

The Corporation of the City of Richmond Hill

By-Law 9-25

A by-law to adopt a policy providing for the allocation of water supply and sewage capacity within the City of Richmond Hill

Whereas Section 86.1 of the Municipal Act, 2001, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") authorizes a municipality to adopt a policy providing for the allocation of water supply and sewage capacity ("Municipal Servicing Allocation Policy By-law");

And Whereas an Municipal Servicing Allocation Policy By-law may include a system for tracking the water supply and sewage capacity to support approved developments, as well as criteria to determine the circumstances for when: allocation of water supply and sewage is assigned to an approved development; the allocation of water supply and sewage capacity is withdrawn, and; an approved development, after having its allocation withdrawn, may be reallocated water supply and sewage capacity;

And Whereas pursuant to paragraph (3) of Section 86.1 of the *Municipal Act, 2001*, if an Municipal Servicing Allocation Policy By-law is enacted, its administration must be assigned to an officer, employee or agent of the municipality, and any decision made by that person must be final.

Now Therefore the Council of the Corporation of the City of Richmond Hill (the "Corporation") Enacts As Follows:

ARTICLE 1 - INTERPRETATION

1.1 In this By-law, the following terms have the following meanings:

- (a) "Additional Residential Unit(s)" means an additional residential unit as defined in a by-law enacted pursuant to Section 34 of the *Planning Act*;
- (b) "Allocation" means water supply and sewage capacity that has been assigned to Residential Units within an Approved Development;
- (c) "Approved Development" means a development application which has been given approval under the *Planning Act*;
- (d) "Building Permit" means a permit issued pursuant to Section 8 of the *Building Code Act, 1992*, S.O. 1992, c. 23;
- (e) "Commissioner of Planning and Building Services" means the individual from time to time occupying the office of the Commissioner of Planning and Building Services for the Corporation, or such successor office as the case may be, and includes any individual who has been authorized to temporarily act as Commissioner of Planning and Building Services during the incumbent's absence or a vacancy in the office;
- (f) "Corporation" means the Corporation of the City of Richmond Hill;
- (g) "*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c. 25;
- (h) "Non-Residential Development" means development other than Residential Development;
- (i) "Owner" means the owner of lands that are the subject of an Approved Development or their authorized agent;

- (j) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
 - (k) “Residential Development” means a development that will have the effect of creating new Residential Unit(s) which, for greater certainty, shall not include a Residential Unit(s) constructed to replace a previous Residential Unit that has been partially or fully demolished and which was previously connected to municipal services; and,
 - (l) “Residential Unit” means a unit that:
 - (i) consists of a self-contained set of rooms located in a building or structure;
 - (ii) is used or intended for use as residential premises; and,
 - (iii) contains kitchen and bathroom facilities that are intended for the use of the unit only;
 - (m) “Site Alteration Permit” means a permit for the placing or dumping of fill, the removal of topsoil or the alteration or grading of land issued pursuant to the Corporation’s by-law enacted under section 142 of the *Municipal Act, 2001*, more specifically, By-law 166-07, Municipal Code Chapter 967, as amended from time to time;
 - (n) “Servicing By-law” means any by-law of the Corporation enacted pursuant to Section 34(5) of the *Planning Act* that prohibits the use of land or the erection or use of structures unless such municipal services as set out in said by-law are available to service the land, buildings or structures as the case may be; and,
 - (o) “Tariff of Fees By-law” means the Corporation’s by-law authorizing fees or charges enacted pursuant to Section 391 of the *Municipal Act, 2001*.
- 1.2 A reference to any other by-law, legislation or regulation shall be deemed to be to a reference to that by-law, legislation or regulation as amended or superseded.

ARTICLE 2 - APPLICATION

- 2.1 The requirement to obtain Allocation to satisfy the requirement of any Servicing By-law shall apply to all Residential Development, save and except the Residential Development described in Section 2.2.
- 2.2 The following Residential Development shall not require the specific assignment of water supply and sanitary sewage capacity or Allocation to satisfy the requirement of any Servicing By-law:
 - (a) Residential Development that will be serviced by an approved private sewage disposal system; and,
 - (b) Additional Residential Units, which shall be automatically assigned Allocation that will be tracked and monitored by the Commissioner of Planning and Building Services.
- 2.3 All Non-Residential Development shall not require the specific assignment of water supply and sanitary sewage capacity and shall be deemed to have Allocation for the purpose of any Servicing By-law.

