

CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NO. 48/2024

Being a By-law to impose Development Charges
in the Corporation of the Township of Wellesley
pursuant to the Development Charges Act, S.O., 1997, c.98.

WHEREAS the Development Charges Act, S.O., 1997 c.98 authorizes municipalities to pass By-laws for the imposition of development charges against land if the development of land would increase the need for services;

AND WHEREAS Council wishes to ensure that the capital cost of meeting growth related demands for services is met but does not place a financial burden upon the Township's existing taxpayers, and also that new taxpayers bear no more than the net capital cost attributable to providing the current level of services;

AND WHEREAS section 2(1) of the Development Charges Act, 1997, S.O., 1997, c.27 (the "Development Charges Act") enables the Council to pass By-laws for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from the development or redevelopment of land;

AND WHEREAS the Township of Wellesley has undertaken a Development Charges Background Study, pursuant to s.10 of the Development Charges Act to investigate the increased need for services that will result from such development;

AND WHEREAS the Township has, pursuant to s.12 of the Development Charges Act, has given notice of a public meeting in the manner and to the persons and organizations prescribed by Ontario Regulation 82/98;

AND WHEREAS such public meeting was held on November 12, 2024 in the Council Chambers of the Township of Wellesley;

AND WHEREAS the Township ensured that the proposed By-law and the background study were made available to the public at least two weeks prior to the public meeting;

AND WHEREAS any person who attended the meeting was allowed to make representations in respect of the proposed development charges;

AND WHEREAS Council, having reviewed the study and the proposed By-law and having considered all to the representations made at the public meeting, directed that this By-law be enacted;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WELLESLEY ENACTS AS FOLLOWS:**

1. DEFINITIONS

(1) In this By-law:

- a) "Accessory building" means a building or structure, or part of a building or structure, that is:
 - (i) a parking garage that is exclusively devoted to providing vehicle parking to the main use situated on the same Site;
 - (ii) a mechanical room that is exclusively devoted to providing heating, cooling, ventilating, electrical, mechanical or telecommunications equipment for a building or buildings that contain one or more Dwelling Units or Lodging Units situated on the same Site;
 - (iii) an entrance way, elevator, stairwell or hallway that provides access to a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
 - (iv) a pool area, change room, restroom, fitness facility, kitchen, laundry room, lounge or meeting room that is for the exclusive use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
 - (v) a storage room that provides storage exclusively to a resident or residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site; or
 - (vi) an exterior deck, porch, canopy, gazebo, storage shed or stairway that is exclusively devoted to the use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;

And for the purposes of this definition, "Site" shall include common elements of the same condominium as the applicable main use, buildings, Dwelling Units or Lodging Units; "Accessory Use" means a use that is normally subordinate or incidental to and exclusively devoted to a principal use, building or structure on a Site that does not through any manner or design share the same gross floor area of the principal use or occupy more than the percentage of gross floor area of the Site permitted as an accessory use by the applicable zoning by-laws;

- b) "Act" means the Development Charges Act, 1997, S.O., 1997, c.27;
- c) "Additional Dwelling Unit" has the same meaning as within the Township's Zoning By-law as may be updated from time to time;
- d) "agricultural use" means the use of land and buildings for apiaries, fish farming, animal husbandry or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and other crops or ornamental plants;

- e) "apartment" means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor. Despite the foregoing, an apartment dwelling includes Stacked Townhouse Dwellings and Additional Residential Units as defined in the Township's Zoning By-law;
- f) "back-to-back townhouse dwelling" means a building containing four (4) or more Dwelling Units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area;
- g) "bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- h) "benefitting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- i) "capital cost" means costs incurred or proposed to be incurred by the Township or a local board thereof, directly or under an agreement:
 - (i) to acquire land or an interest therein, including the capital component of costs to acquire a leasehold interest;
 - (ii) to improve land;
 - (iii) to acquire, construct or improve, and the capital component cost to lease, buildings and structures;
 - (iv) to acquire, construct or improve, and the capital component cost to lease, facilities including:
 - 1. rolling stock with an estimated useful life of seven years or more,
 - 2. furniture and equipment, other than computer equipment, and
 - 3. material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act;
 - (v) to undertake studies in connection with and to pay interest on money borrowed to pay for costs of any of the matters referred to in clauses (i) to (iv);
 - (vi) to undertake the development charges background study as required under s.10 of the Act;
- j) "Council" means the Council of The Corporation of the Township of Wellesley;
- k) "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or

alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

- l) "development charge" means a charge imposed with respect to growth-related net capital costs against land under this By-law;
- m) "dwelling unit" means a room or rooms located within a building or structure which are occupied or designed or intended to be occupied by one person or more persons as a single housekeeping unit and for which a separate private entrance (from outdoors or a common hallway), bathroom and kitchen facilities are provided;
- n) "duplex" means a dwelling or residential building divided horizontally into two dwelling units;
- o) "excess capacity" means uncommitted excess capacity but excludes uncommitted excess capacity if, either before or at the time the excess capacity was created, the Council of the Township expressed a clear intention that the excess capacity would be paid for by development charges or other similar charges;
- p) "existing industrial building" a building or buildings existing on a site on 3rd day of December 2019 or the first building or buildings constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") subsequent to the passing of this By-law for which full development charges were paid, and is 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,
 - 1. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - 2. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

Notwithstanding the foregoing, an industrial use does not include the sale of commodities to the general public through a warehouse club or self-storage facilities.

- q) "farm building" means that part of a bona fide farming operation encompassing barns, silos, and other ancillary development to an agricultural use, but excluding a residential use;
- r) "front-end payment" means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under this By-law, to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed;
- s) "front-ending agreement" means an agreement made under Section 44 of the Act between the municipality and any or all owners within a benefitting area providing for front-end payments by an owner or owners or for the installation of services by an owner or owners or any combination thereof;
- t) "grade" with respect to a Dwelling Unit or Single Detached Dwelling means the average level of finished ground adjoining same at all exterior walls;
- u) gross floor area means the total floor area of a building or structure or part thereof, measured from the outside faces of exterior walls or between the outside faces of exterior walls and the centre line of any partition walls, and in the case of a Dwelling Unit, includes only those areas above grade. The gross floor area shall include any area which is being used for the repair or for the public sale of vehicles but shall exclude any area which is specifically designed for the parking of passenger motor vehicles;
- v) "growth-related net capital cost" means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from the anticipated development in all or a defined part of the Township less the Township's excess capacity and the extent to which an increase in service to meet the increased need will benefit existing development within the Township;
- w) "home occupation" means a vocational use carried on in conjunction with a Dwelling Unit on the same property as permitted by the applicable Township Zoning By-law;
- x) "institutional" 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 institution of the following post-secondary institutions for the objects of the institution:

1. a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 2. a college or university federated or affiliated with a university described in subclause (a); or
 3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute 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) "local board" means a public library board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Township or the Regional Municipality of Waterloo (the "Region") or any part or parts thereof;
- z) "local services" means services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under section 51 of the Planning Act, or as a condition of approval under section 53 of the Planning Act;
- aa) "lodging house" means a building designed or intended to contain, or containing Lodging Units where the residents share access to common areas of the building, other than the Lodging Units;
- bb) "lodging unit" means a room located in a lodging house which:
- (i) is designed to be occupied for human habitation by one resident;
 - (ii) is not normally accessible to persons other than the resident without the permission of the resident; and
 - (iii) may contain either cooking or sanitary facilities, but not both, for the exclusive use of the resident.
- A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home, or hostel designed for human habitation shall not constitute a Lodging Unit;
- cc) "multiple dwelling" means all dwellings other than single detached dwellings, demi-detached dwellings, and apartment dwellings within the respective meanings ascribed hereto under this By-law;
- dd) "municipality" means The Corporation of the Township of Wellesley;
- ee) "net capital cost" means the capital cost less capital grants, subsidies and other contributions made to the municipality or that Council

anticipates will be made, including conveyances or payments under section 43, 51 and 53 of the Planning Act in respect of the capital costs;

