THE CORPORATION OF THE CITY OF MISSISSAUGA

Mississauga Development Charges
By-law 0133-2022

WHEREAS section 2 of the *Development Charges Act, 1997* ("the Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services from development;

AND WHEREAS a development charges background study was completed and made available to the public on March 4, 2022 and the proposed by-law was made available to the public on March 23, 2022, in accordance with sections 10, 11 and 12 of the Act;

AND WHEREAS the Council of The Corporation of the City of Mississauga ("Council") gave notice of and held a public meeting on April 6, 2022 and has heard all persons who requested to be heard;

AND WHEREAS on May 4, 2022, Council resolved that increases in the need for services attributable to development identified in the By-law will be met;

AND WHEREAS on May 4, 2022, Council expressed its intention that infrastructure related to post-2031 development and future excess capacity shall be paid for by development charges;

AND WHEREAS Council considered the use of more than one development charges by- law to reflect different needs for services in different areas, also known as area rating or area specific development charges, and determined that it is fair and reasonable that charges be calculated on a uniform, city-wide basis;

NOW THEREFORE, Council enacts as follows:

PART I – DEFINITIONS

1. In this By-law, the following terms shall have the corresponding meaning:

"accessory" means use of a building or structure that is normally incidental and subordinate to and located on the same parcel of land as the principal use;

"Act" means the *Development Charges Act, 1997,* S.O. 1997, c. 27, as amended, or any successor thereto;

"Apartment Unit" means, for the purposes of Schedule "A", a unit in an apartment, a duplex, triplex and a stacked townhouse, and a retirement unit;

"Assessment Act" means the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, or any successor thereto;

"Board of Education" has the same meaning as "board" set out in the *Education Act,*

R.S.O. 1990, c. E.2, as amended, or any successor thereto;

"Building By-law" means the City's Building By-law 0203-2020, as amended, or any successor thereto;

“Building Code Act, 1992” means the *Building Code Act, 1992,* S.O. 1992, c. 23, as amended, or any successor thereto and all regulations thereto, including the Ontario Building Code, as amended;

“building or structure” means a building or structure consisting of a wall, roof and floor or any of them or a structural system serving the function thereof, including an air supported structure, mezzanine, exterior storage tank, or industrial tent, but does not include:

(1) A free-standing roof-like structure constructed on lands used for a gas bar or a service station; or

(2) An exterior accessory storage tank;

“capital costs” means the costs incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of, and authorized by, the City or a local board,

(1) to acquire land or an interest in land, including a leasehold interest,

(2) to improve land,

(3) to acquire, lease, construct or improve buildings and structures,

(4) to acquire, lease, construct or improve facilities including,

(a) rolling stock with an estimated useful life of seven years or more,

(b) furniture and equipment, other than computer equipment, and

(c) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act,* R.S.O. 1990, c. P.44, as amended, or any successor thereto,

(5) to undertake studies in connection with any of the matters referred to in paragraphs (1) to (4) above,

(6) costs of the development charge background study required under Section 10 of the Act, and

(7) interest on money borrowed to pay for costs described in paragraphs (1) to (6) above,

required for the provision of designated services in a development charge by-law within or outside the City;

“City” means The Corporation of the City of Mississauga;

“Council” means the Council of The Corporation of the City of Mississauga;

“**commercial parking garage**” means a building or structure, or any part thereof, whose principal use is for the temporary parking of motor vehicles for remuneration.

“development” means:

(1) creating a new lot(s);

(2) constructing or placing one or more buildings or structures on land;

(3) adding to or altering a building or structure that has the effect of increasing the size and usability thereof; and

(4) redevelopment, whether or not the land is already serviced.

“development charge” means a charge imposed under this By-law;

“dwelling unit” means one or more habitable rooms designed, occupied or intended to be occupied as living quarters as a self-contained unit and shall, as a minimum contain sanitary facilities, accommodation for sleeping and one kitchen, and includes:

(1) **“apartment”** means a building or part thereof, containing more than three dwelling units, and with a shared entrance and exit facilities through a common vestibule(s),

(2) **“back to back townhouse”** means a building with four or more dwelling units divided vertically including a common rear wall each with an independent entrance and has a yard abutting at least one exterior wall of each dwelling unit,

(3) **“detached dwelling”** means a building comprised of one dwelling unit,

(4) **“duplex”** means a building that is divided horizontally into two attached dwelling units,

(5) **“linked dwelling”** means two or more buildings, each of which consists of not more than one dwelling unit, attached solely below established grade by a connection spanning between the footings of each building,

