

## Development Charges Act, 1997

### Exemption for long-term care home development

4.4 (1) The development of any part of a building or structure intended for use as a long-term care home, as defined in subsection 2 (1) of the *Fixing Long-Term Care Home Act, 2021*, is exempt from development charges.

### Transition

(2) Subsection (1) does not apply with respect to a development charge that is payable before the day section 1 of Schedule 4 to the *Protect Ontario by Building Faster and Smarter Act, 2025* comes into force.

### Same

(3) For greater certainty, subsection (1) applies to future instalments that would have been payable in accordance with section 26.1 after the day section 1 of Schedule 4 to the *Protect Ontario by Building Faster and Smarter Act, 2025* comes into force.

### Section Amendments with date in force (d/m/y)

2022, c. 21, Sched. 3, s. 4 - 28/11/2022

### Determination of development charges

5 (1) The following is the method that must be used, in developing a development charge by-law, to determine the development charges that may be imposed:

1. The anticipated amount, type and location of development, for which development charges can be imposed, must be estimated.
2. The increase in the need for service attributable to the anticipated development must be estimated for each service to which the development charge by-law would relate.
3. The estimate under paragraph 2 may include an increase in need only if the council of the municipality has indicated that it intends to ensure that such an increase in need will be met. The determination as to whether a council has indicated such an intention may be governed by the regulations.
4. The estimate under paragraph 2 must not include an increase that would result in the level of service exceeding the average level of that service provided in the municipality over the 15-year period immediately preceding the preparation of the background study required under section 10. How the level of service and average level of service is determined may be governed by the regulations.
5. The increase in the need for service attributable to the anticipated development must be reduced by the part of that increase that can be met using the municipality's excess capacity, other than excess capacity that the council of the municipality has indicated an intention would be paid for by new development. How excess capacity is determined and how to determine whether a council has indicated an intention that excess capacity would be paid for by new development may be governed by the regulations.
6. The increase in the need for service must be reduced by the extent to which an increase in service to meet the increased need would benefit existing development. The extent to which an increase in service would benefit existing development may be governed by the regulations.
7. The capital costs necessary to provide the increased services must be estimated. The capital costs must be reduced by the reductions set out in subsection (2). What is included as a capital cost is set out in subsection (3). How the capital costs are estimated may be governed by the regulations.
8. REPEALED: 2019, c. 9, Sched. 3, s. 3 (2).
9. Rules must be developed to determine if a development charge is payable in any particular case and to determine the amount of the charge, subject to the limitations set out in subsection (6).
10. The rules may provide for full or partial exemptions for types of development and for the phasing in of development charges. The rules may also provide for the indexing of development charges based on the prescribed index. 1997, c. 27, s. 5 (1); 2019, c. 9, Sched. 3, s. 3 (1, 2); 2022, c. 21, Sched. 3, s. 5 (1).

#### **Transition, par. 4 of subs. (1)**

(1.1) For greater certainty, paragraph 4 of subsection (1), as it read immediately before the day subsection 5 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day. 2022, c. 21, Sched. 3, s. 5 (2).

#### **Capital costs, deductions**

(2) The capital costs, determined under paragraph 7 of subsection (1), must be reduced, in accordance with the regulations, to adjust for capital grants, subsidies and other contributions made to a municipality or that the council of the municipality anticipates will be made in respect of the capital costs. 1997, c. 27, s. 5 (2).

#### **Capital costs, inclusions**

(3) [Subject to the regulations](#) The following are capital costs for the purposes of paragraph 7 of subsection (1) if they are incurred or proposed to be incurred by a municipality or a local board directly or by others on behalf of, and as authorized by, a municipality or local board:

1. Costs to acquire land or an interest in land, including a leasehold interest, ~~except in relation to such services as are prescribed for the purposes of this paragraph.~~
2. Costs to improve land.
3. Costs to acquire, lease, construct or improve buildings and structures.
4. Costs 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 board within the meaning of the *Public Libraries Act*.
5. Costs to undertake studies in connection with any of the matters referred to in paragraphs 1 to 4.
6. Costs of the development charge background study required under section 10.
7. Interest on money borrowed to pay for costs described in paragraphs 1 to 4. 1997, c. 27, s. 5 (3); 2020, c. 18, Sched. 3, s. 2; 2022, c. 21, Sched. 3, s. 5 (3, 4); 2024, c. 16, Sched. 6, s. 1 (1).

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### **PROCESS AND APPEALS FOR AMENDMENTS TO BY-LAWS**

#### **Application of other sections to amendments**

**19** (1) Sections 10 to 18 apply, with necessary modifications, to an amendment to a development charge by-law other than an amendment by, or pursuant to an order of, the Ontario Land Tribunal. 1997, c. 27, s. 19 (1); 2021, c. 4, Sched. 6, s. 41 (1).

#### ~~**Amendments to extend by-law**~~

~~(1.1) Subsection (1) does not apply to an amendment to a development charge by-law if the only effect of the amendment is to repeal a provision specifying the date on which the by-law expires or to amend such a provision to provide for the by-law to expire on a later date. 2024, c. 16, Sched. 6, s. 2 (1).~~

#### **Exceptions**

(1.1) Subsection (1) does not apply to an amendment to a development charge by-law if the only effect of the amendment is to,

- (a) repeal a provision specifying the date on which the by-law expires or to amend such a provision to provide for the by-law to expire on a later date;
- (b) repeal a provision providing for the indexing of a development charge or to amend such a provision to provide for a development charge not to be indexed; or
- (c) decrease the amount of a development charge that is payable for one or more types of development in the circumstances specified in the amendment.

This is an unofficial comparison showing the changes proposed by the first reading version of Bill 17, prepared [by Osler, Hoskin & Harcourt LLP](#). Only sections proposed to be amended are included.

## Notice

(1.2) The clerk of a municipality that passed an amendment referred to in subsection (1.1) shall give written notice of the passing of the amendment and subsections 13 (2) to (4) apply, with necessary modifications, to the notice. 2024, c. 16, Sched. 6, s. 2 (2).

(1.3), (1.4) REPEALED: 2024, c. 16, Sched. 6, s. 2 (2).

## Limitation of Tribunal powers

(2) In an appeal of an amendment to a development charge by-law, the Ontario Land Tribunal may exercise its powers only in relation to the amendment. 1997, c. 27, s. 19 (2); 2021, c. 4, Sched. 6, s. 41 (1).

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## COLLECTION OF DEVELOPMENT CHARGES

### When development charge is payable

**26** (1) A development charge is payable for a development upon a building permit being issued for the development unless the development charge by-law provides otherwise under subsection (2). 1997, c. 27, s. 26 (1).

