

**THE CORPORATION OF
THE TOWN OF WASAGA BEACH
BY-LAW # 2021-41**

**A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES
FOR THE CORPORATION OF THE TOWN OF WASAGA BEACH-BEACH AREA**

WHEREAS subsection 2(1) of the Development Charges Act, 1997 c. 27 (hereinafter called "the Act") provides that the Council of a Town may pass By-Laws for the imposition of Development Charges against land for increased capital costs required because of the need for services arising from development in the area to which the By-Law applies;

AND WHEREAS the Council of The Corporation of the Town of Wasaga Beach ("Town of Wasaga Beach") has given Notice in accordance with Section 12 of the Development Charges Act, 1997, of its intention to pass a By-Law under Section 2 of the said Act;

AND WHEREAS the Council of the Town of Wasaga Beach has heard all persons who applied to be heard no matter whether in objection to, or in support of, the Development Charge proposal at a Public Meeting held on September 24th 2020;

AND WHEREAS by passing this by-law the Council of the Town of Wasaga Beach has determined that no additional public meeting is required;

AND WHEREAS copies of the Study were made available on September 24th, 2020 and copies of the proposed Development Charges by-law were made available on October 8, 2020 to the public in accordance with Section 12 of the Act;

AND WHEREAS the Council of the Town of Wasaga Beach, had before it a report entitled Development Charges Background Study dated September 24th 2020 prepared by Hemson Consulting Ltd., wherein it is indicated that the development of any land within the Town of Wasaga Beach will increase the need for services as defined herein;

AND WHEREAS by passing this by-law Council intends to ensure that the increase in the need for services attributable to the anticipated development will be met;

AND WHEREAS Council by passing this by-law intends that the future excess capacity identified in the Development Charges Background Study, dated September 24th 2020, shall be paid for by development charges or other similar charges;

AND WHEREAS Council of the Town of Wasaga Beach on September 24th 2020 determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, including any capital costs, will be met by updating the capital budget and forecast for the Town of Wasaga Beach, where appropriate;

AND WHEREAS the Council of the Town of Wasaga Beach has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as "area rating" or "area specific development charges", and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide basis;

AND WHEREAS the Study dated September 24th 2020 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle.

AND WHEREAS the Council of the Town of Wasaga Beach adopted the applicable Development Charges Background Study, dated September 24th 2020;

NOW THEREFORE this Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

DEFINITIONS

1. In this by-law,

(1) "**Act**" means the *Development Charges Act*, S.O. 1997, c. 27;

(2) "**Agricultural use**" means a bona fide farming operation;

(3) "**Apartment dwelling**" means any dwelling unit, within a building containing more than four dwelling units where the units are connected by a corridor;

(4) "**Bedroom**" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;

(5) "**Board of Education**" means a board defined in s. 1 (1) of the *Education Act*, R.S.O. 1990, c.E. 2;

(6) "**Building Code Act**" means the *Building Code Act*, R.S.O. 1990, c.B.13, as amended;

(7) "**Capital Costs**" 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,

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

(b) to improve land;

- (c) to acquire, lease, construct or improve buildings and structures;
 - (d) to acquire, lease, construct or improve facilities including,
 - (i) rolling stock with an estimated useful life of seven years or more;
 - (ii) furniture and equipment, other than computer equipment, and
 - (iii) 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; and
 - (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
 - (f) to complete the development charge background study under Section 10 of the Act;
 - (g) interest on money borrowed to pay for costs in (a) to (d); required for provision of services designated in this By-Law within or outside the Town;
- (8) **“Chalet/ Cabin Unit”** shall mean an individually owned single detached or semi-detached dwelling not exceeding 139.5 m² (1,500 ft²) in total Gross Floor Area located on a leased tract of land, comprising part of a larger tract of land operated as a tourist establishment with rental cabins under single ownership or management, which lease arrangements including the provision of certain common services (i.e. snow plowing, yard maintenance, garbage collection, recreational amenities, marketing, central reservations and check-in, housekeeping, etc.) to the lessee rental unit owners within the development area: and where the unit is offered through the tourist establishment for the accommodation of the traveling or vacationing public for short term or seasonal recreational accommodation only; where the dwelling owner is permitted to occupy the unit for personal recreational or vacation use at such time or times as the unit is not rented out by the Tourist Establishment, provided however that at no time shall the dwelling unit be used for permanent or year round occupancy. This unit type is considered as a Leisure Lifestyle Dwelling for the purposes of this by-law;
- (9) **“Commercial Resort Unit”** means one room or a group of rooms in a building used or designed or intended to be used by one or more persons, as a single commercial accommodation unit within a commercial resort unit complex (i) in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; (ii) which has a private entrance from a common hallway or entrance either inside or outside the building; (iii) which is not used or designated as a principal residence; and (v) which has been established to provide accommodation for gain or profit; and shall be considered residential uses for the purposes of this by-law;

