

BY-LAW NO. 133-04
OF THE
CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law to impose certain Development Charges in the Corporation of the City of Cambridge pursuant to the Development Charges Act, S.O., 1997, c. 27, as amended.

WHEREAS the Development Charges Act, S.O. 1997, c. 27, as amended, (the "Act"), authorizes municipalities to pass by-laws to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development or redevelopment of land (s. 2(1) of the Act);

AND WHEREAS the City of Cambridge has completed a development charges background study dated April 13th, 2004, to investigate the increased needs for services arising from such development or redevelopment of land (s. 10(1) of the Act);

AND WHEREAS the City of Cambridge has given at least 20 days' notice of a public meeting in the manner and to the persons and organizations prescribed by s. 9 Ontario Regulation 82/98 (s. 12(1)(b) of the Act);

AND WHEREAS such public meeting was held on Monday, May 10th, 2004, in the City Council Chambers (s. 12(1)(a) of the Act);

AND WHEREAS the City ensured that the proposed by-law and the background study were made available to the public at least two weeks prior to the meeting (s. 12(1)(c) of the Act);

AND WHEREAS any person who attended the meeting was allowed to make representations relating to the proposed by-law (s. 12(2) of the Act);

AND WHEREAS this by-law is being passed within the one-year period following completion of the development charges background study (s. 11 of the Act);

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE enacts as follows:

1. DEFINITIONS

In this by-law:

- 1.1 "*accessory building or structure*" means a building or structure which is incidental, subordinate and exclusively devoted to the principal use of the land, building or structure, is located on the same lot as such principal use, building or structure and is not attached to such principal building or structure in any way, but does not include an amenity area or private amenity area;
- 1.2 "*accessory use*" means a use that is normally secondary, subordinate or incidental to the main use on a *site* that does not, through any manner or design, share the same *gross floor area* or occupy the majority of the gross floor area of the building or structure in which the main use of the *site* takes place;
- 1.3 "*apartment*" means a *dwelling unit* in a building containing a non-residential use or two or more dwelling units in a *residential building* to which access is gained only by way of a common hall or interior corridor system connected to a common entrance at *grade*;

- 1.4 “*capital costs*” means costs incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of, and as authorized by, the City or a local board thereof:
- 1.4.1 to acquire land or an interest in land, including a leasehold interest,
 - 1.4.2 to improve land;
 - 1.4.3 to acquire, lease, construct or improve buildings and structures;
 - 1.4.4 to acquire, lease, construct or improve facilities including,
 - 1.4.4.1 rolling stock with an estimated useful life of seven years or more;
 - 1.4.4.2 furniture and equipment, other than computer equipment;
 - 1.4.4.3 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;
 - 1.4.5 to undertake studies in connection with any of the matters in clauses 1.4.1 to 1.4.4;
 - 1.4.6 to undertake the development charges background study required under s. 10 of the Development Charges Act;
 - 1.4.7 interest on money borrowed to pay for costs described in paragraphs 1.4.1 to 1.4.4.
- 1.5 “*City*” means the Corporation of the City of Cambridge;
- 1.6 “*Council*” means the Council of the Corporation of the City of Cambridge;
- 1.7 “*development*” includes redevelopment;
- 1.8 “*development charge*” means a charge imposed against land under this by-law;
- 1.9 “*dwelling unit*” means a room or rooms located within a building or structure which are occupied or designed or intended to be occupied by one or more persons as a single housekeeping unit and for which a separate private entrance (from outdoors or a common hallway), sanitary and culinary facilities are provided;
- 1.10 “*existing industrial building*” means a building or buildings existing on a site on the day this by-law is passed, or the first building or buildings constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act subsequent to the passage of this by-law for which full development charges were paid, that is used for or in connection with:
- 1.10.1 the production, compounding, processing, packaging, crating, bottling, packing or assembly of raw or semi-processed goods or materials (“*manufacturing*”) or warehousing;
 - 1.10.2 research or development activities in connection with manufacturing;