(6) “**retirement unit”** means a unit in a retirement home designed or intended for not more than two persons, with a separate entrance from a common hall, in which separate sanitary facilities are provided, but may contain limited culinary facilities;

(7) **“second unit”** means an accessory dwelling unit located within a detached dwelling, semi-detached dwelling, street townhouse or back to back townhouse, or in an ancillary structure on the same parcel of land as the primary dwelling,

(8) **“semi-detached”** means a building with two attached dwelling units, each on their own lot, that are divided vertically above grade by a party wall,

(9) “**stacked townhouse**” means a building with four or more dwelling units divided horizontally and vertically each with an entrance that is independent or through a shared landing and/or external stairwell,

(10) **“street townhouse”** means one of more than two attached dwelling units, not exceeding three storeys in height that are divided vertically above grade by a party wall, and

(11) **“triplex”** means a building that is divided horizontally into three separate dwelling units, each with an entrance that is either independent or through a common vestibule;

“established grade” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“existing industrial building” means a building used for or in connection with,

(1) manufacturing, producing, processing, storing or distributing something,

(2) research or development in connection with manufacturing, producing or processing something,

(3) 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,

(4) office or administrative purposes, if they are,

(a) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

(b) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

“**floor**” means the lower surface of an area in a building or structure regardless of its composition;

“gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls, as defined in O. Reg. 82/98;

"hazard lands" means lands that are unsuitable for development due to naturally occurring processes including lands covered by water and extending to the furthest landward limit of the flooding or erosion hazard limits as may be determined by the City and/or the Conservation Authority with jurisdiction over the lands with respect to a development;

"industrial" means lands, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing, processing, warehousing or bulk storage of goods, or a distribution centre or truck terminal; research or development in connection with manufacturing, producing, processing, or storage of goods; and office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above;

"live/work unit" mean a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall with direct access between the residential and non-residential areas;

"local board" means a local board as defined in section 1 of the *Municipal Affairs Act*,

R.S.O. 1990, c. M.46, as amended, or any successor thereto, other than a board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended;

"mezzanine" means floor area located between the floor and the ceiling of any room or storey, with or without partitions or other visual obstructions;

"mixed use" means any building or structure containing residential and non-residential uses, and where there are no dwelling units at grade;

"net developable area" means, for the purpose of the Storm Water Management service as set out in Schedule "D", the developable area of land calculated on a net hectare basis that excludes lands conveyed or to be conveyed to:

(1) the City pursuant to sections 42, 51 and 53 of the *Planning Act*, and, all lands conveyed or to be conveyed to the City or any local board thereof; or

(2) the Regional Municipality of Peel or any local board thereof, save and except for any lands developed for residential use by the Regional Municipality of Peel or any local board thereof, or any corporation owned, controlled or operated by the Regional Municipality of Peel; or

(3) a Board of Education; or

(4) the Ministry of Transportation for the construction of provincial highways; or

(5) Hydro One Networks Inc., Enersource Corporation, or any of their subsidiaries, for the purposes of providing electricity utility services; or,

(6) any hazard lands conveyed or to be conveyed to a Conservation Authority as a condition of any development;

"non-industrial" means land, buildings or structures or parts thereof used or intended to be used other than for residential or industrial, including but not limited to retail, service, office, hospitality, motor vehicle service, entertainment and recreation, facilities for the storage of goods by members of the public for a fee, and commercial parking garage.

"non-residential" means lands, buildings or structures or parts thereof used or intended to be used for industrial or non-industrial uses, including the non-residential portion of a live/work unit;

"owner" means the owner of land or any person which has made an application for an approval of the development of land upon which a development charge can be imposed;

"Planning Act" means the *Planning Act,* R.S.O. 1990, c. P.13, as amended, or any successor thereto;

"protracted" means, in relation to a temporary building or structure, construction, alteration, addition or placement on land for a continuous period exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or

structure was first constructed or placed on the lands;

"redevelopment" means constructing or placing one or more buildings or structures on land where all or part of a building or structure has been previously demolished, or changing the use of a building or structure from a residential use to a non-residential use or from a non-residential use to a residential use;

"Regulation" means O. Reg. 82/98 made under the Act;

"residential" means lands, buildings or structures or part thereof, used, designed or intended for use as living accommodations but shall not include a lodging house licensed by the City or a hotel or motel;

