

Bill No. 318
2021

By-law C.P. - 1551-227

A by-law respecting the payment of
Development Charges.

WHEREAS the *Development Charges Act, 1997 S.O. 1997, c.27*, as amended authorizes by-laws of the council of a municipality for the imposition of 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.

NOW THEREFORE the Municipal Council of The Corporation of the City of London hereby enacts as follows:

DEVELOPMENT CHARGES BY-LAW

PART I INTERPRETATION

1. Definitions

In this By-law, unless a contrary intention appears,

"Accessory use" means the part of a Development that is incidental, subordinate and exclusively devoted to the principal use;

"Agricultural use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock, raising of other animals for food, fur or fibre, including poultry and fish, aquaculture, apiaries, agro-forestry, maple syrup production, and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment, but excluding in all circumstances any residential or commercial component thereof;

"Arterial" refers to street classifications of Rapid Transit Boulevard, Urban Thoroughfare, Civic Boulevard, Main Street and Rural Thoroughfare in the Council-adopted London Plan;

"Apartment" means a residential building, divided vertically and/or horizontally, containing two or more Dwelling units each of which has an independent entrance either directly from the outside or through a common corridor, hallway or vestibule, and does not include Rowhousing or Semi-detached dwellings;

"Application Approval" means the day a Zoning By-law Amendment or Site Plan Application is in force in accordance with the *Planning Act*;

"Built Area" means the Built Area existing from time to time as identified in the City's Official Plan as approved and identified on Schedule 3;

"Chief Building Official" means the individual appointed by Municipal Council in accordance with the *Building Code Act*;

"City" means the Corporation of the City of London;

"City Engineer" means individual holding the title of City Engineer in accordance with the City's Civic Administration By-law;

“City Services” are services that serve, in whole or in part, growth needs which are normally constructed or provided by the City or its Boards or Commissions, including, but not limited to services related to a highway (Roads and Related Services), Wastewater, Stormwater, Water, Fire, Police, Library, Waste Diversion, Parks and Recreation and Transit;

“City Services Reserve Fund” (CSRF) means any one of several reserve funds used as a depository for collection of Development Charges and as a funding source for growth works and administered in accordance with the *Development Charges Act*;

“City Treasurer” means the individual appointed by Municipal Council in accordance with the *Municipal Act*;

“Claim” may represent an Owner request for reimbursement from a Development Charge reserve fund or a draw made on the City Services Reserve Fund all in accordance with the provisions made for such work in the Development Charges Background Study and the provisions of this By-law;

“Commercial Development” is a building used for:

- (a) Office or administrative uses, including the practice of a profession, or the carrying on of a business or occupation or where most of the activities in the building provide support functions to an enterprise in the nature of trade, and for greater certainty shall include, but not be limited to, the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, contractor, builder, land Owner, employment agency, security broker, mortgage company, medical clinic; or
- (b) Retail purposes including activities of offering foods, wares, merchandise, substances, articles or things for sale or rental directly to the public and includes offices and storage within the same building, which support, are in connection with, related or ancillary to such uses, or activities providing entertainment and recreation. Retail purposes shall include but not be limited to: conventional restaurants; fast food restaurants; night clubs, concert halls, theatres, cinemas, movie houses, and other entertainment related businesses; automotive fuel stations with or without service facilities; special automotive shops/vehicle repairs/collision services/car or truck washes; vehicle dealerships; commercial truck service establishments, regional shopping centres; community shopping centres; neighbourhood shopping centres, including more than two stores attached and under one ownership; department/discount stores; banks and similar financial institutions, including credit unions (excluding freestanding bank kiosks), money handling and cheque cashing facilities; warehouse clubs or retail warehouses; food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres (but not a garden centre defined as exempt under section 35 of this By-law), government owned retail facilities, private daycare, private schools, private lodging and retirement homes, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, funeral homes, motels, hotels, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, passenger stations and depots, dry cleaning establishments, laundries, establishments for commercial self-service uses, automotive recycling/wrecking yards, kennels;

“Committed Financing” is the funding that has been assigned to the respective growth capital project for works where a contractor/consultant has been engaged and a cost estimate is known;

“Complete Application” means:

- (a) for Site Plan applications, the day the City deems all requirements of the record of site plan consultation have been met; or

- (b) if Site Plan application does not apply, the day a Zoning By-law Amendment application is deemed complete as defined in the *Planning Act*;

“Deferred Development Type” means development types for a:

- (a) Non-profit Housing Development;
- (b) Rental Housing Development that is not a Non-profit Housing Development; or
- (c) Deferred institutional development for use:
 - a. as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act*;
 - b. as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act*;
 - c. by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*;
 - d. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - e. as a hospice to provide end of life care;

"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 changing the size or usability thereof, and includes all enlargement of existing Development which creates new Dwelling units or additional Non-residential space and includes work that requires a change of use building permit as per Section C.1.3.1.4 of the Ontario Building Code; and "Redevelopment" has a corresponding meaning;

"Development Agreement" means an agreement between the City and an Owner required as a condition of an approval under Sections 41, 51 or 53 of the *Planning Act* and Section 9 of the *Condominium Act* entered into prior to the date this By-law comes into effect;

"Development Charge" means any Development Charge that may be imposed pursuant to this By-law under the *Development Charges Act*;

"Dwelling unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities;

“Frozen Period” means for Site Plan and Zoning By-law applications, the period of time extending two (2) years from the Application Approval date.

“First storey” is defined as the storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade;

"Force majeure" means any act of God, any act of the Queen's enemies, wars, blockades, insurrections, riots, civil disturbances, landslides, lightening, earthquakes, storms, floods, washouts, fires, or explosions;

"Gross floor area" means the total floor space, 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 the First storey and all storeys or part of storeys (including mezzanines) above the First storey;

“Growth Management Implementation Strategy” (GMIS) is the strategy adopted by Council that provides a framework for the timing and locating of future infrastructure works required to serve growth;

“Industrial Development” is a building used for:

- (a) manufacturing, producing, fabricating, assembling, compounding or processing of raw materials, goods, component parts or ingredients where the physical condition of such materials, goods, parts or components is altered to produce a finished or semi-finished tangible product, or the packaging, crating, bottling, of semi-processed goods or materials, but not including any of these activities where they primarily serve retail purposes to the general public;
- (b) storing or distributing something derived from the activities mentioned in a) above and for greater certainty, shall include the operation of a truck terminal, warehouse or depot and does not include self-storage warehousing for use by the general public or retail sales associated with the goods stored or distributed, or accessory storage of a Commercial Development;
- (c) research or development in connection with activities mentioned in (a) above;
- (d) retail sales of goods produced by activities mentioned in section a) at the site where the manufacturing, producing or processing from raw materials or semi-processed goods takes place and for greater certainty, includes the sale of goods or commodities to the general public where such sales are accessory or secondary to the Industrial use, and does not include the sale of goods or commodities to the general public through a warehouse club;
- (e) office or administrative purposes, if they are carried out:
 - i. with respect to the activity mentioned in section (a), and
 - ii. in or attached to the building or structure used for activities mentioned in section a) and
 - iii. for greater certainty, shall include an office building located on the same property as, and used solely to support, the activities mentioned in section a);
- (f) a business that stores and processes data for retrieval, license or sale to end users and are on lands zoned for Industrial uses; or
- (g) businesses that develop computer software or hardware for license or sale to end users that are on lands zoned for Industrial uses; and
- (h) Industrial Use shall have the corresponding meaning;

“Institutional Development” is a building used for or designed or intended for use by:

- (a) a government entity, not in the nature of trade;
- (b) an organized body, society or religious group promoting a public or non-profit purpose and shall include but not be limited to: public hospitals, schools, churches and other places of worship, cemetery or burial grounds, a college established under the *Ontario Colleges of Applied Arts and Technology Act*, a university as defined in the *Education Act*, other buildings used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the *Assessment Act*;
- (c) and Institutional Use shall have the corresponding meaning;

“Lawfully demolished” means a residential or Non-residential building that was demolished according to the provisions of a demolition permit or due to a Force majeure;

“Lawfully existing” with reference to a Dwelling unit means a Dwelling unit:

- (a) that is not prohibited by a By-law passed under section 34 of the *Planning Act* or a predecessor of that section; or
- (b) that is a legal non-conforming use; or
- (c) that is allowed by a minor variance authorized under section 45 of the *Planning Act* or a predecessor of that section;

“Long-term Care Home” means a place that is licensed as a long-term care home under the Act, and includes a municipal home, joint home or First Nations home approved under Part VIII of the *Long-Term Care Homes Act*;

“Mixed Use Development” means a Development, building or structure used, designed or intended for any combination of Residential, Commercial, Institutional or Industrial uses;

“Non-residential” means a Commercial, Institutional or Industrial use but excludes Agricultural use;

“Non-profit Housing Development” means development of a building or structure intended for use as a residential premises by:

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

“Occupied” means the earlier of when occupation of a building or part thereof is authorized by a permit under the *Building Code Act* or occupation has occurred for the use or intended use of a building or part thereof to shelter animals, persons or property;

“Official Plan” means the in-force and effect policies of either the 1989 City of London Official Plan or the London Plan, as may be amended from time to time;

“Owner” means the registered Owner of the property and includes the authorized agent in lawful control of the property;

“Parking structure” means an attached or detached building or structure or part thereof,

- (a) that is used principally for the purpose, whether or not for profit, of providing parking space to the general public for a fee; or
- (b) that provides parking space in connection with the use for Residential, Commercial, Industrial or Institutional purposes or any combination thereof of any attached or detached building or structure or part thereof;

“Rental Housing Development” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“Reserve funds” means the reserve funds, new and continued, under section 22 of this By-law;

“Retirement Home” means a residential complex or part of the residential complex:

- (a) that is occupied primarily by persons who are 65 years of age or older;
- (b) that is occupied or intended to be occupied by at least the prescribed number of persons who are not related to the operator of the home under the *Retirement Homes Act* and accompanying regulations, and
- (c) where the operator of the home makes at least two care services available, directly or indirectly, to the residents as provided for under the *Retirement Homes Act*, but does not include,
- (d) premises or parts of premises that are governed by or funded under the *Homes for Special Care Act*, the *Long-Term Care Homes Act*, the *Ministry of Community and Social Services Act* or the *Private Hospitals Act*;
- (e) premises at which emergency hostel services are provided under the *Ontario Works Act*, or

- (f) the other premises that are prescribed under the *Retirement Homes Act* and accompanying regulations;

"Rowhousing" means a building divided vertically into three or more attached Dwelling units by common walls;

"Semi-detached dwelling" means a building which contains two single Dwelling units which are attached vertically by a common wall;

"Single detached dwelling" means a residential building consisting of one Dwelling unit and not attached to another building or structure;

"Single Source" means that there is more than one source of supply in the open market, but only one source is recommended due to predetermined and approved specifications;

"Source of Financing" means a schedule (or report) issued by the City's Finance Division outlining the source of funding for capital work triggered by Development;

"Statistics Canada Index" means the Statistics Canada Non-residential Building Construction Price Index (Toronto) table number 18-10-0135-02 as amended from time to time;

"Temporary garden suite" means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential Dwelling structure;

"Urban Growth Area" (UGA) means the Urban Growth Area existing from time to time as identified in the City's Official Plan as approved and identified on Schedule 3;

"Waste Diversion" means services related to waste management but not including (i) landfill sites and services and (ii) facilities and services for the incineration of waste;

"Wastewater" means sanitary sewage including human, commercial and industrial waste, septic waste and greywater and such other matter or substances as is specified by regulations made under the *Ontario Water Resources Act* but does not include Stormwater; and

"Work Plan" is a document prepared by an engineering consultant that outlines the various tasks related to an engineering design. The document will outline the associated construction cost estimate for each task and will serve as an upset cost limit for the engineering design assignment.

PART II RATES AND CALCULATIONS

2. Owner to Pay Development Charge

The Owner of any land in the City of London who develops or redevelops the land or any building or structure thereon shall pay Development Charges to the City in accordance with the terms of this by-law.