- 1.10.3 retail sales by a manufacturer, if retail sales are an *accessory use* at the site where manufacturing is carried out; or,
- 1.10.4 office or administrative purposes if they are:
- 1.10.4.1 carried out as an *accessory use* to the manufacturing or warehousing; and
 - 1.10.4.2 in or attached to the building or structure used for such manufacturing or warehousing;
- 1.11 “*farm*” means a parcel of land on which the predominant activity is farming;
- 1.12 “*farming*” means the production of crops or the breeding, raising or maintaining of livestock or both; including fur farming, fruit and vegetable growing, the keeping of bees, fish farming and sod farming and includes such buildings and structures located on a *farm* designed and intended to be used solely for or in connection with such production of crops or livestock including barns, silos, structures used for farm equipment storage and repair, storing or processing materials used in the production or maintenance of crops or livestock or the products derived from the farm’s production of crops or livestock, or both. Farming shall not include a *dwelling unit* located on a *farm*;
- 1.13 “*grade*” means the average level of finished ground adjoining a building at all its exterior walls;
- 1.14 “*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;
- 1.15 “*infrastructure services*” means water supply services, waste water services, storm water and drainage control services and road services;
- 1.16 “*local board*” means a local board as defined in section 1 of the Municipal Affairs Act, R.S.O. 1990, c. 307, other than a board as defined in section 1(1) of the Education Act, S.O. 1996, c. 13, as amended (s. 1 of the Act);
- 1.17 “*local services*” means services related to a plan of subdivision, or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under s. 51 of the Planning Act or under s. 53 of the Planning Act;
- 1.18 “*non-residential uses*” means all commercial, industrial, institutional and other uses not included in the definition of residential uses;
- 1.19 “*owner*” means the owner of land or a person authorized by the owner who has made application for an approval for the *development* of land upon which a *development charge* is imposed;
- 1.20 “*pre-existing development*” means a use of land existing on the land at the time a *development charge* is payable or existing at any time in the five years prior thereto;
- 1.21 “*residential building*” means a building containing one or more *dwelling units* with or without any *non-residential use* and in the case of a *single detached dwelling* or *semi-detached dwelling* or *townhouse dwelling* means the individual *dwelling unit*;

- 1.22 “*residential use*” means the use of land, buildings or structures for one or more *dwelling units*, including a *farm dwelling unit*;
- 1.23 “*row dwelling*” means a *residential building* consisting of three or more *dwelling units* attached by a vertical wall or walls and not abutting any *dwelling units* along a horizontal plane;
- 1.24 “*semi-detached dwelling*” means a *residential building* divided vertically to provide two *dwelling units* separated by a common wall or walls;
- 1.25 “services” means services designated in section 4 of this by-law;
- 1.26 “*single detached dwelling*” means a *residential building* consisting of one *dwelling unit* and not attached to another structure;
- 1.27 “*site*” means a parcel of land situated in the *City* which can be legally conveyed pursuant to section 50 of the Planning Act and includes a *development* having two or more lots consolidated under identical ownership;
- 1.28 “*townhouse dwelling*” means one *dwelling unit* within a building containing three or more *dwelling units*, all of which are designed to have an entrance at *grade* and which are divided from other *dwelling units* by one or more solid walls or partitions extending from foundation to roof in any manner.

2. IMPOSITION OF DEVELOPMENT CHARGES

2.1 All Lands (s. 2(7) and s. 3 of the Act)

Subject to subsection 2.2 hereof, the *development charges* herein are imposed on all land in the *City* and no land is exempt from a *development charge* by reason only that it is exempt from taxation under s. 3 of the Assessment Act.

2.2 Non-Imposition – Municipality and Boards (s. 2(7) of the Act)

This by-law shall not apply to land owned by and used for the purposes of a municipality or a board as defined in s. 1(1) of the Education Act, S.O. 1996, c. 13.

3. APPLICATION OF DEVELOPMENT CHARGES – RULES

3.1 General Application (s. 2(7) of the Act)

Subject to subsections 2.2 (Municipality and Boards), 3.2 (Enlargement and Addition), 3.3 (Local Services), 3.4 (Two or More Actions), 3.5 (Enlargement – Industrial), 3.6 (Core Areas), 3.7 (Contaminated Sites), 3.8 (Temporary Uses), 3.9 (Designated Sites), and 3.10 (Credit for Existing *Services*), *development charges* shall apply and shall be calculated and collected in accordance with this by-law against land to pay for increased *capital costs* required because of increased needs for *services* arising from *development* that requires:

- 3.1.1 the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the Planning Act;
- 3.1.2 the approval of a minor variance under section 45 of the Planning Act;

- 3.1.3 a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
- 3.1.4 the approval of a plan of subdivision under section 51 of the Planning Act;
- 3.1.5 a consent under section 53 of the Planning Act;
- 3.1.6 the approval of a description under section 50 of the Condominium Act; or
- 3.1.7 the issuing of a permit under the Building Code Act, 1992, in relation to a building or structure.

