

Office Consolidation

This is a consolidation of the Town’s **Community Benefits Charges By-law** being **By-law No. 6454-22, as amended**. This is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-law. Official versions of all by-laws can be obtained by contacting the Legislative Services Division at (905) 727-3123 or clerks@aurora.ca. If there are any discrepancies between this consolidation and By-law No. 6454-22, as amended, the By-law(s) shall prevail.

[By-law No. 6454-22](#), as amended by

By-law No.	Purpose	Date Enacted
6641-24	Required payment of community benefit charges	Sep 23, 2024

The Corporation of the Town of Aurora

By-law Number 6454-22

Being a By-Law of The Corporation of the Town of Aurora to require the payment of community benefits charges within the Town of Aurora.

Whereas The Corporation of the Town of Aurora (the “Town”) will experience growth through development and redevelopment;

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

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

And whereas a community benefits charge strategy dated August 11, 2022 has been prepared in accordance with subsection 37(9) of the Planning Act and O. Reg. 509/20 and which identifies the facilities, services and matters that will be funded with community benefits charges;

And whereas the Town has consulted with such persons and public bodies as the Town considers appropriate;

Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:

1. Definitions

1.1 In this by-law, the following words have the following meanings:

- a) **“Basement”** refers to the portion of the Building between the First Storey and any floor below the level of the first floor;
- b) **“Building”** refers to any structure or building as defined in the Ontario Building Code (O Reg 332/12 under the Building Code Act);
- c) **“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or successor legislation;
- d) **“Building Permit”** means a permit under the Building Code Act for construction at or above the First Storey of a Building;
- e) **“Capital Cost”** means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of, and as authorized by the Town or local board,
 - (i) to acquire land or an interest in land, including a leasehold interest;
 - (ii) to improve land;
 - (iii) to acquire, lease, construct or improve buildings and structures;
 - (iv) to acquire, lease, construct or improve facilities including rolling stock, furniture, and equipment.
 - (v) to undertake studies in connection with any of the matters referred to in subsections 1.1(e) (i) to (iv),
 - (vi) to complete the Community Benefits Charge Strategy under section 37(9) of the Planning Act; and,
 - (vii) includes interest on money borrowed to pay for costs in subsections 1.1(e) (i) to (vi); required for provision of services designated in this by-law within or outside the Town;
- f) **“Community Benefits Charge”** means a charge imposed pursuant to this by-law;
- g) **“Community Benefits Charge Strategy”** means the Community Benefits Charge Strategy prepared pursuant to subsection 37(9) of the Planning Act;
- h) **“Condominium Act”** refers to the *Condominium Act, 1998*, S.O. 1998, c.19, as amended, or successor legislation;
- i) **“Council”** means the council of the Town;
- j) **“Development” or “Redevelopment”** means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this by-law and includes the development or

redevelopment of land or the redevelopment, expansion, extension or alteration of the use of a Building;

- k) **“Director”** means the Director of Planning and Development Services of the Town, or his or her designate;
- l) **“First Storey”** means the storey of a Building, structure or part thereof, that has its floor closest to Grade and having its ceiling more than 1.8 metres above Grade;
- m) **“Grade”** means the average level of finished ground adjoining a Building or structure at all exterior walls;
- n) **“In-Kind Contribution”** means facilities, services or matters identified in a Community Benefits Charge Strategy and required because of Development or Redevelopment to be provided by an owner of land, in lieu of payment of the Community Benefits Charge otherwise applicable, in whole or in part;
- o) **“Local Board”** has the meaning set out in Section 1 of the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended, or any successor thereof;
- p) **“Owner”** means the owner of land or a person who has made application for an approval for the Development or Redevelopment of land upon which a Community Benefits Charge is imposed;
- q) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or successor legislation;
- r) **“Redevelopment”** See “Development”
- s) **“Residential Use”** means lands, buildings or structures, or portions thereof, used, or designed or intended for use as a home or residence of one or more individuals, and the residential portion of a mixed-use building or structure;
- t) **“Residential Unit”** means a unit that consists of a self-contained set of rooms located in a Building used or intended for Residential Use and contains full culinary and sanitary facilities for the use of that unit;
- u) **“Storey”** means a level of a Building, other than a Basement, located between any floor and the floor, ceiling or roof immediately above it;
- v) **“Town”** means The Corporation of the Town of Aurora, or where the context requires, the geographical jurisdiction of The Corporation of the Town of Aurora;
- w) **“Treasurer”** means the Treasurer of the Town, or his or her designate;
- x) **“Valuation Date”**, with respect to land that is the subject of Development or Redevelopment, refers to:

