



INFORMATION REPORT

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: June 20, 2012	
SUBJECT/REPORT NO: Development Charges Annual Indexing and Industrial Development Charges Increases - Effective July 6, 2012 (FCS12048) (City Wide)	
SUBMITTED BY: Roberto Rossini General Manager Finance & Corporate Services Department	PREPARED BY: Adam Smith Ext 1434
SIGNATURE:	

Council Direction: Not Applicable

Industrial Development Charges Increases

By-law 11-173 (which was an amendment to By-law 09-143) and By-law 11-175 were approved by Council in 2011 to implement new Development Charges rates which included a phased-in Industrial DC rate. The Industrial DC rate was to remain at \$6.65 per square foot (the level it had been at since 2009) until July 6, 2012, when it would increase to \$8.07 per square foot after adjusting for inflation (\$7.75 pre-inflationary adjustment). Further, the By-laws direct the Industrial DC rate to be increased to \$9.21 per square foot after adjusting for inflation (\$8.85 pre-inflationary adjustment) effective January 6, 2013. These phased in increases have been factored into the figures found in Table 3 of Report FCS12048.

Development Charges Annual Indexing

In accordance with the City's Development Charge By-laws, development charge rates are adjusted annually by the percentage change during the preceding year, as recorded in the Statistics Canada Quarterly Construction Price Statistics Catalogue No. 62-007. This is done in order to adjust DC revenues as it relates to changes in construction price levels. If prices rise, this helps ensure the sustainability of the development charge reserves in the funding of the City's growth-related capital requirements.

SUBJECT: Development Charges Annual Indexing and Industrial Development Charges Increases - Effective July 6, 2012 (FCS12048) (City Wide)

There are three Development Charge (DC) By-laws administered by the City Of Hamilton – By-law 09-143 respecting the collection of development charges for growth-related tax-supported services, 11-175 respecting Water, Waste Water, and Storm Water growth related services and By-law 11-174 respecting the collection of development charges to pay for the City’s contribution towards GO Transit growth capital. The current industrial DC rates in effect reflect the December 31, 2010 dollar value, and therefore need to be indexed to reflect the change in costs for 2011.

The use of Capital Expenditure Price Statistics Catalogue No. 62-007 is prescribed by the *Development Charges Act*. Within this Catalogue, is the Non-Residential Building Construction Price Index. It is the index which most closely reflects capital infrastructure costs of construction for the GTA/Hamilton area. The previous calendar year indexing rate is used in calculating the current years Development Charge increase or decrease. The percentage change in the CPI the previous calendar year will be the change in the development charge rate in the current year.

**Table 1
Stats Canada NR Building Construction Price Index**

Year	CPI Number	Percent change
2010	142.4	
2011	148.2	4.07%

Source: Statistics Canada - Catalogue no. 62-007-X, Table 7-6

As per the figures found in Table 1 of Report FCS12048, the percentage change in the 2011 index was 4.07%. The effective date of the indexing is July 6, 2012, the anniversary dates of the By-laws.

A summary of the existing and indexed rates is illustrated in the following Tables. The shaded cells represent what the charges will be once the indexing takes effect on July 6th. Table 2 of Report FCS12048 illustrates the residential City DC rates.

Table 2

Residential DCs (\$ per unit unless otherwise stated)	City DCs Existing Rates	City DCs With Indexing as of July 6, 2012
	\$	\$
Singles/Semi's	26,927	28,023
Apartment (2+ bdrms)	16,626	17,303
Apartment (1 bdrm)	11,094	11,546
Townhouse/ Other Multiple	19,300	20,086
Residential Facility (\$ per bed)	8,449	8,793

The Non-Residential City DC Rates can be seen in Table 3. The DC By-law’s provide for a phased in increase to the Industrial Development Charges. The existing rate of \$6.65 per square foot will increase to \$7.75 plus indexing on July 6, 2012 – with a further increase to \$8.85 plus indexing effective January 6, 2013. The Non-Industrial rate is a stepped rate, as indicated in Table 3 of Report FCS12048.

SUBJECT: Development Charges Annual Indexing and Industrial Development Charges Increases - Effective July 6, 2012 (FCS12048) (City Wide)

Table 3

Non-Residential DC's (\$ per square foot)		Existing Rate (\$)	Indexed Rate (\$)	
			As of July 6, 2012	As of Jan 6, 2013
Industrial		6.65	8.07	9.21
Non-Industrial (ie. Commercial, institutional)	1st 5000 sq ft	7.60	7.91	7.91
	2nd 5000 sq ft	11.39	11.85	11.85
	10,000+ sq ft	15.19	15.81	15.81

The 2011 Bylaws also established a rate for new small Industrial Developments of 10,000 square feet or less. This rate does not apply to the first 10,000 square feet of industrial development larger than 10,000 square feet – only to developments that are 10,000 square feet or less in total. The rate in effect is the greater of \$6.65 plus indexing, or 75% of the full industrial rate in effect. Calculation of the charge can be found in Table 4 of Report FCS12048.

