



City Council Meeting
AGENDA

Monday, April 29, 2024, 9:30 a.m.
Council Chamber

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Pages

Public Meeting

National Anthem

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community. As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Council Member Announcements

(As may be presented by Council Members)

Additional Agenda Items

(As may be presented at the meeting)

Declarations of Pecuniary Interest

(As may be presented by Council Members)

Presentations

Certificates of Recognition - 2024 Community Organization Volunteer Award

Mayor Carter to recognize the following 2024 Community Organization Volunteer Award recipients:

- Don Brehm, Oshawa Public Library
- Susan Ellis, Friends of Second Marsh
- Peter Taylor, Friends of Second Marsh
- Jacqueline James, Oshawa Senior Community Centres

Employee Recognition - Municipal Licensing and Standards Inspectors

Mayor Carter to present Municipal Law Enforcement Service Medals and Recognition Awards.

Ontario Power Generation - Update on the Operations and Projects within Darlington Nuclear

Lindsay Hamilton, Jesara Holla, Allan Grace and Karim Osman, Ontario Power Generation to provide a presentation concerning the operations and projects within Darlington Nuclear.

Watson & Associates Economists Ltd. - Overview of the New Development Charges Rate Calculations

Nancy Neale, Watson & Associates Ltd. to provide an overview of the draft Development Charges By-law and Background Study.

Delegations

Adam Layton and Will Maria - Item ED-24-42

Adam Layton and Will Maria requesting to address City Council concerning Item ED-24-42 regarding revised applications to amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, for 1081 and 1093 Harmony Road North and 836 Pinecrest Road.

Tony Trinidad - Item SF-24-16

Tony Trinidad requesting to address City Council concerning Item SF-24-16 with respect to plans to link the currently approved extension with other trails.

Items requiring Council Direction

CNCL-24-39 - Oshawa Senior Community Centres Board of Directors - Nomination for the 2024 Senior of the Year Award (All Wards)

(Also See Pages C1 to C2- Closed Pursuant to Section 239 (2)(b) of the Municipal Act.)

Public Consent Agenda

Recommendation

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated April 29, 2024 be adopted as recommended.

Adoption of Council Minutes

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Recommendation

That the minutes of the City Council meetings held on March 25, March 26 and April 12, 2024 at 9:30 a.m. and 1:30 p.m. be adopted.

Correspondence with recommendations

CNCL-24-47 - Beth Jenish Submitting Comments Concerning Item ED-24-42 (Ward 3)

75

Recommendation

That Correspondence CNCL-24-47 from Beth Jenish submitting comments concerning Item ED-24-42 regarding revised applications to amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, 1081 and 1093 Harmony Road North and 836 Pinecrest Road, be referred to Report CNCL-24-46.

CNCL-24-48 - AnnMarie Snider Submitting Comments Concerning Item ED-24-48 (Ward 5)

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Recommendation

That Correspondence CNCL-24-48 from AnnMarie Snider submitting comments concerning Item ED-24-48 regarding a request to place a modular building as a 'Welcome & Educational Centre' at the Oshawa Museum and to begin fund raising be referred to Item ED-24-48.

CNCL-24-49 - Various Residents Submitting Comments Concerning Notice of Motion CNCL-24-40 (All Wards)

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Recommendation

That Correspondence CNCL-24-49 from various residents submitting comments in support of Item CNCL-24-40 being a notice of motion regarding amendments to City by-laws and policies regarding electric scooters be referred to CNCL-24-40.

Standing Committee Reports

Report of the Community and Operations Services Committee

The Community and Operations Services Committee respectfully reports and recommends to City Council its Fifteenth Report.

CO-24-21 - Letter from the Region of Durham requesting lease of parking spaces at 77 Centre Street North (Ward 4)

Recommendation

That Correspondence CO-24-21 from the Region of Durham concerning a request to lease 50 parking spaces at the Centre Street Parking

Garage for a two-year term be approved.

CO-24-22 - Keenan Lane submitting correspondence requesting lease extension for 110 King Street (All wards)

Recommendation

That based on Correspondence CO-24-22 from Ontario Power Generation dated February 29, 2024, being a request to exercise the second option to extend the current Licence Agreement for the McMillan Street Parkade located at 110 King Street West:

1. The Agreement be extended for a period of two years commencing September 1, 2024 and ending on August 31, 2026; and,
2. That the Agreement be in a form and content satisfactory to the Commissioner, Community and Operations Services and the City Solicitor.