- (a) The day before the day the Building Permit is issued in respect of the Development, or
- (b) If more than one Building Permit is required for the Development or Redevelopment, the day before the day the first Building Permit is issued;
- y) **“Value of the Land”** means for the purposes of determining the community benefit charges payable, the appraised value of the land in an appraisal prepared by or for the Town that is:
 - (i) in accordance with the Canadian Uniform Standards of Professional Appraisal Practice of the Appraisal Institute of Canada; and,
 - (ii) In accordance with any additional specifications or requirements as directed by the Town.

2. **Lands Affected**

2.1 This By-law applies to all lands within the corporate limits of the Town.

3. **General Requirement**

3.1 A Community Benefits Charge shall be payable for the Capital Cost of facilities, services and matters required because of Development or Redevelopment that requires any of the following:

- (i) the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the Planning Act;
- (ii) the approval of a minor variance under section 45 of the Planning Act;
- (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
- (iv) the approval of a plan of subdivision under section 51 of the Planning Act;
- (v) a consent under section 53 of the Planning Act;
- (vi) the approval of a description under section 9 of the Condominium Act; or
- (vii) the issuing of a permit under the Building Code Act in relation to a Building.

4. **Exemptions**

4.1 Despite Section 3 of this by-law, this by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the Town or a Local Board thereof;
- (b) a Board of Education; or

(c) the Regional Municipality of York or a Local Board thereof.

4.2 Despite Section 3 of this by-law, a Community Benefits Charge shall not be imposed with respect to:

- (i) Development of a proposed Building with fewer than five (5) Storeys at or above ground;
- (ii) Development of a proposed Building with fewer than ten (10) Residential Units;
- (iii) Redevelopment of an existing Building that will have fewer than five (5) Storeys at or above ground after the Redevelopment;
- (iv) Redevelopment that proposes to add fewer than ten (10) Residential Units to an existing Building; or
- (v) such types of Development or Redevelopment as are Prescribed.

4.3 Despite Section 3 of this by-law, a Community Benefits Charge shall not be imposed with respect to:

- (a) Development or Redevelopment of a Building intended for use as a long-term care home within the meaning of subsection 2(1) of the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, as amended, or successor legislation;
- (b) Development or Redevelopment of a Building intended for use as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*, S.O. 2010, c. 11, as amended, or successor legislation;
- (c) Development or Redevelopment of a Building intended for use by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subparagraph (i);
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*, S.O. 2017, c. 34, Sched. 20, as amended, or successor legislation.
- (d) Development or Redevelopment of a Building intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- (e) Development or Redevelopment of a Building intended for use as a hospice to provide end of life care;
- (f) Development or Redevelopment of a Building intended for use as

residential premises by any of the following entities:

- (i) a corporation to which the *Not-for-Profit Corporations Act, 2010*, S.O. 2010, c. 15, as amended, or successor legislation, applies that is in good standing under that act and whose primary objective is to provide housing;
- (ii) a corporation without share capital to which the *Canada Not-for Profit Corporations Act*, S.C. 2009, c. 23, as amended, or successor legislation, applies, that is in good standing under that act and whose primary objective is to provide housing;
- (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, R.S.O. 1990, c. C.35, as amended, or successor legislation.