- ff) “non-profit housing development” means development of a building or structure intended for use as residential premises by:
 - (i) a corporation to which the Canada Not-for-profit Corporation Act, 2010 applies, that is in good standing under that Act and whose primary objective is to provide housing,
 - (ii) a corporation without share capital to which the Canada Not-for-profit Corporation Act, 2010 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, 2022;
- gg) “non-residential uses” means all commercial, industrial, institutional and other uses, not included in the definition of residential use;
- hh) "Official plan" means the Official Plan of the Wellesley Planning Area and any amendments thereto;
 - ii) "owner" means the owner of land or a person authorized by the owner who has made application for an approval for the development of land upon which a development charge is imposed;
- jj) "Planning Act" means the Planning Act, R.S.O. 1990, c.P.13;
- kk) "pre-existing development" means a use of land existing on the land at the time a development charge is payable or existing at the time of passage of this By-law;
- ll) "rate" means the interest rate established by the Bank of Canada on the day this By-law comes into force updated on the first business day of every January, April, July and October;
- mm) "regulation" means any regulation made pursuant to the Act;
- nn) “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;
- oo) “residential building” means a building containing one or more Dwelling Units with or without any Non-Residential component and in the case of a single or semi-detached dwelling or townhouse dwelling means the individual Dwelling Unit;
- pp) "residential use" means the use of land, buildings or structures as one or more Dwelling Units, including a Farm dwelling;
- qq) "row townhouse dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling units has

an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

- rr) "semi-detached dwelling" means one dwelling unit within a building containing only two dwelling units, which is divided from the other dwelling unit by a vertical solid wall or partition extending from foundation to roof;
- ss) "single detached dwelling" means residential building consisting of one Dwelling unit and not attached to another structure and shall include a modular or mobile home connected to any of water, sanitary or electrical utility service;
- tt) "site" means a parcel of land which can be legally conveyed pursuant to section 50 of the Planning Act and includes a development having two or more consolidated under identical ownership;
- uu) "stacked townhouse" means a building, other than a duplex, townhouse, or back to back 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
- vv) "townhouse dwelling" means one Dwelling Unit within a building containing three or more Dwelling Units which is divided from the other Dwelling Units by one or more vertical solid walls or partitions extending from foundation to roof;
- ww) "warehousing" means a building in which the main use is the bulk storage of raw or semi-processed goods to be used in manufacturing and/or the wholesale distribution of manufactured goods and materials.

PART I: APPLICATION AND EXEMPTIONS

2. IMPOSITION OF DEVELOPMENT CHARGES

(1) All lands

Subject to subsection (2) the development charges herein are imposed on all lands in the municipality and no lands are exempt by reason only that they are exempt from taxation under s.3 of the Assessment Act.

(2) This By-law does not apply to land owned by and used for the purposes of:

- a) a board of education as defined by subsection 1(1) of the Education Act, R.S.O. 1990, c.E.2;
- b) the Township of Wellesley or any local board thereof;
- c) the Region or any local board thereof;
- d) any area municipality within the Region; and
- e) the Crown in right of Ontario or the Crown in right of Canada.

3. APPLICATION OF DEVELOPMENT CHARGES

(1) General Application

Subject to subsection (2) to (8) inclusive, development charges shall apply, and shall be calculated and collected in accordance with the provisions of this By-law, on land to be developed or redeveloped for residential and non-residential use, where:

- a) the development or redevelopment of the land will increase the need for services; and
- b) the development or redevelopment requires one or more of the approvals which follow:
 - (i) the passing of a zoning By-law or of an amendment thereto under section 34 of the Planning Act;
 - (ii) the approval of a minor variance under section 45 of the Planning Act;
 - (iii) a conveyance of land to which a By-law passed under subsection 50(7) of the Planning Act applies;
 - (iv) the approval of a plan of subdivision under section 51 of the Planning Act;
 - (v) a consent under section 53 of the Planning Act;
 - (vi) the approval of a description under section 50 of the Condominium Act, R.S.O. 1990, c.C.26; or
 - (vii) the issuing of a permit under the Building Code Act, 1992, S.O. 1992, c.23 (the "Building Code"), in relation to a building or structure.