3. Mixed Use Development

(1) Where the Development of land, or any building or structure thereon is a Mixed Use Development, the Chief Building Official (or designate) shall determine the total Development Charge payable according to the sum of the Development Charges payable on the individual uses.

(2) The Development Charge on an Accessory use to the principal use of a building shall be determined in accordance with the charges applicable to the principal use, unless the Accessory use is specifically exempted elsewhere in this By-law.

4. Calculation of Development Charge

For all development types, unless application is made under a Site Plan or a Zoning By-law Amendment, a Development Charge under section 2 shall be calculated on the date a building permit is issued under the *Building Code Act*.

For development types under a Site Plan Application or a Zoning By-law Amendment, the Development Charge is calculated at the day a Complete Application is received. If a building permit has not been issued within the Frozen Period, the Development Charge shall be calculated on the date a building permit is issued under the *Building Code Act*.

5. Time of Payment – Non-Deferred Developments

For all non-deferred development types, a Development Charge under section 2 shall be paid on the date a building permit is issued under the *Building Code Act*.

5.1 Interest

Interest shall apply to the Development Charge for non-deferred Site Plan Applications or Zoning By-law Amendments, where a building permit has been issued within the Frozen Period. Interest shall accrue from the date a Complete Application is received and shall be paid on the date a building permit is issued under the *Building Code Act*.

The interest rate shall be calculated based on the Council approved Development Charge Interest Rate Policy, as amended from time to time.

6. Time of Payment – Deferred Development Types

For Deferred Development Types defined under Non-profit Housing subsection (a), a Development Charge is payable in annual instalments beginning on the date the building is first Occupied and continuing on the following twenty (20) anniversaries of that date.

For Deferred Development Types defined under Rental Housing Development subsection (b) and institutional subsection (c), a Development Charge is payable in annual instalments beginning on the date the building is first Occupied and continuing on the following five (5) anniversaries of that date.

6.1 Notice of Occupation

An Owner required to pay a Development Charge that is eligible as a Deferred Development Type, shall notify the Chief Building Official within five (5) business days of the building or part thereof first being Occupied.

6.2 Failure to Provide Notice

For Deferred Development Types, if an Owner fails to provide notice of occupation within five (5) business days, the Development Charge, including any applicable interest, shall be paid immediately.

6.3 Interest

For Deferred Development Types, interest shall accrue on the Development Charge starting from the date the Development Charge is calculated until the final payment is received. Interest shall be paid on each annual instalment until the final payment is received.

The interest rate shall be calculated based on the Council approved Development Charge Interest Rate Policy.

6.4 Unpaid Amounts Added to Taxes

For Deferred Development Types, any unpaid amounts, including interest, shall be added to the Owner's property taxes.

6.5 Change in Development Type

If any part of a Deferred Development Type is changed so that it no longer meets the criteria for deferred payment instalments, the remaining Development Charge, including interest, shall be paid immediately.

7. City Hall Year-end Closure – Deemed Receipt of Application

Where a building permit application is submitted to the Chief Building Official after the close of business prior to the holiday break being the period generally between December 24 and December 31 each year, then the application shall be deemed to be received in the new year.

8. Development Charge Rates Commencing January 1, 2021

On and after January 1, 2021, Development Charges designated in Schedule 1 shall be levied for the uses of land, buildings or structures as defined in section 1 at the total of the rates shown.

9. Development Charge Rates – January 1, 2022 and beyond

- (1) The development charge rates set out in Schedule 1 shall be adjusted without amendment to this By-law commencing on the first day of January, 2022 and annually thereafter on the first day of January in accordance with the most recent twelve month change in the Statistics Canada Index.
- (2) Every rate derived by adjustment under subsection (1) shall, in the case of residential rates, be correct to the nearest dollar, fifty cents being raised to the next higher dollar, and, in the case of Non-residential rates, be correct to the nearest cent.

10. Allocation of Charge To Reserve Funds

Each Development Charge for City Services received by the City shall be paid into a Reserve fund for each component identified in Schedule 1 and shall be apportioned according to the proportion that each service component of the rate is of the total rate.

11. Additional Units In Enlarged or Converted Residential Building

Where an existing residential building is enlarged or converted for the purpose of residential use and not exempt under Section 35, the number of Dwelling units for which a Development Charge is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the total number of Dwelling units actually existing after the enlargement or conversion;
- B = the number of Dwelling units Lawfully existing immediately before the enlargement or conversion; and
- C = the number of Dwelling units for which a Development Charge is payable, a negative difference being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a residential building or structure prior to its enlargement or conversion, that component of the Development Charge shall be excluded from the rate applied in item B above.

12. Residential Building Converted To Non-Residential Use

Where, in conjunction with a change from a residential use to a Non-residential use, an existing building or structure is enlarged or wholly or partially converted, the Development Charge which is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the Development Charge that would be payable under this By-law for the Non-residential use in respect of the area involved in the enlargement or conversion;
- B = the Development Charge that would be payable in respect of the Lawfully existing Dwelling units eliminated by the enlargement, conversion or replacement calculated at the same time as item A above; and
- C = the Development Charge payable in respect of the area involved in the enlargement or conversion, a negative difference being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a residential building or structure prior to its conversion, that component of the Development Charge shall be excluded from the rate applied in item B above.

13. Non-Residential Building Converted To Residential Use

Where, in conjunction with a change to a residential use from a Non-residential use, an existing building or structure is enlarged or wholly or partially converted, the Development Charge which is payable shall be calculated using the following formula:

$$A - B = C$$

Where:

- A = the Development Charge that would be payable under this By-law in respect of the Dwelling units comprising the Gross floor area existing after the enlargement or conversion;
- B = the Development Charge that would be payable in respect of the previous Lawfully existing Non-residential Gross floor area involved in the enlargement, conversion or replacement calculated at the same time as item A above; and
- C = the Development Charge payable in respect of the successor residential units, a negative number being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a Non-residential building or structure prior to its conversion, that component of the Development Charge shall be excluded from the rate applied in item B above.

14. Conversion From One Form Of Non-Residential Use To Another Form Of Non Residential Use

Where in conjunction with a change from one form of Lawfully existing Non-residential use to another form of Non-residential use, a Lawfully existing building or structure is wholly or partially converted, no Development Charge will be imposed on the existing Non-residential Gross floor area so converted. However, if there is a conversion plus expansion of a Non-residential use to another form of Non-residential use, the applicable Development Charges would be imposed on the expansion.

Notwithstanding the above, where the building permit for the Non-residential building for which the use is being converted was issued within the past ten (10) years and where the applicant for that permit was not required to pay a Development Charge by virtue of a tax supported program, discount or exemption that reduced or eliminated Development Charges otherwise payable at the time of the permit, the Owner shall pay the portion funded by a taxpayer supported program, discount or exemption at the current rate at the time of issuance of the building permit, and the same shall be returned to the original City funding source (i.e. Reserve fund or General fund) by the City Treasurer, in cooperation with the Chief Building Official.

15. Replacement Of Demolished Or Destroyed Non-Residential Premises or Dwelling unit(s) with Dwelling units

- (1) In this section and section 16, "specified period" means the period of time that is up to ten (10) years prior to the application for a building permit for a replacement building, except in the Downtown and Old East Village Areas identified on Schedule 2, in which case, the "specified period" means the period of time that is up to twenty (20) years prior to the application for a building permit for replacement Dwelling units.
- (2) Where a Lawfully existing Non-residential premises ("former premises") or Dwelling unit, is destroyed by a Force majeure or accidental fire, or is Lawfully demolished or removed, the Development Charge payable in respect of a replacement Dwelling unit that is to be constructed, erected or placed on the site of the former Non-residential premises or Dwelling unit shall be calculated using the following formula, so long as the former Non-residential premises or Dwelling unit was destroyed, demolished or removed during the specified period:

$$A - B = C$$

Where:

- A = the Development Charge that, were it not for this section, would otherwise be payable under this By-law in respect of the replacement Dwelling unit(s);
- B = the Development Charge that would be payable in respect of the Non-residential premises or former Dwelling unit(s) (by using the applicable rate for the particular type of unit destroyed, demolished or removed) if that Non-residential premises or Dwelling unit(s) were currently being constructed, erected or placed for the first time calculated at the same time as item A above; and
- C = the Development Charge payable in respect of the successor building or Dwelling unit, a negative number being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a Non-residential premises or Dwelling units prior to its demolition, that component of the Development Charge shall be excluded from the rate applied in item B above.

16. Replacement of Demolished or Destroyed Non-Residential Premises or Dwelling unit(s) with Non- Residential Premises

Where Non-residential premises ("former premises") or Dwelling units are destroyed by a Force majeure or accidental fire, or are Lawfully demolished or removed, the Development Charge payable in respect of replacement Non-residential premises that are constructed, erected or placed on the site of the former premises shall be calculated using the following formula so long as the former premises were destroyed, demolished or removed during the specified period:

$$A - B = C$$

Where:

- A = the Development Charge that, were it not for this section, would otherwise be payable under this By-law in respect of the Gross floor area of the replacement Non-residential premises;
- B = the Development Charge that would be payable in respect of the former Non-residential premises or former Dwelling units (by using the applicable rate for the particular type of Non-residential premises or Dwelling units destroyed, demolished or removed), as the case may be, as if those premises or Dwelling units were currently being constructed, erected or placed for the first time calculated at the same time as item A above; and
- C = the Development Charge payable in respect of the successor premises, a negative number being converted to zero.

Where a service is not provided (e.g. water or Wastewater) to a Non-residential premises or Dwelling units prior to its demolition, that component of the Development Charge shall be excluded from the rate applied in item B above.

17. Phased Building Replacement – prohibition against duplicate use of demolition credit

For greater clarity, the calculation of Redevelopment credits provided in sections 15 and 16 of this By-law (item B in the formulas in those sections) can only be applied once to the construction of replacement buildings on the site of a former Lawfully demolished or replaced unit or Non-residential premises. For the purposes of sections 15 and 16 above, when the first building that replaces a demolished building (the value B exceeds A) the excess can be referred to as “surplus Redevelopment credit.” In the event of subsequent building construction on the same site of a former Lawfully demolished or replaced unit or Non-residential premises, only the value of any surplus Redevelopment credits may be used as item B in the formula derived from the calculation of Development Charges under sections 15 or 16 of this By-law. This may be repeated only until the entire value of the surplus demolition credit has been used up. This provision limits the total demolition credit applied to all charges to the value of the demolition credit on the original building demolished. All of the above is also subject to the restriction that any replacement buildings on the site be built within the specified period.

18. Building Replacement Prior to Demolition

Where a building or structure (“former premises”) is replaced by another building or structure on the same site prior to demolition of the former premises, the Owner of the building or structure who has paid a Development Charge on the construction of the replacement building may submit a request to the Chief Building Official for a refund from the Development Charge Reserve funds for all or part of the Development Charge paid under this By-law, or a predecessor By-law. The refund shall be granted so long as:

- (1) the former premises is Lawfully demolished or removed from the land within thirty six (36) months from the date the interior final inspection process has been closed by the Chief Building Official or an occupancy permit has been issued where applicable for the replacement building or structure; and
- (2) the replacement building uses the existing municipal services which serviced the former premises.

The refund shall be calculated by determining the Development Charge that was payable at the same time as the rate calculated for the replacement building. The rate applied shall be based on the building being demolished.

19. Demolition or Removal of Temporary Buildings

Where a building or structure is demolished or removed in its entirety from the land on which it is located within twenty-four months (24) from the date of issuance of the

building permit for the construction, erection or placing of the building or structure at such location, the Owner of the building or structure may submit a request to the Chief Building Official for refund from the Reserve funds, of the amount paid at the issuance of the building permit toward all or part of the Development Charge paid under section 2 of this By-law or a predecessor of that section.

20. Revocation or Cancellation of Building Permit

Where, upon the application for a building permit or the issuance of a building permit, an amount is paid toward all or part of the Development Charge payable under section 2 of this By-law or a predecessor of that section, that amount is to be refunded in the event that the application for the building permit is abandoned or the building permit is revoked or surrendered.

PART III RESERVE FUNDS

21. Purpose of the Reserve Funds

The money in the Reserve funds shall be used by the City toward the growth-related portion of capital costs incurred in providing the services listed in Schedule 1 as described in section 2.

