to provide *In-kind Contributions* in-lieu of payment of all or part of the *Community Benefit Charge* otherwise payable. The *Community Benefit Charge* otherwise payable for the *Development or Redevelopment* will be reduced by the value that the City has attributed to the *In-kind Contributions*.

- (4) Where the *Community Benefit Charge* applies to land in relation to which a *Building Permit* is required, the *Building Permit* shall not be issued until the *Community Benefit Charge* has been paid in full.
- (5) Where a *Development* or *Redevelopment* does not require a *Building Permit* but does require one or more of the actions described in subsection 3(1) then, notwithstanding subsection 5(2) above, the *Community Benefit Charge* shall be payable prior to the approval of the action described in subsection 3(1).
- (6) Where *Development* or *Redevelopment* requires an action described in subsection 3(1) after the issuance of a *Building Permit* and no *Community Benefit Charge* has been paid, then the *Community Benefit Charge* shall be paid prior to the granting of approval for any action required under subsection 3(1) of this by-law.
- (7) Where a *Development* or *Redevelopment* is to be constructed in phases, each phase of the development is deemed to be a separate *Development* or *Redevelopment* for the purposes of this by-law and the amount of the *Community Benefit Charge* for each phase will be 4% of the value of the land that is the subject of that phase the *Development* or *Redevelopment*, as of the Valuation Date, as determined by an *Appraisal*.
- (8) Where a *Development* or *Redevelopment* proposes multiple uses within a building or structure and the *Owner* has provided satisfactory evidence that it includes one or more of the excluded uses described in section 4 of the by-law, then the *Community Benefit Charge* otherwise payable will be reduced by an amount attributed to the *Gross Floor Area* of the excluded use.
- (9) Where an *Owner* of land is of the view that the amount of the *Community Benefit Charge* exceeds 4% of the value of land at the *Valuation Date*, the *Owner* shall pay the *Community Benefit Charge* under protest and a dispute resolution process will take place in accordance with the Act;

#### **BY-LAW REGISTRATION**

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

#### **SEVERABILITY**

7. If, for any reason, any provision, section, subsection or paragraph of this by-law is held to be invalid, it is hereby declared to be the intention of *Council* that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

#### **BY-LAW ADMINISTRATION**

8. *Council* hereby delegates the administration and enforcement of this by-law to the Commissioner of Planning, Building and Growth Management or their designate.

9. Where the Commissioner of Planning, Building and Growth Management or their designate has, in their sole discretion, permitted an *Owner* to make *In-kind Contributions* as a payment of all or part of the *Community Benefit Charge* that is payable, the Commissioner of Planning, Building and Growth Management and the Clerk are hereby authorized to execute agreements on behalf of the City providing for satisfactory arrangements for the payment of the *In-kind Contributions* in a form and with content satisfactory to the Commissioner of Planning, Building and Growth Management and the City Solicitor, without the need for further by-law or *Council* resolution.

**DATE BY-LAW EFFECTIVE**

10. This by-law shall come into force and effect on September 14, 2022.
11. This by-law shall apply to all *Building Permits* issued on or after September 15, 2022, in respect of *Development or Redevelopment* described in section 3.
12. *Council* shall review this by-law and pass a resolution as to whether a revision to the by-law is needed within five years of the date it is first passed, and every five years after the previous resolution was passed.

**SHORT TITLE**

13. This by-law may be cited as the “Community Benefits Charge By-law, 2022”.

**ENACTED and PASSED** this 14<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Patrick Brown, Mayor

\_\_\_\_\_  
Peter Fay, City Clerk

Approved as  
to form.

20\_\_/\_/month/day

[insert name]

Approved as  
to Content.

2022/08/26

CC