Table 4

New Industrial Development Under 10,000 square feet	Existing Rate (\$)	Future Industrial Rate in Effect (\$)	
		As of July 6, 2012	As of Jan 6, 2013
Base Rates	6.65	8.07	9.21
After Indexing 75% of Full Industrial Rate	6.92	6.05	6.91
Resulting Rate in effect from July 6, 2012 - July 5, 2013: \$6.92/square foot			

The GO Transit DC Rates can be seen in Table 5 of Report FCS12048. Go Transit DC's are only collected from Residential Development, and they are also indexed annually every July 6th.

Table 5

Residential DCs (\$ per unit unless otherwise stated)	GO Transit DCs Existing Rates	GO Transit DCs With Indexing
	\$	\$
Singles/Semi's	215	224
Apartment (2+ bdrms)	133	138
Apartment (1 bdrm)	89	93
Townhouse/ Other Multiple	154	160
Residential Facility (\$ per bed)	70	73

Appendix "A" to Report FCS12048 is the Development Charges Pamphlet which will be posted on the City website, and made available to the public. The Pamphlet provides a more detailed summary schedule by area and development type. Special area and educational DCs are also outlined, where applicable.

Transition Policy

The City's Development Charge Transition policy also impacts inflationary rate increases and or decreases. Development Charges are payable upon building permit issuance and the rates payable are based on the rates in effect on the date of permit issuance. However, to off-set the

**SUBJECT: Development Charges Annual Indexing and Industrial Development
Charges Increases - Effective July 6, 2012 (FCS12048) (City Wide)**

Page 4 of 4

financial impacts to developments already in progress and nearing permit issuance, a transition policy was approved as part of report FCS09060 "DC By-law 09-143". The transition policy allows for the DC rates in effect on the date of building permit *application*, to be paid, provided that **all** of the following criteria are met:

- The permit application must be a complete application as per requirements outlined by the Building Department;
- The permit must be issued within 6 months of the effective date of a rate increase; and
- The permit must not be revoked after the date of a rate increase.

Appendices

Appendix "A" to Report FCS12048 – July 6, 2012 to July 5, 2013 City of Hamilton Development Charges Information Pamphlet

CITY OF HAMILTON

DEVELOPMENT CHARGES INFORMATION

For
By-law #09-143, By-law #11-174, and By-law #11-175
(as amended)

This pamphlet summarizes Development Charges By-laws #09-143, #11-174, and Development Charges By-law #11-175 (as amended)

The information contained within is intended only as a guide.

Interested parties should review the by-laws and consult with City of Hamilton staff to determine the charges that may apply to specific development proposals.

NOTE: Demolition credits are given at the current DC rates. Schools and Churches are currently exempt from DC charges, therefore DC Credits are zero.

Rates Effective
July 6, 2012 – July 5, 2013

DEVELOPMENT CHARGES IN THE CITY OF HAMILTON

Effective July 6, 2012 to July 5, 2013

Purpose of Development Charges:

The purpose of development charges is to recover the growth-related costs associated with the capital infrastructure needed to service new development.

By-Laws for the City of Hamilton:

By-law No. 09-143 (as amended)
By-law No. 11-174 (as amended)
By-law No. 11-175 (as amended)

The service components of the development charges include the following:

By-law No. 09-143

Roads	Libraries	Homes for the Aged
Airport Fire		Health
Police	Transit	Social & Child Services
Indoor Recreation	Outdoor Recreation Social	Housing
Special Area Charges (i.e. Dundas/Waterdown, Binbrook)		Ambulance
Administration		

By-law No. 11-174

Go Transit Service

By-law No. 11-175

Waste Water Services	Water Services	Stormwater Services
----------------------	----------------	---------------------

All Development Charges (other than Dundas/Waterdown and Binbrook Special Area Charges) are indexed annually on July 6th, based on the Non-Residential Building Construction Price Index for Toronto, as provided by Statistics Canada.

Payment of Development Charges:

Development charges are payable at the time of building permit issuance and are collected by the City of Hamilton Building Department. Deferrals are available for all non-residential developments, apartment developments, and residential facility developments for up to a maximum of 5 years. The deferral agreement is subject to interest charges and administration fees.

Transition Policy:

Normally, the development charges rate payable is the rate in effect on the day that the building permit is issued. However, the City's policy is that the development charges rate payable is the rate in effect on the date that a **complete building permit application** is received and accepted by the City, provided that the building permit is **issued within 6 months of the date of a rate increase**. If the building permit is revoked on or after the date of the rate increase, the rates in effect on the date of permit issuance will be payable.

Credits and Exemptions:

Refer to attached pages for rate highlights as well as exemption and credit policies.

Treasurer's Statement:

The City Treasurer prepares an annual statement regarding the use of development charges funds and sets out the balance in each of the development charges reserves.

Copies of By-law and Treasurer's Statement

Copies of the Development Charges By-laws as well as the Treasurer's statement are available from the Clerk's office on the 1st Floor of City Hall, 71 Main St. W., Hamilton, Ontario L8P 5Y4.

