

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW 041-2026

BEING A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES FOR THE TOWN OF MILTON AND REPEAL BY-LAW 045-2021, AS AMENDED

WHEREAS The Corporation of the Town of Milton has and will continue to experience growth through development;

AND WHEREAS development requires the provision of physical and other services by the Town;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth related demands for, or the burden on, Town services does not place an undue financial burden on the Town or its taxpayers;

AND WHEREAS the Development Charges Act, 1997 (the "Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a development charge background study has been completed in accordance with the Act;

AND WHEREAS Council has before it a report entitled "Town of Milton Development Charge Background Study" prepared by Watson and Associates Economists Ltd. dated December 19, 2025;

AND WHEREAS the Council of The Corporation of the Town of Milton has given notice of and held a public meeting on the 9th day of February, 2026 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of The Corporation of the Town of Milton hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law, including in this section:

"accessory" means where used to describe a use, building, or structure that the use, building, or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building or structure, but is not an ancillary residential building;

"Act" means the Development Charges Act, 1997, S.O. 1997, c. 27;

"additional residential unit" means a self-contained dwelling unit that is subordinate in purpose to another dwelling unit upon the same lot and includes, but is not limited to a basement apartment and garden suite and an "additional dwelling unit" has the same meaning;

"affordable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;

"agricultural development" means a bona fide farming operation, including greenhouses used in connection with a bona fide farming operation which are not connected to Regional water services or wastewater services, sod farms and farms for the breeding and boarding of horses, and includes, but is not limited to, barns, silos and other ancillary buildings to such agricultural development, but excluding in all circumstances any residential or commercial or retail component thereof and excludes cannabis production and growing facilities;

"air-supported structure" means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;

"ancillary residential building" means a residential building or structure that is subordinate in purpose to another residential dwelling unit upon the same lot and includes an additional residential unit;

"apartment unit dwelling" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor, and includes, but is not limited to, an additional residential unit, a stacked townhouse dwelling, but does not include a special care/special need dwelling unit or a back-to-back townhouse dwelling;

"attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;

"back-to-back townhouse dwelling" means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

"bedroom" means a habitable room of at least seven square metres, including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen, or other space;

"board of education" has the same meaning as set out in the Education Act, R.S.O. 1990, c. E.2, (the "Education Act");

"building" means a structure occupying an area greater than ten (10) square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, and includes, but is not limited to, an above-grade storage tank, an air-supported structure, a canopy, and an industrial tent, but does not include a seasonal air-supported structure;

"Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23 (the "Building Code Act");

"cannabis" means:

- (a) a cannabis plant;
- (b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
- (c) any substance or mixture of substances that contains or has on it any part of a cannabis plant; and
- (d) any substance that is identical to any phytocannabinoid produced by, or found in, a cannabis plant, regardless of how the substance was obtained;

"cannabis plant" means a plant that belongs to the genus Cannabis;

"Cannabis Production Facilities" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use.

It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

"canopy" includes, but is not limited to, a roof-like structure projecting more than 1.22 metres (four (4) feet) from the exterior face of a building and a separate roof-like structure such as a roof-like structure for an automotive fuel station, a covered patio, or a drive-through facility;

"capital cost" means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of and as authorized by the Town or local board to:

- (a) acquire land or an interest in land, including a leasehold interest;
- (b) improve land;
- (c) acquire, lease, construct or improve buildings or structures;
- (d) acquire (including leasing), construct or improve facilities including,
 - i. furniture and equipment other than computer equipment, and
 - ii. material 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
 - iii. rolling stock with an estimated useful life of seven (7) years or more; and
- (e) undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

"charitable dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14, Sched. 1, a psychiatric facility under the Mental Health Act, R.S.O. 1990, c. M.7, long-term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12.