### Multiple building permits

(1.1) If a development consists of one building that requires more than one building permit, the development charge for the development is payable upon the first building permit being issued. 2015, c. 26, s. 6.

### Multiple phases

(1.2) If a development consists of two or more phases that will not be constructed concurrently and are anticipated to be completed in different years, each phase of the development is deemed to be a separate development for the purposes of this section. 2015, c. 26, s. 6.

### Special case, approval of plan of subdivision

(2) A municipality may, in a development charge by-law, provide that a development charge for services set out in paragraphs 1, 2, 3, 4 or 5 of subsection 2 (4) for development that requires approval of a plan of subdivision under section 51 of 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, be payable immediately upon the parties entering into the agreement. 1997, c. 27, s. 26 (2); 2019, c. 9, Sched. 3, s. 7.

### Agreement prevails

(3) This section does not apply in cases where there is an agreement under section 27. 1997, c. 27, s. 26 (3).

### Section Amendments with date in force (d/m/y)

2015, c. 26, s. 6 - 01/01/2016

2019, c. 9, Sched. 3, s. 7 - 18/09/2020

### Certain types of development, when charge payable

**26.1** (1) Despite section 26, a development charge in respect of any part of a development that consists of a type of development set out in subsection (2) is payable in accordance with this section. 2019, c. 9, Sched. 3, s. 8 (1).

### Same

(2) The types of development referred to in subsection (1) are the following:

1. Rental housing development.
2. Institutional development.

[3 Residential development not described in paragraph 1.](#)

3. REPEALED: 2022, c. 21, Sched. 3, s. 7 (1).

4., 5. REPEALED: 2019, c. 15, Sched. 10, s. 1 (1).

2019, c. 9, Sched. 3, s. 8 (1); 2019, c. 15, Sched. 10, s. 1 (1); 2022, c. 21, Sched. 3, s. 7 (1).

### **Annual instalments**

(3) A development charge in respect of any part of a development that consists of a type of development described in paragraph 1 or 2 of subsection (2)~~A development charge referred to in subsection (1)~~ shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date. 2022, c. 21, Sched. 3, s. 7 (2).

### **Payable on occupancy**

(3.1) Subject to subsection (3.2), a development charge in respect of any part of a development that consists of a type of development described in paragraph 3 of subsection (2) shall be paid in full on the earlier of,

(a) the day a permit is issued under the *Building Code Act, 1992* authorizing occupation of the building; and

(b) the day the building is first occupied.

### **Same, financial security**

(3.2) If the prescribed circumstances exist, the municipality that imposes a development charge in respect of a type of development described in paragraph 3 of subsection (2) may require the person required to pay the charge to provide an instrument to be used to secure the payment of the charge under subsection (3.1), subject to any prescribed limitations.

### **Amount of charge**

(4) The amount of a development charge referred to in subsection (1) is the amount of the development charge determined in accordance with section 26.2, regardless of whether the by-law under which the amount of the development charge would be determined is no longer in effect on the date the amount is payable in accordance with this section ~~an instalment is payable~~. 2019, c. 9, Sched. 3, s. 8 (1).

### **Notice of occupation**

(5) A person required to pay a development charge referred to in subsection (1) shall, unless the occupation of the building in respect of which the development charge is required is authorized by a permit under the *Building Code Act, 1992*, notify the municipality within five business days of the building first being occupied. 2019, c. 9, Sched. 3, s. 8 (1).

### **Failure to provide notice**

(6) If a person described in subsection (5) fails to comply with that subsection, the development charge, including any interest payable in accordance with subsection (7), is payable immediately. 2019, c. 9, Sched. 3, s. 8 (1).

### **~~Interest~~**

~~(7) A municipality may charge interest on the instalments required by subsection (3) from the date the development charge would have been payable in accordance with section 26 to the date the instalment is paid, at a rate not exceeding the maximum interest rate determined in accordance with section 26.3. 2019, c. 9, Sched. 3, s. 8 (1); 2022, c. 21, Sched. 3, s. 7 (3).~~

### **Interest**

(7) A municipality may charge interest on the instalments payable under subsection (3) in accordance with this subsection, as it read before the day subsection 4 (5) of Schedule 4 to the *Protect Ontario by Building Faster and Smarter Act, 2025* came into force, but only to the extent that the interest being charged had accrued before that day.

### **Unpaid amounts added to taxes**

(8) Section 32 applies to instalments required by subsection (3), development charges payable under subsection (3.1)~~instalments required by subsection (3)~~ and interest charged in accordance with subsection (7), with necessary modifications. 2019, c. 9, Sched. 3, s. 8 (1).

### **~~Change in type of development~~**

~~(9) If any part of a development to which this section applies is changed so that it no longer consists of a type of development set out in subsection (2), the development charge, including any interest payable, but excluding any instalments already paid in accordance with subsection (3), is payable immediately. 2019, c. 9, Sched. 3, s. 8 (1).~~

### **Transition, date charge payable**

(10) This section does not apply to a development charge that becomes payable before the day subsection 8 (1) of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force. 2019, c. 9, Sched. 3, s. 8 (1).

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### **Agreement prevails**

(11) This section does not apply in cases where there is an agreement under section 27. 2019, c. 9, Sched. 3, s. 8 (1).

### **Early payment in absence of agreement under s. 27**

(12) For greater certainty, a person required to pay a development charge under this section may pay the charge before the day it is payable even in the absence of an agreement under section 27.

### **Section Amendments with date in force (d/m/y)**

2019, c. 9, Sched. 3, s. 8 (1) - 01/01/2020; 2019, c. 15, Sched. 10, s. 1 (1-3) - 01/01/2020

2022, c. 21, Sched. 3, s. 7 (1-3) - 28/11/2022

### **When amount of development charge is determined**

**26.2** (1) Subject to subsection (1.1), the total amount of a development charge is the amount of the development charge that would be determined under the by-law on,

- (a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development that is the subject of the development charge;
- (b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made in respect of the development that is the subject of the development charge; or
- (c) if neither clause (a) nor clause (b) applies,
  - (i) in the case of a development charge in respect of a development to which section 26.1 applies, the day the development charge would be payable in accordance with section 26 if section 26.1 did not apply, or
  - (ii) in the case of a development charge in respect of a development to which section 26.1 does not apply, the day the development charge is payable in accordance with section 26. 2019, c. 9, Sched. 3, s. 8 (1); 2022, c. 21, Sched. 3, s. 8 (1).

### **Discount, rental housing development**

(1.1) In the case of rental housing development, the amount determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent. 2022, c. 21, Sched. 3, s. 8 (2).

### **Same, transition**

(1.2) Subject to subsection (1.3), subsection (1.1) does not apply in respect of a development charge for a development in respect of which a building permit was issued before the day subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force. 2022, c. 21, Sched. 3, s. 8 (2).