- (10) "**Council**" means the Council of The Corporation of the Town of Wasaga Beach;
- (11) "**Development**" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 8 of this By-Law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (12) "**Development Charge**" means a charge imposed pursuant to this By-Law;
- (13) "**Dwelling Unit**" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, including time share units;
- (14) "**Farm building**" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- (15) "**Fractional Ownership**" means, for the purpose of this by-law, a type of unit or building whose ownership is divided into shares. Individuals purchase one or more shares in the building or unit providing them with a fractional ownership in the structure and any related land. Share holders are responsible for ongoing maintenance costs and other costs related to the structure. For the purposes of this by-law these types of building, units and land are defined as residential uses;
- (16) "**Grade**" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (17) "**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;
- (18) "**Hotel / Motel**" - means a tourist establishment containing therein three or more guest rooms served by a common entrance where guest rooms may include culinary facilities and may have a separate entrance directly from outside the building together with an office serving the patrons of the tourist establishment. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms or similar uses.
- (19) "**Leisure Lifestyle Dwelling**" means an individually owned single detached, semi-detached or townhouse dwelling not exceeding 139.4 m² (1,500 ft²) in total Gross Floor Area located on a leased tract of land, comprising part of a larger

tract of land under single ownership and management, which lease arrangements include the provision of certain common services (e.g. snow ploughing, garbage collection, recreational facilities) to the lessee homeowners within the development area;

- (20) "**Local board**" means a public utility commission, public library board, local board, of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Town or any part or parts thereof;
- (21) "**Local services**" means those services or facilities which are under the jurisdiction of the Town and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- (22) "**Multiple dwelling**" means all dwellings other than single detached dwellings, semi- detached dwellings, leisure lifestyle dwellings, and apartment dwellings;
- (23) "**Town**" means The Corporation of the Town of Wasaga Beach;
- (24) "**Non-residential uses**" means a building or structure used for other than a residential use;
- (25) "**Occupancy**" as defined in the *Building Code Act, O.Reg. 332/12 Building Code*;
- (26) "**Owner**" means the owner of land or a person who has made application for an approval for the development of land upon which a Development Charge is imposed;
- (27) "**Park Model Trailer Campground, Seasonal**" means any parcel of land under single ownership or management which is used or intended to be used for the placement of park model trailers as defined herein; to provide temporary living, sleeping or eating accommodation where the campground includes facilities (i.e. office, Laundromat, recreational amenities, etc.) for the exclusive use of the campground patrons, but does not include permanent or year round occupancy by anyone other than the owner or operator of the campground. The trailers may be jacked up with their running gear removed and perimeter skirting installed when operational on the campground site;
- (28) "**Park Model Trailer**" means a recreational trailer constructed and certified in accordance with CAN/CSA Z241.0-03 or successor regulation, that meets the following criteria: built on a single chassis; mounted on wheels; designed to facilitate relocation from time to time; designed as living quarters for seasonal residential use and may be connected to those utilities necessary for the operation of installed fixtures and appliances; and has a Gross Floor Area, including lofts not

exceeding 50.2 m² (540 ft²) when in the setup mode and having a width greater than 2.6 m (8.53 ft.) in the transit mode;

- (29) **"Park Model Trailer Add-on"** means a pre-manufactured structure designed for use as a sunroom, porch or additional living area, except for screening, clear glass, insulated wall panels or lower skirting or bottom panels and is intended or used for additional living area but is not intended or used for the purpose of cooking;
- (30) **"Places of Worship"** means a place or building or part thereof including accessory buildings or structures that are primarily used for the regular assembly of persons for the practice of religious worship, services or rites. It may include accessory uses such as classrooms for religious instruction, including programs of community social benefit, assembly areas, kitchens, offices of the administration of the place of worship, and a small scale day nursery, but shall not include a cemetery;
- (31) **"Planning Act"** means the *Planning Act*, R.S.O. 1990, c.P.-13, as amended;
- (32) **"Redevelopment"** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (33) **"Regulation"** means any regulation made pursuant to the Act;
- (34) **"Residential uses"** 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 shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, a leisure lifestyle dwelling, and the residential portion of a mixed-use building or structure under all types of ownership (freehold, condominium, fractional, and all other);
- (35) **"Seasonal Park Model Trailer"** means a park model trailer that is only occupied for the whole or part of the period from mid April to mid November and for which water services are shut off during the period November to April. The owner of such units requires an agreement with the Town recognizing them as such;
- (36) **"Semi-detached dwelling"** means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (37) **"Services"** means services set out in Schedule "A" to this By-law;
- (38) **"Single detached dwelling"** means a completely detached building containing only one dwelling unit;

