

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 84-2024

Being a By-Law to impose a Community Benefits Charge, in accordance with the provisions of the *Planning Act, R.S.O., 1990, c.P.13*.

WHEREAS section 37 of the *Planning Act* provides that the council of a municipality may by by-law impose Community Benefits Charges against land to pay for capital costs of services required because of development or redevelopment; and

AND WHEREAS pursuant to subsection 37(9) of the *Planning Act*, Council passed a Community Benefits Charge Strategy, which identifies the services that will be funded with Community Benefits Charges and complies with prescribed requirements; and

AND WHEREAS pursuant to subsection 37(10) of the *Planning Act*, the Town consulted with stakeholders and held consultation meetings on December 5, 2023, and posted the updated Strategy on the Town's website on November 18, 2024, for review and comment in preparing the Community Benefits Charge Strategy, and held a Public Meeting on December 2, 2024; and

AND WHEREAS Council desires to impose Community Benefits Charges against land to pay for capital costs of services required because of development and redevelopment;

NOW THEREFORE, the Council of the Corporation of the Town of Ajax hereby ENACTS AS FOLLOWS:

1.0 Short Title

1.1 This by-law may be cited as the "Community Benefits Charge By-law".

2.0 Definitions

In this by-law:

"Act" or "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13;

"Affordable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Development Charges Act, 1997;

"Attainable Unit" means a residential unit that that meets the criteria set out in subsection 4.1 of the Development Charges Act, 1997;

"Building" means any structure or building as defined in the Ontario Building Code (Ontario Regulation 332/12 under the Building Code Act, 1992);

"Capital Costs" means growth-related 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,

- a) to acquire Land or an interest in Land, including a leasehold interest,
- b) to improve Land,
- c) to acquire, lease, construct or improve building and structures,
- d) to acquire, construct or improve facilities including,
 - i furniture and equipment, and;
 - ii rolling stock;
- e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the Community Benefits Charge Strategy, required for the provision of Services designated in this By-law within or outside the Town, including interest on borrowing for those expenditures under clauses (a) to (e) above;

“Community Benefits Charge” means a charge imposed pursuant to this By-law;

“Council” means the Council of the Corporation of the Town of Ajax;

“Development” means the construction, erection, or placing of one or more buildings or structures on Land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof or any development requiring any of the actions described in subsection 6.1 of this By-law, and includes Redevelopment;

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

“Land” means any parcel, partial or full, of property within the Town of Ajax geographic area;

“Non-profit Housing Development” means development of a Building or structure intended for use as residential premises by:

- a) a corporation to which the Not-for-Profit Corporations Act, 2010, S.O. 2010, c. 15 (“Not-for-Profit Corporations Act”) applies, that is in good standing under that Act and whose primary objective is to provide housing;
- b) a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 (“Canada Not-for-profit Corporations Act”) applies, that is in good standing under the Canada Not-for-profit Corporations Act and whose primary objective is to provide housing; or
- c) a non-profit housing co-operative that is in good standing under the Cooperative Corporations Act, R.S.O. 1990, c. C.35.

“Owner” means the owner of Land or a person who has made application for an approval for the Development of Land for which a Community Benefits Charge may be imposed;

“Parcel” means a lot or parcel of land which can be legally conveyed pursuant to the *Planning Act*;

“Prescribed” means prescribed in the regulations made under the *Planning Act*, unless otherwise expressed used in relation to other legislation;

“Redevelopment” means the construction, erection or placing of one or more Buildings on Land where all or part of a Building on such Land has previously been demolished, or changing the use of a Building from a Non-Residential Use to a Residential Use, or changing a Building from one form of Residential Use to another form of Residential Use and including any Development or Redevelopment requiring any of the actions described in subsection 6.1 of this By-law;

“Residential Unit” shall mean a room or a group of rooms in a dwelling used or intended to be used as a single, independent, and separate housekeeping unit in which a kitchen and sanitary facilities are provided, and which has a private entrance from outside the dwelling or from a common hallway or stairway inside the dwelling.

“Residential Use” means Land, buildings, or structures of any kind whatsoever or any portion thereof, that are being used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations.