CO-24-23 - Ice Allocation Policy Update (All Wards)

Recommendation

That based on Report CO-24-23 dated April 10, 2024, the Ice Allocation Policy as attached to said report be approved with the following change to the 3rd bullet in Section 5.2.1 to read as follows:

- Have a registered membership with a majority of Oshawa Residents or are the main provider of a particular activity or level of play for youth in the City of Oshawa.

CO-24-25 - Proposal to Secure a Parking Lot to Sustain Local Walk-In Clinic Care (Ward 4)

Recommendation

That, pursuant to Report CO-24-25 dated April 10, 2024, the City of Oshawa not enter into a lease agreement for the Oshawa Clinic Group.

CO-24-26 - Enhanced Green Bin Program (All Wards)

Recommendation

That based on Report CO-24-26 concerning the enhanced green bin program:

1. That staff be directed to proceed with phasing in the implementation of an organics collection program for multi-residential buildings and the development of design standards for new or redeveloped buildings as detailed in Section 5.3.2 of Report CO-24-26 dated April 10, 2024; and,
2. That Council pass a by-law to further amend the Waste Collection By-law 113-2008, as amended, to allow for the changes in the expanded green bin program as outlined in Report CO-24-26 dated April 10, 2024 and in a form and content

acceptable to the Commissioners of Community and Operations Services, Corporate and Finance Services and City Solicitor.

Report of the Corporate and Finance Services Committee

The Corporate and Finance Services Committee respectfully reports and recommends to City Council its Seventeenth Report.

CF-24-24 - 2024 Oshawa Accessibility Award Nomination (Previously OAAC-24-12) (Ward 3)

Recommendation

That in accordance with Report CF-24-24 (formerly OAAC-24-12) concerning the 2024 Accessibility Award Nominations, dated March 15, 2024, the Canadian Blood Services – Oshawa Blood Donor Clinic be nominated for the 2024 Accessibility Award.

CF-24-25 - Spark Centre, Regional Innovation Centre Submitting Correspondence Requesting a Continuation of Funding Over the Next Three Years (Ward 4)

Recommendation

That Correspondence CF-24-25 submitted by Spark Centre, Regional Innovation Centre concerning a request for a continuation of funding over the next three years be referred to the Mayor's budget for consideration.

CF-24-26 - Charles H. Best Diabetes Centre Submitting Correspondence Requesting a Two-year Financial Commitment for the Expansion of The Best Centre (All Wards)

Recommendation

That Correspondence CF-24-26 submitted by Charles H. Best Diabetes Centre concerning a request for a two-year financial commitment for the expansion of The Best Centre be referred to the Mayor's budget for consideration.

CF-24-27 - 2024 Final Tax Rates By-law (All Wards)

Recommendation

That in accordance with Report CF-24-27 dated April 3, 2024, the 2024 Final Tax Rates By-law providing for the billing and collection of the 2024 final tax levy for all property classes be approved.

CF-24-28 - Update on Actions to Address Poverty in 2023 (All Wards)

Recommendation

That in accordance with Report CF-24-28 dated April 3, 2024 concerning an update on actions to address poverty in 2023, all future reporting on various initiatives taken to address poverty be included in reporting of the Oshawa Strategic Plan.

CF-24-29 - Corporate Payment Report (All Wards)

Recommendation

1. That in accordance with Report CF-24-29 dated April 3, 2024,

the practice of preparing and publishing the monthly Corporate Payment Report be discontinued; and,

2. That By-law 4204, as amended, be repealed.

CF-24-30 - Contract Award C2024 - 014 Energy Audits (All Wards)

Recommendation

Whereas the Purchasing By-law, requires Council approval of Professional and Consulting Services contract awards greater than \$100,000; and,

Whereas funding has been approved in 2024 for Project 10-0085 in the amount of \$150,000 including non-rebateable H.S.T. for the Energy Assessment Program; and,

Whereas a total of sixty (60) locations are to be reviewed over a four year period (2024-2027); and,

Whereas City owned locations will be selected each year based on priority and not to exceed approved capital budgets; and,

Whereas Procurement issued a Request for Proposal (R.F.P.) C2024-014 for Energy Audits for an initial one-year term with the option to renew for an additional three one-year terms subject to future capital budget approval; and,