For further information regarding development charges, contact:

905-546-2424 Ext 1434 or Ext 2790 – Finance Department, or
905-546-2720 – Building Department

**CITY OF HAMILTON DEVELOPMENT CHARGES
RATES EFFECTIVE JULY 6, 2012 – JULY 5, 2013**

SUMMARY SCHEDULE						
	RESIDENTIAL CHARGES (\$)					Non-Residential (\$ Per Square Foot
	Single-Detached Dwelling & Semi-Detached Dwelling (per Unit)	Apartments 2+ bedrooms (per unit)	Apartments Bachelor & 1 Bedroom (per unit)	Townhouses & Other Multiple unit Dwellings (per unit)	Residential Facility (per Bedroom)	Non-Residential (See Note "a" Below)
City of Hamilton Development Charges (including Municipal-Wide and Urban Area Charges)						
City	28,023	17,303	11,546	20,086	8,793	(See Note a) 15.81
GO Transit	224	138	93	160	73	
Education	610	610	610	610	610	0.18
Total	28,857	18,051	12,249	20,856	9,476	15.99
Special Area Charges						
Binbrook SAC (note b)	3,571	2,191	1,464	2,560	1,053	-
Total Binbrook DCs	32,428	20,242	13,713	23,416	10,529	15.99
Dundas SAC (note c)	1,563	1,035	608	1,240	461	1.24
Total Dundas DCs	30,420	19,086	12,857	22,096	9,937	17.23
Waterdown SAC (note c)	1,563	1,035	608	1,240	461	1.24
Total Waterdown DCs	30,420	19,086	12,857	22,096	9,937	17.23

The development charges shown above are applicable to developments located in urban areas. Charges applicable to developments outside the urban area shall be determined with regard to the services required or used by an individual development (ie. Waterworks, waste water)

NOTES:

a) There are 2 categories of non-residential charges – “Industrial” and “Non-Industrial” as defined in the by-law.

The City’s industrial Development Charge is phased in as follows:

- July 6/12 to Jan. 5/13: \$8.07 per sq. ft.
- Jan. 6/13 to July 5/13: \$9.21 per sq. ft.
- July 6/13 to July 5/14: \$9.21 per sq. ft. plus indexing

For new Industrial Development under 10,000 sq. ft.:
 July 6/12 to July 5/13: \$6.92 per sq. ft.
 July 6/13 to July 5/14: \$6.92 per sq. ft. plus indexing

Deduction does not apply to education and special area charges.

New “non-industrial” developments are charged the following City rates:

- July 6/12 to July 5/13:
 1st 5,000 sq ft: \$7.91 per sq. ft.
 2nd 5,000 sq ft: \$11.85 per sq. ft.
 10,000+ sq ft: \$15.81 per sq. ft.

Deduction does not apply to education and special area charges

For expansions of “non-industrial” developments already in existence as of July 6, 2011 the following City rates apply:

- July 6/12 to July 5/13:
 1st 5,000 sq. ft. of expansion: Exempt
 5,000+ sq. ft.: \$15.81 per sq. ft.

Exemption does not apply to education and special area charges

b) Land affected by the Binbrook Special Area Charge can be found on page 12

c) Land affected by the Dundas & Waterdown Special Area Charge can be found on page 13

**CITY OF HAMILTON DEVELOPMENT CHARGES
RATES EFFECTIVE JULY 6, 2012 – JULY 5, 2013**

SERVICE COMPONENT BREAKDOWN						
	RESIDENTIAL CHARGES (\$)					Non-Residential (\$)
	Single-Detached Dwelling & Semi-Detached Dwelling (per Unit)	Apartments 2+ bedrooms (per unit)	Apartments Bachelor & 1 Bedroom (per unit)	Townhouses & Other Multiple unit Dwellings (per unit)	Residential Facility (per Bedroom)	Per Square Foot
Service Component						Non-Residential (See Note "a" Below)
Urban Area Charges						
Water Services	3,428	2,124	1,415	2,457	1,113	2.02
WasteWater Services	9,046	5,605	3,737	6,485	2,935	5.33
StormWater Services	5,332	3,303	2,202	3,821	1,730	0.72
Total Urban Area Charges	17,806	11,032	7,354	12,763	5,778	8.07
Municipal Wide Charges						
Roads & Related	6,187	3,795	2,537	4,435	1,826	6.61
Airport	83	71	47	81	33	0.09
Transit	227	121	80	139	58	0.24
Fire Protection	301	185	124	215	88	0.20
Police	262	161	107	188	78	0.17
Outdoor Recreation	832	511	342	598	247	0.05
Indoor Recreation	1,070	658	440	769	317	0.06
Library	382	234	156	274	112	0.02
Administration'	289	178	119	207	84	0.28
Ambulance	18	10	7	11	5	0
Homes for the Aged	4	2	2	3	1	-
Health Services	40	25	17	28	12	-
Social & Child	48	29	20	34	15	0
Social Housing	474	291	194	341	139	-
Total Municipal Wide Charges	10,217	6,271	4,192	7,323	3,015	7.74
Grand Total (Urban Area & Municipal Wide)	28,023	17,303	11,546	20,086	8,793	15.81
Additional Special Area Charges						
Binbrook (note b)	3,571	2,191	1,464	2,560	1,053	
Dundas/Waterdown (note c)	1,563	1,035	608	1,240	461	1.24
GO Transit (City-Wide)	224	138	93	160	73	
Rural Area Deductions (note e)						
No Water Service	3,428	2,124	1,415	2,457	1,113	2.02
No Wastewater Service	9,046	5,605	3,737	6,485	2,935	5.33
No Stormwater Service	5,332	3,303	2,202	3,821	1,730	0.72
Stormwater Management Pond Credit (See note d)	(3,999)	(2,477)	(1,652)	(2,866)	(1,298)	