“Service” means a service designated in subsection 3.1 of this By-law, and “Services” shall have a corresponding meaning;

“Storey” means the portion of a Building, excluding roof top enclosure space used for no other purpose than roof top access, and/or elevators and other building service equipment, that is:

- a) situated between the top of any floor and the top of the floor next above it, or
- b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

“Town” means The Corporation of the Town of Ajax;

“Valuation Date” means with respect to Land that is subject of Development or Redevelopment,

- a) the day before the day the building permit is issued in respect of the Development or Redevelopment, or
- b) if more than one building permit is required for the Development or Redevelopment, the day before the first permit is issued;

“Zoning By-Law” means any by-law enacted by the Town under section 34 of the *Planning Act*.

The reference to any applicable statute, regulation, by-law, or to the Official Plan in this Community Benefits Charge By-law shall be deemed to refer to the statute, regulation, by-law, and/or Official Plan as they may be amended from time to time and shall be applied as they read on the date on which Community Benefits Charges are due to the Town.

3.0 Designation of Services

3.1 Community Benefits Charge may be imposed in respect of the following:

- a) Land for park or other public recreational purposes in excess of lands dedicated or cash-in-lieu payments made under section 42 or subsection 51.1 of the *Planning Act*.
- b) Services not provided under subsection 2 (4) of the Development Charges Act, 1997, S.O. 1997, c. 27 (“Development Charges Act”).
- c) As per the Community Benefits Charges Strategy, the Town’s Capital Costs will be recovered via the following services through this By-law:
 - i. Parks and Recreation Services;
 - ii. Growth-related Studies;
 - iii. Public Art Services; and
 - iv. Community Benefits Charge Strategies.

4.0 Payment of Community Benefits Charge

4.1 Community Benefits Charges shall be payable by the Owner of Land for Development in the amounts set out in this By-law where:

- a) the Land proposed for Development is located in the area described in subsection 5.1; and
- b) the proposed Development requires any of the approvals set out in subsection 6.1.

5.0 Area to Which By-law Applies

5.1 Subject to subsection 5.2, this By-law applies to all Lands in the Town.

5.2 This By-law shall not apply to Lands that are owned by and used for the purposes of:

- a) The Town;
- b) a Board of Education; and

c) The Region of Durham.

6.0 Applicable Types of Development

6.1 A Community Benefits Charge shall be imposed only with respect to Development that requires one or more of the following approvals:

- 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, 1998, SO 1998, c 19, as amended ("Condominium Act, 1998"), or any successor thereof; or
- g) the issuing of a permit under the Building Code Act, 1992 in relation to a Building or Structure.

6.2 Despite subsection 6.1 above, a Community Benefits Charge shall not be imposed with respect to:

- a) Development of a proposed building or structure with fewer than five (5) Storeys at or above ground;
- b) Development of a proposed building or structure with fewer than ten (10) residential units;
- c) Redevelopment of an existing building or structure that will have fewer than five Storeys at or above ground after the Redevelopment;
- d) Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
- e) such types of Development or Redevelopment as are prescribed.

6.3 For the purposes of section 6.2, the first Storey at or above-ground is the Storey that has its floor closest to Grade and its ceiling more than 1.8m above Grade.

7.0 Additional Exemptions

7.1 Notwithstanding the provisions of this By-law, Community Benefits Charges shall not be imposed with respect to Development or Redevelopment of a building or structure intended for use:

- a) as a long-term care home within the meaning of the Fixing Long-Term Care Act, 2021, S.O. 2021, c.39, sched 1;
- b) as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
- c) 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 (“Indigenous Institutes Act, 2017”).
- d) by an Ontario branch of the Royal Canadian Legion as a memorial home, clubhouse, or athletic grounds;
- e) as a hospice to provide end-of-life care;
- f) as a residential premises in a Non-profit Housing Development, pursuant to the exemption in section 4.3 of the Development Charges Act;
- g) as:
 - i. Affordable Residential Units;
 - ii. Inclusionary zoning residential units that are Affordable Residential Units required to be included in a Development or Redevelopment pursuant to a by-law passed under section 34 of the *Planning Act*; and
 - iii. Attainable Residential Units,

Pursuant to the exemptions in section 4.1 of the Development Charges Act and the regulations thereunder, once they come into force;
- h) as residential or mixed-use located on lands identified in Schedule A, that are subject to former Section 37 (height and density bonusing) by-law(s); and
- i) as residential or mixed-use on lands with an agreement under a Community Improvement Plan approved prior to this by-law coming into effect.