### **Same, exception**

(1.3) Despite subsection (7), paragraphs 1 to 3 of subsection (1.1) apply to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day that subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed for the purposes of this subsection. 2022, c. 21, Sched. 3, s. 8 (2).

### **Same, if by-law not in effect**

(2) Subsection (1) applies regardless of whether the by-law under which the amount of the development charge would be determined is no longer in effect on the date the development charge is payable. 2019, c. 9, Sched. 3, s. 8 (1).

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## **Interest**

(3) Where clause (1) (a) or (b) applies, the municipality may charge interest on the development charge, at a rate not exceeding the maximum interest rate determined in accordance with section 26.3, from the date of the application referred to in the applicable clause to the date the development charge is payable. 2019, c. 9, Sched. 3, s. 8 (1); 2022, c. 21, Sched. 3, s. 8 (3).

## **More than one application**

(4) If a development was the subject of more than one application referred to in clause (1) (a) or (b), the later one is deemed to be the applicable application for the purposes of this section. 2019, c. 9, Sched. 3, s. 8 (1).

## **Exception, prescribed amount of time elapsed**

(5) Clauses (1) (a) and (b) do not apply in respect of,

- (a) any part of a development to which section 26.1 applies if, on the date the first building permit is issued for the development, more than 18 months has elapsed since the application referred to in clause (1) (a) or (b) was approved; or
- (b) any part of a development to which section 26.1 does not apply if, on the date the development charge is payable, more than 18 months has elapsed since the application referred to in clause (1) (a) or (b) was approved. 2019, c. 9, Sched. 3, s. 8 (1); 2024, c. 16, Sched. 6, s. 3 (1).

## **Same, transition**

(5.1) Subsection (5) as it read before the day subsection 3 (1) of Schedule 6 to the *Cutting Red Tape to Build More Homes Act, 2024* came into force continues to apply to a development in respect of which the application referred to in clause (1) (a) or (b) was approved before the day subsection 3 (1) of Schedule 6 to the *Cutting Red Tape to Build More Homes Act, 2024* came into force. 2024, c. 16, Sched. 6, s. 3 (2).

## **Exception, decrease in amount of charges payable**

(5.2) Clauses (1) (a) and (b) do not apply to a development charge if the total amount of all charges, including any interest charged under subsection (3), that are payable in accordance with either of those clauses exceeds the total amount of all charges that would be payable if clause (1) (c) applied.

## **Other charges included if paid at the same time**

(5.3) For the purposes of subsection (5.2), the total amount of all charges includes any other development charges in respect of the same development that are payable at the same time as the charge referred to in subsection (5.2) is payable.

## **Same, transition**

(5.4) Subsection (5.2) does not apply in respect of a development charge that is payable or, if section 26.1 did not apply, would be payable, in accordance with section 26 before the day section 5 of Schedule 4 to the *Protect Ontario by Building Faster and Smarter Act, 2025* comes into force.

## **Transition, date of application**

(6) Clauses (1) (a) and (b) do not apply in the case of an application made before the day subsection 8 (1) of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force. 2019, c. 9, Sched. 3, s. 8 (1).

## **Transition, eligible services**

(6.1) Beginning on the day described in subsection (6.2), the total amount of a municipality's development charge for the purposes of subsection (1) shall not include the amount of a development charge in respect of a service unless the service is listed in subsection 2 (4). 2020, c. 18, Sched. 3, s. 8.

## **Same**

(6.2) The day referred to in subsection (6.1) is,

- (a) in the case of a local municipality, the earlier of,
  - (i) the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*, and
  - (ii) the specified date for the purposes of section 9.1; and
- (b) in the case of an upper-tier municipality, the specified date for the purposes of section 9.1. 2020, c. 18, Sched. 3, s. 8.

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### **Agreement prevails**

(7) This section does not apply in cases where there is an agreement under section 27. 2019, c. 9, Sched. 3, s. 8 (1).

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### **~~Withholding of building permit until charge paid~~**

~~28 Despite any other Act, a municipality is not required to issue a building permit for development to which a development charge applies unless the development charge has been paid. 1997, c. 27, s. 28.~~

### **Withholding of permit until charge paid**

28. Despite any other Act, a municipality is not required to issue a permit under the *Building Code Act, 1992* for a development to which development charges apply unless,

(a) in the case of a permit issued under subsection 8 (1) of that Act, all development charges have been paid except for any charges payable in accordance with section 26.1 of this Act or any charges that an agreement made under section 27 of this Act provides are payable after the permit is issued; or

(b) in the case of any other permit issued under that Act, all development charges that are payable before the issuance of the permit have been paid.

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### **Use of a credit**

41 (1) Subject to subsection (1.1) A credit that relates to a service may be used only with respect to that part of a development charge that relates to the service. 1997, c. 27, s. 41 (1).

### **Services deemed to be one service**

(1.1) If two or more services are deemed to be one service by the regulations, a credit that relates to any one of those services may be used with respect to that part of a development charge that relates to any of those services.

### **Use under another development charge by-law**

(2) A credit given towards a development charge under a development charge by-law may be used for a development charge under another development charge by-law only if that other development charge by-law so provides. 1997, c. 27, s. 41 (2).

### **Used by holder or agent**

(3) A credit may be used only by the holder or the holder's agent. 1997, c. 27, s. 41 (3).

## **MISCELLANEOUS**

### **Registration of by-law**

42 A municipality that has passed a development charge by-law may register the by-law or a certified copy of it against the land to which it applies. 1997, c. 27, s. 42.

### **Statement of treasurer**

43 (1) The treasurer of a municipality shall each year on or before such date as the council of the municipality may direct, give the council a financial statement relating to development charge by-laws and reserve funds established under section 33. 1997, c. 27, s. 43 (1).

### **Requirements**

(2) A statement must include, for the preceding year,

- (a) statements of the opening and closing balances of the reserve funds and of the transactions relating to the funds;
- (b) statements identifying,
  - (i) all assets whose capital costs were funded under a development charge by-law during the year,
  - (ii) for each asset mentioned in subclause (i), the manner in which any capital cost not funded under the by-law was or will be funded;
- (c) a statement as to compliance with subsection 59.1 (1); and
- (d) any other information that is prescribed. 2015, c. 26, s. 7 (1).



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#### **Statement available to public**

- (2.1) The council shall ensure that the statement is made available to the public,
- (a) by posting the statement on the website of the municipality or, if there is no such website, in the municipal office; and
  - (b) in such other manner and in accordance with such other requirements as may be prescribed. 2022, c. 12, Sched. 2, s. 1.