22. Reserve Funds – New and Continued

- (1) Reserve funds established by By-law C.P.-1535-144, for Fire, Police, Transit, Roads and Related Services, Wastewater, Stormwater, Water Distribution, Waste Diversion, Library, and Parks & Recreation for the City Service categories shown in Schedule 1, are hereby continued;
- (2) The balances and commitments of the reserve fund established by By-law C.P.-1535-144 for Operation Centres shall be transferred to the Roads and Related Services City Service Reserve Fund upon the termination of the predecessor Development Charge By-law;
- (3) The following actions be taken with respect to the reserve fund established by By-law C.P.-1535-144 for Corporate Growth Studies upon the termination of the predecessor Development Charge By-law:
 - (a) The commitments directly attributable to a service component contained in Schedule 1 shall be transferred to the respective City Service Reserve Fund;
 - (b) The commitments for Planning and Growth Management Studies and Finance and Corporate Service Studies that are not directly attributable to a service component, but are required to support growth shall be transferred to the Roads and Related Services City Service Reserve Fund; and
 - (c) The balances shall be apportioned according to the proportion of the commitments transferred in subsections (a) and (b).

23. Composition of Reserve Funds

- (1) Money deposited into the ten Reserve funds referred to in section 22 may include,
 - (a) the Development Charge portion relating to each service component mentioned in Schedule 1 of this By-law; and
 - (b) interest earnings derived through the investment of the money deposited in the Fund as part of the City's cash management program.

24. Reserve Funds for the Purpose of Funding Development Charge Exemptions

- (1) The City Treasurer is authorized to establish such Reserve funds as are deemed necessary for the purpose of financing an exemption under this By-law.
- (2) The Chief Building Official shall, in respect of every building permit issued for any Development Charge otherwise payable but for which an exemption is permitted under this By-law, provide such information from time to time as may be required by the City Treasurer regarding the Development Charges that would have been paid were it not for the exemption.
- (3) The City Treasurer is authorized to transfer from time to time from the Reserve funds mentioned in subsection (1) to the Reserve funds established and continued under section 22 an amount in respect of the Development Charges mentioned in subsection (2) and, in so doing, the City Treasurer shall have regard to the amounts and proportions referred to in section 10 of this By-law.
- (4) The City Treasurer shall provide in the annual estimates of the City such sums as may be considered necessary to make the transfers mentioned in subsection (3), noting that the contributions for any single Development shall be financed over a period of not more than ten years.
- (5) Money deposited in the Reserve fund or funds mentioned in subsection (1) may include,
 - (a) the amount provided in the annual estimates mentioned in subsection (4); and
 - (b) interest earnings derived through the investment of the money deposited in the fund or funds as part of the City's cash management program.
- (6) The money withdrawn from the Reserve funds mentioned in subsection (1) shall be used only for the purpose of transfers to the Reserve funds, under subsection (3).

25. Claims

Re-imbusement for Owner constructed works shall be in accordance with the provisions of Schedule 4. No payment shall be made from the City Services Reserve Fund and no credit under section 38 of the *Development Charges Act* shall be given except as provided for in an agreement entered into pursuant to the *Planning Act* or the *Development Charges Act*.

PART IV COMPLAINTS

26. Corporate Services Committee to Hear Complaints

The Corporate Services Committee is hereby appointed pursuant to section 23.1 of the *Municipal Act* to act in the place and stead of Council to deal with complaints under section 20 of the *Development Charges Act*.

27. Grounds of Complaint

An Owner may complain in writing to the Corporate Services Committee (with a copy provided to the Chief Building Official) upon such grounds as are established by and in accordance with the *Development Charges Act* in respect of the Development Charge imposed by the City:

- (1) that the amount of the Development Charge was incorrectly determined;
- (2) whether a credit is available to be used against the Development Charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or

(3) that there was an error in the application of this By-law.

28. When Complaint to be Made

A complaint may not be made under section 27 later than ninety (90) days after the day the Development Charge, or any part of it, is payable.

29. Particulars of Complaint

The complaint must be in writing, must state the complainant's name, the address where notices can be given to the complainant and the reasons for the complaint, which reasons shall be consistent with sections 27.

30. Hearing

The Corporate Services Committee shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.

31. Notice of Hearing

The Clerk of the municipality shall mail a notice of the hearing to the complainant at least fourteen (14) days before the hearing.

32. Determination by Council

After hearing the evidence and submissions of the complainant, the Corporate Services Committee shall as soon as practicable make a recommendation to Council on the merits of the complaint and Council may,

- (1) dismiss the complaint; or
- (2) rectify any incorrect determination or error that was the subject of the complaint.

33. Notice of Decision

The Clerk of the municipality shall mail to the complainant a notice of the Council's decision, and of the last day for appealing the decision, which shall be the day that is forty (40) days after the day the decision is made. The notice required under this section must be mailed not later than twenty (20) days after the day the Council's decision is made.

PART V EXEMPTIONS AND EXCEPTIONS

34. City And School Boards Exempt

- (1) In accordance with the *Development Charges Act*, no land is exempt from a Development Charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*, with the following exceptions:
 - (a) land owned by and used for the purposes of City; and
 - (b) land owned by and used for the purposes of a board as defined in subsection 1(1) of the *Education Act*.
- (2) For the purpose of subsection (1)(a), land owned by and used for the purposes of the City shall include lands owned by the City and used for the purposes of:
 - (a) The London Public Library Board;
 - (b) The Covent Garden Market Corporation;
 - (c) The London Convention Center Corporation;
 - (d) The London Transit Commission; or
 - (e) London Police Service.

35. Certain Developments Exempt

No Development Charge under section 2 is payable where the Development or Redevelopment;

- (1) is an enlargement of an existing Dwelling unit;
- (2) creates one or two additional Dwelling units in an existing Single detached dwelling if the total Gross floor area of the additional Dwelling unit or units does not exceed the Gross floor area of the Dwelling unit already in the building;
- (3) creates one additional Dwelling unit in a Semi-detached or Rowhousing Dwelling if the Gross floor area of the additional Dwelling unit does not exceed the Gross floor area of the Dwelling unit already in the building;
- (4) creates additional Dwelling unit(s) in an existing Rental Housing Development containing four or more Dwelling units up to a maximum of the greater of one additional unit and 1% of the existing units in the building;
- (5) creates one additional Dwelling unit in any existing residential building other than a Single detached dwelling, a Semi-detached dwelling, a Rowhousing Dwelling or a Rental Housing Development if the Gross floor area of the additional Dwelling unit does not exceed the Gross floor area of the smallest Dwelling unit already in the building;
- (6) creates one Dwelling unit contained within an accessory building per parcel if the Gross floor area of the additional Dwelling unit does not exceed the Gross floor area of the primary Dwelling unit located on the parcel;
- (7) creates one additional Dwelling unit in a proposed new residential building that would not be attached to other buildings and that is permitted to contain a second Dwelling unit, that being either of the two Dwelling units, if the units have the same Gross floor area or the smaller of the Dwelling units. The proposed new detached dwelling must only contain two Dwelling units and must be located on a parcel of land on which no other detached dwelling, Semi-detached dwelling or Rowhousing Dwelling would be located;
- (8) creates one additional Semi-detached or Rowhousing Dwelling unit in a proposed new residential building that would have one or two vertical walls, but no other parts attached to other buildings and that are is permitted to contain a second Dwelling unit, that being either of the two Dwelling units, if the units have the same Gross floor area or the smaller of the Dwelling units. The proposed new Semi-detached or Rowhousing Dwelling must only contain two Dwelling units and must be located on a parcel of land on which no other detached dwelling, Semi-detached dwelling or Rowhousing Dwelling would be located;
- (9) creates one new residential building that would be ancillary to a proposed new detached, Semi-detached or Rowhousing Dwelling unit and is permitted to contain a single Dwelling unit. The proposed new detached, Semi-detached or Rowhousing Dwelling to which the proposed new residential building would be ancillary shall only contain one Dwelling unit. The Gross floor area of the Dwelling unit in the proposed new residential building shall be equal to or less than the Gross floor area of the detached, Semi-detached or Rowhousing Dwelling to which the proposed new residential building is ancillary;
- (10) is a parking building or structure;
- (11) is a bona fide Non-residential farm building used for an Agricultural use;
- (12) is a structure that does not have municipally provided water and Wastewater facilities and that is intended for seasonal use only; or
- (13) is a 'Temporary garden suite' installed in accordance with the provisions of the *Planning Act*, as amended.

36. Industrial Use Exemptions

In accordance with the *Development Charges Act*, and except as exempted under part (4) below, if a Development includes the enlargement of the Gross floor area of an existing Industrial building, the amount of the Development Charge that is payable in respect of the enlargement is determined in accordance with this section.

- (1) For the purpose of this section, the term “existing Industrial building” shall have the same meaning as that term has in the Regulation made pursuant to the *Development Charges Act*.
- (2) If the Gross floor area of an existing Industrial building is enlarged by 50 per cent or less, the amount of the Development Charge in respect of the enlargement is zero.
- (3) If the Gross floor area of an existing Industrial building is enlarged by more than 50 per cent, the amount of the Development Charge in respect of the enlargement is calculated by multiplying the amount by which the enlargement exceeds 50 per cent of the Gross floor area before the enlargement by the Development Charge rate calculated in accordance with this By-law.
- (4) For greater certainty in applying the exemption in this section, the Gross 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 Regulation made pursuant to the *Development Charges Act*. 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.
- (5) The exemption for an existing Industrial building provided by this section shall be applied up to a maximum of 50 percent of the Gross 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 City made pursuant to the *Development Charges Act* or its predecessor legislation.

37. City Services Reserve Fund – Institutional Discount

Development Charges calculated in accordance with this By-law, shall be reduced by 50% with respect to the following:

- (1) lands, buildings or structures used or to be used for a public hospital as defined under the *Public Hospitals Act*, and used for the purposes set out in the Act;
- (2) lands, buildings or structures that are exempt from taxation under the enabling legislation of a college established under the *Ontario Colleges of Applied Arts and Technology Act* or a university as defined in the *Education Act*, and used for the purposes set out under such enabling legislation;
- (3) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground; and
- (4) other land, buildings or structures used for not-for-profit purposes defined in, and exempt from taxation under, section 3 of the *Assessment Act*.

38. Development Outside Urban Growth Area

Where a Development occurs outside the Urban Growth Area as shown in Schedule 3 to this By-law, the Development Charge payable under section 2 shall exclude the following rate service components identified in Schedule 1: Wastewater, Water Distribution and Stormwater.

PART VI MISCELLANEOUS

39. Administration of By-law

- (1) The administration of this By-law, except as otherwise provided in this section, is assigned to the Chief Building Official.
- (2) The administration of Part III is assigned to the City Treasurer.


40. Former By-laws Repealed

By-law C.P.-1535-144 of the Corporation of the City of London, respecting Development Charges is hereby repealed effective January 1, 2021.

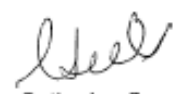
41. Commencement

This By-law comes into force on January 1, 2021 or, in the event of an appeal pursuant to the *Development Charges Act*, in accordance with that Act.

PASSED in Open Council on October 27, 2020.