NOTES:

a) There are 2 categories of non-residential charges – "Industrial" and "Non-Industrial" as defined in the by-law.

The City's industrial Development Charge is phased in as follows:

July 6/12 to Jan. 5/13: \$8.07 per sq. ft.
Jan. 6/13 to July 5/13: \$9.21 per sq. ft.
July 6/13 to July 5/14: \$9.21 per sq. ft. plus indexing

For new Industrial Development under 10,000 sq. ft.:
July 6/12 to July 5/13: \$6.92 per sq. ft.
July 6/13 to July 5/14: \$6.92 per sq. ft. plus indexing

Deduction does not apply to education and special area charges.

New "non-industrial" developments are charged the following City rates:

July 6/12 to July 5/13:
1st 5,000 sq ft: \$7.91 per sq. ft.
2nd 5,000 sq ft: \$11.85 per sq. ft.
10,000+ sq ft: \$15.81 per sq. ft.

Deduction does not apply to education and special area charges

For expansions of "non-industrial" developments already in existence as of July 6, 2011 the following City rates apply:

July 6/12 to July 5/13:
1st 5,000 sq. ft. of expansion: Exempt
5,000+ sq. ft.: \$15.81 per sq. ft.

Exemption does not apply to education and special area charges

b) Land affected by the Binbrook Special Area Charge can be found on Page 12

c) Land affected by the Dundas & Waterdown Special Area Charge can be found on Page 13

d) Stormwater Management Pond credit applies where stormwater management facilities in a particular subdivision have been provided at the cost of the developer as a condition of approval of a plan of subdivision

e) Charges applicable to developments outside the urban area shall be determined with regard to the Urban services required or used

HIGHLIGHTS

INDEXING

Rates shall be indexed on the anniversary date of the DC By-laws (every July 6) by the percentage change recorded in the average annual Non-Residential Construction Price Index produced by Statistics Canada.

INDUSTRIAL

The City's per square foot charge for industrial development has been discounted from the full rate of \$15.81 per square foot. The industrial development charge rate is **currently set at \$8.07 per square foot.**

From January 6, 2013 – July 5, 2013 the rate will be: \$9.21 per square foot

From July 6, 2013 to July 5, 2014 the rate will be: \$9.21 per square foot plus indexing

For new Industrial Development under 10,000 square feet, the rate will be as follows

From July 6, 2012 – July 5, 2013: \$6.92 per square foot

From July 6, 2013 – July 5, 2014: \$6.92 per square foot plus indexing

For expansions of existing industrial developments, **enlargement up to 50% of existing gross floor area: exempt**; any amount over 50% of existing gross floor area will pay the industrial rate in effect.

Note: Industrial DC's are allocated as follows: 34% Roads, 59% Wastewater, 7% Stormwater

NON-INDUSTRIAL (Commercial/Institutional)

The City's non-industrial (commercial/institutional) charge for July 6, 2013 – July 5, 2013 is phased in as follows:

1st 5,000 square feet: \$7.91 per square foot (50% of charge in effect)

2nd 5,000 square feet: \$11.85 per square foot (75% of charge in effect)

10,000+ square feet: \$15.81 per square foot (100% of charge in effect)

For expansions of non-industrial developments already in existence as of July 6, 2011 the following City rates apply:

1st 5,000 square feet of expansion: Exempt

any amount over 5,000 square feet: \$15.81 per square foot

TRANSITION POLICY

Development Charges are payable upon building permit issuance and the rates payable are based on the rates in effect on the date of building permit issuance.

However, there is a transition policy in effect for developments nearing permit issuance. Under the transition policy, the rates in effect on the date of building permit application may be paid, provided that **all** of the following criteria are met:

- The permit application must be a complete application as per the requirements outlined by the Building Department
- The permit must be issued within 6 months of the effective date of a rate increase
- The permit must not be revoked after the date of a rate increase

Development Charges Exemptions

City of Hamilton & GO Transit Development Charges

*Please note the majority of these exemptions **do not** apply to Education DC's

Residential:

Intensification – Enlargement of an existing residential unit, and Addition of 2 units to an SDU, or 1 unit to any other residential building exempted from DCs

Affordable Housing – Projects receiving senior government or CityHousingHamilton funding (but not receiving funding to cover DC's) 100% exempted

Downtown CIPA Exemption (Map on Page 14) – 90% exemption of DC's otherwise payable if within boundaries (to be applied after all other exemptions and credits are applied)

Farm Help Houses – Considered to be Agricultural Use – 100% exempt - but does not include single detached dwelling on agricultural land.