3.2 Not Applicable by Statute – Enlargement of an Existing *Dwelling Unit* and Creation of Up to Two Additional *Dwelling Units* (s. 2(3) of the Act)

An action mentioned in s. 3.1.1 to 3.1.7 does not satisfy the requirements of s. 3.1 if the only effect of the action is to:

- 3.2.1 permit the enlargement of an existing *dwelling unit*; or
- 3.2.2 permit the creation of up to two additional *dwelling units* as the following table sets out:

Name of Class of Residential Building	Description of Class of Residential Buildings	Maximum Number of Additional Dwellings	Restrictions
Single Detached Dwellings	<i>Residential Buildings</i> , each of which contains a single <i>dwelling unit</i> that are not attached to other buildings.	Two	The total <i>gross floor area</i> of the additional <i>dwelling unit</i> or units must be less than or equal to the <i>gross floor area</i> of the <i>dwelling unit</i> already in the building.
Semi-Detached Dwellings or Row Dwellings	<i>Residential Buildings</i> , each of which contains a single <i>dwelling unit</i> that have one or two vertical walls, but no other parts, attached to other buildings.	One	The <i>gross floor area</i> of the additional <i>dwelling unit</i> must be less than or equal to the <i>gross floor area</i> of the <i>dwelling unit</i> already in the building.
Other Residential Buildings	A <i>residential building</i> not in another class of <i>residential building</i> described in this table.	One	The <i>gross floor area</i> of the additional <i>dwelling unit</i> must be less than or equal to the <i>gross floor area</i> of the smallest <i>dwelling unit</i> already in the building.

3.3 Not Applicable by Statute – Local Services and Connections (s. 2(5) of the Act)

Subsection 3.1 does not apply to:

- 3.3.1 local *services* related to a plan of subdivision or within the area to which the plan relates to is installed or paid for by the *owner* as a condition of approval under section 51 of the Planning Act;

3.3.2 local *services* to be installed or paid for by the *owner* as a condition of approval under section 53 of the Planning Act, or

3.3.3 local connections to water mains, sanitary sewers or storm drainage facilities to be installed or paid for by the *owner*.

3.4 Not Applicable – Two or More Actions

Where two or more of the actions described in section 3.1 are required before land to which a *development charge* applies can be developed, only one *development charge* shall be applicable and such charge shall be calculated and collected in accordance with the provisions of this by-law; provided, however, that if two or more of the actions described in section 3.1 occur at different times, and if the subsequent action has the effect of increasing the need for *services* as designated in section 4 hereof, additional *development charges* shall be applicable and such charge shall be calculated and collected in accordance with the provisions of this by-law.

3.5 Not Applicable By Statute – Enlargement of *Existing Industrial Building* (s. 4 of the Act)

3.5.1 If a *development* includes the enlargement of the *gross floor area* of an *existing industrial building*, the amount of the *development charge* that is payable in respect of the enlargement is determined in accordance with this section.

3.5.2 If the *gross floor area* is enlarged by 50 percent or less, the amount of the *development charge* in respect of the enlargement is zero.

3.5.3 If the *gross floor area* is enlarged by more than 50 percent, the amount of the *development charge* in respect of the enlargement is the amount of the *development charge* that would otherwise be payable multiplied by the fraction as determined as follows:

3.5.3.1 Determine the amount by which the enlargement exceeds 50 percent of the *gross floor area* before the enlargement.