Ed Holder
Mayor



Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

**SCHEDULE 1
to By-law C.P.- 1551-227**

Development Charge 2021 Rates

Notes:

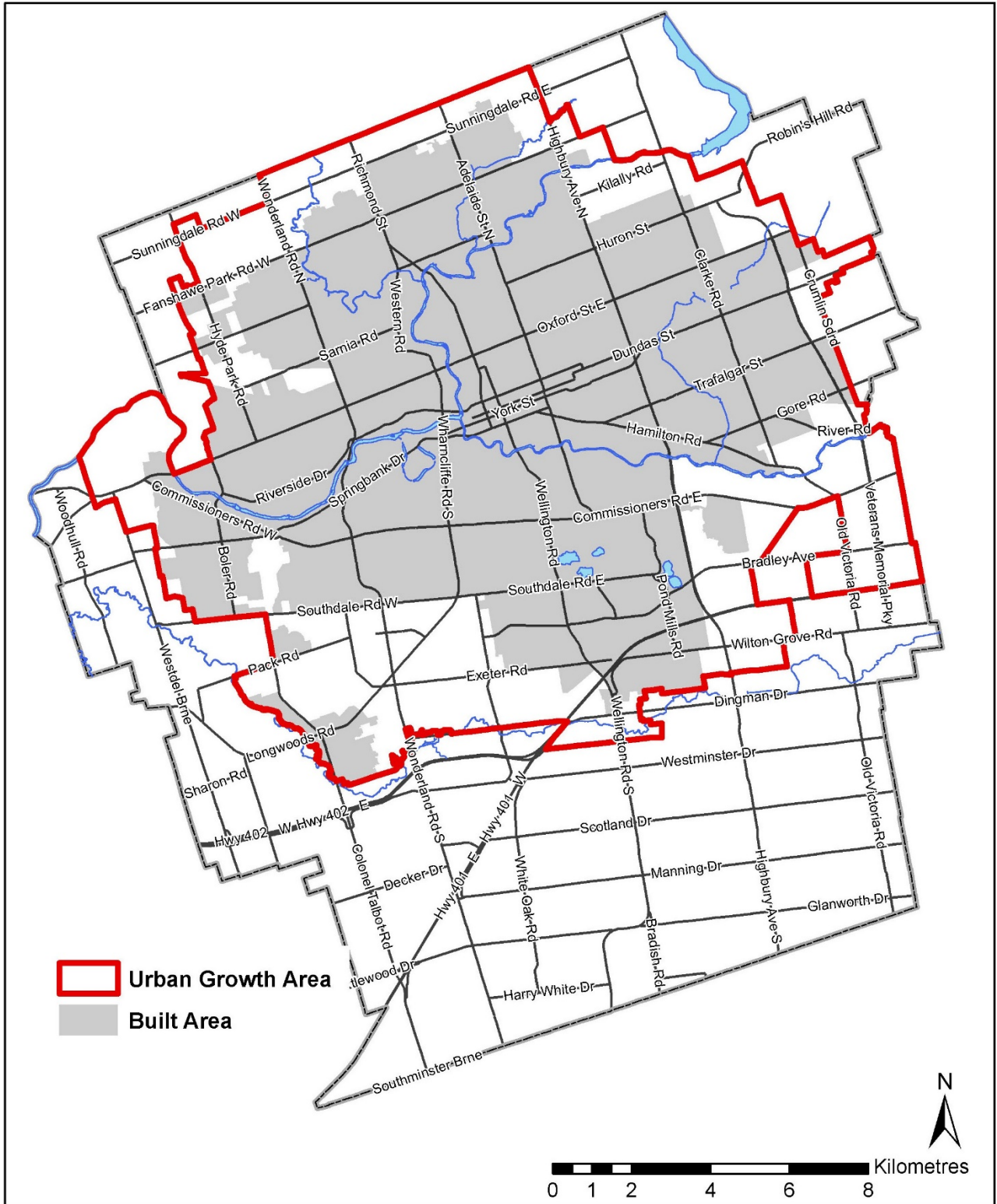
- 1) Section 36 (industrial development additions exemption) shall apply to the calculation of development charges for industrial developments. See the specific sections for details.
- 2) Section 37 (institutional development discount) shall apply to the calculation of development charges for some institutional developments. See the specific section for details.

Service Component:	Single & Semi Detached (per dwelling unit)	Rowhousing (per dwelling unit)	Apartments with < 2 bedrooms (per dwelling unit)	Apartments with > = 2 bedrooms (per dwelling unit)	Apartments with > = 2 bedrooms (per dwelling unit)	Commercial (per sq. m. of gross floor area)	Institutional (per sq. m. of gross floor area)	Industrial (per sq. m. of gross floor area)
	\$	\$	\$	\$	\$	\$	\$	\$
Fire	67.35	45.55	29.79	40.37	0.52	0.26	0.05	
Police	498.56	337.17	220.52	298.82	3.31	1.68	0.32	
Library	-	-	-	-	-	-	-	-
Parks & Recreation	3,980.66	2,692.05	1,760.68	2,385.84	0.22	0.13	0.09	
Transit	146.72	99.22	64.90	87.94	1.35	0.84	0.24	
Waste Diversion	260.95	176.48	115.42	156.40	-	-	-	
Roads & Related Services	16,990.07	11,490.08	7,514.84	10,183.15	170.85	106.20	74.80	
Wastewater	3,488.31	2,359.08	1,542.90	2,090.75	26.82	15.99	44.77	
Stormwater	6,917.61	4,678.26	3,059.71	4,146.13	68.03	42.08	66.49	
Water Distribution	1,807.71	1,222.52	799.56	1,083.47	18.24	11.30	19.50	
TOTAL RATE - City Services and Urban Works (applied within the Urban Growth Area)	34,157.94	23,100.40	15,108.32	20,472.87	289.34	178.49	206.26	
TOTAL RATE - City Services (Rural Rate) (applied outside of the Urban Growth Area)	21,944.31	14,840.55	9,706.14	13,152.52	176.25	109.12	75.50	

Subject to rounding

**SCHEDULE 3
to By-law C.P. - 1551-227**

URBAN GROWTH AREA AND BUILT AREA



SCHEDULE 4
to By-law C.P. - 1551-227
CITY SERVICES RESERVE FUND - CLAIMS POLICY

1. GENERAL

1.1. Scope

For all Development projects involving claimable works for which final approval of a Development Agreement was obtained the following policy and rules will apply to the eligibility for and payment of Claims under this By-law.

1.2. Introduction

This policy establishes the guidelines, procedures and requirements relating to the submission and processing of a Claim to the City Services Reserve Fund (“CSRF”). All Claims considered to be complete shall be processed as per the Council approved “Source of Financing” and consistent with provisions of this Schedule.

1.3. Claimability

Any item listed as claimable or eligible for funding from a Development Charge (DC) reserve fund must also be provided for in the approved DC rate calculations as reflected in the current DC Background Study. To the extent that specific cost sharable works and projects cannot be identified as to location or timing, there should be a contingency provided for in the estimates that is incorporated into the rates.

The ultimate ability to Claim for reimbursement, for work constructed by an Owner shall be subject to authorization to construct the work in the Development Agreement or subject to execution of a servicing agreement prior to commencement of the work, and to other provisions of this Schedule. Coincident with the inclusion of a provision to construct a claimable work in a Development Agreement, the City shall generate a Source of Financing Report demonstrating the availability of financing for the work in relation to the approved capital budget for the particular category of works. Where the approved budget is not sufficient to absorb the new funding commitment for the work, the capital budget approval may be deferred until the following year’s budget cycle. The Owner may proceed at their own risk of refusal of the Claim, should they proceed with works authorized in the Development Agreement until a commitment approving the funding of such works from an approved project budget has been obtained.

It is important that the City continue to monitor between DC Background Studies, the accuracy of the estimates and assumptions used to establish the rates. To the extent that substantial variations are identified, Council should be advised and will need to consider whether to increase or decrease the rates in accordance with the monitoring observations.

1.4. Non-Growth Works that Benefit the Existing Population

Where works funded in part from the CSRF are subject to this policy and also include a non-growth component in the DC Background Study, funding of that portion of the works must wait until the City has approved sufficient funds in its Council approved capital budgets, or Council makes provision for a Reserve Fund designated for use in funding the non-growth share of DC funded works, to pay for that non-growth portion of the works. The non-growth portion of the funding shall be identified in the City’s Capital Budget and be subject to approval by Council.

1.5. Phasing

Prior to Phasing of any works the Owner must obtain written approval from the City Engineer (or designate) to construct the infrastructure in phases and to also make

Claim for the incremental cost of phasing the works. Permission to construct works in phases shall not automatically permit partial Claims.

The City Engineer (or designate) may consider a request for internal construction phasing of a subdivision and could determine that it should be staged in a manner that will balance all of a geographical area's needs. The construction of entire systems may be linked, at the discretion of the City Engineer (or designate), to a Claim's eligibility for payment from the CSRF.

Additionally, if property easements are required to service adjacent developments and are not provided by an Owner then any payment of CSRF Claim associated with that Development may be withheld until the easement is provided.

1.6. Completeness of Claims

Prior to acceptance of a Claim, the following requirements shall be satisfied:

- (1) The Claim must conform to an Agreement that has been approved by Council, or a delegated authority or officer, signed and registered on title to the affected property. The works for which the Claim is made shall be 100% complete with certain exceptions allowed by the City Treasurer (or designate) for seasonal condition preventing completion;
- (2) The Claims for the works are to be submitted by a Registered Professional Engineer retained by the Owner. The City Treasurer (or designate) reserves the right to accept only Claims stamped by the same professional engineering consultant who designed, inspected and certified as complete the works for which the Claim is being made;
- (3) No consideration will be given to Claims for works which have previously been claimed and authorized. Works omitted from a previous Claim will be considered for payment upon submission;
- (4) No Claims to the Fund will be accepted for works that form part of an agreement for which the warranty period has expired and all the securities have been released;
- (5) The following documentation (hard copy & digital) shall be included with the Claim for it to be considered complete:
 - (a) Completed City of London "Development Charge Claimable Works Checklist";
 - (b) A covering letter from the Owner's Professional Engineer stating that a Claim is being made to the CSRF on behalf of the Owner with reference to the specific Agreement and clauses. The location and nature of the works shall be described and the costs representing the amount being claimed from the CSRF should be stated inclusive of applicable sales tax. The mailing address as well as the HST Registration Number of the Owner shall be provided;
 - (c) The "Certificate of Completion of Work" pertaining to the works being claimed in the format specified in the Agreement with an added statement certifying the quantities and final costs relating to the Claim;
 - (d) Any specific documentation that may be required by the Agreement such as an inspection report, condition report, or survey. Such documentation shall be satisfactory to the City Treasurer (or designate);
 - (e) Summary sheets detailing the sharing of costs, engineering and HST calculations;
 - (f) The Professional Engineer's calculations of all quantities and final costs relating

to the Claim;

- (g) Servicing drawings for the related claimable works;
- (h) Copy of summary of unit prices and/or a copy of all tenders for the entire project;
- (i) Copy of the final payment certificates;
- (j) All paid invoices for claimable engineering fees;
- (k) An affidavit with reference to the Claim signed by both the Professional Engineer and the Owner certifying that all invoices included in the Claim package have been paid;
- (l) Copy of the advertisement for tender, where a public tender is required;
- (m) A summary of all bids, where a public tender is not required (see "Tendering" below);
- (n) All backup information relevant to the Claim including invoices, change orders, fees etc;
- (o) Copy of the Certificate of Publication of Substantial Performance, prepared in accordance with the *Construction Act*. This publication is generally carried in the Daily Commercial News and should include both the name of the Owner and the City of London. Similarly both should be mentioned under "Office to which claim for lien must be given to preserve lien"; and
- (p) Completed "Summary of Claimable Works" with current information for the subdivision or development.

(6) All Claims shall be submitted to the Development Finance Division.

1.7. Tendering

The following rules shall apply to the tendering of works under this Schedule. Works paid as per the fixed subsidy (oversizing and LID subsidies) are not subject to these tendering requirements;

- (1) Projects undertaken by agreement between the City and an Owner with an estimated claimable amount in excess of \$100,000 are to be undertaken by public tender;
- (2) Projects undertaken by agreement between the City and an Owner with an estimated claimable amount less than \$100,000 may be undertaken by a public tender, or by invitation with a minimum of 3 invited tenders;
- (3) Works requiring an Owner to perform horizontal drilling may be undertaken by invitation with a minimum of 3 invited tenders;
- (4) Single sourcing of a construction project is permissible when:
 - (a) Work is an extension of existing work and is a result of a change in scope during the project; there is no increase in individual tender item prices; and the Owner has obtained written approval from the City Treasurer (or designate) before Single Source, or
 - (b) Works where no portion of which are eligible for Claims;

- (5) The Owner's Professional Engineer will provide a cost estimate prior to issuing any tender;
- (6) All claimable external works shall be identified as a separate tender schedule listing items, quantities, plan locations of quantities (chainage from station to station), and unit costs within larger construction contracts;
- (7) Tender documents for the works which are eligible for Claims must be standard City of London Contract Documents. They must be in a unit price format and follow a formal tender opening procedure to the specifications of the City Treasurer (or designate);
- (8) Calculation of eligible items in the Claim will be based on the successful lowest bidder's tendered unit prices regardless of which contractor ultimately performs the work;
- (9) Advance notification to the City of the time and location of the tender opening shall be provided to the City's Development Finance Division; and
- (10) Tender results and unit price summaries shall be provided to the City's Development Finance Division for review upon the closing of tenders and prior to awarding the contract.