#### **Copy to Minister**

- (3) The treasurer shall give a copy of a statement to the Minister of Municipal Affairs and Housing on request. 1997, c. 27, s. 43 (3); 2015, c. 26, s. 7 (2).

#### **Section Amendments with date in force (d/m/y)**

2015, c. 26, s. 7 (1, 2) - 01/01/2016

2022, c. 12, Sched. 2, s. 1 - 14/04/2022

### **PART III FRONT-ENDING AGREEMENTS**

#### **FRONT-ENDING AGREEMENTS**

#### **Front-ending agreement**

**44** (1) A municipality in which a development charge by-law is in force may enter into an agreement, called a front-ending agreement, that,

- (a) applies with respect to work, done before or after the agreement is entered into,
  - (i) that relates to the provision of services for which there will be an increased need as a result of development, and
  - (ii) that will benefit an area of the municipality, defined in the agreement, to which the development charge by-law applies;
- (b) provides for the costs of the work to be borne by one or more of the parties to the agreement; and
- (c) provides for persons who, in the future, develop land within the area defined in the agreement to pay an amount to reimburse some part of the costs of the work. 1997, c. 27, s. 44 (1).

#### **Restrictions on services covered**

- (2) The services to which the work relates must be services to which the development charge by-law relates and that are set out in paragraph 1, 2, 3, 4 or 5 of subsection 2 (4). 1997, c. 27, s. 44 (2); 2019, c. 9, Sched. 3, s. 11 (1).

#### **Reimbursement restriction**

- (3) A front-ending agreement may provide for a person who is not a party to the agreement to pay an amount only if the person develops land and a development charge could be imposed for the development under subsections 2 (2) and (3). 1997, c. 27, s. 44 (3).

#### **Exemption**

- (4) Subsections 2 (3.3), 4.1 (8) and (10), 4.2 (2) and 4.3 (1) and section 4 apply, with necessary modifications, to amounts a person who is not a party to a front-ending agreement must pay under the agreement. 1997, c. 27, s. 44 (4); 2019, c. 9, Sched. 3, s. 11 (2); 2022, c. 21, Sched. 3, s. 11.

#### **“Tiering” of front end costs**

- (5) A front-ending agreement may provide for persons who reimburse part of the costs of the work borne by the parties to be themselves reimbursed by persons who later develop land within the area defined in the agreement. 1997, c. 27, s. 44 (5).

#### **Person can not be reimbursed for their share**

- (6) A front-ending agreement must not provide for a person to be reimbursed for any part of their non-reimbursable share of the costs of the work as determined under the agreement. 1997, c. 27, s. 44 (6).

#### **Inclusions in cost of work**

- (7) A front-ending agreement may provide for the following to be included in the cost of the work:
- 1. The reasonable costs of administering the agreement.
  - 2. The reasonable costs of consultants and studies required to prepare the agreement. 1997, c. 27, s. 44 (7).



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#### **Section Amendments with date in force (d/m/y)**

2019, c. 9, Sched. 3, s. 11 (1, 2) - 18/09/2020

2022, c. 21, Sched. 3, s. 11 (1) - 28/11/2022; 2022, c. 21, Sched. 3, s. 11 (2) - 01/06/2024

#### **Contents of agreements**

**45** (1) A front-ending agreement must contain the following:

1. A description of the work to be done, a definition of the area of the municipality that will benefit from the work and the estimated cost of the work.
2. The proportion of the cost of the work that will be borne by each party to the agreement.
3. The method for determining the part of the costs of the work that will be reimbursed by the persons who, in the future, develop land within the area defined in the agreement.
4. The amount, or a method for determining the amount, of the non-reimbursable share of the costs of the work for the parties and for persons who reimburse parts of the costs of the work.
5. A description of the way in which amounts collected from persons to reimburse the costs of the work will be allocated. 1997, c. 27, s. 45 (1).

#### **Other provisions allowed**

(2) A front-ending agreement may contain other provisions in addition to those required under subsection (1). 1997, c. 27, s. 45 (2).

### **OBJECTIONS TO AGREEMENTS**

#### **Notice of agreement and time for objections**

**46** (1) The clerk of a municipality that has entered into a front-ending agreement shall give written notice of an agreement and of the last day for filing an objection to the agreement, which shall be the day that is 40 days after the day the agreement is made. 1997, c. 27, s. 46 (1).

#### **Requirements of notice**

- (2) Notice must be given, not later than 20 days after the day the agreement is made,
- (a) by mailing a notice to every owner of land within the area defined in the front-ending agreement; or
  - (b) by publishing a notice in a newspaper having general circulation in the municipality. 1997, c. 27, s. 46 (2).

#### **Same**

(3) A notice required under this section must explain the nature and purpose of the agreement and must indicate that the agreement can be viewed in the office of the clerk of the municipality during normal office hours. 1997, c. 27, s. 46 (3).

#### **Agreement to be available**

(4) The clerk of the municipality shall ensure that the agreement can be viewed as set out in the notice. 1997, c. 27, s. 46 (4).

#### **Objection to agreement**

**47** Any owner of land within the area defined in the front-ending agreement may object to a front-ending agreement by filing with the clerk of the municipality on or before the last day for objecting to the agreement, a notice of objection setting out the objection to the agreement and the reasons supporting the objection. 1997, c. 27, s. 47.

#### **Clerk's duties if objection**

**48** (1) If the clerk of the municipality receives a notice of objection on or before the last day for filing an objection, the clerk shall compile a record that includes,

- (a) a copy, certified by the clerk, of every development charge by-law that applies to the area defined in the front-ending agreement;
- (b) a copy of the front-ending agreement certified by the clerk;
- (c) an affidavit or declaration certifying that notice of the front-ending agreement and of the last day for filing an objection to it was given in accordance with this Act. 1997, c. 27, s. 48 (1).

This is an unofficial comparison showing the changes proposed by the first reading version of Bill 17, prepared [by Osler, Hoskin & Harcourt LLP](#). Only sections proposed to be amended are included.

#### **Same**

(2) The clerk shall forward a copy of the notice of objection and the record to the Ontario Land Tribunal within 30 days after the last day for filing an objection and shall provide such other information or material as the Tribunal may require in respect of the objection. 1997, c. 27, s. 48 (2); 2021, c. 4, Sched. 6, s. 41 (6).

#### **Affidavit, declaration conclusive evidence**

(3) An affidavit or declaration of the clerk of a municipality that notice of the front-ending agreement and of the last day for filing an objection to it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration. 1997, c. 27, s. 48 (3).