ARTICLE 3 - ADMINISTRATION

- 3.1 The Commissioner of Planning and Building Services is authorized to administer this By-law, and in doing so may assign, withdraw and/or reallocate Allocation in accordance with this By-law.
- 3.2 Any decision of the Commissioner of Planning and Building Services respecting Allocation shall be final.
- 3.3 All other by-laws of the Corporation that reference Allocation by the Council of the Corporation shall be deemed to refer to Allocation by the Commissioner of Planning and Building Services, including any Servicing By-law.
- 3.4 The Commissioner of Planning and Building Services shall track and determine the water supply and sanitary sewage capacity available to support Approved Development in the City of Richmond Hill based on unit types and the persons per unit derived from the most recent Census information.
- 3.5 The Commissioner of Planning and Building Services may designate other staff of the Corporation within their department to perform tasks or functions in connection with the exercise of their Allocation decisions.

ARTICLE 4 - ALLOCATION DECISION

- 4.1 Upon receipt of payment of the applicable fees in the Tariff of Fees By-law, the Commissioner of Planning and Building Services will consider whether to assign Allocation to some or all of the Residential Units either in conjunction with the review and processing of a development application in accordance with the *Planning Act* or of a Site Alteration Permit in connection with an Approved Development, or in response to a request made in writing to the Commissioner of Planning and Building Services by an Owner of an Approved Development.
- 4.2 Subject to Section 4.4, eligibility for Allocation will be determined by considering the extent to which an Approved Development will be able to meet some or all of the following criteria, listed in order of priority:
 1. There are opportunities to provide affordable housing, such as designation of a portion of the Residential Units within the Approved Development as affordable, or development of a portion of the lands that are the subject of the Approved Development for affordable housing units;
 2. The Approved Development is higher-order transit supportive development, in that it proposes a building form that is compact, well designed and located within a Protected Major Transit Station Area as identified pursuant to the provisions of the *Planning Act*;
 3. The Approved Development represents sustainable and innovative community and building design and:
 - (i) is environmentally sustainable as demonstrated through the City's Sustainability Metrics Program, as endorsed by Council in 2014 and amended from time to time;
 - (ii) maximizes use of existing services, promotes pedestrian-oriented built form and provides alternative housing; and/or
 - (iii) incorporates existing heritage properties or provides the ability to preserve existing heritage structures and/or sites;

4. The Approved Development will enhance the vitality of the Village Local Centre designation (as identified in the City's Official Plan), with the primary goal being to improve livability and the quality of life of the Village Local Centre by expanding and attracting employment, shopping, cultural and social activities;
 5. The Approved Development is comprised of small-scale infill development within defined infill areas within the City of Richmond Hill that allows for a more efficient use of land and existing services;
 6. The Approved Development will have a mix of uses which contributes to a well-designed community by providing opportunities for live-work relationships (e.g. integration of residential, commercial and/or office uses with non-residential uses located in a portion of the building or among buildings on the property), and will be compatible with and supportive of nearby land uses;
 7. The Approved Development can demonstrate that it will complete the development within an existing developed area, such as the last remaining parcel to be developed that would enable the completion of a road or lot pattern, or facilitate the development of a building on a remaining vacant parcel of land; and,
 8. The extent to which the Approved Development will provide community benefits and completion of required key infrastructure (e.g. bridge, oversized watermain or sanitary sewer).
- 4.3 The Commissioner of Planning and Building Services' Allocation decision will be in writing and will set out whether Allocation is assigned and, if applicable, the number of Residential Units to which Allocation is assigned and the date upon which any of such Allocation may be withdrawn if not utilized. The decision will be issued to the Owner either at the time of issuance of approval of a draft Plan of Subdivision, Site Plan application, or Site Alteration Permit in connection with an Approved Development, if applicable, or otherwise within ninety (90) days of the later of the date of a written request for Allocation in connection with an Approved Development or payment of the applicable fees as set out in the Tariff of Fees.
- 4.4 In any area of the City where the Commissioner of Planning and Building Services has confirmed that there are constraints to the availability of water supply and sanitary sewer services and/or capacity, limited to no Allocation may be assigned, extended, or reassigned.