"class" means a grouping of services combined to create a single service for the purposes of this By-law and as provided in section 7 of the Act;

"commercial" means land, buildings, structures, or portions thereof used, designed, or intended for non-residential use that is not retail or industrial, and includes uses which serve academic, medical/dental, and cultural needs that are not located within or part of a retail development;

"Condominium Act" means the Condominium Act, 1998, S.O. 1998, c. 19;

"correctional group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacements thereto. A correctional group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government nor any correctional institution or secure custody and detention facility operated by the Province of Ontario;

"Council" means the Council of The Corporation of the Town of Milton;

"decommissioning" means the removal of the culinary and/or sanitary facilities from a dwelling unit such that it no longer meets the definition of a "dwelling unit";

"detached dwelling" has the same meaning as a "single detached dwelling" for the purposes of this By-law;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability and/or changing the use thereof, and includes redevelopment;

"development charge" means a charge imposed with respect to this By-law;

"dwelling unit" means either (1) any part of a building or structure used, designed, or intended to be used as a residential use in which one or more persons may sleep

and are provided with culinary and sanitary facilities for their exclusive use, or (2) in the case of a special care/special need dwelling, a room or suite of rooms used, or designed or intended for use, by one person with or without exclusive sanitary and/or culinary facilities, or more than one person if sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms and “residential unit” has the same meaning;

“existing industrial building” shall have the same meaning as the term is defined in the Regulation, and shall not include self-storage facilities and retail warehouses open to the public;

"garden suite" means a building containing one (1) dwelling unit where the garden suite is detached from and ancillary to an existing single detached dwelling or semi-detached dwelling on the lands and such building is designed to be portable;

"grade" means the average level of finished ground adjoining a building at all exterior walls;

"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 and includes the area of a mezzanine;

"group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located;

"industrial" means land, buildings or structures, or portions thereof that are intended or designed for manufacturing, producing, processing, storing or distribution of something, including research or development in connection with manufacturing, producing or processing something, and the retail sale by a manufacturer, producer or processor of something that they have manufactured, produced or processed, if the retail sales are at the site where the manufacturing,

production or processing takes place, as well as office space that is ancillary to the producing, processing, storing or distribution of something at the site, but shall not include self-storage facilities or retail warehouses open to the public;

"institutional development" shall have the same meaning as the term is defined in the Regulation;

"live/work unit" means a unit which contains separate residential unit and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;

"Local Board" means a local board as defined in section 1 of the Municipal Affairs Act, R.S.O. 1990. C. M.46, other than a board as defined in subsection 1(1) of the Education Act;

"local services" means those services, facilities or things 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 in respect of the lands under sections 51 or 53 of the Planning Act;

"long-term care home" means development as outlined in subsection 4.4(1) of the Act and excludes any component of the building or structure that is used for commercial or retail purposes;

"lot" means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act which meets the minimum lot area requirements under the Town's Zoning By-law;

"mezzanine" means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;

"mixed-use" means land or buildings used or designed or intended to be used for a combination of non-residential development and residential development;

"mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer, tent trailer or mobile home situated on a recreational vehicle park;

"multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment unit dwellings, special care/special need dwellings, ancillary residential buildings, and includes but is not limited to row dwellings, back-to-back townhouse dwellings, and the residential portion of a live/work unit;

"municipality" means The Corporation of the Town of Milton;

"non-profit housing development" shall have the same meaning as defined in subsection 4.2(1) of the Act;

"non-residential development" means land, buildings or portions thereof used, designed, or intended for use for any purpose other than for residential purpose and "non-residential purpose" and "non-residential use" has the same meaning;

"Official Plan" means the Official Plan adopted for the Town, as amended, and approved;

"owner" means the owner of land or a person who has made application for an approval for the development of land;

"place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;

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

"prescribed index" means the price index as prescribed in the Regulation;

"public hospital" means lands, buildings or structures used and occupied by a hospital that receives aid under the Public Hospitals Act, R.S.O. 1990, c. P.40, but excludes (i) any portion of a building occupied by a tenant of the hospital, (ii) any lands, buildings or structures, or portions thereof, owned by a hospital or hospital board that are used for purposes other than a public hospital, and (iii) any residential component of such lands, buildings or structures, or portions thereof, that is not a public hospital;