Student Residence – 50% exemption for student residence built by a University, College of applied arts and technology, other accredited post secondary institution, or accredited private secondary school

Redevelopment of existing residential development – exempt from 50% of DC's generated within the existing building envelope (credit for 100% of previous use) (for example turning an SDU into a rooming house)

Heritage Buildings – redevelopment 100% exempt within the existing building envelope

Non-Residential:

Enlargement of existing Industrial Buildings – Enlargement of up to 50% of existing gfa exempted (attached or detached as long as on same property)

Parking Garage/Structure – 100% exempted

Agricultural Use – 100% exempted for bona fide farming/agriculture uses (see by-law definition for further details)

Place of Worship – 100% exempted (must be exempt from property taxes)

Covered Sports Field – Playing surface and spectator viewing areas 100% exempted (does not include ancillary areas i.e. hallways, changerooms, concessions etc.)

Non-Industrial Expansion – First 5,000 sq ft of gfa for expansion exempt from DCs, can be attached or unattached as long as on same site (original development must exist as of by-law date)

Non-Industrial Stepped Rates – First 5,000 sq ft of development 50% exempt from DC

- 2nd 5,000 sq ft of development 25% exempt from DC (75% payable)
- Over 10,000 sq ft - pay 100% of applicable fee

New Industrial 10,000 sq ft or less - pay \$6.92 per sq ft

ERASE/Brownfield – Exemption for the **lesser** of environmental remediation costs (approved through ERASE grant) or development charges otherwise payable

Academic/Teaching Space – exempt from all City DC's except for the Transit component if development is by a University, other post-secondary school offering a degree or diploma recognized by the Province, or a not-for-profit private elementary or secondary school operated in compliance with Section 16 of the *Education Act*

Public Hospital – Exempt from 50% of the DC's otherwise payable

Heritage Buildings – redevelopment 100% exempt within the existing building envelope

Downtown CIPA Exemption (Map on Page 14) – 90% exemption of DC's otherwise payable if within boundaries (to be applied after all other exemptions and credits are applied)

Education Development Charges Exemptions

Residential:

Intensification – Enlargement of an existing residential unit, and Addition of 2 units to an SDU, or 1 unit to any other residential building exempted from DC's

Non-Residential:

Public Hospital – Exempt from 100% of DC's if receiving aid under *Public Hospitals Act*

Place of Worship – 100% exempted (must be exempt from property taxes)

Non-Residential farm buildings – 100% exempted

Enlargement of existing Industrial Buildings – Enlargement of up to 50% of existing gfa exempted (attached or detached as long as on same property)

CREDITS

Redevelopments

Credits may be provided for full or partial conversions from one use to another.
No Credits are given for Schools, Churches, or other exempt uses.

A credit is allowed for demolitions for a period of 5 years from the date of issuance of the demolition permit.

The dollar value of the credit is based on the rate in effect at the time of redevelopment and on the exemption status of the demolished/redeveloped building at the time of redevelopment. (i.e. no credit if the demolished building is exempt under the current By-Law)

Brownfield/Environmental Remediation and Site Enhancement (ERASE)

Development Charge credits are available for the redevelopment of a brownfield property that has been approved for an ERASE redevelopment grant and is subject to environmental remediation costs. The amount of credit is equal to the cost of environmental remediation incurred by the owner and can be used to offset development charges owing.

Stormwater Management Ponds

Up to 75% of the Stormwater Management services component will be credited in situation where a permanent/centralized stormwater management facility in a particular subdivision has been provided at the cost of the developer as a condition of approval of a plan of subdivision.

REDEVELOPMENT CREDIT EXAMPLE

		Non Industrial Rate	Industrial Rate	Example 1	Example 2	Example 3
Demolition Credit						
Square feet Usage Class				50,000 School Non-Industrial	50,000 Commercial Non-Industrial	50,000 Industrial Industrial
Development Charges	1st 5,000 sq ft	\$ 7.91	\$ 8.07	\$ -	\$ 39,550	\$ 40,350
	2nd 5,000 sq ft	\$ 11.85	\$ 8.07	\$ -	\$ 59,250	\$ 40,350
	Remaining Area	\$ 15.81	\$ 8.07	\$ -	\$ 632,400	\$ 322,800
Education		\$ 0.18	\$ 0.18	\$ -	\$ 9,000	\$ 9,000
Total Credit				\$ -	\$ (740,200)	\$ (412,500)

Development Charge

Square feet Usage Class				20,000 Commercial Non-Industrial	70,000 Industrial Industrial	40,000 Commercial Non-Industrial
Development Charges	1st 5,000 sq ft	\$ 7.91	\$ 8.07	\$ 39,550	\$ 40,350	\$ 39,550.00
	2nd 5,000 sq ft	\$ 11.85	\$ 8.07	\$ 59,250	\$ 40,350	\$ 59,250.00
	Remaining Area	\$ 15.81	\$ 8.07	\$ 158,100	\$ 484,200	\$ 474,300.00
Education		\$ 0.18	\$ 0.18	\$ 3,600	\$ 12,600	\$ 7,200.00
Total Charge				\$ 260,500	\$ 577,500	\$ 580,300

Development Charges Owing	\$ 256,900	\$ -	\$ 169,600
Education Charges Owing	\$ 3,600	\$ 3,600	\$ -
Total Charges Owing	\$ 260,500	\$ 3,600	\$ 169,600

DEVELOPMENT CHARGES COMPLAINTS PROCEDURES

Complaint to Council of Municipality

A person required to pay a development charges, or the person's agent, may complain to the Council of the municipality imposing the development charge that,

1. the amount of the development charge was incorrectly determined;
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
3. there was an error in the application of the development charges by-law(s).