ARTICLE 5 - WITHDRAWAL, EXTENSION AND REASSIGNMENT OF ALLOCATION

- 5.1 Subject to an extension being requested in accordance with Section 5.2, where a Building Permit has not been issued with respect to the foundation or above ground construction of any buildings or Residential Units within an Approved Development that have been assigned Allocation within the three (3) year period commencing from the later of the date of:
- (a) a decision of draft approval of a Plan of Subdivision;
 - (b) a Site Plan Agreement;
 - (c) a Site Alteration Permit; or,
 - (d) approval of a Commissioner of Planning and Building Services' Allocation decision in response to a written request,

any such Allocation granted to those Residential Units pursuant to Article 4 or pursuant to a prior allocation policy which has not been utilized shall be automatically withdrawn effective the day after the expiry of the three (3) year period referred to above without any notice of such withdrawal being provided to the Owner.

- 5.2 At any time up to ninety (90) days prior to the expiry of the three (3) year period referred to in Section 5.1, an Owner may request an extension of the assignment of Allocation by submitting a written request to Commissioner of Planning and Building Services. Such an extension request should be made in tandem with a written request for extension of approval of the applicable draft Plan of Subdivision or Site Plan, or renewal of a Site Alteration Permit in connection with an Approved Development, where applicable, and must be accompanied by the applicable fees as set out in the Tariff of Fees by-law.
- 5.3 In deciding whether to grant an extension in accordance with Section 5.2, the Commissioner of Planning and Building Services shall reconsider the criteria set out in Section 4.2.
- 5.4 Any extension of Allocation granted by the Commissioner of Planning and Building Services shall not exceed three (3) years.
- 5.5 Where a Building Permit has not been issued with respect to the foundation or above ground construction of any building or Residential Units to which allocation has been assigned prior to the expiry of any Allocation extension period granted by the Commissioner of Planning and Building Services, and no extension is requested within the notice period referred to in Section 5.2, such Allocation shall be automatically withdrawn without any notice of such withdrawal being provided to the Owner effective the day after the expiry of the three (3) year extension period.
- 5.6 Where Allocation has been automatically withdrawn, an Owner may make a new request for reassignment of Allocation by submitting a written request to Commissioner of Planning and Building Services. Such a reassignment request shall be made in tandem with a written request for approval of a draft Plan of Subdivision, Site Plan, or of a Site Alteration Permit, where required, and must be accompanied by the applicable fees as set out in the Tariff of Fees by-law.
- 5.7 It is the responsibility of the Owner of an Approved Development to maintain assignment of Allocation in accordance with this By-law. Without limiting any other provision of this By-law, the automatic withdrawal of any unused Allocation shall take effect immediately and shall not require any notice to be provided from the City or the Commissioner of Planning and Building Services.

ARTICLE 6 - TRANSITION

- 6.1 Allocation for any Residential Unit(s) granted prior to the enactment of this By-law up to and including January 22, 2025 that has not been utilized shall continue to be available for a period of three (3) years commencing from the later of the date of:
 - (a) a decision of draft approval of a Plan of Subdivision;
 - (b) a Site Plan Agreement;
 - (c) a Site Alteration Permit; or,
 - (d) approval of a Commissioner of Planning and Building Services' Allocation decision in response to a written request.

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- 6.2 Upon expiry of the three (3) period set out in Section 6.1, the Allocation will be automatically withdrawn without any notice of such withdrawal being provided to the Owner unless prior to expiry of the aforementioned three (3) year period either:
- (a) a Building Permit has been issued with respect to the foundation or above ground construction of the building containing the Residential Unit(s) for which Allocation was granted; or
 - (b) a written request for an extension is made in accordance with Section 5.2 and is approved by the Commissioner of Planning and Building Services in accordance with this Policy.
- 6.3 Notwithstanding the expiry set out in Section 6.1, Allocation for any Residential Unit(s) granted prior to the enactment of this By-law up to and including January 22, 2025 that has not been utilized and for which the period indicated above has passed, shall continue to be available for a period of one additional (1) year from the date of the enactment of this By-law, after which it will be automatically withdrawn without any notice of such withdrawal being provided to the Owner unless prior to expiry either:
- (a) a Building Permit has been issued with respect to the foundation or above ground construction of the building containing the Residential Unit(s) for which Allocation was granted; or
 - (b) a written request for an extension is made in accordance with Section 5.2 and is approved by the Commissioner of Planning and Building Services in accordance with this Policy.

Passed this 22nd day of January, 2025.

David West
Mayor

Stephen M.A. Huycke
City Clerk