

## Draft Bill 73 Amendments to the *Development Charges Act, 1997*

The following table provides a comparison of the *Development Charges Act, 1997*, with the proposed amendments of Bill 73 *Smart Growth for Our Communities Act, 2015* (shown in red), which received first reading on 5 March 2015. Sections 3, 4, 5.1, 6-9, 11-25, 27-42, 45-59, 61-62, 64-74 of the *Development Charges Act, 1997* are not included in the table because Bill 73 does not propose any amendments to those sections.

This table was prepared by Wood Bull LLP for convenience purposes only. For the most accurate reference, users should consult the official version of the Draft Bill 73 at [http://www.ontla.on.ca/bills/bills-files/41\\_Parliament/Session1/b073.pdf](http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session1/b073.pdf)

<i>Development Charges Act, 1997</i>	<i>Development Charges Act, 1997 with Draft Bill 73 Amendments (5 March 2015)</i>
<b>Development Charges Act, 1997</b> S.O. 1997, CHAPTER 27	<b>Development Charges Act, 1997</b> S.O. 1997, CHAPTER 27
<b>PART I</b> <b>DEFINITIONS</b>	<b>PART I</b> <b>DEFINITIONS</b>
<b>Definitions</b>	<b>Definitions</b>
<b>1. In this Act,</b>	<b>1. In this Act,</b>
“area municipality” means a lower-tier municipality; (“municipalité de secteur”)	“area municipality” means a lower-tier municipality; (“municipalité de secteur”)
“development” includes redevelopment; (“aménagement”)	“development” includes redevelopment; (“aménagement”)
“development charge by-law” means a by-law made under section 2; (“règlement de redevances d’aménagement”)	“development charge by-law” means a by-law made under section 2; (“règlement de redevances d’aménagement”)
“front-ending agreement” means an agreement under section 44; (“accord initial”)	“front-ending agreement” means an agreement under section 44; (“accord initial”)
“local board” means a local board as defined in section 1 of the <i>Municipal Affairs Act</i> other than a board as defined in subsection 1 (1) of the <i>Education Act</i> . (“conseil local”) 1997, c. 27, s. 1; 2002, c. 17, Sched. F, Table.	“local board” means a local board as defined in section 1 of the <i>Municipal Affairs Act</i> other than a board as defined in subsection 1 (1) of the <i>Education Act</i> . (“conseil local”) 1997, c. 27, s. 1; 2002, c. 17, Sched. F, Table.
	“prescribed” means prescribed by the regulations; (“prescrit”)
	“regulations” means the regulations made under this Act. (“règlements”)
<b>PART II</b> <b>DEVELOPMENT CHARGES</b>	<b>PART II</b> <b>DEVELOPMENT CHARGES</b>
<b>DEVELOPMENT CHARGES</b>	<b>DEVELOPMENT CHARGES</b>
<b>Development charges</b>	<b>Development charges</b>
<b>2. (1)</b> 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 arising from development of the area to which the by-law applies. 1997, c. 27, s. 2 (1).	<b>2. (1)</b> 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 arising from development of the area to which the by-law applies. 1997, c. 27, s. 2 (1).
<b>What development can be charged for</b>	<b>What development can be charged for</b>
(2) A development charge may be imposed only for development that requires,	(2) A development charge may be imposed only for development that requires,
(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the <i>Planning Act</i> ;	(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the <i>Planning Act</i> ;
(b) the approval of a minor variance under section 45 of the <i>Planning Act</i> ;	(b) the approval of a minor variance under section 45 of the <i>Planning Act</i> ;
(c) a conveyance of land to which a by-law passed under subsection 50 (7) of the <i>Planning Act</i> applies;	(c) a conveyance of land to which a by-law passed under subsection 50 (7) of the <i>Planning Act</i> applies;
(d) the approval of a plan of subdivision under section 51 of the <i>Planning Act</i> ;	(d) the approval of a plan of subdivision under section 51 of the <i>Planning Act</i> ;
(e) a consent under section 53 of the <i>Planning Act</i> ;	(e) a consent under section 53 of the <i>Planning Act</i> ;