1.8. Miscellaneous

Miscellaneous items in the contract that apply partially to the cost shareable works such as Bonding, Field Office Trailer, Traffic Control, Mobilization/Demobilization and Permits can be claimed as a percentage of the total tendered contract amount.

$$\frac{\text{Claimable tendered costs excluding bonding, trailer etc.}}{\text{Total tendered contract excluding bonding, trailer etc.}} \times \text{Costs of bonding, trailer etc.} = \text{Claimable Amount}$$

Profit margin, administration and overhead costs of the Owner are deemed ineligible for Claim reimbursement from the CSRF.

1.9. Engineering Fees

Prior to initiating the engineering design for a claimable work, the Owner's Professional Engineer shall submit a Work Plan outlining the anticipated engineering tasks and associated costs related to design and construction administration related to the claimable works. The Work Plan will be reviewed and approved by both the City Engineer (or designate) and City Treasurer (or designate). Any engineering fees incurred prior to the acceptance of the Work Plan cannot be submitted as part of the Claim. Engineering fee invoices submitted as part of claimable works should breakout separately fees related to the claimable tasks outlined in the accepted Work Plan. The invoiced engineering fees will be processed for payment at the actual invoiced costs.

No Claim in excess of the value included in the accepted Work Plan shall be considered. When there is a material change in the scope of work, an addendum to the Work Plan may be requested at the sole discretion of the City. The Work Plan addendum shall be subject to the acceptance of the City Engineer (or designate) and City Treasurer (or designate) and is to be submitted prior to any overage of the project

value included in the Work Plan. In the event that costs have been incurred following an overage in the Work Plan upset limit and prior to the acceptance of a Work Plan addendum the fees incurred over said time period will not be claimable.

The Engineering fees related to the following activities are not claimable:

- (1) Land acquisition costs,
- (2) Works performed and invoiced by utility companies,
- (3) Ministry of the Environment, Conservation and Parks application fees,
- (4) The design of Stormwater Management Best Management Practices and Private systems,
- (5) Oversizing and LID subsidies claimed under the provisions of this By-law, and
- (6) Permits, fees, incidental expenses necessary for completion of the works.

1.10. Payment

The following rules shall apply to payments under this schedule:

- (1) Valid Claims will be eligible for payment to the Owner in accordance with the terms of the applicable Agreement and the approvals discussed in this section.
 - (a) Claims approval will only be possible where budget approval for the particular Claim in question has been sought and granted. Where Council has delegated authority for approval of the agreement in question, budget approval shall be deemed to have been provided upon approval of the Development Agreement that contains reference to the construction and Claim of claimable works. Where budget approval cannot be granted due to budget restrictions in relation to previous approved Claims, a subsequent approval will be sought in the following budget year.
 - (b) Upon the approval in the previous paragraph being granted, the Claim will be considered to have achieved "Committed Financing".
- (2) The Owner may provide the City with a properly executed "Assignment and Direction", in a format acceptable by the City Solicitor, to transfer the payment(s) of Claims to another party;
- (3) The payment of Claims from the Fund will be processed following the receipt of a complete Claim. Timing of payment of the Claim is subject to timing outlined in the Source of Financing approved by Council to come forward with the related Development Agreement. Draws from the CSRF (including payment of Claims) will be limited to the extent of the Committed Financing previously approved by Council through the annual budget approval process and as discussed in section a) above. Claims which exceed the level of funding previously committed may be deferred for approval to the next year's budget process. This payment policy ensures that Claims are paid only in accordance with approved commitments, and that the annual commitments are generally consistent with the average annual provision made in the DC rate calculations.
- (4) Holdback under the *Construction Act*:
 - (a) 10% holdback is retained on a Claim until the entire contract has been substantially performed and the 45 days statutory period from the day of publication in a Daily Commercial News of the substantial performance has expired, and all clearances have been obtained; and
 - (b) If there is no certificate of publication included with the Claim, the holdback will not be released until the certificate is provided and 45 days has elapsed from the date of publication and all clearances have been obtained.

1.11. Claims by Non-Contributing Entities (City of London)

When the City acts as or in place of an Owner it shall be eligible to make Claims from the Fund.

1.12. Dispute Resolution for Claims

Exceptions to the procedures mentioned herein may occur. The preferred methodology to resolve any dispute regarding payment of Claim would be to seek interpretation and clarification through the City Treasurer (or designate), who shall consult with the City Engineer (or designate) as necessary. Should the Owner still feel aggrieved by a given policy interpretation then their avenue to seek remedy / relief is to submit a complaint in writing to a Hearings Officer appointed under the City's Hearings Officer By-law for consideration. No complaint would be considered for works that form part of an agreement for which the warranty period has expired and all the securities have been released.

1.13. Construction of Major Infrastructure

Significant infrastructure projects would usually be paid and managed by the City through the CSRF, as identified in the DC Background Study. The City Engineer (or designate) shall determine which works may be constructed in conjunction with a Development or Subdivision Agreement.

1.14. Acceleration of Timing of Construction

Acceleration of works provided for in the City's future capital budget may occur, subject to execution of a separate Municipal Servicing and Financing Agreement (MSFA) and subject to a separate policy adopted with respect to MSFAs as contained in the DC Background Study.

1.15. Municipal Land Requirements – Lands Owned by the Owner

Provisions of a Development Agreement or consent authority under the *Planning Act* may include conditions relating to the dedication of lands at no cost to the City for Road widenings, sewers, paths, commuter parking lots, transit stations and related infrastructure for the use of the general public. As noted in the City of London Official Plan all municipal property requirements including easements (with the exception of lands required for regional Stormwater Management Facility lands as identified in the DC Background Study) identified in a consent or Development Agreement shall be provided at no cost to the City of London and/or any DC Fund.

Any land or easements that are owned by the Owner and which are transferred permanently to the City as a condition of a Development approval are not eligible for Claim with the exception of storm water management facilities. Temporary easements are not eligible for Claim.

If the Owner chooses to relocate an existing internal watercourse or conveyance channel outside of the subdivision, when the water course or channel could have been located inside the plan, then no Claim for easement acquisition may be made for the open channel.

Costs relating to existing watercourse improvements are not claimable unless specifically mentioned as projects in the DC Background Study.

2. ROADS AND RELATED SERVICES

2.1. General

Where a Development abuts, faces, flanks or backs onto, or is divided by an existing Arterial road, and the City requires the Owner to construct minor works beyond their immediate access work, such road works may be claimable to the CSRF - Roads and Related Services.

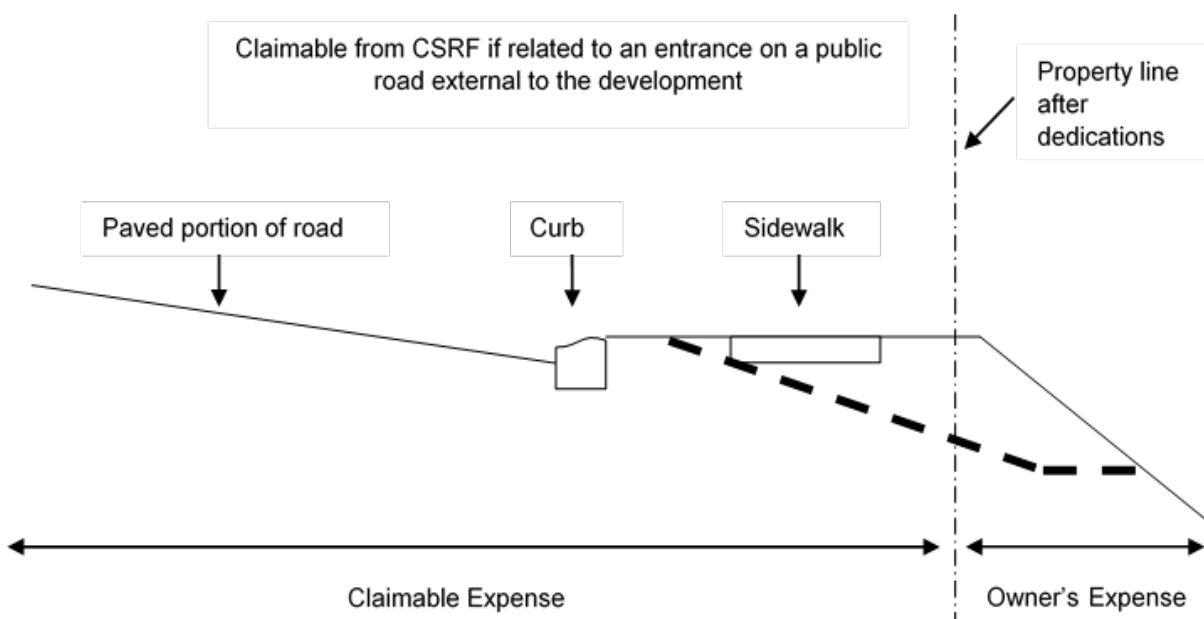
2.2. Works on lower order streets

The City may identify road works along lower order streets (Neighbourhood Connector and Neighbourhood Streets) that require improvements due to localized growth in an area that is not specifically attributable to one single development.

2.3. Limits of payment due to property extent and grade

Payment for claimable works is restricted to that portion of the works that is situated upon public or future public lands. As illustrated below there shall be no payment for spillage of fill or grading on privately owned lands.

Typical Grading Along a Development & Payment Scheme



2.4. Major Road Works (CSRF – Roads and Related Services)

Major Transportation road works typically consist of large-scale road expansion projects or two lane road upgrades triggered by increased traffic volumes associated with growth across the City. All Major Transportation Road Works are constructed by the City and the growth related cost is eligible for a Claim from the CSRF – Roads and Related Services.

The costs of the following items are incorporated into road projects and are required as a result of growth:

- (1) Structures to be widened or replaced;
- (2) Noise barrier and retaining wall where required; and
- (3) Land acquisition (raw land cost, appraisals, surveying, legal, etc.) but only where lands cannot be acquired through dedications under the *Planning Act* on a timely basis.

2.5. Minor Road Works (CSRF - Roads and Related Services)

Minor Road Works that would be constructed as part of the major road project are eligible to be claimed from the CSRF - Roads and Related Services. These works include but are not limited to: new traffic signals, channelization, sidewalks, and streetlights. Where a multi-use pathway is constructed in lieu of a sidewalk within an Arterial road allowance, the sidewalk equivalent cost is considered claimable. In some cases, these works are done in advance of the road capacity expansion project as a means of addressing a network wide benefit to growth, without completing the entire road expansion.

2.5.1. Channelization (CSRF - Roads and Related Services)

Channelization on an Arterial road into a new public street is eligible for a Claim from the CSRF – Roads and Related Services. The following subsections list the various additional components of the channelization which are considered claimable:

(1) Tree Plantings

When replacement trees are planted as part of external road works to compensate for removed trees, other than those removed to facilitate an access, the cost of the removal and replacement is claimable. All other tree plantings are not claimable.

(2) Ditching

When ditching and/or the installation of catchbasins is required to facilitate claimable external road work the drainage works may be incorporated in the minor road works Claim to the CSRF - Roads and Related Services.

(3) Utility Relocations

Utility relocations necessitated by the claimable road works can be claimed upon providing a copy of the invoices from the utility and proof of payment in full. The City shall issue a letter to the utility company stating that this work is required by the City under the *Public Service Works on Highways Act* and will pay for 50% of cost of labour and trucking. This 50% share is claimable from the CSRF - Roads and Related Services; the other 50% is the utility's share and is not claimable. Should the utility refuse to pay these costs, the 50% "utility share" shall be the responsibility of the proponent Owner. Engineering fees associated with these relocations are not claimable.