#### **Section Amendments with date in force (d/m/y)**

2021, c. 4, Sched. 6, s. 41 (6) - 01/06/2021

#### **Tribunal hearing of objection**

**49** (1) The Ontario Land Tribunal shall hold a hearing to deal with any notice of objection to a front-ending agreement forwarded by the clerk of a municipality. 1997, c. 27, s. 49 (1); 2021, c. 4, Sched. 6, s. 41 (1).

#### **Powers of Tribunal**

(2) After the hearing, the Ontario Land Tribunal may,

- (a) dismiss the objection in whole or in part;
- (b) terminate the agreement;
- (c) order that the agreement is terminated unless the parties amend it in accordance with the Tribunal's order. 2021, c. 4, Sched. 6, s. 41 (7).

#### **Same**

(3) If the Ontario Land Tribunal terminates the agreement or makes an order under clause (2) (c), the Tribunal may order the municipality to refund any amount paid under the agreement in excess of,

- (a) if the agreement is terminated, what would have been payable under the development charge by-law; or
- (b) if the agreement is amended, what would have been payable under the amended agreement. 1997, c. 27, s. 49 (3); 2021, c. 4, Sched. 6, s. 41 (8).

#### **Effective date of amendment**

(4) An amendment in accordance with an order under clause (2) (c) shall be deemed to have come into force on the day the agreement comes into force. 1997, c. 27, s. 49 (4).

#### **Dismissal without hearing**

(5) Despite subsection (1), the Ontario Land Tribunal may, where it is of the opinion that the objection to the agreement set out in the notice of objection is insufficient, dismiss the objection without holding a full hearing after notifying the person filing the objection and giving that person an opportunity to make representations as to the merits of the objection. 1997, c. 27, s. 49 (5); 2021, c. 4, Sched. 6, s. 41 (1).

#### **Section Amendments with date in force (d/m/y)**

2021, c. 4, Sched. 6, s. 41 (1, 7, 8) - 01/06/2021

#### **Objections to amendments**

**50** Sections 46 to 49 apply, with necessary modifications, to an amendment to a front-ending agreement other than an amendment pursuant to an order of the Ontario Land Tribunal. 1997, c. 27, s. 50; 2021, c. 4, Sched. 6, s. 41 (9).

#### **Section Amendments with date in force (d/m/y)**

2021, c. 4, Sched. 6, s. 41 (9) - 01/06/2021

### **MISCELLANEOUS**

#### **When agreements in force**

**51** (1) A front-ending agreement comes into force on the day the agreement is made. 1997, c. 27, s. 51 (1).

### **If agreement terminated**

(2) A front-ending agreement that is terminated by the Ontario Land Tribunal shall be deemed to have never come into force. 1997, c. 27, s. 51 (2); 2021, c. 4, Sched. 6, s. 41 (1).

### **Application to amendments**

(3) This section applies, with necessary modifications, with respect to amendments to front-ending agreements. 1997, c. 27, s. 51 (3).

### **Section Amendments with date in force (d/m/y)**

2021, c. 4, Sched. 6, s. 41 (1) - 01/06/2021

### **Non-parties bound by agreement**

**52** (1) A person who develops land within the area defined in a front-ending agreement shall pay any amount the agreement provides under clause 44 (1) (c). 1997, c. 27, s. 52 (1).

### **When amounts payable**

(2) An amount that is payable under subsection (1) is payable upon a building permit being issued for the development unless the front-ending agreement provides for the amount to be payable on a later day or on an earlier day as allowed under subsection (3). 1997, c. 27, s. 52 (2).

### **Same**

(3) A front-ending agreement may provide that an amount payable under subsection (1) for development that requires approval of a plan of subdivision under section 51 of 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, be payable immediately upon the parties entering into the subdivision or consent agreement. 1997, c. 27, s. 52 (3).

### **Special case, certain types of development**

(3.1) Despite subsections (2) and (3), an amount that is payable under subsection (1) in respect of any part of a development that consists of a type of development set out in subsection 26.1 (2) is payable in accordance with the following provisions, with necessary modifications:

1. Clause 26.1 (3) (a) or (b), as applicable.
2. Subsections 26.1 (5), (6) and (9). 2019, c. 9, Sched. 3, s. 12.

### **Transition, date of agreement**

(3.2) Subsection (3.1) does not apply to an amount that is payable under subsection (1) in respect of a front-ending agreement entered into before the day section 12 of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force. 2019, c. 9, Sched. 3, s. 12.

### **Amounts paid to municipality**

(4) Amounts paid under subsection (1) shall be paid to the municipality. 1997, c. 27, s. 52 (4).

### **Section Amendments with date in force (d/m/y)**

2019, c. 9, Sched. 3, s. 12 - 01/01/2020

### **Building permits withheld until amounts paid**

**53** If an amount is payable under a front-ending agreement by a person who develops land, no municipality shall issue a building permit for the development until the amount is paid. 1997, c. 27, s. 53.

### **Use of money received under an agreement**

**54** (1) A municipality that receives money under a front-ending agreement shall place the money in a special account. 1997, c. 27, s. 54 (1).

### **Use of money in special account**

(2) The money in the special account shall be used, in accordance with the agreement, only for the following purposes:

1. To pay for work provided for under the agreement.
2. To reimburse those who, under the agreement, have a right to be reimbursed. 1997, c. 27, s. 54 (2).

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#### **Return of excess funds**

(3) Despite subsection (2), if the municipality receives money from parties to the agreement to pay for work provided under the agreement, the municipality shall, if the agreement so provides, return to the parties any amounts that are not needed to pay for the work. 1997, c. 27, s. 54 (3).

#### **Money held until objections disposed of**

(4) If an objection to a front-ending agreement is made, the municipality shall retain any money received from persons who are not parties to the agreement until all the objections to the agreement are disposed of by the Ontario Land Tribunal. If the Tribunal makes an order that the agreement be terminated unless the parties amend it in accordance with the Tribunal's order, the municipality shall retain the money until the agreement is either terminated or amended. 2021, c. 4, Sched. 6, s. 41 (10).

#### **Application to amendments**

(5) Subsection (4) applies with necessary modifications with respect to amendments to front-ending agreements. 1997, c. 27, s. 54 (5).

#### **Section Amendments with date in force (d/m/y)**

2021, c. 4, Sched. 6, s. 41 (10) - 01/06/2021

#### **Credits**

**55** (1) A person is entitled to be given a credit towards a development charge for the amount of their non-reimbursable share of the costs of work under a front-ending agreement. 1997, c. 27, s. 55 (1).

#### **Restriction on the amount**

(2) If the work would result in a level of service that exceeds the average level of the service in the 10-year period immediately preceding the preparation of the background study for the development charge by-law, the amount of the credit must be reduced in the same proportion that the costs of the work that relate to a level of service that exceeds that average level of service bear to the costs of the work. Any regulations relating to the level of service and average level of service for the purposes of paragraph 4 of subsection 5 (1) also apply with necessary modifications for the purposes of this subsection. 1997, c. 27, s. 55 (2).