<i>Development Charges Act, 1997</i>	<i>Development Charges Act, 1997 with Draft Bill 73 Amendments (5 March 2015)</i>
(f) the approval of a description under section 50 of the <i>Condominium Act</i> ; or	(f) the approval of a description under <del>section 50 of the <i>Condominium Act</i></del> section 9 of the <i>Condominium Act, 1998</i> ; or
(g) the issuing of a permit under the <i>Building Code Act, 1992</i> in relation to a building or structure. 1997, c. 27, s. 2 (2).	(g) the issuing of a permit under the <i>Building Code Act, 1992</i> in relation to a building or structure. 1997, c. 27, s. 2 (2).
<b>Same</b>	<b>Same</b>
(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,	(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,
(a) permit the enlargement of an existing dwelling unit; or	(a) permit the enlargement of an existing dwelling unit; or
(b) permit the creation of up to two additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings. 1997, c. 27, s. 2 (3).	(b) permit the creation of up to two additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings. 1997, c. 27, s. 2 (3).
<b>Ineligible services</b>	<b>Ineligible services</b>
(4) A development charge by-law may not impose development charges to pay for increased capital costs required because of increased needs for any of the following:	(4) A development charge by-law may not impose development charges to pay for increased capital costs required because of increased needs for a service that is prescribed as an ineligible service for the purposes of this subsection. <del>any of the following:</del>
1. The provision of cultural or entertainment facilities, including museums, theatres and art galleries but not including public libraries.	<del>1. The provision of cultural or entertainment facilities, including museums, theatres and art galleries but not including public libraries.</del>
2. The provision of tourism facilities, including convention centres.	<del>2. The provision of tourism facilities, including convention centres.</del>
3. The acquisition of land for parks.	<del>3. The acquisition of land for parks.</del>
4. The provision of a hospital as defined in the <i>Public Hospitals Act</i> .	<del>4. The provision of a hospital as defined in the <i>Public Hospitals Act</i>.</del>
5. The provision of waste management services.	<del>5. The provision of waste management services.</del>
6. The provision of headquarters for the general administration of municipalities and local boards.	<del>6. The provision of headquarters for the general administration of municipalities and local boards.</del>
7. Other services prescribed in the regulations. 1997, c. 27, s. 2 (4).	<del>7. Other services prescribed in the regulations. 1997, c. 27, s. 2 (4).</del>
<b>Local services</b>	<b>Local services</b>
(5) A development charge by-law may not impose development charges with respect to local services described in clauses 59 (2) (a) and (b). 1997, c. 27, s. 2 (5).	(5) A development charge by-law may not impose development charges with respect to local services described in clauses 59 (2) (a) and (b). 1997, c. 27, s. 2 (5).
<b>Services can be outside the municipality</b>	<b>Services can be outside the municipality</b>
(6) A development charge by-law may impose development charges with respect to services that are provided outside the municipality. 1997, c. 27, s. 2 (6).	(6) A development charge by-law may impose development charges with respect to services that are provided outside the municipality. 1997, c. 27, s. 2 (6).
<b>Application of by-law</b>	<b>Application of by-law</b>
(7) A development charge by-law may apply to the entire municipality or only part of it. 1997, c. 27, s. 2 (7).	(7) A development charge by-law may apply to the entire municipality or only part of it. 1997, c. 27, s. 2 (7).
<b>Multiple by-laws allowed</b>	<b>Multiple by-laws allowed</b>
(8) More than one development charge by-law may apply to the same area. 1997, c. 27, s. 2 (8).	(8) More than one development charge by-law may apply to the same area. 1997, c. 27, s. 2 (8).
	<b>Area rating, prescribed areas and services</b>
	<b>(9) Despite subsection (7), a development charge by-law</b>

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	dealing with an area that is prescribed for the purposes of this subsection and with a service that is prescribed with respect to the prescribed area for the purposes of this subsection shall apply only to the prescribed area and not to any other part of the municipality.
	<b>Transition</b>
	(10) Subsection (9) does not apply to a development charge by-law that was passed before the relevant area and the relevant service were prescribed for the purposes of that subsection.
	<b>Area rating, prescribed municipalities, services and criteria</b>
	(11) The following rules apply to a municipality that is prescribed for the purposes of this subsection:
	1. With respect to a service that is prescribed for the purposes of this subsection, the council shall pass different development charge by-laws for different parts of the municipality.
	2. The parts of the municipality to which different development charge by-laws are to apply shall be identified in accordance with the prescribed criteria.
	<b>Transition</b>
	(12) Subsection (11) does not apply to a development charge by-law that was passed before the municipality and the relevant service were prescribed for the purposes of that subsection.
<b>[Sections 3 - 4]</b>	<b>[No proposed amendments to Sections 3 - 4]</b>
<b>Determination of development charges</b>	<b>Determination of development charges</b>
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:	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.	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.	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.	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 10-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. The estimate also must not include an increase in the need for service that relates to a time after the 10-year period immediately following the preparation of the background	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 10-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. The estimate also must not include an increase in the need for service that relates to a time after the 10-year period immediately following the preparation of the background