"**retirement home"** means a residential building or part thereof within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*, S.O. 2010, c. 11, that includes without limitation (i) a common enclosed entrance from street level, (ii) more than three (3) retirement units, (iii) common facilities for the preparation and consumption of food and (iv) provision of additional care services, such as housekeeping or on-site medical services;

"**Rows and Other Multiples**" means, for the purposes of Schedule "A", a building with three or more attached dwelling units divided vertically above grade each with an at grade yard abutting at least one exterior wall of each dwelling unit, and includes street townhouse and back to back townhouse dwelling units;

"sales trailer" means a temporary sales pavilion that is constructed without foundation, excluding concrete piers, and is used for the principal purpose of promoting the sale of new residential dwelling units;

"service" means a service designated in section 2 of this By-law;

"**Singles and Semis**" means, for the purposes of Schedule "A", a detached dwelling, linked dwelling or semi-detached dwelling;

"Small Unit" means, for the purposes of Schedule "A", any dwelling unit that is 65 m^2 or 700 square feet, or less, in size;

"Special Care Unit" means, for the purpose of Schedule "A", a unit in a special care facility,

"special care facility" means a residential building or portion thereof providing or intending to provide habitable units to unrelated individuals requiring special care, where such units may or may not have exclusive sanitary and/or culinary facilities, and the occupants have access to common areas and additional medical, personal and/or supervisory care. For clarity, a special care facility includes a long-term care home within the meaning of subsection 2(1) of the *Fixing Long-Term Care Act, 2021,* S.O. 2021, c. 39, Sched. 1, a home for special care within the meaning of the *Homes for Special Care Act,* R.S.O. 1990, c. H.12, or a residential hospice for end of life care.

"storey" means that portion of a building other than a cellar or basement included between any floor level and the floor, roof deck or deck ridge next above it;

"SWM DC" means that component of the development charge relating to the provision of the Storm Water Management service as set out in Schedule "D" to this By-law;

"temporary building or structure" means a building or structure constructed or placed on land for a period not exceeding 245 days within any twelve (12) month period, commencing from the date on which the building or structure was first constructed or placed on the lands;

"total floor area" means the total of the areas of each floor and/or mezzanine in a non-residential building or structure above or below established grade, measured between the exterior of outside walls, but excluding:

(1) enclosed areas used for climate control, electrical, energy generation and distribution, or mechanical equipment related to the operation or maintenance of the building;

(2) areas of stairwells, washrooms or elevators;

(3) any part of the building or structure above or below established grade used

exclusively for the temporary parking of motor vehicles or the provision of loading space(s), except a commercial parking garage; and

(4) the area of any self-contained structural shelf and rack storage facility permitted by the Building Code Act;

and where a non-residential building or structure has less than four walls, the total floor area shall be equal to the total area occupied including the areas of any floors and mezzanines in the building or structure;

"truck terminal" means a building, structure or land where trucks and/or tractor trailers are rented, leased, or stored, or are dispatched for hire as common carriers;

"yard" means any open, uncovered, unoccupied space, belonging to a building.

"Zoning By-law" means the City's Zoning By-law 0225-2007, as amended, or any successor thereto.

PART II – DESIGNATED SERVICES

2. Development charges against land to be developed shall be based upon the provision of the following categories of designated services by the City:

(1) By-law Enforcement;

(2) Recreation and Parks Development;

(3) Fire Services;

(4) Library;

(5) Transit;

(6) Roads and Related Infrastructure Services, including Public Works;

(7) Living Arts Centre (Debt);

(8) Storm Water Management; and

(9) Development-Related Studies.

PART III – APPLICATION OF BY-LAW RULES

3. For the purposes of complying with section 6 of the Act:

(1) the area to which this By-law applies shall be the area described in section 4 of this By-law;

(2) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be set out in sections 2 and 9, and Part IV and V of this By-law;

(3) the rules developed under paragraph 10 of subsection 5(1) of the Act for exemptions shall be the exemptions set forth in sections 5 through 8 both inclusive, of this By-law, indexing of the charges shall be as set out in section 30 of this By-law; and

(4) rules for the redevelopment of land shall be as set out in sections 18 and 19 of this By-law.

Area to Which By-law Applies

4. (1) Subject to subsection 4(2), this By-law applies to all lands in the City, however used, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*.

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

(a) the City or any local board thereof;

(b) a Board of Education; or

(c) the Regional Municipality of Peel or any local board thereof.