"recreational vehicle park" means land where mobile homes may be situated and occupancy of mobile homes is not permitted throughout the calendar year by either municipal land use or provincial regulations;

"redevelopment" means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously

demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development;

"Region" means The Regional Municipality of Halton;

"Regulation" means any regulation made pursuant to the Act;

"rental housing development" shall have the same meaning as defined in section 1 of the Act;

"residential development" means land, buildings or portions thereof used, designed, or intended to be used as living accommodations for one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment unit dwelling, a special care/special need dwelling, an ancillary residential building, and the residential portion of a mixed-use building but does not include a mobile home situated on a recreational vehicle park and "residential use" and "residential purpose" has the same meaning;

"residential hospice" means a health care facility and registered charity that offers palliative care services by an inter-professional team with palliative care expertise. Care is available 24 hours a day, seven (7) days a week in a home-like setting for the individual and their significant others;

"retail development" means land, buildings or portions thereof used, designed, or intended for use for the purpose of offering foods, wares, merchandise, substances, articles, or things for sale directly to the public or providing services or entertainment to the public. Retail development excludes freestanding bank kiosks and includes, but is not limited to:

- (a) land, buildings, or portions thereof used, designed, or intended for use for the rental or lease of wares, merchandise, substances, articles, or things;
- (b) offices and storage in connection with, related to or ancillary to retail use; and
- (c) conventional restaurants; fast food restaurants; catering establishments, bars and taverns; beer and wine-making stores; concert halls/theatres/cinemas/movie houses/drive-in theatres; dinner theatres; casinos; amusement and theme parks; amusement arcades; bowling alleys; pet

boarding kennels, pet boarding kennel services, pet obedience training centres, pet care, attendance and grooming services; fitness/recreation sport centres; hotels, motels/bed and breakfast facilities/rooming and boarding houses; mobile homes situated on a recreational vehicle park; gas stations and service stations; specialty automotive shops/auto repairs/collision services/car or truck washes; auto dealerships; shopping centres and plazas, including more than two attached stores under one ownership; department/discount stores; banks and similar financial institutions, including credit unions; insurance brokerages; investment advisory services; warehouse clubs and retail warehouses open to the public and self-storage facilities;

"retirement home or lodge" means a residential building or the portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall, but do not include private culinary facilities and instead where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

"row dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

"seasonal air-supported structure" means an air-supported structure that is raised and/or erected and removed in any given year to allow for the use of an outdoor sports field or portion thereof during the winter for sports-related activities and includes a seasonal sports bubble;

"seasonal structure" means a building placed or constructed on land and used, designed, or intended for use for a non-residential purpose during a single season of the year where such building is designed to be easily demolished or removed from the land at the end of the single season and is erected immediately before the single season and is demolished or removed from the land immediately following the end of the single season;

"semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade and includes a semi-link dwelling;

"service" means a service designed in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;

"single detached dwelling" means a completely detached building containing only one primary dwelling unit and includes one mobile home on a lot which contains no other dwelling unit(s);

"site" means a parcel of land which can be legally conveyed pursuant to section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership;

"special care/special need dwelling" means:

a building containing two or more dwelling units, which units have a common entrance from street level:

- (a) where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings;
- (b) which may or may not have exclusive sanitary and/or culinary facilities;
- (c) that is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- (d) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;
- (e) and includes, but is not limited to, retirement homes or lodges, long-term care homes, charitable dwellings, group homes (including correctional group homes) and residential hospices;
- (f) and does not include a public hospital or any detention facility operated or supervised by the Federal Government nor any correctional institution or secure custody and detention facility operated by the Province of Ontario;

"stacked townhouse dwelling" means a building containing two or more dwelling units where each dwelling unit is separated horizontally and vertically from another dwelling unit by a common wall and ceiling/floor;

"temporary venue" means a building that is placed or constructed on land and is used, designed, or intended for use for a particular event where the event has a duration of three (3) weeks or less and the building is erected immediately before the beginning of the event and is demolished or removed from the land immediately following the end of the event;