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study unless the service is set out in subsection (5).	study unless the service is set out in subsection (5).
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.	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.	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.	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. The capital costs must be reduced by 10 per cent. This paragraph does not apply to services set out in subsection (5).	8. The capital costs must be reduced by 10 per cent. This paragraph does not apply to services set out in subsection (5).
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).	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).	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).
<b>Capital costs, deductions</b>	<b>Capital costs, deductions</b>
(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).	(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).
<b>Capital costs, inclusions</b>	<b>Capital costs, inclusions</b>
(3) 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:	(3) 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.	1. Costs to acquire land or an interest in land, including a leasehold interest.
2. Costs to improve land.	2. Costs to improve land.
3. Costs to acquire, lease, construct or improve buildings and structures.	3. Costs to acquire, lease, construct or improve buildings and structures.
4. Costs to acquire, lease, construct or improve facilities	4. Costs to acquire, lease, construct or improve facilities

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including,	including,
i. rolling stock with an estimated useful life of seven years or more,	i. rolling stock with an estimated useful life of seven years or more,
ii. furniture and equipment, other than computer equipment, and	ii. furniture and equipment, other than computer equipment, and
iii. materials acquired for circulation, reference or information purposes by a library board as defined in the <i>Public Libraries Act</i> .	iii. materials acquired for circulation, reference or information purposes by a library board as defined in the <i>Public Libraries Act</i> .
5. Costs to undertake studies in connection with any of the matters referred to in paragraphs 1 to 4.	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.	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).	7. Interest on money borrowed to pay for costs described in paragraphs 1 to 4. 1997, c. 27, s. 5 (3).
<b>Capital costs, leases, etc.</b>	<b>Capital costs, leases, etc.</b>
(4) Only the capital component of costs to lease anything or to acquire a leasehold interest is included as a capital cost under subsection (3). 1997, c. 27, s. 5 (4).	(4) Only the capital component of costs to lease anything or to acquire a leasehold interest is included as a capital cost under subsection (3). 1997, c. 27, s. 5 (4).
<b>Services with no percentage reduction</b>	<b>Services with no percentage reduction</b>
(5) The services referred to in paragraph 8 of subsection (1), for which there is no percentage reduction, are the following:	(5) The services referred to in paragraph 8 of subsection (1), for which there is no percentage reduction, are the following:
1. Water supply services, including distribution and treatment services.	1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.	2. Waste water services, including sewers and treatment services.
3. Storm water drainage and control services.	3. Storm water drainage and control services.
4. Services related to a highway as defined in subsection 1 (1) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i> , as the case may be.	4. Services related to a highway as defined in subsection 1 (1) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i> , as the case may be.
5. Electrical power services.	5. Electrical power services.
6. Police services.	6. Police services.
7. Fire protection services.	7. Fire protection services.
7.1 Toronto-York subway extension, as defined in subsection 5.1 (1).	7.1 Toronto-York subway extension, as defined in subsection 5.1 (1).
	<b>7.2 Transit services other than the Toronto-York subway extension.</b>
8. Other services as prescribed. 1997, c. 27, s. 5 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 12 (1); 2006, c. 33, Sched. H, s. 1.	8. Other services as prescribed. 1997, c. 27, s. 5 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 12 (1); 2006, c. 33, Sched. H, s. 1.
<b>Restriction on rules</b>	<b>Restriction on rules</b>
(6) The rules developed under paragraph 9 of subsection (1) to determine if a development charge is payable in any particular case and to determine the amount of the charge are subject to the following restrictions:	(6) The rules developed under paragraph 9 of subsection (1) to determine if a development charge is payable in any particular case and to determine the amount of the charge are subject to the following restrictions:
1. The rules must be such that the total of the development charges that would be imposed upon the anticipated development is less than or equal to the capital costs determined under paragraphs 2 to 8 of subsection (1) <b>for all the services to which the development charge by-law</b>	1. The rules must be such that the total of the development charges that would be imposed upon the anticipated development is less than or equal to the capital costs determined under paragraphs 2 to 8 of subsection (1) <b>for all the services to which the development charge by-law</b>