CALCULATION OF DEVELOPMENT CHARGES

2. (1) Subject to the provisions of this By-Law, Development Charges against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedules Schedule "B" and "C", which relate to the services set out in Schedule "A" and area in the Town set out in Schedule "D".
- (2) The Development Charge with respect to the uses of any land, building or structure shall be calculated as follows:
 - a) in the case of residential development or redevelopment or the residential portion of a mixed use development or redevelopment, as the sum of the product of the number of dwelling units of each type multiplied by the corresponding total amount for such dwelling unit type, as set out in Schedule "B";
 - b) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed use development or redevelopment, as the sum of the product of the gross floor area multiplied by the corresponding total amount for such gross floor area as set out in Schedule "C";
- (3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule "A" attached hereto and forming part of this By-law.

PHASE-IN OF DEVELOPMENT CHARGES

3. (1) The residential Development Charges imposed pursuant to Schedule "B" of this By-Law are not subject to phasing in and are payable in full, subject to the exemptions and credits herein, from date this by-law comes into force.
- (2) The non-residential Development Charges imposed pursuant to Schedule "C" attached hereto and forming part of this By-Law are not subject to phasing in and are payable in full, subject to the exemptions and credits herein, from date this by-law comes into force.

APPLICABLE LANDS

4. (1) Subject to Sections 5 and 6, this By-Law applies to all lands identified in Schedule "D" in the Town, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.-31.
- (2) This By-Law shall not apply to land that is owned by and used for the purposes of:
 - (a) a board of education;
 - (b) the Town or local board thereof;
 - (c) places of worship.
- (3) Notwithstanding 4(1), for a period from the effective date of this By-Law the Development Charges specified in Schedule "B" do not apply to the development of land in the Robinson Road area, specifically those lots on Registrar's Compiled Plan 1695 and including lot 19, lots 33 to 45 inclusive, lots 49 to 80 inclusive and lots 84 to 86 inclusive and Registrar's Compiled Plan 1696 and including lots 1 to 14 inclusive and lots 19 to 51 inclusive, provided that the land, with its present zoning, was a proper lot of record as of the date of passage of this By-Law. These lots shall pay one-half (1/2) of the Development Charge as specified on Schedules "B".
- (4) Notwithstanding 4(1), for the effective period of this By-Law the Development Charges specified in Schedule "B" does not apply to the development of land in the McIntyre Creek Estate Subdivision, Plan 51M-496. As per an order of the Ontario Municipal Board (OMB), the applicable Development Charges for these lots is \$3,560 per lot.
- (5) Notwithstanding 4(1), the Development Charges specified in Schedule "B" of this by-law does not apply to Lots on Plan 51M-496 owned by David Cameron Johnson: Lots 105, 106, 107, 108, 109, 114, 115, 125, 127 and 161 and Lots on Plan 51M-496 owned by Ronald Martyn: Lots 228, 229 and 230. In accordance with the OMB Minutes of Settlement, a charge of \$950 per unit applies to the above noted lots.
- (6) Notwithstanding 4(1), the Development Charges specified in Schedules "B" and "C" of this by-law do not apply to the development of the Zancor Lands defined as Part Lot 32, Conc. 2, Town of Wasaga Beach, County of Simcoe, being Parts 1 to 16 inclusive on Plan 51R-32716 and Part Lot 32, Conc. 2, Town of Wasaga Beach, County of Simcoe, being Part 15, Plan 51R-32716. In accordance with the August 23, 2006 agreement no Town development charges apply to these lands.

DESIGNATION OF SERVICES

5.

- (1) It is hereby declared by Council that all development of land within the area to which this by-law applies will increase the need for services.
- (2) The development charge applicable to a development as determined under this by-law shall apply without regard to the services required or used by an individual development.
- (3) Development charges shall be imposed under this by-law, for the following categories of services to pay for the increased capital costs required because of increased needs for services arising from development:
 - a Wastewater Works

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

6. Notwithstanding Section 4 above, no Development Charge shall be imposed with respect to developments or portions of developments as outlined in subsection 2 (3) of the Development Charges Act.

