



CITY OF BRANTFORD

DEVELOPMENT CHARGES

NOTE

This pamphlet is intended to provide general information regarding the City of Brantford's Development Charges Bylaw 54-2009, as amended by Bylaw 77-2010 and Ontario Municipal Board (OMB) decision of November 30, 2010 (phase 1) and August 30, 2011 (phase 2), which has been incorporated as Chapter 261 of the Municipal Code. For detailed information on the Bylaw and how it may apply to your property, contact Community Development Services, the City of Brantford.

PURPOSE OF DEVELOPMENT CHARGES

Development charges assist in financing capital projects required to meet the increased need for services resulting from growth and development. Development charge funds may only be used for the purpose for which they are collected.

BACKGROUND

Council for the City of Brantford approved Bylaw 54-2009 on May 4, 2009 in accordance with the requirements of the *Development Charges Act, 1997*. Bylaw 54-2009 will be in effect for a maximum period of five-years from the date of bylaw approval.

Bylaw 54-2009 was approved following the completion of the City of Brantford 2008-09 Development Charge Background Study. However, Bylaw 54-2009 was appealed in 2009 and following a hearing, the OMB issued a Decision and Interim Order disposing of the Phase 1 hearing. A notice of Decision by the OMB for Phase 2 of the hearing was issued on August 30, 2011. The decision further revised Schedules B-2 and B-4 which sets the development charges rates for various forms of development.

Bylaw 54-2009 was amended in 2010 to make two technical adjustments in regards to "Affordable Housing" (Sections 261.2.3 and 261.5.6) and the clarification of the term "environmental remediation" (Section 261.2.18).

SERVICES TO WHICH DEVELOPMENT CHARGES RELATE

Development charge revenues will help finance capital projects, related to growth, for the following services:

- Fire department
- Police service
- Public library
- General government
- Municipal parking
- Municipal airport
- Land ambulance
- Parks and recreation
- Public transit
- Public works: buildings & fleet
- Roads and related
- Water services
- Waste water services

RESIDENTIAL DEVELOPMENTS

For new residential developments, the charge is based on the number and type of dwelling units. Development charges do not apply to those residential developments where the only effect is to:

- (a) Enlarge an existing dwelling unit; or
- (b) Create up to two additional dwelling units within an existing residential building if such additional dwelling units are within the classes and comply with the restrictions contained in the bylaw.

NON-RESIDENTIAL DEVELOPMENTS

In the case of non-residential developments, the development charge is based upon the gross floor area of the building. Non-residential development includes commercial, institutional and industrial developments.

NEW INDUSTRIAL DEVELOPMENTS- MAXIMUM CHARGE OF 25% LOT COVERAGE

The charge for industrial developments will be calculated on the basis of gross floor area to a maximum of 25% building coverage multiplied by the non-residential development rate. For example, an application for 20% industrial lot coverage would be calculated based on 20% lot coverage. However, an application for 30% lot coverage would be charged based on the maximum charge of 25% lot coverage.

INDUSTRIAL EXPANSIONS

Expansions to industrial buildings that are in excess of 50% of the original building floor area may be subject to development charges calculated at the industrial gross floor area rate. There will be no charge for the portion of the industrial expansion that brings the building lot coverage on the property above 25%.

MIXED USE DEVELOPMENTS

For mixed use developments containing residential, non residential and industrial uses or any combination of uses in these three categories, the development charges will be calculated on the basis of the gross floor area of the non-residential uses, and in accordance with the number and type of dwelling units included within the development.

REDEVELOPMENT – CREDIT FOR EXISTING DEVELOPMENT

Redevelopment includes the demolition of existing buildings and structures or part thereof and the construction of replacement buildings and structures under a building permit applied for within 120 months (10 years) of the date of issue of the first demolition permit applicable to the existing buildings and structures. Redevelopment also includes changes of use within existing buildings such as the conversion of a commercial building into residential apartments. In such redevelopments, the development charges payable shall be reduced to account for existing development. The reduction shall be determined by applying a credit equal to the current development charge rates against the existing development on the property.

TREASURERS STATEMENT

By May 1st of each year, the Treasurer for the City of Brantford shall present a financial statement to City Council regarding the development charge reserve funds. The Treasurer's Statement documents transactions relating to the funds, opening and closing balances, a description of the services for which the fund is established, credit transactions, funds borrowed, repayments and interest earnings. For each project financed in whole or in part, by development charge funds, the Treasurer's Statement shall indicate the amount drawn from the development charge reserve fund and the amount and source of any other money spent on the project. The Treasurer's Statement may be reviewed in the offices of the City Treasurer at 1 Market Square, Suite 115 (Finance Administration), during regular office hours.

WHEN DEVELOPMENT CHARGE IS PAYABLE

The development charge is calculated at the time of application for permit and is payable in full on the date that a building permit is issued in relation to the building or structure to which the development charge applies. A building permit will not be issued unless the development charge is paid in full. However, Council may enter into an agreement with an owner providing for the payment of all or part of a development charge following the issuing of a building permit.