<i>Development Charges Act, 1997</i>	<i>Development Charges Act, 1997 with Draft Bill 73 Amendments (5 March 2015)</i>
relates.	relates.
2. If the rules expressly identify a type of development they must not provide for the type of development to pay development charges that exceed the capital costs, determined under paragraphs 2 to 8 of subsection (1), that arise from the increase in the need for services attributable to the type of development. However, it is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.	2. If the rules expressly identify a type of development they must not provide for the type of development to pay development charges that exceed the capital costs, determined under paragraphs 2 to 8 of subsection (1), that arise from the increase in the need for services attributable to the type of development. However, it is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.
3. If the development charge by-law will exempt a type of development, phase in a development charge, or otherwise provide for a type of development to have a lower development charge than is allowed, the rules for determining development charges may not provide for any resulting shortfall to be made up through higher development charges for other development. 1997, c. 27, s. 5 (6).	3. If the development charge by-law will exempt a type of development, phase in a development charge, or otherwise provide for a type of development to have a lower development charge than is allowed, the rules for determining development charges may not provide for any resulting shortfall to be made up through higher development charges for other development. 1997, c. 27, s. 5 (6).
<b>[Section 5.1]</b>	<b>[No proposed amendments to Section 5.1]</b>
	<b>Prescribed services</b>
	<b>Definition</b>
	<b>5.2 (1) In this section, “prescribed service” means a service that is prescribed for the purposes of this section.</b>
	<b>Provision does not apply</b>
	<b>(2) Paragraph 4 of subsection 5 (1) does not apply in determining the estimate for the increase in the need for a prescribed service.</b>
	<b>Applicable restriction</b>
	<b>(3) For the purposes of section 5, the estimate for the increase in the need for a prescribed service shall not exceed the planned level of service over the 10-year period immediately following the preparation of the background study required under section 10.</b>
	<b>Regulations</b>
	<b>(4) The method of estimating the planned level of service for a prescribed service and the criteria to be used in doing so may be prescribed.</b>
<b>[Sections 6 - 9]</b>	<b>[No proposed amendments to Sections 6 -9]</b>
<b>PROCESS BEFORE PASSING BY-LAW</b>	<b>PROCESS BEFORE PASSING BY-LAW</b>
<b>Background study</b>	<b>Background study</b>
<b>10. (1) Before passing a development charge by-law, the council shall complete a development charge background study. 1997, c. 27, s. 10 (1).</b>	<b>10. (1) Before passing a development charge by-law, the council shall complete a development charge background study. 1997, c. 27, s. 10 (1).</b>
<b>Same</b>	<b>Same</b>
(2) The development charge background study shall include,	(2) The development charge background study shall include,
(a) the estimates under paragraph 1 of subsection 5 (1) of the anticipated amount, type and location of development;	(a) the estimates under paragraph 1 of subsection 5 (1) of the anticipated amount, type and location of development;
(b) the calculations under paragraphs 2 to 8 of subsection 5 (1) for each service to which the development charge by-law would relate;	(b) the calculations under paragraphs 2 to 8 of subsection 5 (1) for each service to which the development charge by-law would relate;

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(c) an examination, for each service to which the development charge by-law would relate, of the long term capital and operating costs for capital infrastructure required for the service; and	(c) an examination, for each service to which the development charge by-law would relate, of the long term capital and operating costs for capital infrastructure required for the service; <del>and</del>
	(c.1) unless subsection 2 (9) or (11) applies, consideration of the use of more than one development charge by-law to reflect different needs for services in different areas;
	(c.2) an asset management plan prepared in accordance with subsection (3); and
(d) such other information as may be prescribed. 1997, c. 27, s. 10 (2).	(d) such other information as may be prescribed. 1997, c. 27, s. 10 (2).
	<b>Asset management plan</b>
	(3) The asset management plan shall,
	(a) deal with all assets whose capital costs are proposed to be funded under the development charge by-law;
	(b) demonstrate that all the assets mentioned in clause (a) are financially sustainable over their full life cycle;
	(c) contain any other information that is prescribed; and
	(d) be prepared in the prescribed manner.
<i>[Sections 11- 12]</i>	<i>[No proposed amendments to Sections 11 -12]</i>
APPEAL OF BY-LAW	APPEAL OF BY-LAW
<i>[Sections 13 - 18]</i>	<i>[No proposed amendments to Sections 13 -18]</i>
PROCESS AND APPEALS FOR AMENDMENTS TO BY-LAWS	PROCESS AND APPEALS FOR AMENDMENTS TO BY-LAWS
Application of other sections to amendments	Application of other sections to amendments
<i>[Section 19]</i>	<i>[No proposed amendments to Section 19]</i>
COMPLAINTS ABOUT DEVELOPMENT CHARGES	COMPLAINTS ABOUT DEVELOPMENT CHARGES
<i>[Sections 20 - 25]</i>	<i>[No proposed amendments to Sections 20 -25]</i>
COLLECTION OF DEVELOPMENT CHARGES	COLLECTION OF DEVELOPMENT CHARGES
<b>When development charge is payable</b>	<b>When development charge is payable</b>
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).	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).
	<b>Multiple building permits</b>
	(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.
<b>Special case, approval of plan of subdivision</b>	<b>Special case, approval of plan of subdivision</b>
(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 5 (5) for development that requires approval of a plan of subdivision under section 51 of the <i>Planning Act</i> or a consent under section 53 of the <i>Planning Act</i> 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).	(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 5 (5) for development that requires approval of a plan of subdivision under section 51 of the <i>Planning Act</i> or a consent under section 53 of the <i>Planning Act</i> 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).
<b>Agreement prevails</b>	<b>Agreement prevails</b>