"total floor area":

- (a) includes the sum total of the total areas of the floors in a building whether at, above or below grade, measured:
 - i. between the exterior faces of the exterior walls of the building;
 - ii. from the centre line of a common wall separating two uses; or
 - iii. from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and
- (b) includes the area of a mezzanine;
- (c) excludes those areas used exclusively for parking garages or structures;
- (d) where a building or a portion thereof has only one wall or does not have any walls, shall be the sum of the total area of all floors in the building:
 - i. directly beneath the roof or canopy of the building; or
 - ii. between and/or beneath a structural system serving the function of walls, roof, or canopy or any one or more of them;
- (e) where the building is an above-grade storage tank, the calculation of the total floor area is determined by taking the cross-sectional area of the tank, which is πr^2 (the base area);
- (f) and for the purposes of this definition, the area common to the residential and non-residential portions of such mixed-use buildings, shall be prorated to each use based upon the total floor area of each specific use;

"Town" means The Corporation of the Town of Milton;

"town" means the area within the geographic limits of The Corporation of the Town of Milton;

"Treasurer" means the person appointed as the Town's Treasurer or their designate; and

"Zoning By-Law" means any by-laws enacted by the Town under section 34 of the Planning Act.

- 1.2 Where a definition includes reference to a section of the Act or any other legislation, reference to the section shall be deemed to mean that section of the Act or other legislation as may be amended from time to time as they read on the date that any development charges are calculated.

2. DESIGNATION OF SERVICES/CLASS OF SERVICES

- 2.1 It is hereby declared by the Council of the Town that all development and redevelopment of land within the town will increase the need for services.
- 2.2 Once this By-law is in force, the development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by any individual development.
- 2.3 The categories of services and classes of services for which development charges are imposed under this By-law are as follows:
- (a) Services Related to a Highway;
 - (b) Public Works;
 - (c) Fire Protection Services;
 - (d) Parks and Recreation Services;
 - (e) Library Services;
 - (f) Transit Services;
 - (g) Growth Studies;
 - (h) Stormwater Drainage and Control Services - Area Specific;
 - (i) Land - 10 Year Forecast; and
 - (j) Land - 2051 Forecast.
- 2.4 The components of the services designated in section 2.3 are described in Schedule "A".

3. APPLICATION OF BY-LAW RULES

- 3.1 Development charges shall be payable in the amounts set out in this By-law where:
- (a) the lands are located in the area described in section 3.2; and
 - (b) the development of the lands requires any of the approvals set out in section 3.4.

Area to Which By-law Applies

- 3.2 Subject to section 3.3, this By-law applies to all lands in the town whether or not the land or use thereof is exempt from taxation under the Assessment Act.

- 3.3. Notwithstanding clause 3.2 above, this By-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the Town or a local board thereof;
 - (b) a board of education;
 - (c) the Region or a local board thereof; or
 - (d) the Crown or Crown Agency as defined in the Crown Agency Act, R.S.O. 1990, c. C.48 by way of section 71 of the Legislation Act, 2006, S.O. 2006, c. 21, Sched. F, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the Crown or Crown Agency, for greater clarity, this exemption excludes any buildings or part thereof that are intended for tenant use.

Approvals for Development

- 3.4 Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;
 - (b) the approval of a minor variance under section 45 of the Planning Act;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (d) the approval of a plan of subdivision under section 51 of the Planning Act;
 - (e) a consent under section 53 of the Planning Act;
 - (f) the approval of a description under section 9 of the Condominium Act; or
 - (g) the issuing of a permit under the Building Code Act in relation to a building or structure.
- 3.4.1 No more than one development charge for each service designated in section 2.3 shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 3.4 are required before the lands, buildings or structures can be developed.
- 3.4.2 Despite section 3.4.1, if two or more of the actions described in section 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions:

Rules with Respect to Exemptions for Intensification of Existing Housing or New Housing

3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:

- (a) the enlargement to an existing residential dwelling unit;
- (b) the creation of additional residential units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units; or
- (c) the creation of up to three (3) additional residential units on a single parcel of land containing an existing or new detached dwelling, semi-detached dwelling or row dwelling provided any additional residential units conform with the Town's applicable Zoning By-law as confirmed by the Town's Chief Building Official or designate.