#### **Credits are treated like s. 38 credits**

(3) Credits under this section shall be treated, for the purposes of this Act, as though they were credits under section 38. 1997, c. 27, s. 55 (3).

#### **Registration of agreement**

**56** A party to a front-ending agreement may register the agreement or a certified copy of it against the land to which it applies. 1997, c. 27, s. 56.

#### **Notice to other tier**

**57** (1) An upper-tier municipality that is a party to a front-ending agreement shall, within 20 days after the agreement is made or amended, give a copy of the agreement or amendment to any area municipality that is not a party to the agreement and whose territory includes any part of the area defined in the agreement. 1997, c. 27, s. 57 (1).

#### **Same**

(2) An area municipality that is a party to a front-ending agreement shall, within 20 days after the agreement is made or amended, give a copy of the agreement or amendment to the upper-tier municipality that the area municipality is part of, if the upper-tier municipality is not a party to the agreement. 1997, c. 27, s. 57 (2).

### **PART IV GENERAL**

**58** REPEALED: 2009, c. 33, Sched. 2, s. 24.

#### **Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 2, s. 24 - 15/12/2009

#### ***Planning Act*, ss. 51, 53**

**59** (1) A municipality shall not, by way of a condition or agreement under section 51 or 53 of the *Planning Act*, impose directly or indirectly a charge related to a development or a requirement to construct a service related to development except as allowed in subsection (2). 1997, c. 27, s. 59 (1).

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### **Exception for local services**

- (2) A condition or agreement referred to in subsection (1) may provide for,
- (a) local services, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under section 51 of the *Planning Act*;
  - (b) local services to be installed or paid for by the owner as a condition of approval under section 53 of the *Planning Act*, 1997, c. 27, s. 59 (2).

### **What constitutes a local service**

(2.1) What constitutes a local service for the purposes of clauses (2) (a) and (b) may be determined by the regulations.

### **Limitation**

- (3) This section does not prevent a condition or agreement under section 51 or 53 of the *Planning Act* from requiring that services be in place before development begins. 1997, c. 27, s. 59 (3).

### **Notice of development charges at transfer**

- (4) In giving approval to a draft plan of subdivision under subsection 51 (31) of the *Planning Act*, the approval authority shall use its power to impose conditions under clause 51 (25) (d) of the *Planning Act* to ensure that the persons who first purchase the subdivided land after the final approval of the plan of subdivision are informed, at the time the land is transferred, of all the development charges related to the development. 1997, c. 27, s. 59 (4).

### **Exception, old agreements**

- (5) This section does not affect a condition or agreement imposed or made under section 51 or 53 of the *Planning Act* that was in effect on November 23, 1991. 1997, c. 27, s. 59 (5).

### **No additional levies**

- 59.1** (1) A municipality shall not impose, directly or indirectly, a charge related to a development or a requirement to construct a service related to development, except as permitted by this Act or another Act. 2015, c. 26, s. 8.

### **Prescribed exceptions**

- (2) Subsection (1) does not apply with respect to,
- (a) a prescribed class of developments;
  - (b) a prescribed class of services related to developments; or
  - (c) a prescribed Act or a prescribed provision of an Act. 2015, c. 26, s. 8.

### **Exception, transition**

- (3) Subsection (1) does not affect a charge that is imposed before the day section 8 of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 8.

### **Power of investigation**

- (4) The Minister of Municipal Affairs and Housing may, at any time, investigate whether a municipality has complied with subsection (1). 2015, c. 26, s. 8.

### **Same**

- (5) For the purposes of an investigation under subsection (4), the Minister may,
- (a) inquire into any or all of the municipality's affairs, financial and otherwise;
  - (b) require the production of any records and documents that may relate to the municipality's affairs;
  - (c) inspect, examine, audit and copy anything required to be produced under clause (b);
  - (d) require any officer of the municipality and any other person to appear before the Minister and give evidence on oath about the municipality's affairs; and
  - (e) hold any hearings in respect of the municipality's affairs as the Minister considers necessary or expedient. 2015, c. 26, s. 8.

### **Application of *Public Inquiries Act, 2009***

- (6) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation under subsection (4). 2015, c. 26, s. 8.

## **Cost of investigation**

(7) The Minister may require the municipality to pay all or part of the cost of an investigation under subsection (4). 2015, c. 26, s. 8.

## **Section Amendments with date in force (d/m/y)**

2015, c. 26, s. 8 - 01/01/2016

## **Regulations**

**60** (1) The Lieutenant Governor in Council may make regulations,

- (a) defining or clarifying “gross floor area” and “existing industrial building” for the purposes of this Act;
- (b), (b.1) REPEALED: 2022, c. 21, Sched. 3, s. 12 (1).
- (c) clarifying or defining terms used in subsection 2 (4) that are not already defined in or under this Act;
- (c.1) prescribing services for the purposes of paragraph 21 of subsection 2 (4);
- (c.2) governing transitional matters arising from additional services being prescribed under clause (c.1);
- (d) prescribing areas, and prescribing services with respect to prescribed areas, for the purposes of subsection 2 (9);
- (d.1) prescribing municipalities, services and criteria for the purposes of subsection 2 (11);
- (d.2) prescribing developments and classes of developments for the purposes of paragraph 3 of subsection 4.1 (4);
- (d.3) prescribing criteria for the purposes of paragraph 5 of subsection 4.1 (4);
- (e) governing the determination as to whether the council of a municipality has indicated, for the purposes of paragraph 3 of subsection 5 (1), an intention to ensure that an increase in need for service will be met;
- (f) governing the determination of the level of service and the average level of service for the purposes of paragraph 4 of subsection 5 (1);
- (g) for the purposes of paragraph 5 of subsection 5 (1), governing the determination of excess capacity and whether a council has indicated an intention that excess capacity would be paid for by new development;
- (h) governing the determination of the extent to which an increase in service would benefit existing development for the purposes of paragraph 6 of subsection 5 (1);
- (i) governing the estimation of the capital costs for the purposes of paragraph 7 of subsection 5 (1);
- (j) prescribing an index for the purpose of paragraph 10 of subsection 5 (1);
- (k) governing reductions, under subsection 5 (2), to adjust for capital grants, subsidies and other contributions, including governing what are capital grants, subsidies and other contributions for the purposes of that subsection and how much the reduction shall be for such grants, subsidies and other contributions;
- ~~(l) prescribing services for the purposes of paragraph 1 of subsection 5 (3);~~
- (l) providing for exceptions to the application of subsection 5 (3), and making such exceptions subject to conditions;
- (m) REPEALED: 2019, c. 9, Sched. 3, s. 13 (4).
- (m.1) further clarifying or defining the term “Toronto-York subway extension” in subsection 5.1 (1) or the term “Yonge North subway extension” in subsection 5.1.1 (1);
- (m.2) prescribing the method and criteria to be used to estimate the planned level of service for the Toronto-York subway extension or the Yonge North subway extension;
- (m.3) prescribing a service, other than the Toronto-York subway extension or the Yonge North subway extension, as a service for the purposes of section 5.2;
- (m.4) prescribing the method and criteria to be used to estimate the planned level of service for a service that is prescribed for the purposes of section 5.2;
- (m.5) prescribing a date for the purposes of section 9.1;
- (n) prescribing information that must be included in a background study under section 10;
- (o) defining or clarifying “operating costs” for the purposes of clause 10 (2) (c);