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(3) This section does not apply in cases where there is an agreement under section 27. 1997, c. 27, s. 26 (3).	(3) This section does not apply in cases where there is an agreement under section 27. 1997, c. 27, s. 26 (3).
<i>[Sections 27 - 32]</i>	<i>[No proposed amendments to Sections 27 - 32]</i>
RESERVE FUNDS AND THE USE OF DEVELOPMENT CHARGES	RESERVE FUNDS AND THE USE OF DEVELOPMENT CHARGES
<i>[Sections 33 - 37]</i>	<i>[No proposed amendments to Sections 33 - 37]</i>
CREDITS	CREDITS
<i>[Sections 38 - 41]</i>	<i>[No proposed amendments to Sections 38 - 41]</i>
MISCELLANEOUS	MISCELLANEOUS
<i>[Section 42]</i>	<i>[No proposed amendments to Section 42]</i>
Statement of treasurer	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).	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	Requirements
(2) A statement must include, for the preceding year, statements of the opening and closing balances of the reserve funds and of the transactions relating to the funds	(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
and such other information as is prescribed in the regulations. 1997, c. 27, s. 43 (2).	(d) such other information as is prescribed in the regulations. 1997, c. 27, s. 43 (2).
	<b>Statement available to public</b>
	(2.1) The council shall ensure that the statement is made available to the public.
Copy to Minister	Copy to Minister
(3) The treasurer shall give a copy of a statement to the Minister of Municipal Affairs and Housing within 60 days after giving the statement to the council. 1997, c. 27, s. 43 (3).	(3) The treasurer shall give a copy of a statement to the Minister of Municipal Affairs and Housing <del>within 60 days after giving the statement to the council</del> on request. 1997, c. 27, s. 43 (3).
<b>PART III FRONT-ENDING AGREEMENTS</b>	<b>PART III FRONT-ENDING AGREEMENTS</b>
FRONT-ENDING AGREEMENTS	FRONT-ENDING AGREEMENTS
<i>[Sections 44 - 45]</i>	<i>[No proposed amendments to Sections 44 - 45]</i>
OBJECTIONS TO AGREEMENTS	OBJECTIONS TO AGREEMENTS
<i>[Sections 46 - 50]</i>	<i>[No proposed amendments to Sections 46 - 50]</i>
MISCELLANEOUS	MISCELLANEOUS
<i>[Sections 51 - 57]</i>	<i>[No proposed amendments to Sections 51 - 57]</i>

<i>Development Charges Act, 1997</i>	<i>Development Charges Act, 1997 with Draft Bill 73 Amendments (5 March 2015)</i>
<b>PART IV GENERAL</b>	<b>PART IV GENERAL</b>
<i>[Sections 58 - 59]</i>	<i>[No proposed amendments to Sections 58 - 59]</i>
	<b>No additional levies</b>
	<b>59.1</b> (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.
	<b>Prescribed exceptions</b>
	(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.
	<b>Exception, transition</b>
	(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.
	<b>Power of investigation</b>
	(4) The Minister of Municipal Affairs and Housing may, at any time, investigate whether a municipality has complied with subsection (1).
	<b>Same</b>
	(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.
	<b>Application of Public Inquiries Act, 2009</b>
	(6) Section 33 of the Public Inquiries Act, 2009 applies to an investigation under subsection (4).
	<b>Cost of investigation</b>
	(7) The Minister may require the municipality to pay all or part of the cost of an investigation under subsection (4).
<b>Regulations</b>	<b>Regulations</b>
<b>60.</b> (1) The Lieutenant Governor in Council may make regulations,	<b>60.</b> (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;	(a) defining or clarifying "gross floor area" and "existing industrial building" for the purposes of this Act;
(b) for the purposes of clause 2 (3) (b), prescribing classes of residential buildings, prescribing the maximum number of	(b) for the purposes of clause 2 (3) (b), prescribing classes of residential buildings, prescribing the maximum number of