INDEXING OF DEVELOPMENT CHARGE RATES:

Development charge rates will be indexed to take in to account inflation. The indexing will be based on changes to the Statistics Canada Quarterly Construction Price Statistics. The indexing of development charges will occur on January 1st of each year, commencing on January 1, 2011 using the most recent statistical information available in accordance with the bylaw.

DEVELOPMENT CHARGE RATES

Effective **January 1, 2012** development charge rates for non-residential, residential, and industrial development projects are as follows:

City-wide Development Charge Rates

TYPE OF DEVELOPMENT	City-Wide DEVELOPMENT CHARGE RATES
	As of January 1, 2013
RESIDENTIAL	
Single & Semi- Detached Dwelling	\$ 15,017
Rows & Other Multiple Units	\$ 10,273
Large Apartment over 70 sq.m.	\$ 7,828
Small Apartment 70 sq. m or less	\$ 6,847
NON-RESIDENTIAL	\$ 57.55 per square meter
INDUSTRIAL	\$ 57.55 per square meter. Maximum charge at 25% lot coverage
RESIDENTIAL INFILL RATES	
Single & Semi- Detached Dwelling	\$ 10,877
Rows & Other Multiple Units	\$ 7,441
Large Apartment over 70 sq.m.	\$ 5,671
Small Apartment 70 sq. m or less	\$ 4,959

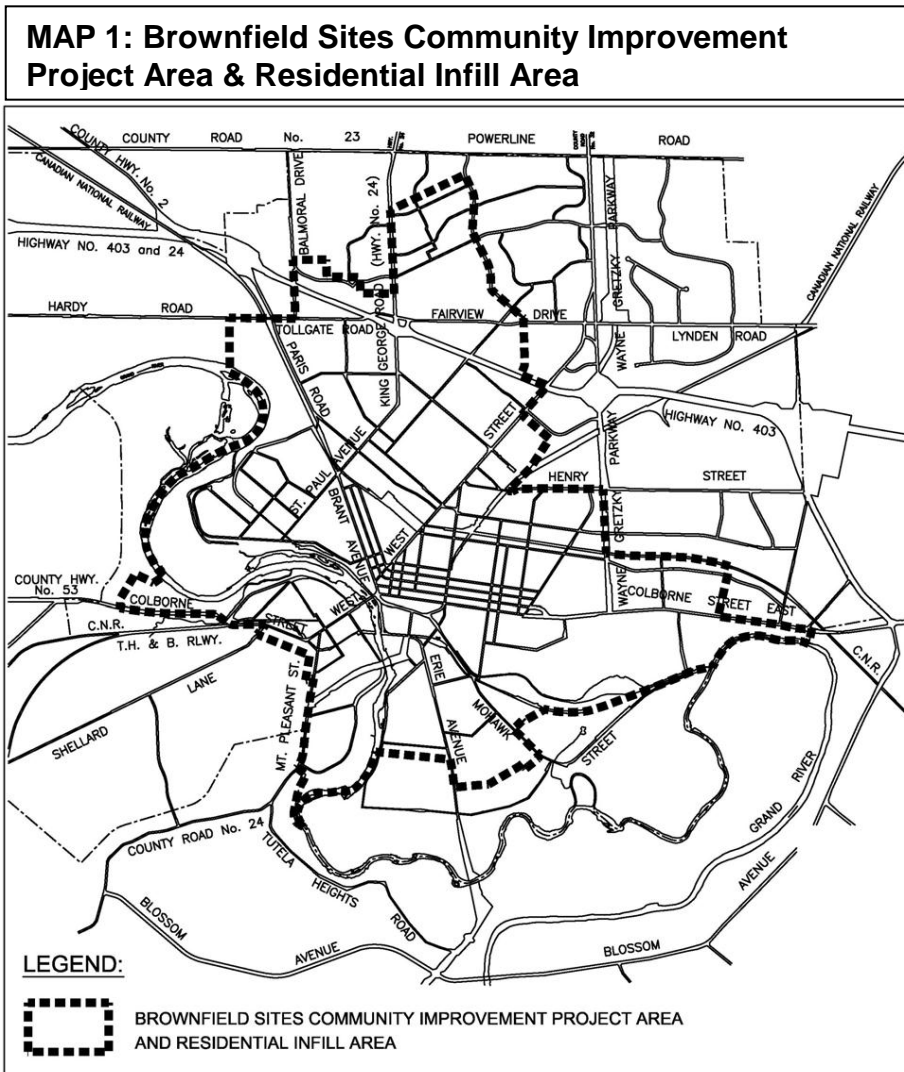
RESIDENTIAL INFILL AREA

Residential developments located within the Residential Infill Area depicted in **Map 1** are subject to reduced development charges.

Development charge rates for residential units in the residential infill area are also subject to indexing, commencing January 1, 2011. Credits for existing residential developments within the residential infill area will also be at these rates.