Time Limit

A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable.

Form of Complaint

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.

- The complaint should be addressed to the City Clerk with a copy to the Corporate Services Department
- The Corporate Services Department will attempt to resolve the complaint
- If the complaint cannot be resolved by the Corporate Services Department, a staff report will be brought before Council, if necessary.

Council's Powers

After hearing the evidence and submissions of the complainant, the council may dismiss the complaint or rectify and incorrect determination or error that was the subject of the complaint.

Notice of Decision and Time for Appeal

The Clerk of the municipality shall mail to the complainant a notice of the Council's decision, and of the last day for appealing the decision, which shall be the day that is 40 days after the day the decision is made.

Requirements of Notice

The notice required under this section must be mailed not later than 20 days after the day the council's decision is made.

Appeal of Council's decision (s. 22(1))

A complainant may appeal the decision of the council of the municipality to the Ontario Municipal Board by filing with the clerk of the municipality, on or before the last day for appealing the decision, a notice of appeal setting out the reasons for the appeal.

Additional Ground (s.22(2))

A complainant may also appeal to the Ontario Municipal Board if the council of the municipality does not deal with the complaint within 60 days after the complaint is made by filing with the clerk of the municipality a notice of appeal.

Clerk's duties on appeal

If a notice of appeal under subsection 22(1) is filed with the clerk of the municipality on or before the last day for appealing a decision, the clerk shall compile a record that includes,

- (a) a copy of the development charge by-law certified by the clerk;
- (b) the original or a true copy of the complaint and all written submissions and material received in support of the complaint;
- (c) a copy of council's decision certified by the clerk; and
- (d) an affidavit or declaration certifying that notice of the council's decision and of the last day for appealing it was given in accordance with this Act.

Clerk's duties on appeal

If a notice of appeal under subsection 22(2) is filed with the clerk of the municipality, the clerk shall compile a record that includes,

- (a) a copy of the development charge by-law certified by the clerk; and
- (b) the original or a true copy of the complaint and all written submissions and material received in support of the complaint.

Clerk's duties on appeal

The clerk shall forward a copy of the notice of appeal and the record to the secretary of the Ontario Municipal Board within 30 days after the notice is received and shall provide such other information and material that the Board may require in respect of the appeal.

OMB hearing of appeal

The Ontario Municipal Board shall hold a hearing to deal with any notice of appeal relating to a complaint forwarded by the clerk of a municipality.

Parties

The parties to the appeal are the appellant and the municipality.

Notice to parties

The Ontario Municipal Board shall give notice of the hearing to the parties.

Powers of OMB

After the hearing, the Ontario Municipal Board may do anything that could have been done by the council of the municipality under subsection 20(6).

Dismissal without hearing

The Ontario Municipal Board may, where it is of the opinion that the complaint set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