3.5.3.2 Divide the amount determined under paragraph 3.5.3.1 by the amount of the enlargement.

3.6 Municipal Exemption – Core Areas (s. 2(7) of the Act and s. 5(1)(10) of the Act

There is hereby exempted from the imposition of *development charges* the following lands as designated from time to time in the City of Cambridge Official Plan, namely:

3.6.1 **Galt City Centre;**

3.6.2 **Preston Towne Centre;**

3.6.3 **Hespeler Village.**

3.7 Municipal Exemption – Contaminated Sites (s. 2(7) of the Act and s. 5(1)(10) of the Act)

Where a *development charge* is payable for a *development* or *re-development* of land which requires clean up under the current “Guideline for Use at Contaminated Sites in Ontario”, an amount will be credited against the *development charge* otherwise payable equal to the amount of the costs of assessment and clean up of the property, provided the *owner* submits to the *City* a written estimate of the amount of the cost of such works, which amount is approved by the *City*, but the credited amount shall not exceed the total *development charge* payable hereunder.

3.8 Municipal Exemption – Temporary Uses (s. 2(7) of the Act and s. 5(1)(10) of the Act)

This by-law shall not apply to land upon which there is to be constructed or erected:

3.8.1 any residential or non-*residential building* or structure constructed in accordance with a temporary use by-law pursuant to section 39 of the Planning Act, R.S.O. 1990, where such by-law provides for the removal of the building or structure; or,

3.8.2 any temporary erection of a building without foundation as defined in the Ontario Building Code for a period not exceeding six consecutive months and not more than six months in any calendar year, including tents, seasonal garden centres, and temporary sales trailers.

3.9 Municipal Exemption – Designated Sites (s. 2(7) of the Act and s. 5(1)(10) of the Act)

Where a *development charge* is payable for a *development* or *re-development* of land which contains an existing building that has been Designated under the Ontario Heritage Act, no *development charges* shall be applicable to any *re-development* of the existing Designated building, and an additional *development allowance* equal to the floor area for non-residential uses or number of units for residential uses within the existing building, shall be credited to any additional *development* or *re-development* on the property provided the existing Designated building is retained and is an integral part of the *development* or *re-development* of the property.

3.10 Municipal Exemption – Credit for Existing Well Water and Septic Services

Where lands that are subject to the *development charges* herein are to have existing well water and/or septic *services*, there shall be credit given equal to the Water Supply *services* and/or Waste Water *services* components, as applicable, of the *development charge* otherwise payable.

3.11 Municipal Exemption – Hospitals

This by-law shall not apply to land upon which there is to be developed a Public Hospital within the meaning of the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended.

3.12 Municipal Exemption – Farm Buildings

This by-law shall not apply to land upon which there is to be constructed or erected, buildings used for the purposes of *farming*.

4. **SERVICES FOR WHICH DEVELOPMENT CHARGE IS IMPOSED (s. 2(4) of the Act)**

The *services* for which the *development charge* is imposed are as follows:

Services	Percentage of Capital Cost Included in Development Charges
Infrastructure (Hard) Services	
Sanitary	100%
Storm	100%
Water	100%
Roads	100%
Studies	100%
General (Soft) Services	
Studies	90%
Fire	100%
Works Yard	100%
Parks	90%
Indoor Recreation	90%
Library	90%

The amount of each component of the development charge is as set out in Section 7 hereof.

5. **USES UPON WHICH DEVELOPMENT CHARGES IMPOSED**

The categories of uses of land, buildings and structures upon which a *development charge* is imposed are:

5.1 *residential uses*; and

5.2 *non-residential uses*.

6. **MIXED USES**

Where land is to be developed for mixed *residential uses* and *non-residential uses*, the *development charge* shall be calculated and collected as the total of:

6.1 that portion to be developed for *residential uses* plus

6.2 that portion to be developed for *non-residential uses*.

7. **AMOUNT OF DEVELOPMENT CHARGE**

Development charges shall be calculated and collected at the rates set out in Schedule "A" hereto.

8. **APPLICABLE RATE OF DEVELOPMENT CHARGE**

The applicable rate of the *development charge* shall be the amount calculated in accordance with this by-law on the date the *development charge* is payable.

9. **INDEXING OF DEVELOPMENT CHARGES (s. 5(1)(10) of the Act)**

The amount of the *development charges* herein shall be adjusted semi-annually on July 1st and January 1st in each year in accordance with the Statistics Canada Quarterly Construction Price Statistics, catalogue number 62-007.

10. **TIME OF PAYMENT OF DEVELOPMENT CHARGES**

10.1 Building Permit (s. 26(1) and s. 28 of the Act)

Subject to subsections 10.2 and 10.3, all *development charges* for a *development* are payable upon a building permit being issued in relation to a building or structure on land to which a *development charge* applies and until the *development charge* has been paid in full, no building permit shall be issued.