REDUCTION FOR BROWNFIELD PROPERTIES

For the development or redevelopment of land located within the Brownfield Sites Community Improvement Plan Area depicted on **Map 1**, the development charge payable will be reduced by an amount equal to the cost of the environmental remediation of the lands required for the proposed use of the lands. Environmental remediation refers to the work carried out to remove contaminated substances from soil, sediment or ground water, including off-site disposal but does not include environmental site assessments. This reduction is subject to the submission of documentation for environmental remediation work carried out and the expenses incurred to the satisfaction of the City of Brantford.



EXEMPT DEVELOPMENTS

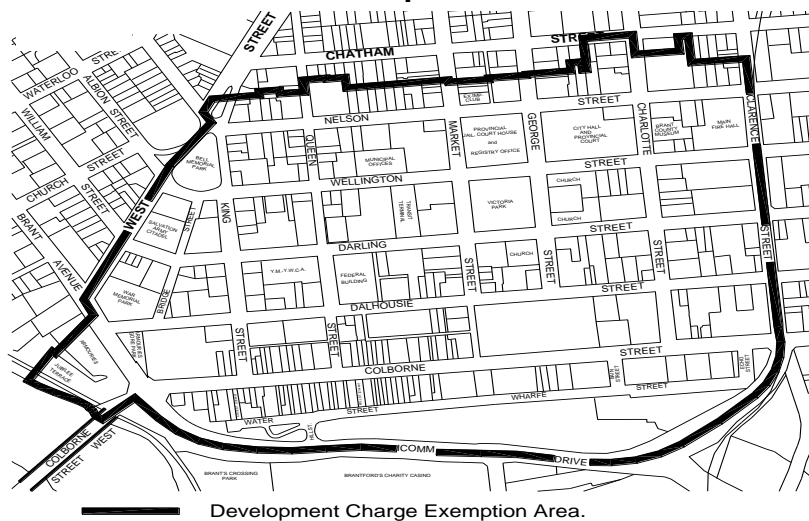
Lands that are owned by and used for the following purposes are exempt from paying development charges:

- A board of education;
- City of Brantford or any local board thereof;
- A farm building;
- A place of worship, a churchyard, cemetery and burial ground;
- Development in the downtown area as indicated on **Map 2**; and
- Approved “affordable housing” projects, as confirmed in writing by the Director of Housing, City of Brantford.

DOWNTOWN EXEMPTION AREA

The downtown exemption area is indicated on **Map 2**. Within the downtown exemption area there are no development charges applied against development or redevelopment projects.

MAP 2: Downtown Exemption Area



MORE INFORMATION

For more information on the City of Brantford Development Charge Bylaw 54-2009, as amended and on how development charges may relate to your property, please contact the Planning Department of the City of Brantford. The Department may be contacted as follows:

Address: City Hall, 100 Wellington Square, Brantford Ontario N3T 2M3
Mailing Address City Hall, P.O. Box 818, Brantford, ON N3T 5R7
Telephone: 519-759-4150
Fax: 519-752-6977
EMAIL: planning@brantford.ca

Original: May 5, 2009

EDUCATION DEVELOPMENT CHARGES

Division E of Part IX of the *Education Act* enables a district school board to pass bylaws for the imposition of education development charges against residential and/or non-residential development, if residential development in the area of the jurisdiction of the board increases education land costs, and the development requires one or more of the actions described in section 257.54 of the *Education Act*. Education Development Charges (EDCs) are used to fund the acquisition of school sites, and related costs, to accommodate growth-related pupil needs. The Brant Haldimand Norfolk Catholic School Board Education Development Charge is as follows:

	Residential \$/new residential unit	Non-residential \$/new sq.ft of gross floor area
Brant Haldimand Norfolk Catholic School Board	\$628.00	No Charge

This charge is collected by the City of Brantford on behalf of the Brant Haldimand Norfolk Catholic District School Board. Any inquiries in regards to this charge should be directed to: Associate Director, Corporate Services & Treasurer for the Brant Haldimand Norfolk Catholic District School Board at (519) 756-6505. Note: the Grand Erie District School Board does not have an education development charge.

REFUNDS

Under Section 18 and 20 of the Development Charges Act, 1997, a refund of development charges may be issued in two instances.

- 1) An applicant/agent seeking a development charge refund may file a complaint to Council in writing and initiate a public hearing process under one of the following circumstances:
 - The amount of the development charge was incorrectly determined
 - A credit is available to be used against the development charge, or the amount of the credit or service with respect to which the credit was given, was incorrectly determined
 - There was an error in the application of the Development Charges By-law

A complaint may not be made later than 90 days after the day the development charge, or any part of it, is payable.

The complaint must be in writing and include the complainant's name, the address where notice can be given and the reasons for the complaint. The applicant shall be provided with an opportunity to make representation during the public hearing process. Council shall make its decision based on the evidence provided and may dismiss the complaint or issue a refund.

- 2) Where the Ontario Municipal Board repeals or amends a development charge by-law or orders Council to repeal or amend a development charge bylaw, the municipality shall refund the difference between the development charges paid and the development charges approved under the repealed or amended by-law.