2.6. Road Oversizing (CSRF - Roads and Related Services)

Where a new Arterial is to be constructed in whole or in part through or adjacent to a Development, the Owner is responsible for the cost of constructing a Neighbourhood Connector as defined in the City of London's Design Specifications & Requirements Manual and Complete Streets Design Manual. If the required road is wider or at a higher standard, the Owner is responsible for the cost of a standard road, including sidewalks, street lights, etc., and is eligible for a Claim to the CSRF – Roads and Related Services for the difference in cost of granular and asphalt between a standard road and the road actually constructed. The construction responsibilities shall be defined by the conditions of an agreement between the City and the Owner. If the Owner wishes to construct the road at an enhanced standard beyond that acceptable to the City Engineer (or designate), then the Owner shall pay for the additional costs of enhancement with no eligibility for a Claim from any Fund.

2.7. Strategic Links (CSRF – Roads and Related Services)

Portions of proposed Neighbourhood Connectors or Neighbourhood Streets that are required for transportation network connectivity, are not implementable in a timely manner due to reasons beyond the control of the surrounding Owners and are identified as a strategic need by the City Engineer (or designate), may be constructed

by the City and the cost is eligible for a Claim from the CSRF - Roads and Related Services.

2.8. Active Transportation (CSRF – Roads and Related Services)

Where on-road cycling lanes are identified through Development areas in the Cycling Master Plan, on Neighbourhood Connectors or Neighbourhood Streets, the Owner shall be responsible to construct the cycling lanes. If the required road is wider or at a higher standard, the Owner is responsible for the cost of a standard road, including sidewalks, street lights, etc., and is eligible for a Claim to the CSRF – Roads and Related Services for the difference in cost between a standard road and the road actually constructed. The construction responsibilities shall be defined by the conditions of an agreement between the City and the Owner.

2.9. Local Service Costs (Owner Cost)

The following subsections list the various road components which are considered a local service cost and are therefore constructed at the expense of the Owner:

- (1) **Connections**
Connections of all public and private new streets, ramps or entrances (including features and design details such as: roundabouts, culverts, signage, gateway treatments, noise wall alterations, sidewalks, cycling lanes, multi-use pathways, directional traffic islands, road re-profiling, decorative features) to the existing road infrastructure;
- (2) **Placing Fill**
Re-grading, cutting and placing fill on lands beyond the road allowance along their frontage in accordance with City standards. In addition, all grading and restoration of road allowance along the Development frontage if no claimable road works are required;
- (3) **Topsoil and Sod**
Topsoil and sod to the edge of any existing sidewalk fronting the Development;
- (4) **Tree Planting**
Planting of new trees fronting the Development, except as provided in the Minor Road Works Channelization policies.
- (5) **Sidewalk Reinforcement**
Any upgrade or reinforcement from a standard 100mm thickness sidewalk across the Development's new access;
- (6) **Retaining Walls**
Retaining walls along the Development frontage, where acceptable to the City Engineer (or designate);
- (7) **Temporary Works**
100% of the cost of temporary sidewalks, roads, paths, swales along the frontage abutting Arterials where installation in ultimate location is deemed premature;
- (8) **Traffic Signals at Private Streets**
Traffic signal installations at all private entrances, and at public entrances which do not meet MTO warrants;
- (9) **Other Works**
Any other services, removals, relocations, etc., required including but not limited to, utility relocation, sidewalk alterations, and curb cuts;

- (10) **Restoration and Damage**
Restoration of any utility cuts, and or damage created by construction activities and /or construction traffic in and out of the Development including but not limited to daily removal of mud tracking, daily dust suppression, milling and paving of deteriorated asphalt caused by construction traffic, grading of gravel shoulders to remove rutting caused by construction traffic;
- (11) **Noise Attenuation Measures**
All noise berms, window streets, fences and privately maintained noise walls;
- (12) **Grading and BMPs**
Grading elements such as: swales, ditches, best management practices (BMPs) and any other feature to address over land flow routes needs created by the Development's grading;
- (13) **Paths and Walkways**
Pedestrian paths, walkways, bridges, tunnels, including the related lighting and signage, except as provided in the Minor Road Works policies; (Note: Parkways are constructed by the City and are specifically provided in the DC Background Study);
- (14) **Utility Upgrades**
The costs related to the upgrading of any utility plant, or the relocation of the same, except as provided in the Channelization policies;
- (15) **Relocation and Replacement Costs**
The relocation and/or replacement costs of any encroachment on the City's road allowance or easement including but not limited to hedges, sprinklers systems and fences;
- (16) **Street Lighting**
Street lighting at intersections with existing roads where required by the Development Agreement.

3. WASTEWATER WORKS

3.1. Regional Trunk Sewers (CSRF - Wastewater)

All sewers required to service future Development with a diameter greater than 450mm are considered to satisfy a regional benefit to growth and are to be identified as separate projects in the DC Background Study and are eligible for a Claim from the CSRF – Wastewater.

All sewers of any diameter required to service future Development that are identified as a strategic link by the City Engineer (or designate) and are considered to satisfy a regional benefit to growth are eligible for a Claim from the CSRF - Wastewater.

In order to be eligible for a Claim as a Regional Trunk Sewer, the sewer must have no Private Drain Connections to individual residential units otherwise the "Sewer Oversizing" policy applies.

3.2. Sewer Oversizing (CSRF – Wastewater)

Sewers, which are not Regional Trunk Sewers, with the following attributes are eligible for a subsidy from the CSRF - Wastewater:

- (1) The sewer services external developable areas; and
- (2) The sewer is greater than 250mm in diameter.

The oversized portion (>250mm) is eligible for a subsidy payable based on the

diameter of pipe and the average depth of sewer between maintenance holes. The subsidy unit cost is determined by rounding the average depth of sewer between maintenance holes to the nearest depth correlating to the dollar values reflected in Appendix 4-A.

The subsidy unit cost per metre of pipe is applied to each segment length of oversized sewer to determine the total oversizing subsidy.

Where oversized Box and Elliptical sewers are constructed, an additional non-circular subsidy percentage is applied to the subsidy unit cost per metre.

If the total oversizing subsidy exceeds the actual cost to construct the oversized sewer, the upset Claim limit shall not exceed the actual construction cost.

The oversizing subsidy amounts cover the cost per metre of all associated eligible costs including engineering, manholes, restoration, etc.

3.3. Pumping Stations (CSRF - Wastewater)

The upgrading or construction of new regional pumping stations are to be identified as separate projects in the DC Background Study and are eligible for a Claim from the CSRF - Wastewater.

3.4. Temporary Pumping Stations (Owner Cost)

The cost of any temporary pumping stations or forcemains is borne by the Owner. Approval of temporary works is at the discretion of the City Engineer (or designate). Where a temporary facility precedes the construction of a permanent facility, the Owner that requires the temporary facility will be required to also assist in making provision for the permanent facility (i.e. provide land for permanent facility) as a condition of approval for the temporary facility. In order for a temporary work to proceed there must first be provisions for the permanent work within the current DC Background Study.

3.5. Wastewater Treatment Upgrades (CSRF - Wastewater)

All wastewater treatment upgrades are considered to satisfy a regional benefit to growth and are to be identified as separate projects in the DC Background Study and are eligible for a Claim from the CSRF - Wastewater.

3.6. Temporary Wastewater Systems (Owner Cost)

Costs of all wastewater systems that are temporary or are not defined in the DC Background Study shall be borne by the Owner. Where temporary works precede the construction of permanent works, the Owner that requires the temporary works will be required to also assist in making provision for the permanent works (i.e. secure land) as a condition of approval for the temporary works. In order for temporary works to proceed there must first be provisions for the permanent work within the current DC Background Study. Approval of temporary works is at the discretion of the City Engineer (or designate).

3.7. Local Service Costs (Owner Cost)

The following subsections list the various wastewater components which are considered a local service cost and are therefore constructed at the expense of the Owner:

- (1) Any pipe or portion of a larger pipe that is less than or equal to 250mm in diameter are referred to as local works; and
- (2) Connections from a local sewer to existing external infrastructure.

4. STORMWATER WORKS

4.1. Claimable Storm Water Works

In order to be claimable, Stormwater management works must be a permanent facility and be contained in, or alternative to, works contained in the current DC Background Study and must be incorporated into an executed Development Agreement.

4.2. Regional Trunk Sewers (CSRF- Stormwater)

All sewers to be constructed within existing City owned lands that service multiple new Development areas are considered to satisfy a regional benefit to growth and are to be identified as separate projects in the DC Background Study are eligible for a Claim from the CSRF- Stormwater.

4.3. Regional Open Channels (CSRF- Stormwater)

Any open channel works identified through the Environmental Assessment process that are considered to satisfy a regional benefit to growth are to be identified as separate projects in the DC Background Study and are eligible for a Claim from the CSRF- Stormwater.

4.4. Storm Sewer Oversizing (CSRF- Stormwater)

Storm Sewers with the following attributes are eligible for a subsidy from the CSRF - Stormwater:

- (1) The sewer services external developable areas; and
- (2) The sewer is greater than 1050mm in diameter.

The oversized portion (>1050mm) is eligible for a subsidy payable based on the diameter of pipe and the average depth of sewer between maintenance holes. The subsidy unit cost is determined by rounding the average depth of sewer between maintenance holes to the nearest depth correlating to the dollar values reflected in Appendix 4-B.

The subsidy unit cost per metre of pipe is applied to each segment length of oversized sewer to determine the total oversizing subsidy.

Where oversized Box and Elliptical sewers are constructed, an additional non-circular subsidy percentage is applied to the subsidy unit cost per metre.

If the total oversizing subsidy exceeds the actual cost to construct the oversized sewer, the upset Claim limit shall not exceed the actual construction cost.

The oversizing subsidy amounts cover the cost per metre of all associated eligible costs including engineering, manholes, restoration, etc.

4.5. Open Channel Oversizing (CSRF- Stormwater)

Open Channels with all of the following attributes are eligible for a subsidy from the CSRF - Stormwater:

- (1) An open channel design is required for the reason of inherent site drainage constraints and the design has been accepted by the City Engineer (or designate),
- (2) The open channel services external developable areas; and
- (3) The open channel has a 2-year storm design flow cross-sectional area greater than a 1050mm sewer using the City's minimum design standards.

The oversized portion represents the cross-sectional area required in excess of a 1050mm sewer for a 2-year storm design. The oversized subsidy will be calculated based on the additional cost of oversized beyond an area equivalent to a 1050mm pipe size using the City's minimum design standards for a 2-year storm design flow. The oversized subsidy is payable based on an average oversized cost in the form of a \$/m of channel constructed as calculated by the Owner's Professional Engineer and as accepted by the City Engineer (or designate). An allowance of 15% will be added to the calculated oversized amount to cover applicable engineering costs.

4.6. Stormwater Management Works (CSRF- Stormwater)

4.6.1. Environmental Assessment Complete

Any municipally owned or operated stormwater management works designed to provide capacity to facilitate growth that are identified through the Environmental Assessment process and are considered to satisfy a regional benefit to growth are to be identified as separate projects in the DC Background Study and are eligible for a Claim from the CSRF- Stormwater.

4.6.2. Environmental Assessment Not Complete

Stormwater Management Works for which an Environmental Assessment has not been completed that are anticipated to satisfy a regional benefit to growth are to be identified as separate area specific contingencies in the DC Background Study and are eligible for a Claim from the CSRF- Stormwater.

Upon completion of the applicable Environmental Assessment (i.e. no outstanding Part 2 orders), a review of the related area specific contingency and the DC rate will be undertaken and, if required, a revision to the DC By-law will be made.

4.7. Stormwater Management Facility Land Policies (CSRF- Stormwater)

With respect to land acquisition for storm water management facilities the value of the land shall align with the 'open space land', 'hazard land' and 'table land' to be purchased by the City for parkland use values, as amended from time to time, by By-law CP-9 for the Conveyance of Land and Cash in Lieu Thereof for Park and Other Purposes as follows:

4.7.1. Non-Developable lands

Non-Developable lands include:

Open space lands containing significant natural heritage features or ecological functions as defined in the City's Official Plan, or any area located outside the limit of Development and not constrained by flooding or erosion hazards as determined through accepted Development studies and/or the draft plan or site plan process.