Exemptions

5. Notwithstanding the provisions of this By-law, no development charges are imposed under this By-law respecting:

(1) land, buildings or structures used as public hospitals governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended, or any successor thereto;

(2) land, buildings or structures owned by and used for the purposes of a college established pursuant to the *Ontario Colleges of Applied Arts and Technology Act, 2002* as amended, or any successor thereto;

(3) land, buildings or structures owned by, vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education and which development is intended to be occupied and used by the university established by an Act of the Legislative Assembly of Ontario;

(4) a mobile temporary sales trailer;

(5) a temporary building or structure provided that:

(a) the status of the building or structure as a temporary building or structure is maintained in accordance with the provisions of this By-law; and

(b) the owner has entered into a deferral agreement prior to the temporary building or structure being constructed or placed on the lands, in a form satisfactory to the Commissioner of Corporate Services, which deferral agreement shall include without limitation, the owner providing, maintaining, and supplementing as required the City with satisfactory security for the payment of development charges to be drawn upon in the event that the temporary structure becomes protracted or is no longer deemed by the City to be a temporary structure in accordance with the provisions of this By-law or the agreement referred to herein and any unpaid amount will be added to the tax roll;

(6) lands which are zoned for and used as a cemetery, mausoleum, crematorium, and or columbarium, as defined in the Zoning By-law, shall be exempt from the payment of the SWM DC only, and only to the extent that the net developable area of the lands are not occupied by buildings and structures, parking, and paved internal roadways;

6. Notwithstanding the provisions of this By-law, and in accordance with the Regulation, no development charges are imposed under this By-law respecting residential development that would have the effect of:

(1) enlarging an existing dwelling unit or creating additional dwelling units, subject to the following restrictions:

Class of Existing Residential Building	Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
Existing single detached dwellings	Existing residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Existing semi-detached dwellings or row dwellings	Existing residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Existing rental residential buildings	Existing residential rental buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None
Other existing residential buildings	An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

(2) creating a second dwelling unit in or ancillary to proposed new residential development, subject to the following restrictions:

Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.

Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

7. Prior to the issuance of the first building permit and at the time of initial construction, a place of religious assembly will receive a grant-in-lieu of development charges equivalent to the development charges attributed to twenty-five percent (25%) of the total floor area of the building.

Industrial Expansion

8. For the purposes of the exemption set out in section 4 of the Act for the enlargement of existing industrial buildings, the following provisions shall apply:

(1) in this section, the word “building” when applied to an industrial condominium, means an individually owned and conveyable unit within an industrial condominium;

(2) for the purposes of interpreting the definition of “existing industrial building” contained in the regulation, regard shall be had for the classification of the lands pursuant to the *Assessment Act*, and in particular whether more than 50 per cent of the gross floor area of the building or structure has an industrial tax class code for assessment purposes and be occupied with an existing industrial use;

(3) notwithstanding subsection 8(2) above, occupied distribution centers, warehousing, bulk storage and truck terminals shall be considered industrial uses;

(4) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought;

(5) the enlargement of the gross floor area of the existing building must be attached to the existing industrial building;

(6) the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing or parking facility, but must share a common wall with the existing building or structure;

(7) the enlargement shall be for, or in connection with, an industrial use as set out in this By-law;

(8) if the enlargement is equal to 50 per cent or less of the gross floor area of an existing industrial building, the amount of development charge in respect of the enlargement is zero;

(9) if the enlargement is greater than 50 per cent of the gross floor area of an existing industrial building, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area of the existing building before the enlargement;

(10) subject to subsection (9), if the enlargement is greater than 50 per cent of the gross floor area of an existing industrial building, SWM DCs shall be payable on the lot area covered by the enlargement in excess of 50 per cent, plus the lot area covered by any additional parking;

(11) if prior to this By-law coming into effect the City and the owner or former owner of the lands entered into an agreement with respect to the payment of SWM DCs, the SWM DCs payable on account of an enlargement of more than 50 per cent of the gross floor area of an existing industrial building shall be calculated in

accordance with the terms of said agreement.

9. Other than the uses specifically listed in sections 5-8 of this By-law, no lands, buildings and/or structures shall be exempt from development charges solely by virtue of their use.

Development Approvals

10. (1) Development charges shall be imposed and shall be calculated on all lands, building or structures that are developed for residential and non-residential uses, where the development requires any one of the following:

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;

(b) the approval of a minor variance under section 45 of the *Planning Act*;

(c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;

(d) the approval of a plan of subdivision under section 51 of the *Planning Act*;

(e) a consent under section 53 of the *Planning Act*;

(f) the approval of a description under section 9 of the *Condominium Act*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

(2) Only one (1) development charge for each designated service shall be imposed on any land even though two (2) or more of the actions described in subsection 10(1) hereof are required for the land to be developed.