3.6 **Exemption for Industrial Development:**

3.6.1 Notwithstanding any other provision of this By-law, but subject to sections 3.6.4 and 3.6.5 below, no development charge is payable with respect to the enlargement of the total floor area of an existing industrial building where the total floor area is enlarged by 50 percent or less:

3.6.2 If the total floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (a) determine the amount by which the enlargement exceeds 50 percent of the total floor area before the enlargement;
- (b) divide the amount determined under subsection 3.6.2(a) by the amount of the enlargement.

3.6.3 For greater certainty in applying the exemption in this section, the total floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1(1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor, or other passageway,

or through a shared below-grade connection such as a service tunnel, foundation, footing or parking facility.

3.6.4 The exemption for an existing industrial building provided by this section shall be applied up to a maximum of 50 percent of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the Town made pursuant to the Act or its predecessor legislation. Development charges shall be imposed in accordance with this By-law with respect to the amount of floor area of an enlargement that results in the total floor area of the industrial building being increased by greater than 50 percent of the total floor area of the existing industrial building.

3.6.5 For the purposes of this section, despite any new sites created which result in an existing industrial building being on a site separate from its enlargement or enlargements for which an exemption was granted under this section, further exemptions, if any, pertaining to the existing industrial building shall be calculated in accordance with section 3.6.4 on the basis of its site prior to any division.

3.7 **Other Exemptions/Reductions:**

Notwithstanding the provision of this By-law, development charges shall not be imposed with respect to:

- (a) lands or buildings used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under Assessment Act, R.S.O. 1990, c. A.31;
- (b) development creating or adding an accessory use or accessory building not exceeding 15 square metres (161.46 square feet) of gross floor area;
- (c) development creating or adding an accessory use or accessory building to a residential use where the accessory use or accessory building is not used for any commercial or retail purposes;
- (d) a public hospital;
- (e) buildings owned by and used for the purposes of a conservation authority unless such buildings are used primarily for or in connection with (i) recreational purposes for which the conservation authority charges admission and/or fees or (ii) any commercial or retail purposes;
- (f) agricultural development, including a one-time exemption of up to 50 square metres (538.2 square feet) on any commercial or retail component therein;

- (g) seasonal structures;
- (h) temporary venues;
- (i) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university, for greater clarity, this exemption excludes any buildings or part thereof that are intended for tenant use;
- (j) land vested in or leased to a college of applied arts and technology as established under the Ontario Colleges of Applied Arts and Technology Act, 2002, S.O. 2002, c. 8, Sched. F., if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the college; for greater clarity, this exemption excludes any buildings or part thereof that are intended for tenant use;
- (k) non-profit housing development;
- (l) affordable residential units;
- (m) attainable residential units; and
- (n) long-term care homes.

3.7.1 Notwithstanding any other provision of this By-law, the development charges payable for a rental housing development will be reduced in accordance with subsection 26.2(1.1) of the Act.

3.7.2 Where a development is subject to any exemption or reductions authorized under the Act and/or this By-law, the owner may be required to enter into an agreement to receive the exemption/reductions.

Amount of Charges

Residential

3.8 The development charges set out in Schedule “B” to this By-law shall be imposed on residential uses of lands, buildings, or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, including the residential component of a live/work unit, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use and in accordance with section 3.14.

Non-Residential

3.9 The development charges described in Schedule “B” to this By-law shall be imposed on non-residential uses of lands, buildings, or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, including the non-residential component of a live/work unit, and calculated with respect to each of the services according to the total floor area of the non-residential use and in accordance with section 3.14.