(2) Subsection (1) shall not apply in respect of,

- a) local services; or
- b) local connections to water mains, sanitary sewers and storm drainage facilities installed at the expense of the owner including amounts imposed under a By-law passed under section 218 of the Municipal Act, R.S.O. 1990, c.M.45, as amended.

(3) Where two or more of the actions described in subsection (1) are required before the land to which a development charge applies can be developed or redeveloped, only one development charge shall be imposed, calculated and collected in accordance with the provisions of this By-law.

(4) Despite subsection (3), if two or more of the actions described in subsection (1) occur at different times and if the subsequent action or actions has the effect of increasing the need for services as designated in this By-law, additional development charges shall be imposed, calculated and collected in accordance with the provisions of this By-law.

- (5) Despite subsection (1) any subdivision agreement or development agreement made under section 51 or section 53 of the Planning Act or any predecessor thereof, which provides for the payment of a lot levy, development charge, capital contribution or other charge shall remain in full force and effect, be enforceable according to its terms and prevail to the extent that there is any conflict with this By-law. This subsection, however, shall not apply with respect to any lot or block which is further subdivided by a new plan of subdivision or consent or by a part lot control exemption By-law.
- (6) Subsection (1) shall not apply to:
- a) a temporary use permitted under a zoning By-law enacted under section 39 of the Planning Act;
 - b) an accessory use;
 - c) a home occupation;
 - d) a farm building for agricultural use;
 - e) temporary erection of a building without foundation as defined in the Building Code for a period not exceeding six consecutive months and not more than six months in any one calendar year on a site for which development charges or lot levies have previously been paid;
 - f) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university;
 - g) The enlargement of an existing dwelling unit;
 - h) a second residential dwelling unit in an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling cumulatively contain no more than one residential dwelling unit;
 - i) a third residential dwelling unit in an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains any residential dwelling units;
 - j) one residential dwelling unit in a building or structure ancillary to an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling on a parcel of land, if the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains no more than two residential dwelling units and no other

building or structure ancillary to the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains any residential dwelling units;

- (i) For the purposes of Subsection 3. (6)(j) a residential Dwelling Unit in a Building or structure ancillary to an existing or new Single Detached Dwelling, Semi-Detached Dwelling, or Row-Townhouse Dwelling must be an Additional Dwelling Unit as defined herein

- k) in an existing rental residential building, which contains four or more residential dwelling units, the creation of the greater of one residential dwelling unit or one per cent of the existing residential dwelling units.

(7) Non-Profit Housing

(8) Affordable residential units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

(9) Affordable and attainable residential units as follows:

- a) As of the date on which section 4.1 of the Act is proclaimed into force, affordable residential units that meet the criteria set out in subsection 4.1 (2) or 4.1 (3) of the Act shall be exempt from Development Charges
- b) As of the date on which subsection 4.1 (4) of the Act is proclaimed into force, attainable residential units that meet the criteria set out in subsection 4.1 (4) of the Act shall be exempt from Development Charges

(10) The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a) Three or more bedrooms – 25% reduction;
- b) Two bedrooms – 20% reduction; and
- c) All other bedroom quantities – 15% reduction.

(11) Despite anything in this By-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building up to a maximum of fifty per cent (50%) of the gross floor area of an enlargement that results in the gross floor area of the industrial building being increased by greater than fifty per cent (50%) of the gross floor area of the existing industrial building.

- a) For the purpose of subsection (11), despite any new sites created which result in an existing industrial building being on a site separate from its enlargement or enlargements for which an exemption was granted under this section, further exemptions if any, pertaining to the existing industrial building shall be calculated on the basis of the gross floor area of the existing industrial building prior to the first enlargement and the site prior to its division in accordance with subsection (11).