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- (o.1) prescribing information for the purposes of clause 10 (3) (c);
- (o.2) prescribing the manner in which an asset management plan is to be prepared for the purposes of clause 10 (3) (d);
- (p) for the purposes of clause 12 (1) (b), governing notice of meetings;
- (q) for the purposes of subsection 13 (2), governing notices of the passing of development charge by-laws;
- (r) requiring municipalities to keep records in respect of reserve funds and governing such records;
- (s) prescribing the minimum interest rate or a method for determining the minimum interest rate that municipalities shall pay under subsections 18 (3) and 25 (2) and section 36;
- (s.1) governing the types of development set out in subsection 26.1 (2);
- [\(s.1.1\) prescribing circumstances and limitations for the purposes of subsection 26.1 \(3.2\);](#)
- (s.2) prescribing the maximum rate of interest for the purposes of subsections 26.1 (7) and 26.2 (3);
- (s.2.1) prescribing developments for the purposes of subsection 26.2 (1.3);
- ~~(s.3) prescribing the amount of time for the purposes of clauses 26.2 (5) (a) and (b);~~
- (s.4) prescribing one or more services for the purposes of subsection 35 (3);
- [\(s.5\) deeming two or more services to be one service for the purposes of subsection 41 \(1.1\)](#)
- (t) prescribing information for the purposes of clause 43 (2) (d);
- (t.0.1) prescribing the manner in which a statement is to be made available and other requirements for the purposes of clause 43 (2.1) (b);
- [\(t.0.2\) determining what constitutes a local service for the purposes of clauses 59 \(2\) \(a\) and \(b\);](#)
- (t.1) prescribing classes of developments and classes of services related to developments for the purposes of subsection 59.1 (2);
- (t.2) prescribing Acts and provisions of Acts for the purposes of subsection 59.1 (2);
- (u) requiring municipalities to give notice of the particulars of development charge by-laws that are in force, in the manner, and to the persons, prescribed in the regulations;
- (v) requiring municipalities to prepare and distribute pamphlets to explain their development charge by-laws and governing the preparation of such pamphlets and their distribution by municipalities and others. 1997, c. 27, s. 60 (1); 2006, c. 33, Sched. H, s. 3; 2015, c. 26, s. 9; 2019, c. 9, Sched. 3, s. 13 (1, 2, 4-6); 2020, c. 18, Sched. 3, s. 10; 2021, c. 34, Sched. 7, s. 3; 2022, c. 12, Sched. 2, s. 2; 2022, c. 21, Sched. 3, s. 12 (1-6).

#### **Adoption by reference**

(1.1) A regulation under clause (1) (d.3) may adopt by reference, in whole or in part and with such changes as are considered necessary, any document and may require compliance with the document. 2022, c. 21, Sched. 3, s. 12 (7).

#### **Rolling incorporation by reference**

(1.2) The power to adopt by reference and require compliance with a document in subsection (1.1) includes the power to adopt a document as it may be amended from time to time. 2022, c. 21, Sched. 3, s. 12 (7).

#### **Forms**

(2) Regulations under subsection (1) may require the use of forms approved by the Minister of Municipal Affairs and Housing. 1997, c. 27, s. 60 (2).

#### **Section Amendments with date in force (d/m/y)**

2006, c. 33, Sched. H, s. 3 - 04/05/2007

2015, c. 26, s. 9 (1-3) - 01/01/2016

2016, c. 25, Sched. 1, s. 2 - no effect - see 2019, c. 9, Sched. 3, s. 15 (1) - 06/06/2019

2019, c. 9, Sched. 3, s. 13 (1, 2, 4) - 18/09/2020; 2019, c. 9, Sched. 3, s. 13 (3) - no effect - 2020, c. 18, Sched. 3, s. 12 - 21/07/2020; 2019, c. 9, Sched. 3, s. 13 (5) - 06/06/2019; 2019, c. 9, Sched. 3, s. 13 (6) - 01/01/2020

2020, c. 18, Sched. 3, s. 10 - 18/09/2020



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2021, c. 34, Sched. 7, s. 3 - 01/01/2022

2022, c. 12, Sched. 2, s. 2 - 14/04/2022; 2022, c. 21, Sched. 3, s. 12 (1, 3-6) - 28/11/2022; 2022, c. 21, Sched. 3, s. 12 (2, 7) - 01/06/2024

### **Regulations respecting transition, 2019 amendments**

**60.1** The Lieutenant Governor in Council may make regulations,

- (a) setting out transitional rules dealing with matters not specifically dealt with in the amendments to this Act made by Schedule 3 to the *More Homes, More Choice Act, 2019*;
- (b) clarifying the transitional rules set out in the amendments to this Act made by Schedule 3 to the *More Homes, More Choice Act, 2019*;
- (c) setting out transitional rules dealing with matters not specifically dealt with in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*;
- (d) clarifying the transitional rules set out in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*. 2019, c. 9, Sched. 3, s. 14; 2020, c. 18, Sched. 3, s. 11.

### **Section Amendments with date in force (d/m/y)**

2019, c. 9, Sched. 3, s. 14 - 06/06/2019

2020, c. 18, Sched. 3, s. 11 - 18/09/2020

## **PART V TRANSITIONAL RULES**

### **Interpretation**

**61** In this Part,

“old Act” means the *Development Charges Act* as it reads immediately before this section comes into force; (“ancienne loi”)

“transition period” means the 18-month period beginning on the day this section comes into force. (“période de transition”) 1997, c. 27, s. 61.

### **By-laws under the old Act**

**62** (1) This section applies with respect to a development charge by-law under the old Act. 1997, c. 27, s. 62 (1).

### **Continues during transition period**

(2) Unless it expires or is repealed earlier, a development charge by-law continues in force until the end of the transition period and the old Act continues to apply with respect to the by-law. 1997, c. 27, s. 62 (2).