10.2 Subdivision Agreement (s. 26(2) of the Act)

Notwithstanding s. 10.1, the amount of the *development charge* with respect to *infrastructure services* shall be payable for *development* that requires approval of a plan of subdivision under section 51 of the Planning Act or a consent under s. 53 of the Planning Act and for which a Subdivision Agreement or Consent Agreement is entered into immediately upon the parties entering into the Subdivision Agreement or Consent Agreement for all lots and blocks on which *single detached dwellings* and *semi-detached dwellings* are permitted in the plan of subdivision or pursuant to the consent.

10.3 Agreement for Earlier or Later Payment (s. 27 of the Act)

Notwithstanding subsection 10.1 hereof, the *City* may enter into an agreement with a person who is required to pay a *development charge* for:

10.3.1 All or any part of a *development charge* to be paid before or after it would otherwise be payable;

10.3.2 The total amount of the *development charge* payable under an agreement under this section is the amount of the *development charge* that would be determined under this by-law on the day specified in the agreement or, if no such day is specified, at the earlier of,

10.3.2.1 the time the *development charge* or any part of it is payable under the agreement;

10.3.2.2 the time the *development charge* would have been payable in the absence of the agreement.

10.3.3 In an agreement under this section, the *City* may charge interest, at a rate stipulated in the agreement, on that part of the *development charge* payable after it would otherwise be payable.

11. **REDEVELOPMENT ALLOWANCES TO REDUCE THE DEVELOPMENT CHARGE**

11.1 Where a *development charge* is payable for a *development* which replaces a *pre-existing development*, a *re-development* allowance shall be credited against the *development charge* otherwise payable.

11.2 Maximum Re-development Allowance and Carry Forward

The maximum re-development allowance shall be the *development charge* otherwise payable. Any unused re-development allowance may be carried forward and applied to any subsequent *development charge* payable in respect of the same land to which it relates within five years from the date of demolition of the *pre-existing development* to which it relates.

11.3 Demolition Permit

In order to be eligible for a re-development allowance, the *pre-existing development* must be one in respect to which a valid demolition permit was issued by the *City* within the five years preceding the due date of payment of the *development charge* hereunder and such demolition permit or a certified copy thereof shall be given to the *City* Treasurer.

11.4 Date of Demolition

In determining whether a re-development allowance has expired, demolition shall be deemed to have occurred on the date of the issuance of the demolition permit.

11.5 Calculation of Re-development Allowance

In determining the amount of any re-development allowance to be applied in calculating a *development charge* payable, the following shall apply:

- 11.5.1 the re-development allowance quantified in accordance with section 11.6 hereof shall apply to the whole parcel of land on which the *pre-existing development* exists or existed;
- 11.5.2 any remaining re-development allowance applicable to a parcel of land from time to time, in the event of a division of the parcel of land into two or more parcels, shall be apportioned equally between or amongst the resultant parcels of land on a per unit area basis;
- 11.5.3 the amount of the re-development allowance applicable to a parcel of land on which the *pre-existing development* existed or to any part thereof after any land division shall be reduced for each subsequent *development* in respect of which the *development charge* otherwise payable is or has been reduced by a re-development allowance, as building permits for such subsequent *developments* are issued or *development charges* paid, whichever first occurs.

11.6 Amount of Re-development Allowance

The amount of the re-development allowance shall be equal to:

- 11.6.1 for *residential uses*, the number and type or types of units in the *pre-existing development* multiplied by the rate or rates applicable to such units; and,
- 11.6.2 for *non-residential uses*, the number of square meters of building area of the *pre-existing development* multiplied by the rate applicable to such building area.

12. CREDITS (s. 38 of the Act)

12.1 Provisions of Services by Agreement

The *City* may agree, in writing, to allow a person to perform work that relates to a service referred to herein and the *City* shall give the person a credit towards the *development charge* in accordance with the Agreement.

12.2 The amount of the credit is the reasonable cost, without interest, of doing the work as agreed by the *City* and the person who is to be given the credit (s. 38(2) of the Act).