5. Multiple Uses – Excluded Types of Development

- 5.1 Where Development or Redevelopment proposes multiple uses within a Building and the Owner has provided satisfactory evidence to the Director that it includes one or more the excluded types of Development or Redevelopment described in Section 4.3 of this By-law, a Community Benefits Charge otherwise payable for the Development or Redevelopment will be reduced by an amount attributed by the Town to the excluded type of Development or Redevelopment.

6. Determination of Charge

- 6.1 The amount of a Community Benefits Charge payable under this by-law shall be four (4) percent of the Value of the Land that is the subject of the Development or Redevelopment as of the Valuation Date. **(Amended per By-law No. 6641-24 per OLT Decision)**

(1.1) The amount of the community benefits charge payable in any particular case is 4% of the value of the land, as of the valuation date, multiplied by the ratio of “A” to “B” where,

“A” is the gross floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment, and

“B” is the gross floor area of all buildings and structures that will be on the land after the development or redevelopment.

(1.2) Development or redevelopment that includes affordable residential units or attainable residential units, as defined in subsection 4.1(1) of the Development Charges Act, 1997, S.O. 1997, c.27 (“DC Act”), or residential units described in subsection 4.3(2) of the DC Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection 37(32) multiplied by the ratio of A to B where,

“A” is the gross floor area of all buildings that are part of the development or

redevelopment minus the gross floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the DC Act; and

“B” is the gross floor area of all buildings that are part of the development or Redevelopment.

6.2 If a Development of Redevelopment consists of two or more phases, each phase is deemed to be a separate Development or Redevelopment and

(a) the Valuation Date for each phase will be the day before the day the Building Permit is issued in respect of the Development or Redevelopment for that phase, or if more than one Building Permit is required for the Development or Redevelopment for that phase, the day before the day that the first Building Permit is issued for that phase; and,

(b) a Community Benefits Charge payable for each phase will be four (4) percent of the Value of the Land for that phase.

7. In-Kind Contributions

7.1 The Director is delegated authority to allow an Owner to provide an In-Kind Contribution in lieu of the payment of a Community Benefits Charge otherwise payable, in whole or in part, and to accept and attribute a value pertaining to an In-Kind Contribution and to make satisfactory arrangements for the provision of the In-Kind Contribution to the Town, which arrangements may include the execution of an agreement by the Mayor and Clerk upon the recommendation of the Director.

7.2 Where the Director has allowed an Owner to provide an In-Kind Contribution, a Community Benefits Charge otherwise payable for the Development or Redevelopment will be reduced by the value that the Director has attributed to the In-Kind Contribution.

8. Time of Payment of Community Benefits Charges

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

9. No Building Without Payment

9.1 No person shall construct a Building on land proposed for Development or Redevelopment where an approval under Section 3.1 of this by-law is required unless: (a) a Community Benefits Charge payment required by this by-law has been made or arrangement for the payment that are satisfactory to the Town have been made and (b) any approved In-Kind Contribution has been provided or arrangements for its provision satisfactory to the Director have been made.

10. Administration of By-law

- 10.1 The Treasurer is delegated authority for the implementation and administration of this by-law.
- 10.2 The Treasurer shall report annually to Council on:
- (a) the prescribed matters contained in Section 7 of the O. Reg. 509/20, as amended; and
 - (b) funding recommendations to spend or allocate at least 60 percent of the monies in the special account at the beginning of the year.

11. General

- 11.1 Council shall review this by-law and pass a resolution declaring whether a revision to this by-law is needed within five years of the date it is first passed, and every five years after the previous resolution was passed.
- 11.2 If, for any reason, any provision of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified.
- 11.3 The reference to any statute, regulation or by-law shall be deemed to refer to the statute, regulation, or by-law as they may be amended from time to time.

12. Effective Date

- 12.1 This by-law shall come into effect at 12:01 A.M. on September 20, 2022.