Redevelopment - Demolitions/Decommissioning

3.10 In the case of a demolition of all or part of a building or the decommissioning of a residential unit:

- (a) a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that where a demolition permit has been issued and has not been revoked, a building permit for the same site has been issued for the redevelopment within five (5) years from the date the demolition permit was issued;
- (b) in the case of the decommissioning of a residential unit, a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that a change of use permit is issued to convert the existing residential unit into an ancillary residential building and the building will no longer be used as a dwelling unit for short or long-term accommodation or for commercial, retail, institutional, industrial, or livestock purposes;
- (c) the credit shall be calculated based on the portion of the building used for a residential purpose that has been demolished/decommissioned by multiplying the number and type of dwelling units demolished/decommissioned, or in the case of a building used for a non-residential purpose that has been demolished by multiplying the non-residential total floor area demolished, by the relevant development charges under this By-law, using the same calculation timing and methodology with respect to the redevelopment pursuant to this By-law;
- (d) no credit shall be allowed where the demolished building or part thereof would have been exempt pursuant to this By-law;
- (e) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced

to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Treasurer; and

- (f) despite subsection 3.10(a) above, where the building cannot be demolished until the new building has been occupied or a permit is issued under the Building Code Act authorizing occupation of the building, the owner shall notify the Town in writing and pay the applicable development charges for the new building in full and if the existing building is demolished not later than twelve (12) months from the date a building permit is issued for the new building, the Town shall provide a refund to the owner in the amount of the development charges paid under this section, without interest. If more than twelve (12) months is required to confirm the demolition of the existing building, the owner shall make a written request to the Town and the Treasurer may extend the time in which the demolition credit will be available in the Treasurer's sole and absolute discretion and upon such terms and conditions as the Treasurer considers necessary or desirable and such decision shall be made prior to the issuance of the first building permit for the new building; and
- (g) despite subsection 3.10(b) above, where the building cannot be decommissioned until the new building has been occupied or a permit is issued under the Building Code Act authorizing occupation of the building, the owner shall notify the Town in writing and pay the applicable development charges for the new building in full and if the existing building is decommissioned not later than twelve (12) months from the date a building permit is issued for the new building, the Town shall provide a refund to the owner in the amount of the development charges paid under this section, without interest. If more than twelve (12) months is required to confirm the decommissioning of the existing residential unit, the owner shall make a written request to the Town and the Treasurer may extend the time in which the credit will be available in the Treasurer's sole and absolute discretion and upon such terms and conditions as the Treasurer considers necessary or desirable and such decision shall be made prior to the issuance of the first building permit for the new building.

Redevelopment - Conversions

3.11 In the case of a conversion of all or part of a building:

- (a) a credit shall be allowed against the development charges otherwise payable under this By-law;
- (b) the credit shall be calculated based on the portion of the building that is being converted by multiplying the number and type of dwelling units being converted or the non-residential total floor area being converted by the relevant development charges under this By-law using the same calculation timing and methodology with respect to the redevelopment pursuant to this By-law;
- (c) no credit shall be allowed where the building or part thereof prior to conversion would have been exempt pursuant to this By-law; and
- (d) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Treasurer.

Exemptions, Relief, Credits, Adjustments Not Cumulative

3.12 Where the circumstances of a development or redevelopment are such that more than one type of exemption, relief, credit, or adjustment identified in sections 3.5 to 3.7.1 inclusive, section 3.10 and 3.11, or within the Act, the following applies:

- (a) Where the sum of the exemptions, relief, credits, and adjustments required under the Act is greater than or equal to the value of any single exemption, relief, credit, or adjustment provided in sections 3.5 to 3.7.1 inclusive and 3.10 to 3.11 inclusive, only the exemptions, relief, credits, or adjustments required under the Act shall be provided.
- (b) Where the sum of the exemptions, relief, credits, and adjustments required under the Act is less than the value of any single exemption, relief, credit, or adjustment provided in sections 3.5 to 3.7.1 inclusive and sections 3.10 and 3.11, the exemptions, relief, credits, and adjustments required under the Act shall be provided and an additional exemption, relief, credit, or adjustment shall be provided such that the total exemption, relief, credit, and/or adjustment equals the value of the largest single exemption, relief, credit, or adjustment provided by this By-law.
- (c) Notwithstanding clauses 3.12 (a) and (b) above, where the amount of any exemptions, relief, credits, and/or adjustments exceeds, in total, the amount

of the development charges otherwise payable under this By-law with respect to the development, the excess exemption, relief, credit, and/or adjustment shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess exemption, relief, credit, and/or adjustment is expressly permitted by a phasing plan for the development that is acceptable to the Treasurer.

- 3.13 Where under this By-law an exemption of the development charge is provided, should the development or redevelopment result in a use other than a use for which the exemption was granted, discovered through an inspection carried out by the Chief Building Official or his or her designate, pursuant to the Building Code Act, or otherwise, the Town will charge the development charges that would have been imposed at building permit issuance had the exemption not been granted, plus interest in accordance with Town Policy No. 117 Financial Management - Development Finance from such time to the time of the updated charge.

Time of Calculation and Payment of Development Charges

- 3.14 Development charges imposed under this By-law are calculated, payable, and collected in accordance with sections 26, 26.1 and 26.2 of the Act or in accordance with the terms of an agreement entered into between the Town and the owner under subsection 27(1) of the Act.
- 3.15 Should the development or redevelopment result in a use other than the use under which a development charge was determined, discovered through an inspection carried out by the Chief Building Official or his or her designate, pursuant to the Building Code Act, or otherwise, or if an error in the calculation of the development charge is identified following the approval of one of the planning application types outlined in section 3.4, the Town will charge the development charges that would have been imposed had the current use and/or error been identified, plus interest in accordance with Town Policy No. 117 Financial Management - Development Finance from such time to the time of the updated charge, without the need for an action under section 3.4.
- 3.16 Should, prior to occupancy of a residential development or redevelopment, the owner provides notice to the Town of the change in the intended use of a residential development to include affordable or attainable housing units or to be a rental housing development, the Town will recalculate the development charges that would have been imposed had the intended use been identified at building permit

issuance, without the need for an action under section 3.4, unless such action is required by legislation governing those actions. Any refund of development charges paid under this section will be provided without interest.

4. ALTERNATIVE PAYMENT AGREEMENTS

- 4.1 The Town may enter into an agreement under section 27 of the Act, in a form and having content satisfactory to the Town's solicitor and having content satisfactory to the Treasurer, with any person who is required to pay a development charge providing for all or any part of the development charge to be paid before or after it would otherwise be payable.
- 4.2 The Chief Building Official or their designate has the ability to withhold the issuance of a permit under the Building Code Act unless the development complies with section 28 of the Act.

5. PAYMENT BY MONEY OR SERVICES

- 5.1 Payment of development charges shall be by cash, debit, bank draft or certified cheque or as otherwise approved at the sole discretion of the Treasurer.
- 5.2 In the alternative to payment by the means provided in section 5.1 herein, the Town may, by a written agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charges otherwise payable.
- 5.3 Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the Planning Act, that the owner, at the owner's expense, install such local services as Council may require or that local connections to storm drainage facilities be installed at the owner's expense.
- 5.4 Any credit required to be given by the Town to an owner shall be in relation to a service as per subsection 39(1) of the Act. The Town may agree by written agreement to provide a credit in relation to another service as per subsection 39(3) of the Act or may provide for another basis for recovery.
- 5.5 If development charges or any part thereof payable pursuant to this By-law remain unpaid after such charges are payable, inclusive of any adjusted amounts that may be identified in accordance with section 3.15, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

6. INDEXING

- 6.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on April 1st of each year, commencing from by-law passage, in accordance with the prescribed index for the most recent year over year period. Council may determine not to implement indexing in any year, or to amend the effective date of the indexing within the year, in its sole and absolute discretion without amendment to the By-law.