Hazard lands constrained by flood or erosion hazards as defined in the City's Official Plan, or any area subject to flooding or erosion hazards located outside the limit of Development as determined through accepted Development studies and/or the draft plan or site plan process.

Lands under existing open water are not claimable as defined by the London 2 year design storm high water elevation.

4.7.2. Park Land

Lands set aside as a dedication for parks and not designated for Development are not claimable.

Where there is a shared use of a stormwater or wastewater work such as a maintenance road/pathway, the use and maintenance of the road/pathway shall be viewed as functioning solely for the wastewater or stormwater service use and not the park use. The costs associated with the maintenance access path shall be borne by the related service's CSRF.

4.7.3. Developable Lands

Developable lands are located inside the urban growth boundary and include table land within the limit of Development as established by accepted Development studies and/or the draft plan or site plan approval process.

4.7.4. Lands Required Outside the Urban Growth Boundary

Where lands are required outside the Urban Growth Boundary for the purposes of stormwater management, the value of the required lands will be determined via a property appraisal completed by the City to the satisfaction of the City Treasurer (or designate).

4.7.5. Legal Fees

Legal fees directly related to the land transfer may be claimable subject to the review and acceptance of the City Solicitor.

4.8. Major SWM Facility Inlet and Outlet Sewers within the SWM Block (CSRF- Stormwater)

Any storm sewers or engineered channels within a Major SWM Facility block that are either upstream or downstream of a facility are considered to satisfy a regional benefit to growth and are eligible for a Claim from the CSRF- Stormwater.

4.9. Major SWM Facility Outlet Sewers Outside the SWM Block (CSRF- Stormwater)

Any major SWM facility outlet system, including storm sewers or engineered channels, that extend outside of the SWM block facility is considered to satisfy a regional benefit to growth and is eligible for a Claim from the CSRF- Stormwater if it is a dedicated outlet system to convey flow from the SWM Facility to the allocated downstream storm sewer or watercourse.

4.10. Low Impact Development Subsidy – Linear Works (CSRF Stormwater)

Linear Low Impact Development (LID) works with all of the following attributes are eligible for a subsidy from the CSRF – Stormwater:

- (1) The LID works are infiltration systems designed to improve water quality or the water balance within the new Development;
- (2) The LID works are constructed in conjunction with local stormwater servicing on City-owned lands or within a dedicated municipal easement; and
- (3) The design has been accepted by the City Engineer (or designate).

Linear LID infiltration works are considered to satisfy a regional benefit to growth and are eligible for a subsidy payable in terms of a \$/m of pipe constructed.

The subsidy payable for LID pipe systems is based on the average depth of pipe between maintenance holes. The subsidy unit cost is determined by rounding the average pipe depth between maintenance holes to the nearest depth correlating to the dollar values reflected in Appendix 4-B. The subsidy unit cost per metre of pipe is applied to each segment length of pipe to determine the total LID subsidy.

For other LIDs, such as rain gardens or infiltration swales, the subsidy payable is based on a 5 m depth for the length of the LID feature.

The subsidy amounts are reflected in Appendix 4-B. The subsidy amounts cover the cost per metre of all associated eligible costs including engineering, construction, etc.

LID works constructed within a site plan are not eligible for subsidy.

4.11. Local Service Costs (Owner Cost)

The following subsections list the various stormwater components which are considered a local service cost and are therefore constructed at the expense of the Owner:

- (1) Any pipe or portion of a larger pipe that is less than or equal to 1050 mm in diameter are referred to as local works;
- (2) Connections from a local sewer to existing external infrastructure;
- (3) Mitigation/compensation works recommended by an Environmental Impact Study (EIS) that are related to the subdivision; and
- (4) Construction of road side ditches, swales without an infiltration component, and overland flow routes.

4.12. Temporary Storm Sewers (Owner Cost)

Costs of all storm sewer systems that are temporary or are not defined in the DC Background Study shall be borne by the Owner. In order for temporary works to proceed there must first be provisions for the permanent work within the current DC Background Study. Approval of temporary works is at the discretion of the City Engineer (or designate).

4.13. Temporary Stormwater Management Works (Owner Cost)

Any temporary works or works not included in the DC Background Study are at the sole expense of the Owner including operation, maintenance and decommissioning. Where temporary works precede the construction of permanent works, the Owner that requires the temporary works will be required to also assist in making provision for the permanent works (i.e. secure land) as a condition of approval for the temporary works. In order for temporary works to proceed there must first be provisions for the permanent work within the current DC Background Study. Approval of temporary works is at the discretion of the City Engineer (or designate).

5. WATER DISTRIBUTION

5.1. Major Watermains (CSRF-Water Distribution)

All watermains required to service future Development greater than or equal to 400mm in diameter are considered to satisfy a network wide benefit to growth and are to be identified separately as projects in the DC Background Study and are eligible for a Claim from the CSRF-Water Distribution.

All watermains of any diameter required to service future Development that are identified as a strategic link by the City Engineer (or designate) are considered to satisfy a regional benefit to growth and are eligible for a Claim from the CSRF- Water Distribution.

5.2. Watermain Oversizing (CSRF-Water Distribution)

Watermains with the following attributes are eligible for a subsidy from the CSRF-Water Distribution:

- (1) The watermain services external developable areas; and
- (2) The watermain is greater than 250mm in diameter.

The oversized portion (>250mm) is eligible for a subsidy payable based on an average oversizing cost and is stated in terms of a \$/m of pipe constructed. The oversizing subsidy amounts are identified in Appendix 4-C.

If the total oversizing subsidy exceeds the actual cost to construct the oversized watermain, the upset Claim limit shall not exceed the actual construction cost.

The oversizing subsidy amounts cover the cost per metre of all associated eligible costs including engineering, appurtenances, restoration, etc.

5.3. Water Facilities (CSRF-Water Distribution)

Where the upgrading or construction of new public water booster pumping stations and reservoir projects are designed to increase capacity or improve service to acceptable standards and as a result of growth, these works are eligible for a Claim from the CSRF-Water Distribution. These projects must also be identified in the DC Background Study.

5.4. Temporary Water Works (Owner Cost)

Where temporary water works precedes the construction of permanent works, the Owner that requires the temporary works will be required to also assist in making provision for the permanent works (i.e. secure land) as a condition of approval for the temporary works. In order for temporary works to proceed there must first be provisions for the permanent work within the current DC Background Study. Approval of temporary works is at the discretion of the City Engineer (or designate).

5.5. Local Service Costs (Owner Cost)

The following subsections list the various water components which are considered a local service cost and are therefore constructed at the expense of the Owner:

- (1) Any watermain or portion of a larger watermain that is less than or equal to 250mm in diameter is referred to as local works; and
- (2) Connections from a local watermain to existing external infrastructure.

6. BUILT AREA WORKS

6.1. Claimable Works (CSRF)

Built Area Works are defined as linear water, wastewater, and stormwater infrastructure works that satisfy all of the following conditions:

- (1) Service lands inside the Built Area (Schedule 3);
- (2) Provide a regional benefit to growth;
- (3) Replace existing infrastructure; and
- (4) Are located within the municipal right-of-way or easement.

Built Area Works are eligible for a Claim from the City Services Reserve Fund.

6.2. Constructor of Built Area Works (CSRF)

The City shall lead the construction of Built Area Works unless otherwise authorized by the City Engineer (or designate).

6.3. Claimable Built Area Costs (CSRF)

The claimable costs for Built Area Works shall include construction, engineering, and restoration, subject to a deduction for the non-growth share.

6.4. Determining the Eligible Growth Portion of Built Area Works (CSRF)

The following steps are required to determine the eligible growth portion of Built Area Works.

Step 1: Determine the Cost of Existing Pipe and Oversized Portion

The Development Charges Background Study unit rate tables are used to determine the ratio of the existing pipe and new pipe recommended for construction. These ratios are then applied to the per meter tender cost of the new pipe being constructed.

Step 2: Determine Eligible Growth Portion of Existing Pipe

The City of London's Asset Condition Rating is used to assign the growth / non-growth splits to the per meter tender cost associated with replacing the existing pipe. Table 1 provides the correlation between the Asset Condition Rating and the growth / non-growth splits.

Table 1- Asset Condition Rating and Growth / Non-Growth Splits

Rating	Growth	Non-Growth	Definition
1	90%	10%	Very Good – Fit for Future
2	75%	25%	Good – Adequate for now
3	50%	50%	Fair – Requires attention
4	25%	75%	Poor – At risk
5	10%	90%	Very Poor – Unfit for sustained Service

The Asset Condition Rating's growth / non-growth splits are applied to the costs apportioned to the per meter existing pipe cost to determine the eligible growth portion.

Step 3: Determine Eligible Growth Portion of Oversized Pipe

The costs apportioned to pipe oversizing shall be 100% attributed to growth.

The total eligible growth portion of the new pipe being constructed is the sum of the cost of the oversized portion plus the growth share of the existing portion.

6.5. Built Area Combined Wastewater and Storm Sewers (CSRF - Wastewater)

When determining the eligible growth portion of a combined sewer replacement, the existing combined sewer is assigned an Asset Condition Rating of 5 (very poor) with a 10% growth and 90% non-growth split. These growth / non-growth splits are applied to the per meter tender costs of the separated wastewater and storm sewers.

6.6. Distribution of Restoration Costs (CSRF)

Restoration costs necessitated by the Built Area Works will be split equally between the reconstructed services (i.e. water, wastewater and/or stormwater). The eligible

growth portion of these splits will be determined based on the Asset Condition Rating, subject to a deduction for the non-growth share.

6.7. Local Service Costs (Owner Cost)

Built Area Works are assumed to provide a regional benefit to growth with no local service components.

7. PARKS

7.1. Parkland Development (CSRF – Parks & Recreation)

Pathways and parkland infrastructure are generally constructed by the City. At the request and approval of the City, the Owner may construct pathways and parkland infrastructure which are eligible for a Claim from the CSRF - Parks & Recreation as outlined in the registered Agreement. Claimable costs would include excavation, granular bases, finished surface treatments, supply/installation of amenities (ex. arbors, play equipment, etc.) as well as grading and seeding within 1 meter of the finished pathway and/or amenity construction. Grading and seeding beyond the limits of the pathway/amenity space would be an Owner cost.

7.2 Parkland (Owner Cost)

Costs to bring Neighbourhood Parks, District Parks, Sports Parks, Urban Parks and Civic Spaces dedicated under the Planning Act to a base condition shall be borne by the Owner. This includes grading, seeding, servicing, fencing and the associated engineering and landscape architect design costs as required by City standards.

For Open Space, Woodland Parks and Environmentally Significant Areas (ESAs), costs for fencing as required by City standards, and measures (i.e. implementation of mitigation, monitoring, Development limits) as outlined in an approved Environmental Impact Study and/or Tree Preservation Plan shall be borne by the Owner.

Where the Owner desires to enhance Parkland Development above City standards, these costs shall be borne by the Owner.

7.3. Cul-de-sac Islands, Roundabout Islands and Window Streets (Owner Cost)

Development costs for landscape features, cul-de-sac islands, roundabout islands and window streets shall be borne by the Owner. This includes grading, seeding, landscaping, fencing, plantings and the associated engineering and landscape architect design costs as required by City standards.

8. CONSTRUCTION OF MAJOR CSRF WORKS BY OWNER

At the discretion of the City Engineer (or designate) construction of Major CSRF works may be undertaken by the Owner where acknowledged by the City Engineer (or designate) in writing. The following activities must take place to ensure claimability of the works:

- (1) The City Engineer (or designate) shall acknowledge the commencement of the work by the Owner or their agent, in writing, with any conditions associated with costs to be incurred. Any costs incurred prior to the City Engineer's (or designate) acknowledgement will be undertaken strictly at the risk of the Owner or their agent.
- (2) Engineering fees will be payable as outlined in Section 1.9 "Engineering Fees" of this schedule.
- (3) The Owner shall provide the draft tender documents to the City Engineer (or

designate) and City Treasurer (or designate) for acceptance. The City will ensure that the Owner has made an appropriate distinction of costs between claimable costs to be funded from City administered funding sources, and local costs which are the responsibility of the Owner to bear.