(3) Despite subsection 10(2), and subject to this By-law and to section 4 of the Act, if two (2) or more of the actions described in subsection 10(1) occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by such action.

PART IV – CALCULATION OF DEVELOPMENT CHARGES

Amount of Development Charges

11. Development charges for a development shall be calculated as follows, subject to any reductions calculated in accordance with sections 17 and 18:

(1) (a) in the case of residential development, including a dwelling unit accessory to a non-residential development, or the residential portion of a mixed use development, based on the number and type of dwelling units;

(b) notwithstanding 11(1)(a), in the case of a residential development consisting of a special care facility, based on the number of beds or bedrooms, as the case may be; and

(c) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the total floor area of such development less the total floor area of accessory parking.

(2) Notwithstanding subsections 11(1)(a) and (b) above, in the case of residential and non-residential development, the SWM DC shall be calculated on the basis of the net developable area.

(3) With respect to additional development on lots which have been partially developed and for which the SWM DC has not previously been paid for the entire lot, the calculation of the SWM DC is to be based on the lot area attributable to the new development, which is to be calculated on the basis of the proposed lot coverage as a percentage of the new total lot coverage of all buildings on the lot.

12. The development charges described in Schedule “A” to this By-law are imposed on land developed for residential uses including dwelling units accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential component of the

mixed-use building or structure, according to the type of residential use.

13. The development charges described in Schedule “B” to this By-law are imposed on land developed for industrial uses and, in the case of a mixed use building or structure, on the industrial component of the mixed use building or structure, and are calculated with respect to each of the services according to total floor area of the industrial use.

14. The development charges described in Schedule "C" to this By-law are imposed on land developed for non-industrial uses and, in the case of a mixed use building or structure, on the non-industrial component of the mixed-use building or structure, and are calculated with respect to each of the services according to total floor area of the non-industrial use.

15. The development charges described in Schedule “D” to this By-law are imposed on land developed for residential and non-residential uses and are calculated on the basis of the net developable area of the lands to which this By-law applies.

16. Where Subsection 26.2(1)(a) or (1)(b) of the Act apply to a development for the purposes of determining the amount of the development charge, interest shall be charged on the development charge in accordance with Corporate Policy 04-01-08, as may be amended from time to time with Council approval.

Reduction for Demolition

17. (1) Demolishing dwelling units in all or part of a residential building will reduce the development charges otherwise payable for the redevelopment where satisfactory evidence of the number and types of units demolished has been provided to the Commissioner of Planning and Building or his/her designate and where the building permit for the redevelopment is ready to be issued:

(a) within 5 years from the date the demolition permit was issued with a copy of the original demolition permit; and

(b) on the same parcel of land on which the demolished dwelling unit(s) were originally located; and

(c) in cases where a demolition credit crosses over a parcel of land that was subsequently subject to land division, the owner of the original parcel provided written direction as to which parcel the credit applies.

(2) Demolishing total floor area of all or part of a non-residential building or structure will reduce the development charges otherwise payable for the redevelopment where satisfactory evidence of the total floor area demolished has been provided to the Commissioner of Planning and Building or his/her designate and where the building permit for the redevelopment is ready to be issued:

(a) within 10 years from the date the demolition permit was issued with a copy of the original demolition permit; and

(b) on the same parcel of land on which the demolished building or structure, or part thereof, was originally located; and

(c) in cases where a demolition credit crosses over a parcel of land that was subsequently subject to land division, the owner of the original parcel provided written direction as to which parcel the credit applies.

(3) Where demolition and redevelopment will occur concurrently on the same parcel of land and/or in phases, the Commissioner may, in their discretion, permit an owner to enter into a deferral agreement with the City on terms satisfactory to the Commissioner deferring payment of development charges for the redevelopment until such time as the reductions for demolition can be applied to the redevelopment.

Reduction for Change of Use

18. (1) Changing all or part of a non-residential building or structure to a residential use will reduce development charges otherwise payable for the redevelopment by an amount that is equal to the applicable non-residential development charge for the Development-Related Studies, By-law Enforcement, Fire, Transit, and Roads and Related Infrastructure (including Public Works) services multiplied by the total floor

area that has been demolished or converted.

(2) Changing all or part of a residential building to a non-residential use will reduce development charges otherwise payable for the redevelopment by an amount that is equal to the applicable residential development charge for the Development-Related Studies, By-law Enforcement, Fire, Transit, and Roads and Related Infrastructure (including Public Works) services, for the number and type of units being converted to non-residential use.