4. Development charges as set out in Sections 5 and 6 of this By-law shall apply to all lands that are developed or redeveloped for residential and non-residential use in accordance with this By-law, but only insofar as,
 - (1) the growth-related net capital costs of services are attributable to residential and non-residential use, and
 - (2) the growth-related net capital cost of each service is attributable to the anticipated development and at standards no higher than the average level of each such service provided by the Township over the 15-year period immediately preceding the preparation of the Study.
5. Residential Development Charges
 - (1) Development charges against land to be developed or redeveloped for residential use shall be based upon the services to be provided by the Township which are designated in Schedule "A" attached hereto.
 - a) Subject to the provisions of this By-law, development charges are hereby imposed against land to be developed or redeveloped for residential use and shall be calculated and collected at the rates set out in Schedule "B" attached hereto.
 - b) Subject to the provisions of this By-law, development charges against land to be developed or redeveloped for mixed residential use shall be the aggregate of the amount applicable for each dwelling unit according to its type as set forth in Schedule "B" attached hereto.
6. Non-Residential Development Charges
 - (1) Development charges against land to be developed or redeveloped for non-residential use shall be based upon the services to be provided by the Township which are designated in Schedule "A" attached hereto.
 - (2) Subject to the provisions of this By-law, development charges are hereby imposed against land to be developed or redeveloped for non-residential use and shall be calculated and collected at the rate set out in Schedule "B" attached hereto.
7. Mixed Use Development Charges
 - (1) Subject to the provisions of this By-law, development charges against land to be developed or redeveloped for mixed residential and non-residential use shall be the aggregate of the amount applicable to the residential component and the amount applicable to the gross floor area of the non-residential component.

PART II: ADMINISTRATION

8. Payment
 - (1) All development charges required to be paid to the Township pursuant to this By-law shall be paid by cash or cheque and directed to the Township's Chief Building Official.

9. Calculations

- (1) Subject to the provisions of this part, development charges shall be calculated and payable in full on the date that a building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) Where development charges apply to land where a building permit is required, no building permit shall be issued until the development charge is paid in full.
- (3) Notwithstanding subsection (1), development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest in accordance with Subsection (5), payable on the anniversary date each year thereafter.
- (4) Notwithstanding Subsection (1), where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within the prescribed amount of time of building permit issuance, the Development Charges under Sections 5, 6, and 7 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application, including interest in accordance with Subsection 5. Where both planning applications apply, Development Charges under Sections 5, 6, and 7 shall be calculated on the rates, including interest in accordance with Subsection (5), set out in Schedule "B" on the date of the later planning application.
- (5) Interest for the purposes of Subsections (3) and (4) shall be determined as set out in the Township of Wellesley's Development Charges Interest Rate Policy as amended from time to time.
- (6) If a development of land does not require the issuing of a building permit and requires one of the approvals listed in subsection 3.1b)(i) to (vi) inclusive, the development charge, subject to subsection 3.(1)(b) shall be payable and shall be calculated and collected on such date as may be determined by the approving authority.

10. Credits

- (1) The Township may, by agreement, permit the owner of land to which development charges apply to provide services for development or redevelopment of that land in lieu of the payment of all or any portion of a development charge, including services additional to or of a greater size or capacity than is required under this By-law ("services in lieu").
- (2) Upon proof of the installation or construction of services in lieu to the satisfaction of the Township's Manager of Community Services, a credit, without interest, shall be applied against development charges payable for an amount equal to the reasonable cost to the owner for providing services in lieu, as determined by the Township's Manager of Community Services, not to exceed the total amount of the development charges otherwise payable.

- (3) Any unused credit may be applied, upon proof satisfactory to the Township's Chief Building Official, to any subsequent development charge payable with respect to the same land as referred to in subsection (1).