- (4) Costs ultimately eligible for reimbursement must comply with Section 1.3 "Claimability" and Section 1.10 "Payment" of this schedule and be provided for in an approved capital budget.
- (5) Payment of the Claim will be subject to the submission of Claim documentation as outlined in Section 1.6 "Completeness of Claim".
- (6) Elements of the City's Purchasing Policy as it relates to Public Tenders, Requests for Proposal and Single Sourcing must be met.
- (7) Submitted invoices shall include a description of the work completed with reference to the applicable Work Plan task, the cost and duration of the work, and indicate the date the work was completed.
- (8) No Claim shall be paid on reimbursable work unless it is completed. Whether a work is completed shall be determined by the City Engineer (or designate).

SCHEDULE 4
Appendix 4-A

Applicable to agreements approved prior to August 4, 2019.

Based on Table 3-6: Oversizing Cost Schedule, AECOM Sanitary Servicing Development Charge Background Study (March 2014).

Pipe Diameter (mm)	Subsidy Amount (\$/m)
250	\$0
300	\$25
375	\$55
450	\$95
525	\$160
600	\$240
675	\$350
750	\$460
825	\$585
900	\$655
975	\$780

**SCHEDULE 4
Appendix 4-A**

Applicable to agreements approved post August 3, 2019.

Based on Table 1.4 Sanitary Sewer Oversizing Subsidy, City of London, Water and Wastewater Services, 2019 One Water Development Charge Update Study, February 2019.

Depth (m)	Diameter (mm)									
	250	300	375	450	525	600	675	750	825	900
2.5	\$0	\$12	\$22	\$57	\$77	\$183	\$222	\$261	\$377	\$487
3.0	\$0	\$22	\$32	\$68	\$99	\$199	\$241	\$282	\$410	\$513
3.5	\$0	\$33	\$43	\$80	\$122	\$215	\$260	\$304	\$444	\$540
4.0	\$0	\$43	\$53	\$91	\$144	\$231	\$278	\$325	\$477	\$566
4.5	\$0	\$53	\$63	\$102	\$166	\$247	\$297	\$347	\$510	\$592
5.0	\$0	\$63	\$73	\$113	\$188	\$263	\$316	\$368	\$543	\$618
5.5	\$0	\$91	\$102	\$142	\$206	\$278	\$331	\$384	\$559	\$634
6.0	\$0	\$119	\$130	\$170	\$223	\$293	\$346	\$399	\$575	\$649
6.5	\$0	\$147	\$158	\$198	\$240	\$308	\$361	\$414	\$591	\$664
7.0	\$0	\$174	\$186	\$226	\$258	\$323	\$376	\$430	\$606	\$679
7.5	\$0	\$202	\$214	\$254	\$275	\$338	\$392	\$445	\$622	\$694
8.0	\$0	\$280	\$292	\$332	\$373	\$457	\$520	\$582	\$815	\$910
8.5	\$0	\$359	\$371	\$411	\$472	\$576	\$648	\$720	\$1,008	\$1,127
9.0	\$0	\$437	\$449	\$489	\$570	\$694	\$776	\$857	\$1,202	\$1,343
9.5	\$0	\$516	\$528	\$568	\$669	\$813	\$904	\$995	\$1,395	\$1,560
10.0	\$0	\$594	\$606	\$646	\$767	\$932	\$1,032	\$1,132	\$1,588	\$1,776
10.5	\$0	\$783	\$796	\$836	\$938	\$1,097	\$1,204	\$1,311	\$1,727	\$1,915
11.0	\$0	\$972	\$987	\$1,026	\$1,109	\$1,262	\$1,375	\$1,489	\$1,866	\$2,054
11.5	\$0	\$1,160	\$1,177	\$1,217	\$1,280	\$1,426	\$1,547	\$1,668	\$2,004	\$2,192
12.0	\$0	\$1,349	\$1,368	\$1,407	\$1,451	\$1,591	\$1,719	\$1,846	\$2,143	\$2,331
12.5	\$0	\$1,538	\$1,558	\$1,597	\$1,622	\$1,756	\$1,891	\$2,025	\$2,282	\$2,470

SCHEDULE 4
Appendix 4-B

Applicable to agreements approved prior to August 4, 2019.

Based on Table 3.1: Oversizing Compensation, Delcan 2014 Stormwater and Drainage Development Charges Update Study (March 2014).

Pipe Diameter or Closest Circular Equivalent (mm)	Circular Pipe (\$/m)	Elliptical Pipe (\$/m)	Box Culvert Pipe (\$/m)
1050	\$0	\$0	\$0
1200	\$250	\$400	\$250
1350	\$520	\$670	\$520
1500	\$831	\$1,031	\$831
1650	\$1,168	\$1,368	\$1,718
1800	\$1,593	\$1,843	\$2,143
1950	\$1,978	\$2,278	\$2,528
2100	\$2,430	\$2,730	\$2,980
2250	\$2,851	\$3,201	\$3,401
2400	\$3,272	\$3,722	\$4,122
2550	\$3,693	\$4,143	\$4,543
2700	\$4,113	\$4,563	\$4,963
2850	\$4,534	\$4,984	\$5,384
3000	\$4,955	\$5,405	\$5,805

**SCHEDULE 4
Appendix 4-B**

Applicable to agreements approved post August 3, 2019.

Based on Table 1.4 Storm Sewer Oversizing Subsidy, City of London, Water and Wastewater Services, 2019 One Water Development Charge Update Study, February 2019.

Depth (m)	Diameter (mm)													
	1050	1200	1350	1500	1650	1800	1950	2100	2250	2400	2550	2700	2850	3000
2.5	\$0	\$380	\$545	\$740	\$1,010	\$1,285	\$1,545	\$1,815	\$2,085	\$2,355	\$2,625	\$2,895	\$3,165	\$3,435
3.0	\$0	\$395	\$573	\$776	\$1,043	\$1,336	\$1,604	\$1,886	\$2,168	\$2,450	\$2,732	\$3,014	\$3,296	\$3,578
3.5	\$0	\$410	\$602	\$812	\$1,076	\$1,387	\$1,663	\$1,957	\$2,251	\$2,545	\$2,839	\$3,133	\$3,427	\$3,721
4.0	\$0	\$425	\$630	\$848	\$1,109	\$1,438	\$1,721	\$2,027	\$2,333	\$2,639	\$2,945	\$3,251	\$3,557	\$3,863
4.5	\$0	\$440	\$659	\$884	\$1,142	\$1,489	\$1,780	\$2,098	\$2,416	\$2,734	\$3,052	\$3,370	\$3,688	\$4,006
5.0	\$0	\$455	\$687	\$920	\$1,175	\$1,540	\$1,839	\$2,169	\$2,499	\$2,829	\$3,159	\$3,489	\$3,819	\$4,149
5.5	\$0	\$484	\$716	\$949	\$1,224	\$1,580	\$1,878	\$2,209	\$2,539	\$2,870	\$3,200	\$3,530	\$3,861	\$4,191
6.0	\$0	\$513	\$746	\$979	\$1,274	\$1,619	\$1,918	\$2,249	\$2,579	\$2,910	\$3,241	\$3,572	\$3,903	\$4,233
6.5	\$0	\$543	\$775	\$1,008	\$1,323	\$1,659	\$1,957	\$2,288	\$2,620	\$2,951	\$3,282	\$3,613	\$3,944	\$4,276
7.0	\$0	\$572	\$805	\$1,038	\$1,373	\$1,698	\$1,997	\$2,328	\$2,660	\$2,991	\$3,323	\$3,655	\$3,986	\$4,318
7.5	\$0	\$601	\$834	\$1,067	\$1,422	\$1,738	\$2,036	\$2,368	\$2,700	\$3,032	\$3,364	\$3,696	\$4,028	\$4,360
8.0	\$0	\$894	\$1,140	\$1,388	\$1,737	\$2,069	\$2,383	\$2,727	\$3,072	\$3,416	\$3,761	\$4,106	\$4,450	\$4,795
8.5	\$0	\$1,186	\$1,446	\$1,708	\$2,051	\$2,401	\$2,729	\$3,086	\$3,444	\$3,801	\$4,158	\$4,515	\$4,872	\$5,230
9.0	\$0	\$1,479	\$1,753	\$2,029	\$2,366	\$2,732	\$3,076	\$3,446	\$3,815	\$4,185	\$4,555	\$4,925	\$5,295	\$5,664
9.5	\$0	\$1,771	\$2,059	\$2,349	\$2,680	\$3,064	\$3,422	\$3,805	\$4,187	\$4,570	\$4,952	\$5,334	\$5,717	\$6,099
10.0	\$0	\$2,064	\$2,365	\$2,670	\$2,995	\$3,395	\$3,769	\$4,164	\$4,559	\$4,954	\$5,349	\$5,744	\$6,139	\$6,534
10.5	\$0	\$2,126	\$2,426	\$2,731	\$3,055	\$3,455	\$3,829	\$4,223	\$4,618	\$5,012	\$5,407	\$5,802	\$6,196	\$6,591
11.0	\$0	\$2,187	\$2,487	\$2,792	\$3,116	\$3,515	\$3,888	\$4,282	\$4,677	\$5,071	\$5,465	\$5,859	\$6,253	\$6,648
11.5	\$0	\$2,249	\$2,549	\$2,852	\$3,176	\$3,575	\$3,948	\$4,342	\$4,735	\$5,129	\$5,523	\$5,917	\$6,311	\$6,704
12.0	\$0	\$2,310	\$2,610	\$2,913	\$3,237	\$3,635	\$4,007	\$4,401	\$4,794	\$5,188	\$5,581	\$5,974	\$6,368	\$6,761
12.5	\$0	\$2,372	\$2,671	\$2,974	\$3,297	\$3,695	\$4,067	\$4,460	\$4,853	\$5,246	\$5,639	\$6,032	\$6,425	\$6,818

**SCHEDULE 4
Appendix 4-B**

Applicable to agreements approved post August 3, 2019.

Based on Table 1.4 Sanitary and Storm Sewer Oversizing Subsidy, City of London, Water and Wastewater Services, 2019 One Water Development Charge Update Study, February 2019.

Non-Circular Additional Subsidy

Type	Diameter (mm)													
	1050	1200	1350	1500	1650	1800	1950	2100	2250	2400	2550	2700	2850	3000
Box	0%	228%	202%	177%	151%	159%	129%	129%	128%	128%	127%	127%	126%	126%
Elliptical	0%	138%	135%	132%	130%	130%	129%	126%	124%	123%	121%	119%	117%	116%

SCHEDULE 4
Appendix 4-B

Based on Table 1.5 LID Subsidy Unit Cost Table for Construction and Restoration Work, City of London, Water and Wastewater Services, 2019 One Water Development Charge Update Study, October 5, 2018

Depth (m)	LID Subsidy (\$/m)
2.5	\$279
3.0	\$301
3.5	\$324
4.0	\$346
4.5	\$369
5.0	\$391
5.5	\$414
6.0	\$436
6.5	\$458
7.0	\$481
7.5	\$503
8.0	\$648
8.5	\$792
9.0	\$937
9.5	\$1,081
10.0	\$1,225

SCHEDULE 4
Appendix 4-C

Applicable to agreements approved prior to August 4, 2019.

Based on Table 4-2 Oversizing Subsidy for Watermains, AECOM 2014 Water Servicing Development Charge Background Study (March 2014).

Pipe Diameter (mm)	Subsidy Amount (\$/m)
250	\$0
300	\$60
400	\$155
450	\$245
500	\$420
600	\$700
750	\$1,125
900	\$1,455

SCHEDULE 4
Appendix 4-C

Applicable to agreements approved post August 3, 2019.

Based on Table 1.2 Watermain Oversizing Subsidy, City of London, Water and Wastewater Services, 2019 One Water Development Charge Update Study, February 2019.

Subsidy Amount (\$/m)	Diameter (mm)							
	250	300	400	450	500	600	750	900
	\$0	\$55	\$180	\$261	\$598	\$700	\$1,085	\$1,466