12.3 City Owned Industrial Land

Development charges shall be imposed on land sold by the *City* where such land is no longer owned by and used for the purposes of the *City*. The portion of the *development charge* with respect to *infrastructure services* may be satisfied by the provision of such *services* and the *City* shall give a credit for the amount equal to the reasonable cost to the *owner* of providing such *services*, but such credit shall not exceed the *infrastructure services* portion of the *development charge* payable.

13. TRANSITIONAL PROVISIONS – PRIOR AGREEMENTS

Notwithstanding anything in this by-law, if a conflict exists between the provisions of this by-law and:

13.1 an agreement under section 50 or 52 of the Planning Act that was in existence prior to the enactment of this by-law; or

13.2 any other agreement between the *City* and an *owner* or former *owner*;

the provisions of the agreement shall prevail.

14. REFUNDS

14.1 Repeal or Amendment of By-law (s. 18 of the Act)

If the Ontario Municipal Board repeals or amends this by-law or orders the *City Council* to repeal or amend this by-law, the *City* shall refund:

14.1.1 in the case of a repeal, any *development charge* paid under this by-law;

14.1.2 in the case of an amendment, the difference between any *development charge* paid under this by-law and the *development charge* that would have been payable under the by-law as amended.

14.2 If the *City* is required to make a refund, it shall do so:

14.2.1 if the Ontario Municipal Board repeals or amends this by-law, within 30 days after the Board's order;

14.2.2 if the Ontario Municipal Board orders the *City* to repeal or amend this by-law, within 30 days after the repeal or amendment by *City Council*.

14.3 Reduction of *Development Charge* after Complaint (s. 25 of the Act)

If the *development charge* that has already been paid is reduced by *City Council* or the Ontario Municipal Board after a complaint, the *City* shall immediately refund the overpayment.

14.4 Interest on Refunds (s. 18(3) of the Act)

Refunds that are required to be paid under this section shall be paid with interest to be calculated as follows:

14.4.1 interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;

14.4.2 the refund shall include the interest owed under this section;

14.4.3 interest shall be paid at a rate equal to the Bank of Canada rate on the day this by-law comes into force.

14.5 Refunds Payable to Registered *Owner*

Refunds that are required to be paid under this section shall be paid to the registered *owner* of the land on the date on which the refund is paid.

15. **ADMINISTRATION**

15.1 Reserve Funds

15.1.1 There is hereby established a separate reserve fund for each service to which the *development charge* herein relates (s. 33 of the Act).

15.1.2 Each *development charge* shall be paid into the reserve fund or funds to which the charge relates (s. 34 of the Act).

15.1.3 Subject to s. 15.1.4, the money in each reserve fund established for a service may be spent only for *capital costs* set out herein (s. 35 of the Act).

15.1.4 The *City* may borrow money from a reserve fund and shall repay the amount used plus interest at the prescribed minimum interest rate (s. 36 of the Act).

15.1.5 Application of Investment Income

Income received from the investment of a *development charge* reserve fund or funds shall be credited to the *development charge* reserve fund or funds in relation to which the investment income relates.

15.2 Annual Statement (s. 43 of the Act)

The *City* Treasurer shall each year give the *City Council* a financial statement, by April 30 of the following year, relating to the *City's development charge* by-laws and reserve funds established hereunder.

15.3 The statement shall contain, for the preceding year, the following information:

- 15.3.1 Statements of the opening balances of the reserve funds;
- 15.3.2 Statements of the closing balances of the reserve funds;
- 15.3.3 Statements of the transactions relating to the funds;
- 15.3.4 Statements for each reserve fund as follows:
 - 15.3.4.1 A description of the service for which the fund was established. If the fund was established for a service category, the *services* in the category.
 - 15.3.4.2 For the credits in relation to the service or service category for which the fund was established:
 - 15.3.4.2.1. the amount outstanding at the beginning of the previous year, given in the year, used in the year and outstanding at the end of the year;
 - 15.3.4.2.2. the amount outstanding at the beginning of the previous year and outstanding at the end of the year, broken down by individual credit holder.
 - 15.3.4.3 The amount of any money borrowed from the fund by the municipality during the previous year and the purpose for which it was borrowed.
 - 15.3.4.4 The amount of interest accrued during the previous year on money borrowed from the fund by the municipality.
 - 15.3.4.5 The amount and source of any money used by the municipality to repay, in the previous year, money borrowed from the fund or interest on such money.
 - 15.3.4.6 A schedule that identifies credits recognized under section 12 herein and, for each credit recognized, sets out the value of the credit, the service against which the credit is applied and the source of funds used to finance the credit.
- 15.3.5 For each project that is financed, in whole or in part by *development charges*:
 - 15.3.5.1 the amount of money from each reserve fund established herein that is spent on the project; and,
 - 15.3.5.2 the amount and source of any other money that is spent on the project.