EXISTING INDUSTRIAL USES EXPANSION EXEMPTION

7. Where the expansion of an existing industrial use or buildings is proposed, the amount of development charges payable shall be zero if the total expansion of gross floor area does not exceed 50% of the floor area as it existed as of the effective date of this by-law, subject to the following conditions:
- (1) Where both the enlargement and existing industrial building are constructed on lands owned by the same legal and/or beneficial owner; and
 - (2) Shall only apply to the enlargement or enlargements of the existing industrial buildings to a maximum of the aggregate of fifty percent of the gross floor area of the existing industrial buildings while this by-law remains in force.

DEVELOPMENT CHARGES IMPOSED

8. (1) Subject to subsection (2), Development Charges shall be calculated and collected in accordance with the provisions of this By-Law and be imposed on land to be developed for residential and non-residential uses, where, the development requires,
- (1) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act* or successor

legislation;

- (2) the approval of a minor variance under Section 45 of the *Planning Act* or successor legislation;
- (3) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act* or successor legislation applies;
- (4) the approval of a plan of subdivision under Section 51 of the *Planning Act* or successor legislation;
- (5) a consent under Section 53 of the *Planning Act* or successor legislation;
- (6) the approval of a description under the *Condominium Act*, R.S.O. 1991, c. C. 26 or the *Condominium Act*, 1998, S. O. 1998, c.19 as amended, or successor legislation; or
- (7) the issuing of a permit under the *Building Code Act, 1992*, or successor legislation in relation to a building or structure.

(2) Subsection (1) shall not apply in respect to:

- (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*;
- (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.

LOCAL SERVICE INSTALLATION

9. Nothing in this By-Law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act* that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

MULTIPLE CHARGES

10. (1) Where two or more of the actions described in subsection 9(1) are required before land to which a Development Charge applies can be developed, only one Development Charge shall be calculated and collected in accordance with the provisions of this By-Law.
- (2) Notwithstanding subsection (1), if two or more of the actions described

in subsection 9(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional Development Charge on the additional residential units and additional gross floor area shall be calculated and collected in accordance with the provisions of this by-law.

SERVICES IN LIEU

11. (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the Development Charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the Development Charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit that exceeds the total Development Charge payable by an owner to the Town in respect of the development to which the agreement relates.
- (2) In any agreement under subsection (1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-Law.
- (3) The credit provided for in subsection (2) shall not be charged to any Development Charge reserve fund.

RULES WITH RESPECT TO RE-DEVELOPMENT

12. (1) (a) In the case of the demolition of all or part of a residential or non-residential building or structure a credit shall be allowed, provided that the land was improved by occupied structures (or structures capable of occupancy) within the five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit has been issued; and

(b) In cases where a demolition credit crosses over a lot that was subject to land division, the owner directs to which lot the credit applies.
- (2) If a development or redevelopment involves the demolition of and replacement of a residential structure, a credit shall be allowed equivalent

to the number of dwelling units demolished multiplied by the applicable residential development charge in place at the time the development charge is payable.

- (3) (a) If a development or redevelopment involves the demolition of and replacement of a non-residential structure, a credit shall be allowed equivalent to the gross floor area demolished multiplied by the applicable non-residential development charge in place at the time the development charge is payable, and when redevelopment occurs; and
- (b) On the same lot or block on which the demolished building or structure, or part thereof, was originally located; and
- (c) In cases where a demolition credit crosses over a lot that was subject to a land division, the owner directs to which lot the credit applies.
- (4) A credit can, in no case, exceed the amount of the Development Charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this By-Law.

RULES WITH RESPECT TO CHANGE OF USE

13. (1) Changing all or part of a residential building to a non-residential use will reduce development charges otherwise payable by an amount that is equal to the applicable residential development charge in place at the time the development charge is payable, multiplied by the number of residential units being converted.
- (2) If changing all or part of a non-residential building to a residential building use:
- a A credit shall be equivalent to the gross floor area converted multiplied by the applicable non-residential development charge in place at the time the development charge is payable, and;
 - b when redevelopment occurs on the same lot or block on which the demolished building or structure, or part thereof, was originally located, and;
 - c In cases where a demolition credit crosses over a lot that was subject to a land division, the owner directs to which lot the credit applies; and
 - d Notwithstanding policies a, b and c above, when a Hotel/Motel is converted to residential use but there is no change to the gross floor area and no change to the total number of units, there will be no DCs charged on the residential units. Any additional residential units will not

receive credit and are subject to development charges contained within this by-law.

- (3) A credit can, in no case, exceed the amount of the Development Charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this By-Law.