7. SCHEDULES

- 7.1 The following schedules shall form part of this By-law:

Schedule "A" Components of Services and Classes of Services Designated in section 2.3.

Schedule "B" Residential and Non-Residential Development Charges

Schedule "C" Map identifying Area Specific Stormwater Drainage and Control Services for the area listed in subsection 2.3(h).

8. CONFLICTS

- 8.1 Where the Town and an owner or former owner have entered into an agreement pursuant to section 27 of the Act with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

- 8.2 Notwithstanding section 8.1, where a development which is the subject of an agreement to which section 8.1 applies, is subsequently the subject of one or more of the actions described in section 3.4, an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

9. SEVERABILITY

9.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

10. REFERENCES TO LEGISLATION

10.1 Reference in this By-law to any legislation (including but not limited to regulations and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto without the need for an amendment to this By-law.

11. DATE BY-LAW IN FORCE

11.1 This By-law shall come into effect on December 31, 2026.

12. DATE BY-LAW EXPIRES

12.1 This By-law will expire on November 26, 2036, unless it is repealed by Council at an earlier date.

13. EXISTING BY-LAW REPEALED

13.1 By-law Number 045-2021, as amended, is hereby repealed effective December 31, 2026.

1. PASSED IN OPEN COUNCIL ON MAY 11, 2026.

Gordon A. Krantz

Mayor

Meaghen Reid

Town Clerk

Schedule "A"
By-law 041-2026

Components of Services and Classes of Services Designated in section 2.3

Town-Wide DC - Eligible Services

- Services Related to a Highway
 - Roads
 - Bridges, Structures and Culverts
 - Active Transportation, Streetlights and Other Related Road Services
- Fire Protection Services
 - Fire Facilities
 - Fire Vehicles
 - Fire Small Equipment and Gear
- Transit Services
 - Transit Facilities
 - Transit Vehicles
 - Transit Shelters, Pads and Other Equipment
- Parks and Recreation Services
 - Recreation Facilities
 - Park Development
 - Recreation Trails
 - Outdoor Recreation Facilities and Park Amenities
 - Vehicles and Equipment
- Library Services
 - Library Facilities
 - Library Collection Materials

DC - Eligible Classes

- Public Works Facilities, Vehicles and Equipment
- Growth Studies
- Land - 10 Year Forecast
- Land - 2051 Forecast

Area-Specific DC - Eligible Services

- Stormwater Drainage and Control Services
 - Sherwood Secondary Plan
 - Boyne Secondary Plan
 - Derry Green Secondary Plan
 - Trafalgar Secondary Plan
 - Agerton Secondary Plan
 - Britannia Secondary Plan
 - Milton Education Village Secondary Plan
 - Milton Education Village Supplemental Lands Secondary Plan
 - Community Area Expansion Lands
 - Employment Area Expansions Lands

Schedule "B"
By-law 041-2026
Residential and Non-Residential Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Needs Dwelling Units	(per sq.ft. of Total Floor Area)
Town Wide Services/Class of Service:						
Services Related to a Highway	7,622	6,076	3,905	2,778	2,192	2.78
Public Works (Facilities and Fleet)	1,250	997	640	455	360	0.27
Transit Services	3,031	2,416	1,553	1,104	872	0.83
Fire Protection Services	918	731	470	335	264	0.35
Parks and Recreation Services	16,889	13,462	8,654	6,155	4,857	0.92
Library Services	1,601	1,277	820	584	460	0.08
Growth Studies	460	367	236	168	133	0.17
Land - 2051 Forecast	1,940	1,546	994	707	558	0.58
Land - 10 Year Forecast	1,952	1,556	1,000	711	561	0.09
Total Town Wide Services/Class of Services	35,663	28,428	18,272	12,997	10,257	6.07
Area Specific Stormwater Drainage and Control Services:						
Stormwater Drainage and Control Services	73	57	37	26	21	0.07
Total Urban Areas	35,736	28,485	18,309	13,023	10,278	6.14

Town of Milton Growth Phases and Planning Policy Areas