8.0 Amount of Charge

8.1 The amount of a Community Benefits Charge payable in any particular case shall be determined as follows:

- a) Where there is Development or Redevelopment which requires one or more of the approvals set out in subsection 6.1, on Land to which this By-law applies, the Community Benefits Charges payable pursuant to this By-law shall be four (4) percent of the value of Land being developed as the Valuation Date, subject to adjustment as set out in subsection 8.1 b) below;
- b) The amount of a Community Benefits Charge payable shall not exceed an amount equal to the amount determined in subsection 8.1 a) above, multiplied by the ratio of A to B where,

“A” is the 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 floor area of all buildings and structures that will be on the Land after the Development or Redevelopment.

- c) After section 37(32.1) of the *Planning Act* and any related regulations, or By-law passed by the Town come into force, for Development or Redevelopment which include Affordable Residential Units, Attainable Residential Units, or Inclusionary Zoning Residential Units the amount of a Community Benefits Charge payable shall be further adjusted so that it shall not exceed the amount as determined under section 8.1 b) above multiplied by the ratio of A to B where,

“A” is the floor area of all buildings that are part of the Development or Redevelopment minus the floor area of all Affordable Residential Units, Attainable Residential Units, and Inclusionary Zoning Residential Units; and

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

- 8.2 If a development or redevelopment is to be constructed in phases each Phase of the development is deemed to be a separate development or redevelopment for the purposes of this Article and the amount of the community benefit charge for each Phase will be 4 percent of the value of the land attributable to that Phase on the day before the first building permit for development or redevelopment of that Phase is issued. The applicant shall provide a clear phasing plan that identifies the land attributed to each Phase.

9.0 In-Kind Contribution

- 9.1 The Town may, at its discretion, allow an Owner of Land to provide to the Town facilities, services or matters, such as community infrastructure or equipment, required because of Development or Redevelopment in the area to which the By-law applies in lieu, or partially in lieu of a Community Benefits Charge that would otherwise be payable.
- 9.2 For in-kind contributions pursuant to the preceding subsection to be considered, request to Planning and Development Services for consideration of in-kind contributions must be submitted with supporting documentation as to the suggested value thereof no less than 180 days prior to the first building permit being granted for the proposed Development or Redevelopment.
- 9.3 In-kind contributions pursuant to subsection 9.1 will be presented by Planning and Development Services staff to Council and shall only be accepted if approved by resolution of Council. The determination of Council as to whether in-kind contributions shall be accepted in full or partial satisfaction of Community Benefits Charges shall be final and binding.
- 9.4 The value attributed to an in-kind contribution under subsection 9.1 shall be as determined by Council, based on one or more third-party valuations to the satisfaction of Council. Council's determination of the value to be attributed to any in-kind contribution shall be final and binding. The Town shall issue a notice to the Owner advising them of the value of the in-kind contribution that will be attributed to them. The Town may require an owner of Land to enter into an agreement with the Town outlining the in-kind contribution as outlined in 9.1, and the agreement may be registered on title of the Lands.

10.0 Time of Payment of Community Benefit Charge

- 10.1 Community Benefits Charges imposed under this By-law shall be payable prior to the issuance of any building permit for the proposed Development or Redevelopment; unless an agreement is executed in accordance with section 9.4 that establishes an alternative timeline.
- 10.2 Notwithstanding any of the foregoing, the Town and the Owner may enter into an agreement to defer payment of the Community Benefits Charge to a date stipulated in the agreement. Interest may be applied at a rate not less than that identified in the Town's Development Charge Interest Policy.

11.0 Community Improvement Plans

- 11.1 The Town may establish Community Improvement Plans, in accordance with the Official Plan, that provide reduced Community Benefits Charge requirements for specified Development. All criteria, financial incentives and processes shall be outlined in the respective Community Improvement Plan and carried out in accordance with the *Planning Act* and *Municipal Act*.

12.0 Severability

- 12.1 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.

13.0 Reserve Funds

- 13.1 Monies collected from payment of Community Benefits Charge shall be maintained in a separate reserve fund, plus interest.
- 13.2 The Town shall report the balance of any accounts in accordance with any legislative requirements.