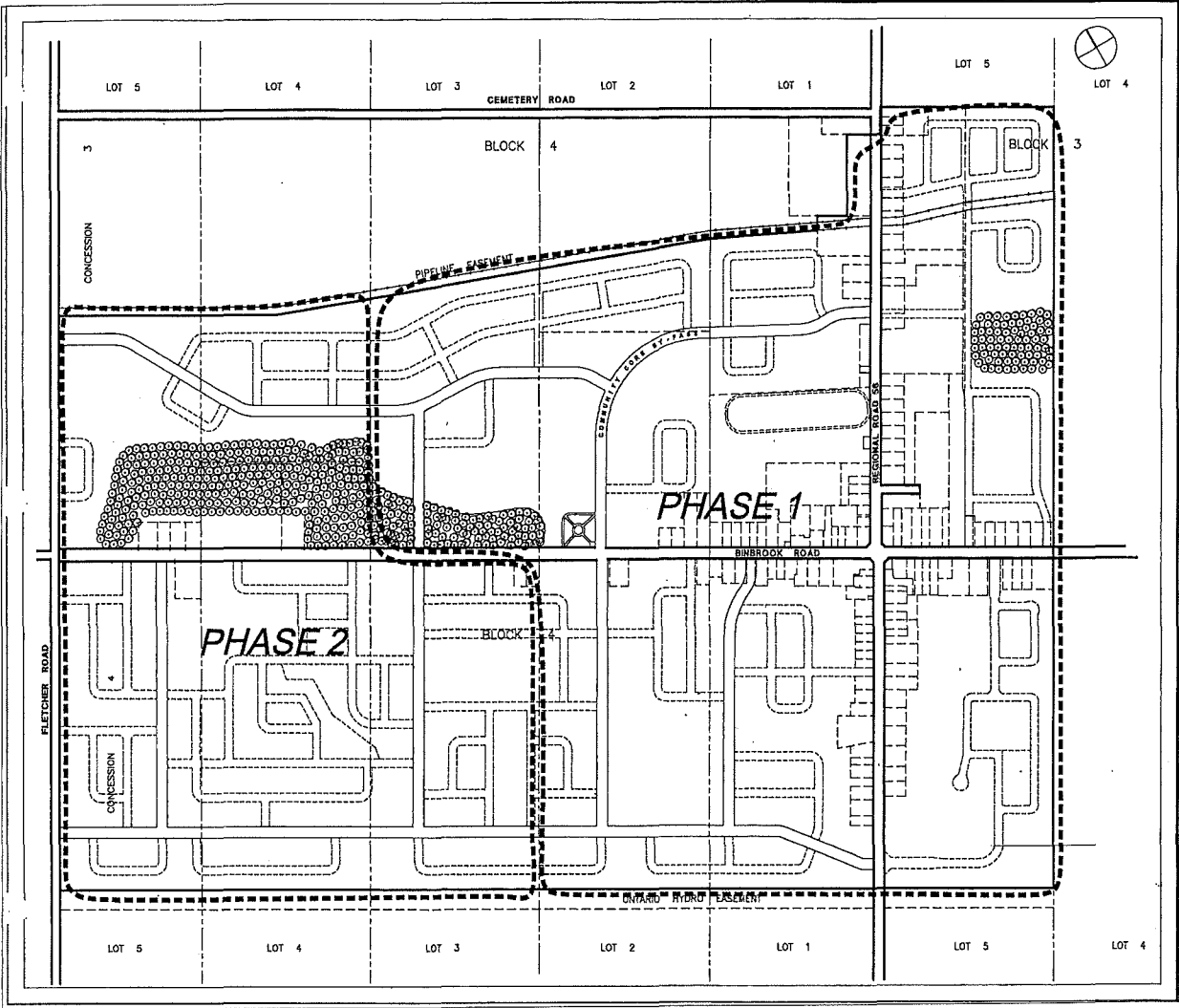
Refund if development charge reduced

If a development charge that has already been paid is reduced by the council of a municipality or by the Ontario Municipal Board, the municipality shall immediately refund the overpayment.

