

The Corporation of the City of Richmond Hill

By-Law 99-22

A By-Law to require the payment of community benefits charges within the City of Richmond Hill

Whereas The Corporation of the City of Richmond Hill will experience growth through development and redevelopment;

And Whereas Section 37 of the *Planning Act, R.S.O. 1990, c. P.13, as amended* provides that the council of a municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment;

And Whereas City Council desires to impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which this by-law applies;

And Whereas a community benefits charge strategy dated May 31, 2022 has been prepared in accordance with subsection 37(9) of the *Planning Act, R.S.O. 1990, c. P.13, as amended* and O. Reg. 509/20 and 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;

Now Therefore The Council Of The Corporation Of The City Of Richmond Hill Enacts As Follows:

Definitions

1. In this By-law,

“Act” means the *Planning Act, R.S.O. 1990, CHAPTER P.13, as amended*, or any successor thereof;

“Basement” means a Storey or Storeys of a Building located below the First Storey;

“Building” means a building as defined in the Building Code Act;

“Building Code Act” means the *Building Code Act, 1992, SO 1992, c. 23, as amended*, or any successor thereof;

“Building Permit” means a permit issued under the Building Code Act to construct, alter or change the use of a Building;

“City” means The Corporation of the City of Richmond Hill or where the context requires, the geographical jurisdiction of The Corporation of the City of Richmond Hill, as the context requires;

“Community Benefits Charge Strategy” means the community benefits charges strategy prepared pursuant to subsection 37(9) of the Act and as Prescribed;

“Council” means the Council of the Corporation of the City of Richmond Hill;

“Development” or “Redevelopment” means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this by-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of the use of a Building;

“Established Grade” means the average elevation of the finished Grade of the ground immediately surrounding a Building.

“First Storey” means the Storey with its floor closest to Established Grade and having its ceiling more than 1.8 metres above Established Grade.

“Grade” means the level of the ground adjacent to the outside wall of a Building.

“In-Kind Contribution” means facilities, services or matters identified in a Community Benefits Charge Strategy and required because of Development or Redevelopment provided by an Owner of land, in lieu of payment of the community benefits charge otherwise applicable, in whole or in part;

“Local Board” has the meaning set out in Section 1 of the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended, or any successor thereof;

“Owner” means the owner of land that is the subject of Development or Redevelopment for which a community benefits charge may be imposed;

“Prescribed” means prescribed in the regulations made under the Act;

“Redevelopment” See “Development”;

“Residential Unit” means a unit that:

- (a) consists of one self-contained set of rooms located in a Building;
- (b) is used or has the capability of being used as a domicile by one or more persons as a single housekeeping unit;
- (c) contains cooking, eating, living, sleeping and sanitary facilities designated for the exclusive use of its occupants; and
- (d) has a means of egress to the outside of the Building, which may be a means of egress with other shared residential units;

“Storey” means a level of a Building, other than a Basement, located between any floor and the floor, ceiling or roof immediately above it.

“Valuation Date” means, with respect to land that is the subject of Development or Redevelopment,

- (a) the day before the day the Building Permit is issued in respect of the Development or Redevelopment, or
- (b) if more than one Building Permit is required for the Development or Redevelopment, the day before the day the first Building Permit is issued.

“Value of the Land” means for the purposes of determining the community benefits charges payable, the appraised value of the land in an appraisal prepared by or for the City that is:

- (i) in accordance with the Canadian Uniform Standards of Professional Appraisal Practice of the Appraisal Institute of Canada; and,
- (ii) in accordance with any additional specifications or requirements as directed by the City.

Lands Affected

2. This By-law applies to all lands within the corporate limits of the City.

General Requirement

3. A community benefits charge shall be payable for the capital costs of facilities, services and matters required because of Development or Redevelopment that requires any of the following:
 - (i) the passing of a zoning by-Law or an amendment to a zoning by-Law under section 34 of the Act;
 - (ii) the approval of a minor variance under section 45 of the Act;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Act applies;
 - (iv) the approval of a plan of subdivision under section 51 of the Act;
 - (v) a consent under section 53 of the Act;
 - (vi) the approval of a description under section 9 of the *Condominium Act, 1998*, SO 1998, c 19, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992* in relation to a Building.

