

## **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 that is not non-profit housing development referred to in paragraph 3.
2. Institutional development.
3. Non-profit housing development. 2019, c. 15, Sched. 10, s. 1 (1)

### **Annual instalments**

(3) 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,

- (a) the following five anniversaries of that date, in the case of a development charge in respect of a type of development set out in paragraphs 1 and 2 of subsection (2); or 2019, c. 15, Sched. 10, s. 1 (2)
- (b) the following 20 anniversaries of that date, in the case of a development charge in respect of a type of development set out in paragraph 3 of subsection (2). 2019, c. 9, Sched. 3, s. 8 (1). 2019, c. 15, Sched. 10, s. 1 (3)

### **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section 26.2, regardless of whether the by-law under which the amount of the development charge would be determined is no longer in effect on the date an instalment is payable. 2019, c. 9, Sched. 3, s. 8 (1).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 prescribed maximum interest rate. 2019, c. 9, Sched. 3, s. 8 (1).

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

(8) Section 32 applies to 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).

### **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).