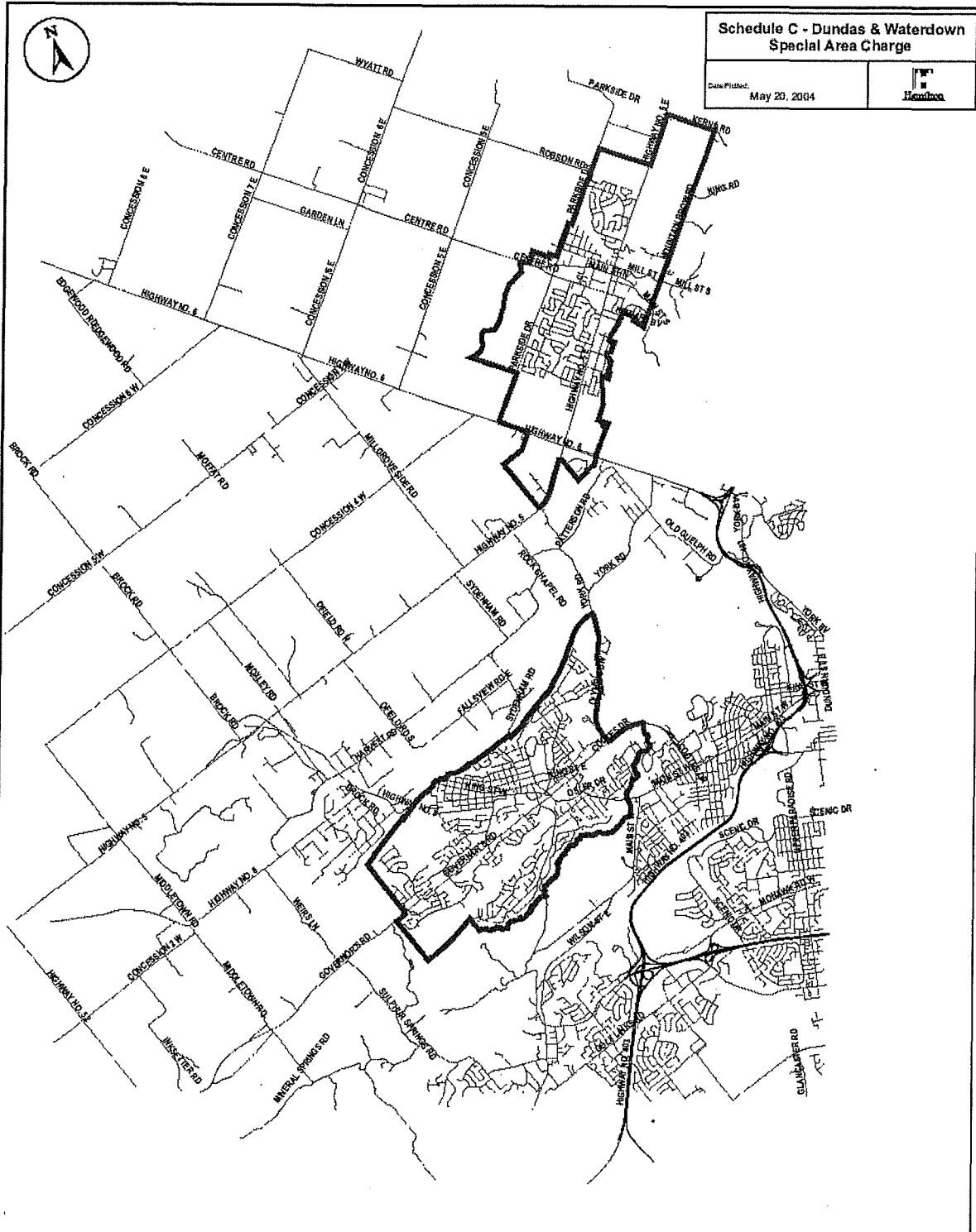
Interest

The municipality shall pay interest on an amount it refunds at a rate not less than the prescribed minimum interest rate from the time the amount was paid to the municipality to the time it is refunded.

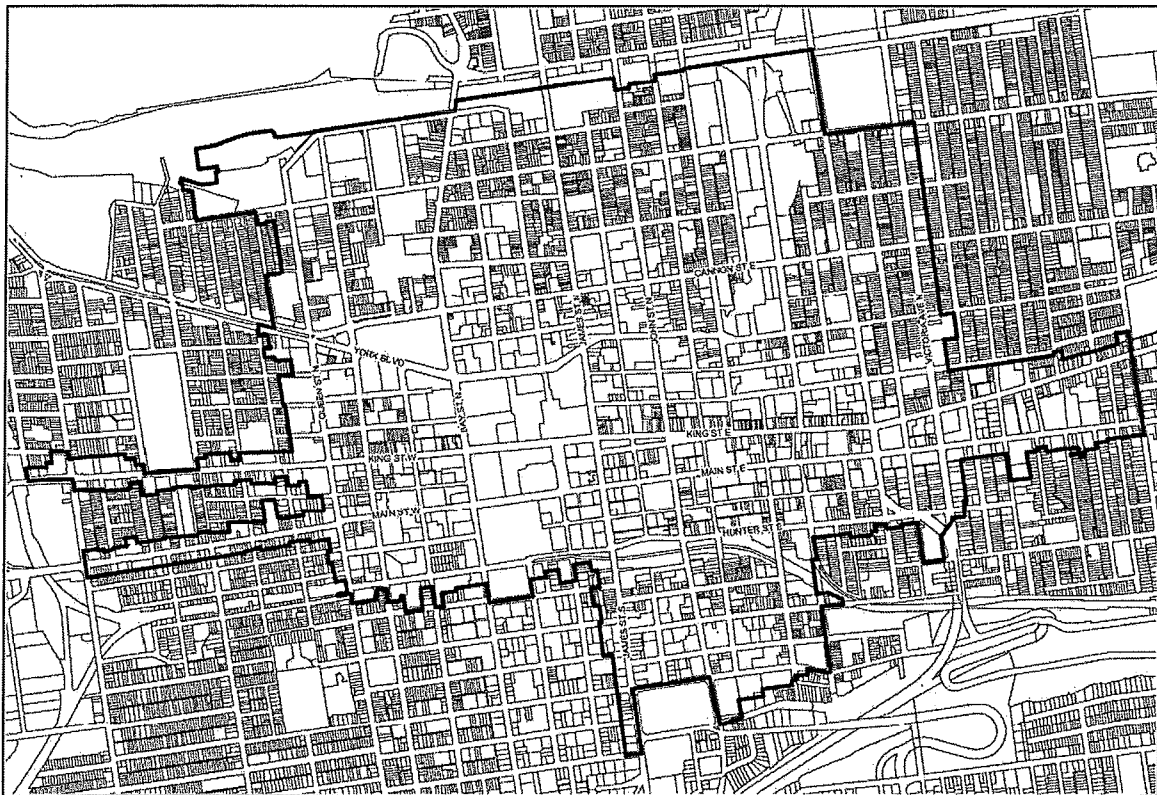
MAP OF LAND AFFECTED BY THE BINBROOK SPECIAL AREA CHARGE



MAP OF LANDS AFFECTED BY THE DUNDAS/WATERDOWN SPECIAL AREA CHARGE




DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA



Schedule "A"
Map Forming Part of By-Law No. 12-_____

© The City of Hamilton and the Hamilton Community Improvement Project Area. This is NOT a PLAN OF SURVEY.

Date	January 25, 2012
Map of Downtown Hamilton Community Improvement Project Area	
Legend	 Downtown Hamilton Community Improvement Project Area