Exemptions

4. Despite Section 3 of this by-law, this by-law shall not apply to lands that are owned by and used for the purposes of:
 - (a) the City or a Local Board thereof;
 - (b) a Board of Education; or
 - (c) the Regional Municipality of York or a Local Board thereof.
5. Despite Section 3 of this by-law, a community benefits charge shall not be imposed with respect to:
 - (i) Development of a proposed Building with fewer than five (5) Storeys at or above ground;
 - (ii) Development of a proposed Building with fewer than ten (10) Residential Units;
 - (iii) Redevelopment of an existing Building that will have fewer than five (5) Storeys at or above ground after the Redevelopment;
 - (iv) Redevelopment that proposes to add fewer than ten (10) Residential Units to an existing Building; or
 - (v) such types of Development or Redevelopment as are Prescribed.
6. Despite Section 3 of this by-law, a community benefits charge shall not be imposed with respect to:
 - (a) Development or Redevelopment of a Building intended for use as a long-term care home within the meaning of subsection 2(1) of the *Long Term Care Homes Act, 2007*;
 - (b) Development or Redevelopment of a Building intended for use as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;
 - (c) Development or Redevelopment of a Building 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) Development or Redevelopment of a Building intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- (e) Development or Redevelopment of a Building intended for use as a hospice to provide end of life care;
- (f) Development or Redevelopment of a Building intended for use as residential premises by any of the following entities:
 - (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 the *Canada Not-for-profit Corporations Act* and whose primary object is to provide housing,
 - (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Multiple Uses – Excluded Types of Development

- 7. Where Development or Redevelopment proposes multiple uses within a Building and the Owner has provided satisfactory evidence to the City's Commissioner of Planning and Infrastructure that it includes one or more of the excluded types of Development or Redevelopment described in Section 6 of this By-law, a community benefits charge otherwise payable for the Development or Redevelopment will be reduced by an amount attributed by the City to the excluded type of Development or Redevelopment.

Determination of Charge

- 8. The amount of a community benefits charge payable under this by-law shall be four (4) percent of the Value of the Land that is the subject of the Development or Redevelopment as of the Valuation Date.
- 9. If a Development or Redevelopment consists of two or more phases, each phase is deemed to be a separate Development or Redevelopment and
 - (a) the Valuation Date for each phase will be the day before the day the Building Permit is issued in respect of the Development or Redevelopment for that phase, or if more than one Building Permit is required for the Development or Redevelopment for that phase, the day before the day that the first Building Permit is issued for that phase; and,
 - (b) a community benefits charge payable for each phase will be 4% of Value of the Land for that phase.

In-Kind Contributions

- 10. The City's Commissioner of Planning and Infrastructure is delegated authority to allow an Owner to provide an In-Kind Contribution in lieu of the payment of a community benefits charge otherwise payable, in whole or in part, and to accept and attribute a value pertaining to an In-Kind Contribution and to make satisfactory arrangements for the provision of the In-Kind Contribution to the City, which arrangements may include the execution of an agreement by the Mayor and Clerk upon the Recommendation of the City's Commissioner of Planning and Infrastructure.
- 11. Where the City's Commissioner of Planning and Infrastructure has allowed an Owner to provide an In-Kind Contribution, a community benefits charge otherwise payable for the Development or Redevelopment will be reduced by the value that the City's Commissioner of Planning and Infrastructure has attributed to the In-Kind Contribution.

Time of Payment of Community Benefits Charges

12. A community benefits charge imposed under this by-law shall be paid prior to the date that a Building Permit is issued for the Development or Redevelopment, or with respect to a phased Development or Redevelopment, shall be paid prior to the date that the first Building Permit is issued for each phase of the Development or Redevelopment.

No Building Without Payment

13. No person shall construct a Building on land proposed for Development or Redevelopment where an approval under Section 3 of this By-law is required unless: (a) a community benefits charge payment required by this by-law has been made or arrangements for the payment that are satisfactory to the City have been made and (b) any approved In-Kind Contribution has been provided or arrangements for its provision satisfactory to the City's Commissioner of Planning and Infrastructure have been made.

Administration of By-law

14. The City's Commissioner of Corporate and Financial Services is delegated authority for the implementation and administration of this by-law.
15. The City's Commissioner of Corporate and Financial Services shall report annually to City Council on:
 - (a) the prescribed matters contained in section 7 of the O. Reg. 509/20, as amended; and,
 - (b) funding recommendations to spend or allocate at least 60 percent of the monies in the special account at the beginning of the year.

General

16. City Council shall review this by-law and pass a resolution declaring whether a revision to this by-law is needed within five years of the date it is first passed, and every five years after the previous resolution was passed.
17. If, for any reason, any provision 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, amended or modified.
18. The reference to any statute, regulation or by-law shall be deemed to refer to the statute, regulation or by-law as they may be amended from time to time.

Effective Date

19. This By-law shall come into effect at 12:01 A.M. on July 6TH, 2022.

Passed this 6 day of July, 2022.

David West
Mayor

Stephen M.A. Huycke
City Clerk