



Policy

Policy Name:	Development Charges Interest Policy
Policy Owner:	Corporate and Financial Services – Financial Services
Approved by:	Council
Effective Date:	January 1, 2020
Date of Last Revision:	N/A
Review Date:	Reviewed as necessary
Procedure Status:	New policy

Purpose:

The purpose of this policy is to establish the rules and practices for charging interest, as permitted under sections 26.1 and 26.2 of the Development Charges Act, 1997.

Policy Principles:

To support the City of Richmond Hill's ability to build growth-related infrastructure in a way that is fiscally sustainable and to help achieve the following outcomes:

- Good government providing reliable Richmond Hill programs and services
- Continued delivery of complete communities in a fiscally sustainable way
- Fair and equitable treatment of all stakeholders involved in delivering housing supply, including residents, businesses, and developers

Definitions:

For the purpose of this policy the following 6 definitions have been provided:

Act:

The Development Charges Act, 1997, S.O. 1997, c. 27, as amended, revised, re-enacted or consolidated from time to time, and any successor statute.

Development:

The construction, erection or placing of one or more buildings or structures on land. This includes the making of an addition or alteration to a building or structure that has the effect of:

- Increasing the size, or
- Changing the use from non-residential to residential or from residential to non-residential and includes redevelopment.

Development Charge(s):

Richmond Hill's development charges, including all the area-specific and city-wide charges.

Total Accrued Amount:

Equal to the total of the development charges and interest which has accrued.

City:

"City" means The Corporation of the City of Richmond Hill.

Scope

This policy applies to the charging of interest, as permitted under sections 26.1 and 26.2 of the Act. This includes all types of development in the City:

- that are eligible for instalment payments under section 26.1 of the Act.
- under section 26.2 of the Act, where an application for approval of development in a site plan control area under subsection 41(4) of the Planning Act, as amended, has been made, or where an application for an approval of a development in a site plan control area under subsection 41(4) of the Planning Act has not been made, but where an application has been made for an amendment to a bylaw passed under section 34 of the Planning Act, as amended.

Policy

1. Legislative Framework:

a) Installment Payments under section 26.1 of the Act

Under subsections 26.1(1), (2) and (3) of the Act, development charges shall be paid in equal annual instalments, beginning at the earlier of first occupancy or the date an occupancy permit under the Building Code, Act, 1992 is issued, for:

- i. Rental housing development that is not non-profit housing development
- ii. Institutional development
- iii. Non-profit housing development

b) Interest on Installment Payments under section 26.1 of the Act

Subsection 26.1(7) of the Act allows a municipality to charge interest on the instalments from the date the development charges would have been payable under section 26 of the Act to the date the instalment is paid, at a rate not exceeding the prescribed maximum interest rate.

c) Development Charge Freeze under section 26.2 of the Act

Under subsection 26.2(1) of the Act, the total amount of a development charge is determined under the City's Development Charge Bylaw on:

- i. The day an application for an approval of development under subsection 41(4) of the Planning Act was made, or
- ii. If clause (i) does not apply, the day an application for an amendment to a bylaw passed under section 34 of the Planning Act was made.

d) Interest under section 26.2 of the Act

Under subsection 26.2(3) of the Act, a municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate, from the date of the application referred to in clause c(i) or c(ii) to the date the development charge is payable.

e) Maximum Interest Rate under sections 26.1 and 26.2

The Act allows a municipality to charge interest on the development charge at a rate not exceeding the prescribed maximum interest rate.

There is no prescribed maximum interest rate under subsections 26.1 and 26.2 of the Act.

2. Interest Rate Applied:

- a) An interest rate of 5% shall be applied.

3. Amendment or Revision to Interest Rates:

In the event the interest rate is amended or revised, the new interest rate shall apply to the total accrued amount, prorated from the date of the interest rate amendment or revision to:

- The date the total accrued amount is fully paid, or
- A subsequent amendment or revision of the interest rate.

4. Interest Rate Publication and Notification:

Upon Council approval, this policy and the interest rates being applied shall be made available in the development charges section of the City's website.

The interest rates being applied shall also be published as part of the City's development charges pamphlet publication.

5. Compounding and Prorating:

All interest shall be compounded annually and shall accrue from the date of the applicable application until the date the total accrued amount is fully paid. A 365 day calendar year shall be used for the purposes of prorating.

a) Subsequent Application(s)

If a subsequent application(s) is made for a development:

- The date the subsequent application is made will become the new date under which the total amount of the development charge is determined
- All interest that had accrued prior to the subsequent application shall be deemed to be zero (0)
- Interest will be compounded annually and begin to accrue from the date the subsequent application is made

b) Interest under section 26.1

If a development was one of the eligible types of development for the instalment payments under section 26.1 of the Act, the total accrued amount shall continue to accrue interest from the date of the issuance of a building permit.

During the instalment timeframe, interest shall continue to accrue on the outstanding balance. This shall continue until the date the total accrued amount has been fully paid.

6. Effective Date:

Upon approval by City Council, this policy shall take effect as at January 1, 2020 at 12 a.m. This policy may be repealed and/or modified by City Council at any time.

7. Transition:

To allow for a transition period, this policy does not apply to any development where:

a) An application under sections 34 or 41(4) of the Planning Act is not required, but:

- Still qualifies for instalment payments under section 26.1 of the Act, and
- Has been issued a building permit for development by the City prior to July 1, 2020

b) An application under subsection 41(4) of the Planning Act is:

- Made after January 1, 2020, and
- Has been issued a building permit for development by the City prior to July 1, 2020

c) An application for an amendment to a bylaw passed under section 34 of the Planning Act is:

- Made after January 1, 2020, and
- Has been issued a building permit for development by the City prior to July 1, 2020

Roles and Responsibilities:

Below is a list of roles and responsibilities related to the Development Charges Interest Policy.

Financial Services Division

- Administer this policy, including but not limited to:
 - Assisting stakeholders in determining the total amount of the development charge that would be determined under the bylaw and the applicable interest rate that would apply
 - Ensure the total accrued amount is being charged and collected when due
- Working with York Region to ensure the policy is administered correctly.
- Collect all development charges, including interest, when due and payable.

Development Planning Division

- Confirm, in consultation with Financial Services, the date that a complete application was made for the purposes of determining the total amount of the development charge.

Monitoring and Contraventions of the Policy

The Director, Development Planning shall monitor all development applications, to ensure that the development application date is accurate and communicated to Financial Services.

The Director, Financial Services shall ensure that this policy is being administered correctly.

The Director, Financial Services, shall ensure the correct amount of development charges, including interest are collected when due.