15.0 Non-binding Nature


- 15.1 Nothing in this by-law or Council's approval of a capital forecast shall be construed so as to commit or require the Town or its Council to authorize or proceed with any specific capital project at any specific time.

16.0 Effective Date

- 16.1 This by-law is effective on February 1, 2025.

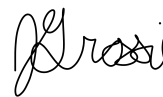
READ a first and second time this 9th day of December, 2024.

READ a third time and passed this 9th day of December, 2024.



[Shaun Collier \(Dec 10, 2024 15:52 EST\)](#)

Mayor and CEO



Clerk

SCHEDULE "A"
LANDS SUBJECT TO FORMER S.37 BY-LAWS AND/AGREEMENTS

Medallion (Castlefields – North side of Rossland Road East, between Audley Road North and approximately 70 metres west of Rushworth Drive):

Parcel 1: PIN 26410 - 0080 LT

Description PT LT 4 CON 3 PICKERING, PART OF PARTS 2 & 3 40R21195, LYING SOUTH OF CARBERRY CRESCENT, EAST OF BLOCKS 201 & 206, WEST OF RUSHWORTHDRIVE AND NORTH OF BLOCKS 203 & 212, PLAN 40M2174; AJAX, REGIONAL MUNICIPALITY OF DURHAM.

Parcel 2:

PIN 26410 - 0079 LT

Description PT LT 4 CON 3 PICKERING, PART OF PARTS 1, 2 & 3 40R21195, LYING SOUTH OF MANSBRIDGE CRESCENT, EAST OF RUSHWORTH DRIVE & NORTH OF BLOCKS 203 & 213, PLAN 40M2174; AJAX, REGIONAL MUNICIPALITY OF DURHAM.

Parcel 3: PIN 26410 - 0083 LT

Description PT LT 3 CON 3 PICKERING, PART OF PARTS 1 & 2 40R19840, LYING SOUTH OF STYLES CRESCENT, WEST OF HILTON GATE, NORTH OF BLOCKS 203 & 214, PLAN 40M2174; AJAX, REGIONAL MUNICIPALITY OF DURHAM.

Parcel 4: PIN 26410 - 0935 LT

Description PT LT 3 CON 3, PICKERING PART OF PART 1 PL 40R19840 LYING N, E, & S OF 40M2174 & LYING S OF 40M2228, AJAX, REGIONAL MUNICIPALITY OF DURHAM,

Lands located at the Southwest corner of Taunton Road West and Ravenscroft Road:

Parcel 1 (Phase 1): PIN 26408-2031 LT

PART LOI 12 CONCESSION 3 PICKERING, PARTS 3, 4, 5, 6&7 PLAN 40R30457; SUBJECT TO AN EASEMENT AS IN DR1772064; SUBJECT TO AN EASEMENT OVER PARTS 3 & 5 PLAN 40R30457 IN FAVOUR OF PART LOT 12 CONCESSION 3 PICKERING, PART 1 PLAN 40R30457 AS IN DR1809710; SUBJECT TO AN EASEMENT OVER PART 7, PLAN 40R30457 IN FAVOUR OF PART LOT 12 CONCESSION 3 PICKERING, PART 8 PLAN 40R30457 AS IN DR1809711; TOWN OF AJAX

Parcel 2 (Phase 2): PIN 26408-2032 LT

PART LOT 12 CONCESSION 3 PICKERING, PART 8 PLAN 40R30457; SUBJECT TO AN EASEMENT AS IN DR1772064; TOGETHER WITH AN EASEMENT OVER PART LOT 12 CONCESSION 3 PICKERING, PART 7 PLAN 40R30457 AS IN DR1809711; TOWN OF AJAX

Parcel 3 (Phase 3): PIN 26408-2030 LT

PART LOT 12 CONCESSION 3 PICKERING, PARTS 1 & 2 PLAN 40R30457; T/W EASEMENT OVER PART LOT 12 CONCESSION 3 PICKERING, PARTS 3 & 5 PLAN 40R30457 IN FAVOUR OF PART 1 PLAN 40R30457 AS IN DR1809710; SUBJECT TO AN EASEMENT AS IN DR1772064; TOWN OF AJAX