11. Redevelopment Allowances

- (1) Where there is a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof, the Development Charges payable by the new or proposed development shall be credited by the amount to which the previous use of the building or structure was subject to Development Charges at the time this By-law was passed
- (2) With respect to a residential building or structure or the residential portion of a mixed-use building or structure that has been demolished or converted, the credit shall be calculated by multiplying the number of dwelling units demolished or converted within five years of the date of building permit application by the Development Charge for the relevant demolished units in accordance with Schedule "B" of this By-law.
- (3) With respect to a non-residential building or structure or the non-residential portion of a mixed-use building or structure that has been demolished or converted, the credit shall be calculated by multiplying the Gross Floor Area of that portion of the building demolished or converted within five years of the date of building permit application by the Development Charge for the relevant demolished units in accordance with Schedule "B" of this By-law.
- (4) The credit with respect to a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof shall not exceed the amount of the Development Charges payable with respect to new or proposed development.
- (5) No credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building or structure or part thereof where the existing building or structure or part thereof would have been exempt from Development Charges in accordance with this By-law.
- (6) If, after constructing a second dwelling unit on a property, the first dwelling unit converted to an Additional Dwelling Unit, then development charges shall not be applied to the new dwelling unit.

12. Reserve Funds

- (1) Monies received from payment of development charges shall be maintained in a separate reserve fund or funds, and shall be used only to meet growth-related net capital costs for which the development charge was imposed under this By-law.
- (2) Income received from investments of the development charge reserve fund or funds shall be credited to the development charge reserve fund or funds in relation to which the investment income applies.

- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
 - (4) Where any unpaid development charges are collected as taxes under Subsection (3), the monies so collected shall be credited to the development charge reserve fund or funds referred to in subsection 1.
- 13. This By-law shall be administered by the Township's Manager of Community Services, Clerk and Chief Building Official.
- 14. Annual Adjustment
 - (1) The development charges set out in sections 5, 6, and 7 and Schedule "B" attached hereto shall be adjusted annually without amendment to this By-law, as of the 1st day of December in each year, commencing on December 1, 2025, in accordance with the most recent Statistics Canada Quarterly, Construction Price Index.
 - (2) The minimum interest rate that the Township shall pay under subsection 18(3) and 25(2) of the Development Charges Act in relation to a development charges By-law shall be the Bank of Canada interest rate on the day the By-law comes into force and thereafter as such rate is adjusted on the first business day of every January, April, July and October thereafter for the life of this By-law.
- 15. Term
 - (1) This By-law shall come into force and effect on the 1st day of January 2025.
 - (2) This By-law shall continue in force and effect for a term not to exceed ten years from the date of its enactment unless it is repealed or replaced at an earlier date by a subsequent By-law.
- 16. Nothing in this By-law shall be construed so as to commit or require the Township or its Council to authorize or proceed with any specific capital project at any specific time.
- 17. Each and every provision of this By-law is severable and, if any provision or provisions of this By-law should, for any reason, be declared invalid by any court, it is the intention of Council that each and every of the then remaining provisions of this By-law shall remain in full force and effect.
- 18. This By-law may be cited as the "Township of Wellesley Development Charges By-law, 2024".

READ A FIRST AND SECOND this 10th day of December 2024

Mayor Joe Nowak

Clerk, Grace Kosch

READ A THIRD AND FINAL TIME AND PASSED this 10th day of December 2024

Mayor Joe Nowak

Clerk, Grace Kosch

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NO. 48/2024

SCHEDULE “A”

Services and Classes of Services

1. Services Related to a Highway;
2. Fire Protection Services;
3. Parks and Recreation Services;
4. Library Services; and
5. Growth-Related Studies.

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NO. 48/2024

SCHEDULE “B”

SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.m. of Gross Floor Area)
Municipal Wide Services/Classes:					
Fire Protection Services	1,983	1,361	1,152	747	6.21
Services Related to a Highway	3,889	2,668	2,260	1,464	12.17
Parks and Recreation Services	14,087	9,668	8,187	5,305	4.94
Library Services	1,188	815	690	447	0.41
Growth-Related Studies	311	214	181	117	0.35
Total Municipal Wide Services/Classes	21,458	14,726	12,470	8,080	24.08