15.4 Prior Reserve Funds (s. 13 of Ontario Regulation 82/98)

The *City* Treasurer shall, by April 30th in each year, give *City Council* a financial statement relating to reserve funds referred to in Section 63(3) of the Act (“*Ineligible Services*”) being reserve funds that were collected under the prior *City* of Cambridge *development charge* By-law 167-91 for *services* that are no longer eligible for *development charges*.

- 15.4.1 Such statement shall include, for the preceding year:
 - 15.4.1.1 Statements of opening balances for each reserve fund;
 - 15.4.1.2 Statements of closing balances for each reserve fund;
 - 15.4.1.3 Statements of transactions relating to each reserve fund;
 - 15.4.1.4 Statements of the information required by s. 15.3.4 hereof for each reserve fund.

15.5 Complaints about *Development Charges* (s. 20 of the Act)

- 15.5.1 A person required to pay a *development charge*, or the person's agent, may complain to the council of the municipality imposing the *development charge* that:
 - 15.5.1.1 the amount of the *development charge* was incorrectly determined;
 - 15.5.1.2 whether a credit is available to be used against the *development charge*, or the amount of the credit or the service with respect to which the credit was given was incorrectly determined; or
 - 15.5.1.3 there was an error in the application of the *development charges by-law*.
- 15.5.2 A complaint may not be made later than 90 days after the day the *development charge*, or any part of it, is payable.
- 15.5.3 The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant and the reasons for the complaint.
- 15.5.4 The *City Council* shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.
- 15.5.5 The *City Clerk* shall mail a notice of the hearing to the complainant at least 14 days before the hearing.
- 15.5.6 After hearing the evidence and submissions of the complainant, *City Council* may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.
- 15.5.7 A complainant may appeal the decision of *City Council* to the Ontario Municipal Board in accordance with section 22 of the Acct.

16. **UNPAID CHARGES COLLECTED AS TAXES (s. 32 of the Act)**

If a *development charge* or any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

17. **COMMENCEMENT (s. 8 of the Act)**

This by-law shall come into force on July 1, 2004.

18. **DURATION – EXPIRY (s. 9 of the Act)**

This by-law shall continue in force for a term of five (5) years from the date it comes into force unless it is repealed at an earlier date by subsequent by-law.

19. **REPEAL OF EXISTING DEVELOPMENT CHARGES BY-LAW**

By-laws Numbers 138-99 and 236-99 of the Corporation of the City of Cambridge are hereby repealed.

20. **TITLE**

This by-law may be referred to as the *Development Charges By-law, 2004*.

READ A FIRST, SECOND AND THIRD TIME.

ENACTED AND PASSED, THIS 7TH DAY OF JUNE, 2004.

"Doug Craig"

MAYOR

"David Calder"

CLERK

SCHEDULE A TO BY-LAW 133-04

COMPONENTS	APARTMENTS (Per Unit)	RESIDENTIAL (Per Unit)	NON-RESIDENTIAL (per 100 m² of gross floor area)
<u>Infrastructure</u>			
Sanitary	\$691.00	\$1,152.00	\$513.00
Storm	\$691.00	\$1,152.00	\$200.00
Water	\$97.00	\$162.00	\$121.00
Roads	\$815.00	\$1,359.00	\$381.00
Studies	\$144.00	\$240.00	\$95.00
Infrastructure Sub-Total	\$2,438.00	\$4,065.00	\$1,310.00
<u>Soft Services</u>			
Studies	-	-	-
Fire	-	-	-
Works Yard	\$110.00	\$183.00	\$6.00
Parks	\$315.00	\$525.00	-
Indoor Recreation	\$1,006.00	\$1,676.00	-
Library	\$453.00	\$754.00	-
Soft Services Sub-Total	\$1,884.00	\$3,138.00	\$6.00
TOTAL	\$4,322.00	\$7,203.00	\$1,316.00