General

19. Development charge reductions apply to the parcel of land on which the demolition or change of use occurred in accordance with Section 17 or 18, as the case may be, including parcels of land resulting from their subsequent division or consolidation, and no refund shall be payable.

20. Notwithstanding section 17 and 18, if lands, building(s) and/or structure(s) of the subject development were previously exempt from or not required to pay development charges, no reduction against development charges will be allowed.

21. Notwithstanding any other provision of this By-law, if SWM DCs were paid in respect of the entire lands to be redeveloped prior to this By-law coming into effect, then no further SWM DCs shall be payable in respect of said lands.

22. All development charges shall be payable, and credited, at the rate in effect on the date of payment, or the applicable rate where subsection 26.2(1)(a) or (1)(b) of the Act or terms of a deferral agreement applies.

PART V – TIMING AND PAYMENT OF DEVELOPMENT CHARGES

Timing of Payment – General

23. (1) For each building permit application, development charges shall be calculated and paid in full on the date that the first building permit is issued for a building or structure on land to which a development charge applies.

(2) Notwithstanding subsection (1), where Section 26.1 of the Act applies in respect of any part of a development, the development charges for that part shall be payable in installments in accordance with the requirements of subsection 26.1(3) of the Act, including applicable interest, or in accordance with the terms of an agreement entered into with the City pursuant to section 27 of the Act and Corporate Policy 04-01-08, as may be amended.

(3) Where development charges apply to land in relation to which a building permit is required, no building permit shall be issued, and the City shall be under no obligation to issue a building permit**,** until the development charge(s) has been paid, or arrangements for their payment made, in accordance with the requirements of subsection (1) or (2), as the case may be.

(4) Notwithstanding subsection 23(1), SWM DCs shall be payable, with respect to an approval of a plan of subdivision under section 51 of the *Planning Act*, prior to the City authorizing execution of a development agreement with the owner.

(5) If a use of land, buildings or structures that constitutes development does not require the issuance of a building permit but requires one or more of the actions listed in subsection 10(1)(a) to (f) inclusive, a development charge shall be payable and shall be calculated and collected on the earliest of any of the actions listed in section 10(1)(a) to (f) inclusive being required, or on a date set by agreement between the City and the owner.

(6) Where two or more of the actions described in section 10 occur at different times, or a second or subsequent building permit is issued resulting in increased, additional or different development, then additional development charges shall be imposed in respect of such increased, additional, or different development permitted by that action.

(7) Where a payment or grant in lieu of taxes is provided for or is required in respect of development charges by an Act of Ontario or Canada, the payment or grant in lieu of taxes in respect of the development charge shall be calculated as the amount that

would have been otherwise payable directly to the City in furtherance of the provisions of this By-law. Payments or grants in lieu of taxes in respect of development charges shall be payable and collected on the earlier of the occurrence of any of the actions listed in sections 10(1)(a) to (g) inclusive, or the commencement of development.

Deferral Agreements

24. Without limiting the authority of the City to enter into any other agreement, the Commissioner of Corporate Services and the City Clerk, or their designate, is hereby authorized to enter into agreements on behalf of the City providing for the payment of all or any part of a development charge before or after it would otherwise be payable, pursuant to section 27 of the Act, provided that the agreement to defer the payment of the development charges includes, but is not limited to the following terms and conditions:

(1) security is provided and maintained in an amount and in a form satisfactory to the Commissioner of Corporate Services, to be realized or drawn upon in the event that the owner does not pay the deferred charges;

(2) the development charges payable shall be indexed in accordance with semi-annual indexing under section 30 of this By-law;

(3) the period of the deferral does not exceed thirty-six (36) months; and

(4) a non-refundable administration fee established in the applicable fees and charges by-law to cover costs associated with preparing and administering the agreement.

Agricultural Uses

25. (1) In the case of development on lands used for an agricultural use, development charges may be deferred at the request of the owner until such time as a change in use of the lands from agricultural to another use has been approved.

(2) Notwithstanding the requirements of section 24, where the development charges payable with respect to an agricultural use are deferred in accordance with subsection 25(1), the owner shall enter into a deferral agreement satisfactory to the Commissioner of Corporate Services providing, at a minimum, that development charges shall be payable upon the approval of a change of use and shall be paid in accordance with the rates in existence at the time change of use is approved. For clarity, the requirements of section 24 (1)-(4) do not apply.