### **Application of old Act**

(3) A municipality may, under the old Act, amend or repeal a development charge by-law with respect to which the old Act applies under subsection (2) but the municipality may not pass a new development charge by-law under that Act. 1997, c. 27, s. 62 (3).

### **Repeal at the end of transition period**

(4) A development charge by-law under the old Act that has not already expired or been repealed expires at the end of the transition period. 1997, c. 27, s. 62 (4).

### **Front-ending agreement requirement**

(5) For the purposes of subsection 44 (1), a development charge by-law under the old Act shall be deemed to be a development charge by-law under this Act. 1997, c. 27, s. 62 (5).

### **Reserve funds under the old Act**

**63** (1) This section applies with respect to a reserve fund under a development charge by-law under the old Act that expires or is repealed during the transition period or expires, under section 62, at the end of the transition period. 1997, c. 27, s. 63 (1).

### **Eligible services**

(2) If a reserve fund is not for a service referred to in paragraphs 1 to 7 of subsection 2 (4) then, upon the expiry or repeal of the development charge by-law, the reserve fund shall be deemed to be a reserve fund under this Act. 1997, c. 27, s. 63 (2).

### **Ineligible services**

(3) If a reserve fund is for a service referred to in paragraphs 1 to 7 of subsection 2 (4) then, upon the expiry or repeal of the development charge by-law, the following apply:

1. The reserve fund shall be deemed to be a general capital reserve fund for the same purpose.
2. The municipality may, at any time, allocate all the money in the fund to one or more reserve funds established under development charge by-laws under this Act.
3. Five years after the development charge by-law expires or is repealed, the municipality shall allocate any money remaining in the fund to reserve funds established under development charge by-laws under this Act or, if there are no such reserve funds, to a general capital reserve fund.
4. Despite paragraph 1, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the fund. 1997, c. 27, s. 63 (3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 12 (3).

### **Interpretation**

(4) In this section and in sections 64, 65 and 66, references to paragraphs 1 to 7 of subsection 2 (4) shall be read as references to those provisions as they read before the day subsection 2 (2) of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 10.

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 12 (3) - 01/01/2007

2015, c. 26, s. 10 - 01/01/2016

### **Credits under old section 13, ineligible services**

**64** (1) The following apply with respect to a development charge by-law that expires or is repealed during the transition period or expires, under section 62, at the end of the transition period:

1. Within 20 days after the expiry or repeal of the development charge by-law, the clerk of the municipality shall give written notice of the expiry or repeal of the by-law and of the last day for applying for a refund of ineligible credits given under section 13 of the old Act which shall be the day that is 80 days after the day the by-law expires or is repealed.
2. Notices required under paragraph 1 must meet the requirements prescribed in the regulations and shall be given in accordance with the regulations.
3. A notice required under paragraph 1 shall be deemed to have been given,
  - i. if the notice is by publication in a newspaper, on the day that the publication occurs,
  - ii. if the notice is given by mail, on the day that the notice is mailed.
4. On or before the day that is 90 days after the last day for applying for a refund of ineligible credits given under section 13 of the old Act, the municipality shall pay each holder of such a credit the full value of the credit. 1997, c. 27, s. 64 (1).

### **“Ineligible credit”**

(2) In this section,

“ineligible credit” is a credit given under the old Act in respect of a service referred to in paragraphs 1 to 7 of subsection 2 (4) including such a credit given under the old Act as it applies under section 62. 1997, c. 27, s. 64 (2).

### **Credits under old section 13, eligible services**

**65** (1) The following apply with respect to a development charge by-law that expires or is repealed during the transition period or expires, under section 62, at the end of the transition period:

1. The holder of an eligible credit given under section 13 of the old Act is entitled to be given a credit towards a development charge under a development charge by-law under this Act of the same municipality under whose by-law the eligible credit was given.
2. A credit may only be given with respect to the service to which the eligible credit related. 1997, c. 27, s. 65 (1).

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#### **“Eligible credit”**

(2) In this section,

“eligible credit” is a credit given under the old Act in respect of a service not referred to in paragraphs 1 to 7 of subsection 2 (4) including such a credit given under the old Act as it applies under section 62. 1997, c. 27, s. 65 (2).

#### **Debt under the old Act for eligible services**

**66** (1) This section applies with respect to a debt, other than credits, incurred with respect to a service not referred to in paragraphs 1 to 7 of subsection 2 (4), under a development charge by-law under the old Act that expires or is repealed during the transition period or expires, under section 62, at the end of the transition period. 1997, c. 27, s. 66 (1).

#### **Can be included as capital cost**

(2) For the purposes of developing a development charge by-law, the debt may be included as a capital cost subject to any limitations or reductions in this Act or the regulations. 1997, c. 27, s. 66 (2).

#### **Agreements to pay early or late**

**67** (1) This section applies with respect to an agreement under subsection 9 (4) or (8) of the old Act (early or late payment) that relates to a development charge under a development charge by-law under the old Act that expires or is repealed during the transition period or expires, under section 62 at the end of the transition period. 1997, c. 27, s. 67 (1).

#### **Agreements continued**

(2) An agreement continues in force after the development charge by-law expires or is repealed but only in respect of a development charge that was payable, in the absence of the agreement, before the development charge by-law expired or was repealed. 1997, c. 27, s. 67 (2).

#### **Regulations, transition**

**68** (1) The Lieutenant Governor in Council may make regulations,

- (a) governing notices for the purposes of paragraph 2 of subsection 64 (1);
- (b) for the purposes of section 66, limiting the circumstances in which a debt may be included as a capital cost and prescribing reductions that shall be made if a debt is to be included as a capital cost;
- (c) setting out transitional rules relating to credits given under section 14 of the old Act;
- (d) setting out transitional rules relating to front-ending agreements under Part II of the old Act;
- (e) setting out transitional rules dealing with matters not specifically dealt with in this Part;
- (f) clarifying the transitional rules set out in this Part. 1997, c. 27, s. 68 (1).

#### **Same**

(2) Regulations under clause (1) (c) may provide for procedures to apply in relation to credits given under section 14 of the old Act and, without limiting the generality of the foregoing, such regulations may provide for appeals to the Ontario Land Tribunal. 1997, c. 27, s. 68 (2); 2021, c. 4, Sched. 6, s. 41 (1).

#### **Section Amendments with date in force (d/m/y)**

2021, c. 4, Sched. 6, s. 41 (1) - 01/06/2021

**69-72** OMITTED (AMENDS OR REPEALS OTHER ACTS). 1997, c. 27, ss. 69-72.

**73** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1997, c. 27, s. 73.

**74** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1997, c. 27, s. 74.

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