<i>Development Charges Act, 1997</i>	<i>Development Charges Act, 1997 with Draft Bill 73 Amendments (5 March 2015)</i>
additional dwelling units, not exceeding two, for buildings in such classes, prescribing restrictions and governing what constitutes a separate building;	additional dwelling units, not exceeding two, for buildings in such classes, prescribing restrictions and governing what constitutes a separate building;
(c) clarifying or defining terms used in paragraphs 1 to 6 of subsection 2 (4);	(c) <del>clarifying or defining terms used in paragraphs 1 to 6 prescribing services as ineligible services for the purposes of subsection 2 (4);</del>
(d) prescribing, for the purposes of paragraph 7 of subsection 2 (4), services for which development charges may not be imposed;	<del>(d) prescribing, for the purposes of paragraph 7 of subsection 2 (4), services for which development charges may not be imposed;</del>
	(d) prescribing areas, and prescribing services with respect to prescribed areas, for the purposes of sub-section 2 (9);
	(d.1) prescribing municipalities, services and criteria for the purposes of subsection 2 (11);
(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;	(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);	(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;	(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);	(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);	(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);	(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;	(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) clarifying or defining terms used in paragraphs 1 to 7 of subsection 5 (5);	(l) clarifying or defining terms used in paragraphs 1 to 7 of subsection 5 (5);
(m) prescribing, for the purposes of paragraph 8 of subsection 5 (5), services for which there is no percentage reduction;	(m) prescribing, for the purposes of paragraph 8 of subsection 5 (5), services for which there is no percentage reduction;
(m.1) further clarifying or defining the term “Toronto-York subway extension” in subsection 5.1 (1);	(m.1) further clarifying or defining the term “Toronto-York subway extension” in subsection 5.1 (1);
(m.2) prescribing the method and criteria to be used to estimate the planned level of service for the Toronto-York subway extension;	(m.2) prescribing the method and criteria to be used to estimate the planned level of service for the Toronto-York subway extension;
	(m.3) prescribing a service, other than the Toronto-York subway extension, as a service for the purposes of section 5.2;

<i>Development Charges Act, 1997</i>	<i>Development Charges Act, 1997 with Draft Bill 73 Amendments (5 March 2015)</i>
	(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;
(n) prescribing information that must be included in a background study under section 10;	(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);	(o) defining or clarifying “operating costs” for the purposes of clause 10 (2) (c);
	(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;	(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;	(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;	(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) 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;
(t) prescribing the information to be included in the statement of the treasurer of a municipality under section 43;	(t) <del>prescribing the information to be included in the statement of the treasurer of a municipality under section 43</del> prescribing information for the purposes of clause 43 (2) (d);
	(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;	(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.	(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.
<b>Forms</b>	<b>Forms</b>
(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).	(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).
<b>PART V TRANSITIONAL RULES</b>	<b>PART V TRANSITIONAL RULES</b>
<i>[Sections 61 - 62]</i>	<i>[No proposed amendments to Sections 61 - 62]</i>
<b>Reserve funds under the old Act</b>	<b>Reserve funds under the old Act</b>
<b>63.</b> (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).	<b>63.</b> (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).

<b><i>Development Charges Act, 1997</i></b>	<b><i>Development Charges Act, 1997 with Draft Bill 73 Amendments (5 March 2015)</i></b>
<b>Eligible services</b>	<b>Eligible services</b>
(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).	(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).
<b>Ineligible services</b>	<b>Ineligible services</b>
(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:	(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.	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.	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.	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 <i>Municipal Act, 2001</i> and any equivalent provision of, or made under, the <i>City of Toronto Act, 2006</i> 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).	4. Despite paragraph 1, subsection 417 (4) of the <i>Municipal Act, 2001</i> and any equivalent provision of, or made under, the <i>City of Toronto Act, 2006</i> 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).
	<b>Interpretation</b>
	(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 <i>Smart Growth for Our Communities Act, 2015</i> comes into force.
<b>[Sections 64 - 74]</b>	<b>[No proposed amendments to Sections 64 - 74]</b>