Undetermined Uses

26. (1) If at the time a building permit is ready to be issued the use of a non-residential building or structure has not been determined as between industrial or non-industrial, the Commissioner of Corporate Services may, in their discretion, and at the request of the owner, permit the owner to pay the industrial development charges where the owner agrees to:

(a) enter into a deferral agreement with the City to defer an amount of development charges equivalent to the difference between the industrial and non-industrial charge applicable to the development, on terms satisfactory to the Commissioner of Corporate Services, including but not limited to those described in section 24;

(b) submit, maintain, and, if required, supplement a non-revocable letter of credit or other form of security in an amount and upon terms satisfactory to the Commissioner of Corporate Services to be realized upon by the City in the event that the building or structure is later determined by the City to be a non-industrial use and the rate in Schedule "C" of this By-law is deemed to be payable.

(2) The amount of security provided to the City specified in the deferral agreement may be indexed for the term of the agreement and/or may require annual increases upon demand by the City, and/or may be otherwise calculated in accordance with its terms, all to ensure that the security is adequate to satisfy the owner's potential future liability for development charges.

(3) A building or structure is subject to the industrial development charge rate when it

is determined by the Commissioner of Corporate Services, or their designate, that at least 51 per cent of the total floor area of the building or structure is used for industrial purposes, as defined in section 1 of this By-law.

(a) Where the Commissioner determines that the building or structure is an industrial use, the security provided to the City shall be refunded or returned to the owner, without interest.

(b) Where the Commissioner determines that the building or structure is a non-industrial use, the City shall apply the security posted as if the building were deemed to be a non-industrial building or structure in accordance with the provisions of this By-law.

Payment by Services

27. (1) Notwithstanding the requirements of Part IV and section 24, Council may, by agreement with an owner of land, give a credit towards development charges payable in exchange for work done or to be done for services to which a development charge relates under this By-law, provided that:

(c) the credit will be applied at the time that the development charge for the service category is payable;

(d) if the City and the owner cannot agree as to the reasonable cost of doing the work under this section, the dispute shall be referred to Council whose decision shall be final and binding; and

(e) the amount of the credit shall not exceed the aggregate amount of development charges otherwise payable in respect of the land, buildings or structures.

(2) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, installs such local services as Council may require.

PART VI – REFUNDS

28. Refunds of development charges that have been paid will be made, without interest, where:

(1) a building permit that was issued for which development charges were paid is subsequently cancelled by the City;

(2) development charges have been paid on the issuance of a building permit and a reduction in accordance with sections 17 and 18 is subsequently identified, and the owner makes a written request to the Commissioner of Corporate Services that the amount of the reduction be refunded;

(3) development charges have been paid on or prior to the issuance of a building permit and the building permit is subsequently revised by the City's Chief Building Official or his/her designate, resulting in an overpayment of development charges to the City; or

(4) a clerical or factual error, including the transposition of figures, a typographical or similar error, has occurred with respect to the calculation of a development charge which resulted in an overpayment to the City.

PART VII – ADMINISTRATION

29. (1) This By-law shall be administered by the Commissioner of Corporate Services, and the Commissioner of Planning and Building, and/or their designates, such designation to be in writing.

(2) Any agreement which the City may enter into pursuant to either the provisions of this By-law or the Act shall be to the satisfaction of the Commissioner, including any agreement pursuant to either section 27 of the Act and/or sections 24 to 27 of this By-law, and shall be executed on behalf of the City by the Commissioner of Corporate Services, and the Clerk of the City, without the need for further by-law or resolution of the Council.

30. The Treasurer or his/her designate is authorized to transfer amounts calculated under section 7 from the City's operating budget to the Development Charge Reserve Fund.

PART VIII – GENERAL

31. The following schedules shall form part of this By-law:

Schedule "A" – Amount of Charges – Residential

Schedule "B" – Amount of Charges – Industrial

Schedule "C" – Amount of Charges – Non-Industrial

Schedule "D" – Amount of Charges – Storm Water Management

32. (1) Development charges shall be adjusted semi-annually, without amendment to this By-law, on the first day of February and on the first day of August in each year in accordance with the latest available issue of the index prescribed in the regulations, with the base index value being that in effect on June 23, 2022 and first indexing of rates to begin on February 1, 2023.

(2) The adjustment referred to in subsection 32(1) shall be based upon the change in the index for the six (6) month period preceding the most recent issue of the index.

