

7. REGIONAL DEVELOPMENT CHARGES BY-LAW
CULTURAL FACILITIES

COMMITTEE RECOMMENDATION

That Council approve staff write to the appropriate Minister and request that under the Ineligible Services (4) of the *Development Charges Act*, Item number 1 be eliminated from Ineligible Services, and that this request be forwarded to other cities in Ontario with a population at or over 50,000.

DOCUMENTATION:

1. Manager, Arts Programs, report dated 11 Jan 99 is immediately attached.

Our File/N/Réf. 02 99 0027
Your File/V/Réf.

DATE 11 January 1999

TO/DEST. Co-ordinator
 Corporate Services and Economic Development Committee

FROM/EXP. Manager
 Art Programs

SUBJECT/OBJET **REGIONAL DEVELOPMENT CHARGES BY-LAW**
 CULTURAL FACILITIES

COMMITTEE RECOMMENDATION

That the Corporate Services and Economic Development Committee recommend Council write to the appropriate Minister and request that under the Ineligible Services (4) of the *Development Charges Act*, Item number 1 be eliminated from Ineligible Services, and that this request be forwarded to other cities in Ontario with a population at or over 50,000.

BACKGROUND

At the Arts Committee meeting on 7 December 1998 the above motion was passed regarding regional development charges.

There is increasing pressure on Regional government to support the building and renovation of cultural facilities. Currently, as shown in the attached memo from Tim Marc, the *Development Charges Act* excludes cultural and entertainment facilities. If cultural facilities were eliminated from the bylaw, municipalities would be in a position to raise funds through development charges for the building of these facilities. It is noted that public libraries and recreation facilities are not excluded.

Approved by
Georgette Houle

Attach. (1)

REGIONAL MUNICIPALITY OF OTTAWA CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

MEMORANDUM
NOTE DE SERVICE

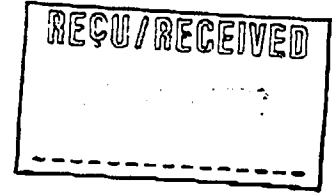
Our File/N/Réf. F.1.3.39.9
Your File/V/Réf.

DATE 1 December 1998

TO/DEST. Councillor Holmes

FROM/EXP. Manager, Planning and Environment Law

SUBJECT/OBJET **FINANCE**
REGIONAL DEVELOPMENT CHARGES



This memo is in response to your inquiry with respect to the services that are eligible for inclusion in a development charges by-law.

The *Development Charges Act* is written such that any municipal service is eligible for inclusion unless it has been specifically excluded. I have attached to this memo the statutory provision outlining the services that have been specifically excluded. (I note that no additional services are excluded by the regulations at this time.). You may note that cultural facilities are excluded but that recreational facilities are not excluded.


Tim Marc
Solicitor

TCM

cc: Deputy Treasurer

What development can be charged for

(2) A development charge may be imposed only for development that requires,

- (a) The passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (b) approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;
- (f) the approval of a description under section 50 of the *Condominium Act*; or
- (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Same

(3) An action mentioned in clauses (2)(a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

- (a) permit the enlargement of an existing dwelling unit; or
- (b) permit the creation of up to two additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings.

Ineligible services

(4) A development charge by-law may not impose development charges to pay for increased capital costs required because of increased needs for any of the following:

1. The provision of cultural or entertainment facilities, including museums, theatres and galleries but not including public libraries.
2. The provision of tourism facilities, including convention centres.
3. The acquisition of land for parks.
4. The provision of a hospital as defined in the *Public Hospitals Act*.
5. The provision of waste management services.
6. The provision of headquarters for the general administration of municipalities and local boards.
7. Other services prescribed in the regulations.

Local services

(5) A development charge by-law may not impose development charges with respect to local services described in clauses 59(2)(a) and (b).