TIMING OF CALCULATION AND PAYMENT

14. (1) Development charges shall be calculated and payable in accordance with Section 26, Section 26.1, and Section 26.2 of the Act.
- (2) Where development charges apply to development for which a building permit is required, no building permit shall be issued until the development charge has been paid in full, as permitted in the Act.
- (3) Notwithstanding subsection (1), development charges with respect to development requiring approval of a Plan of Subdivision under Section 51 or the Planning Act or a consent under Section 53 of the Planning Act and for which a subdivision agreement or consent agreement is entered into shall be payable immediately upon the parties entering into the agreement.
- (4) In accordance with Section 27 of the Act, the Town may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable.

INTEREST RATES

15. (1) The Town may charge interest on the installments required by Section 26.1(3) of 9 the Act from the date the development charge would have been payable in accordance with Section 26 of the Act to the date the installment is paid.
- (2) Where Section 26.2 (1) (a) or (b) of the Act applies, the Town may charge interest on the development charge from the date of the application referred to in the applicable clause to the date the development charge is payable under Section 26.2 (3) of the Act
- (3) The Town may determine, by Council resolution or policy external to this by-law, interest rates in relation to subsections (1) and (2).

RESERVE FUNDS

16. (1) Monies received from payment of Development Charges under this By-Law shall be maintained in separate reserve funds for each of the services set out in Schedule "A."

- (2) Monies received for the payment of Development Charges shall be used only in accordance with the provisions of Section 35 of the Act.
- (3) Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid Development Charges are collected as taxes under subsection (3), the monies so collected shall be credited to the Development Charge reserve funds referred to in subsection (1).
- (5) The Treasurer of the Town shall, in each year commencing in 2022 for the 2021 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Section 12 of O. Reg. 82/98.

INDEXING OF DEVELOPMENT CHARGES

17. (1) The development charges set out in Schedules "B", and "C", to this bylaw shall be adjusted annually on January 1, without amendment to this by-law, in accordance with the then most recently published and available twelve month change in the Statistics Canada Non-residential Building Construction Price Index for Toronto".

BY-LAW AMENDMENT OR APPEAL

18. (1) Where this By-Law or any Development Charge prescribed thereunder is amended or repealed either by order of the Local Planning Appeal Tribunal or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
 - (2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
 - (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (b) The Bank of Canada Policy Interest Rate in effect on the date of enactment of this By-Law shall be used.
 - (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

SEVERABILITY

19. In the event any provision, or part thereof, of this By-Law is found by a

Court of Competent Jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-Law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

20. The headings inserted in this By-Law are for convenience of reference only and shall not affect the construction of interpretation of this By-Law.

BY-LAW REGISTRATION

21. A certified copy of this By-Law may be registered on title to any land to which this By-Law applies.

BY-LAW ADMINISTRATION

22. This By-Law shall be administered by the Municipal Treasurer.

BY-LAW SHORT TITLE

23. The short title to this By-law shall be "Beach Area Development Charges By-law".

SCHEDULES TO THE BY-LAW

24. The following Schedules to this By-Law form an integral part of this By-Law:

Schedule "A" - Schedule of Designated Municipal Services
Schedule "B" - Schedule of Residential Development Charges
Schedule "C" - Schedule of Non-Residential Development Charges
Schedule "D" – Map of Beach Area

DATE BY-LAW EFFECTIVE

25. This By-Law shall come into force and effect May 24, 2021

DATE BY-LAW EXPIRES

26. This By-Law will expire five years after the effective date of this By-Law, unless it is repealed by council at an earlier date.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27TH DAY OF APRIL, 2021.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Nina Bifulchi, Mayor

Dina Lundy, Director, Legislative
Services & Clerk

SCHEDULE "A" OF BY-LAW # 2021-41

**A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE
CORPORATION OF THE TOWN OF WASAGA BEACH**

DESIGNATED SERVICES UNDER THIS BY-LAW

1. Beach Area Wastewater Works

SCHEDULE "B" OF BY-LAW # 2021-41

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE CORPORATION OF THE TOWN OF WASAGA BEACH

RESIDENTIAL DEVELOPMENT CHARGES

Service	Charge By Unit Type		
	Single & Semi-Detached	Rows & Other Multiples	Apartments
Beach Area Wastewater Works	\$6,015	\$5,000	\$3,427

**SCHEDULE "C" OF BY-LAW # 2021-41
A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE CORPORATION
OF THE TOWN OF WASAGA BEACH**

NON-RESIDENTIAL DEVELOPMENT CHARGES

Service	Non-Residential Charge (\$/sq.m)
Beach Area Wastewater Works	\$50.67