33. Where the City and an owner or former owner of land have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

34. If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be Council's intention that the remainder of the By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

35. A certified copy of this By-law may be registered against title to any land to which this By-law applies.

PART XIII – TRANSITION AND ENACTMENT

36. This By-law shall come into force on the date it is passed and shall continue in full force and effect for a term of five years unless it is repealed by Council at an earlier date.

37. This By-law applies to all building permits issued on or after June 23, 2022.

38. Notwithstanding section 37, building permit applications accepted prior to June 22, 2022 and issued on or before June 29, 2022 shall be subject to the rates, as indexed, in By-law 0096-2019.

39. Notwithstanding section 37, where there is an agreement executed before June 23, 2022 in accordance with section 22 of By-law 0096-2019 providing for the payment of development charges, the payment of development charges shall be governed by the provisions of said agreement.

40. This By-law may be cited as the Mississauga Development Charges By-law, 2022.

41. By-law 0096-2019 is repealed.

ENACTED AND PASSED this 22nd day of June, 2022.
Signed by Councillor Ron Starr, Acting Mayor and Diana Rusnov, City Clerk.

SCHEDULE "A"

AMOUNT OF CHARGES - RESIDENTIAL

Service	Residential Charge By Unit Type (1)					Percentage of Total Charge
	Singles & Semis	Rows & Other Multiples	Apartments Units	Small Units	Special Care Unit	
By-Law Enforcement	$148	$115	$101	$55	$37	0.3%
Development-Related Studies	$290	$225	$197	$108	$72	0.6%
Library Services	$1,606	$1,250	$1,095	$596	$399	3.3%
Fire Services	$1,504	$1,170	$1,025	$559	$374	3.1%
Recreation & Parks Development	$17,770	$13,825	$12,112	$6,598	$4,415	36.8%
Transit Services	$4,944	$3,846	$3,370	$1,836	$1,228	10.2%
Public Works Services	$866	$674	$590	$322	$215	1.8%
LAC Debt	$87	$68	$59	$32	$22	0.2%
Sub-total General Services	**$27,215**	**$21,173**	**$18,549**	**$10,106**	**$6,762**	**56.4%**
Roads And Related Infrastructure	$21,024	$16,357	$14,330	$7,807	$5,224	43.6%
TOTAL CHARGE PER UNIT	**$48,239**	**$37,530**	**$32,879**	**$17,913**	**$11,986**	**100.0%**
(1) Based on Persons Per Unit Of:	4.02	3.13	2.74	1.49	1.00	

SCHEDULE "B"

AMOUNT OF CHARGES - INDUSTRIAL

Service	Industrial Charge		Percentage of Total Charge
	Charge per Square Metre Total Floor Area	Charge per Square Foot Total Floor Area	
By-Law Enforcement	$0.77	$0.07	0.6%
Development-Related Studies	$1.52	$0.14	1.2%
Library Services	$0.00	$0.00	0.0%
Fire Services	$7.87	$0.73	6.1%
Recreation & Parks Development	$0.00	$0.00	0.0%
Transit Services	$25.88	$2.40	19.9%
Public Works Services	$4.51	$0.42	3.5%
LAC Debt	$0.00	$0.00	0.0%
Sub-total General Services	**$40.55**	**$3.76**	**31.2%**
Roads And Related Infrastructure	$89.41	$8.31	68.8%
TOTAL CHARGE	**$129.96**	**$12.07**	**100.0%**

SCHEDULE "C"

AMOUNT OF CHARGES - NON-INDUSTRIAL

Service	Non-Industrial Charge		Percentage of Total Charge
	Charge per Square Metre Total Floor Area	Charge per Square Foot Total Floor Area	
By-Law Enforcement	$0.77	$0.07	0.5%
Development-Related Studies	$1.52	$0.14	1.0%
Library Services	$0.00	$0.00	0.0%
Fire Services	$7.87	$0.73	5.0%
Recreation & Parks Development	$0.00	$0.00	0.0%
Transit Services	$25.88	$2.40	16.5%
Public Works Services	$4.51	$0.42	2.9%
LAC Debt	$0.00	$0.00	0.0%
Sub-total General Services	**$40.55**	**$3.76**	**25.8%**
Roads And Related Infrastructure	$116.72	$10.84	74.2%
TOTAL CHARGE	**$157.27**	**$14.60**	**100.0%**

SCHEDULE "D"

AMOUNT OF CHARGES – STORM WATER MANAGEMENT

Development Type	Charge Per Net Developable Hectare	Charge Per Net Developable Acre
Residential	$4,800	$1,942
Non-Residential	$4,800	$1,942