Whereas fifteen (15) bids were received (publicly posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on February 22, 2024; and,

Whereas proposals were evaluated on qualifications, experience, proposal quality, project deliverables, technical response and cost; and,

Whereas the evaluation team unanimously scored the bid received by BLDG Sci Advisory Inc. as comprehensive, thorough, addressed all requirements of the R.F.P, is the highest-ranking proponent and best satisfied the City's requirements;

Therefore be it resolved, that pursuant to Item CF-24-30:

1. That in accordance with Item CF-24-30, dated April 3, 2024, that the Manager, Procurement, be authorized to award the contract to BLDG Sci Advisory Inc. in an amount not to exceed \$150,000 including non-rebateable H.S.T., for Energy Audits, being the highest ranked proponent received; and
2. That the Manager, Procurement, be authorized to renew this contract for an additional three (3) one-year terms, subject to provision of satisfactory services, pricing and the approval of

future capital budgets.

CF-24-31 - Building Services Office Layout Changes (Ward 4)

Recommendation

Whereas on December 1, 2023, the Mayor's 2024 Operating Budget was passed, which included the addition of a Building Engineer and a Supervisor of Zoning and Administration based on recommendations from the Chief Building Official; and,

Whereas Building Services has existing floor space located on the first floor of City Hall, and that the existing floor space can be redesigned and utilized to accommodate additional staffing; and,

Whereas the business case to support the additional staff included in the 2024 budget also identified the need to undertake the construction of an office for the new supervisor position; and,

Whereas the Chief Building Official has indicated there is a need for additional floor layout modifications including washroom expansion and meeting room relocation to improve customer service, accessibility and staff alignment. These improvements constructed at the same time as the new office may yield financial benefits due to economies of scale; and,

Whereas the quote to construct the new and improved office floor layout and the expansion of the washroom is approximately \$280,000 exclusive of taxes; and,

Whereas the Building Permit Reserve has a balance adequate to fund the updates to the Building Services offices; and,

Whereas the current Building Permit Reserve is beyond the target balance and is otherwise idle funds except for during periods of decline or for capital investment such as these improvements,

Therefore be it resolved, that pursuant to Item CF-24-31 dated April 8, 2024, Council approve the re-development of the existing Building Services office layout at an amount of \$316,400 (including HST) and be funded from the Building Permit Reserve.

CF-24-32 - Electronic Participation for the Oshawa Accessibility Advisory Committee Members (All Wards)

Recommendation

In keeping with the City's commitment to be an accessible place of employment and removing barriers, the Council Procedural By-law be amended as such, that the Oshawa Accessibility Advisory Committee (O.A.A.C.) members be permitted virtual participation at all meetings access without a restriction of notifying Clerks Department 24 hours prior

to an O.A.A.C. meeting.

CF-24-33 - Region of Durham's Vision Zero Program - Revenue Sharing (All Wards)

Recommendation

Whereas the Region of Durham's Vision Zero Program included an agreement that the Region and its lower tier municipalities would share in the camera revenues on a 60-40 basis, yet since the implementation of that program the City of Oshawa has not received any revenue,

Therefore staff be directed to request a detailed accounting from the Region of Durham with an explanation why and when revenue will be shared with the City of Oshawa.

Report of the Economic and Development Services Committee

The Economic and Development Services Committee respectfully reports and recommends to City Council its Twenty-ninth Report.

ED-24-39 - Request by Umiak Investments Limited (Fieldgate) to fully develop the parkette in Block 95 of Registered Plan of Subdivision 40M-2720, north of Conlin Road East, east of Coppermine Street and west of Grandview Street North (Ward 1)

Recommendation

1. That, pursuant to Report ED-24-39 dated April 3, 2024, the request by Umiak Investments Limited (Fieldgate) to fully develop the parkette in Block 95 of Registered Plan of Subdivision 40M-2720 located north of Conlin Road East, east of Coppermine Street and west of Grandview Street North, be approved;
2. That the City's contribution for the development of the parkette in Block 95 of Registered Plan of Subdivision 40M-2720 not exceed \$280,000, inclusive of applicable taxes, in accordance with the City's typical park program;
3. That funding in the amount of \$280,000, inclusive of applicable taxes, be approved for the City's share of the development of the parkette in Block 95 of Registered Plan of Subdivision 40M-2720 with \$266,000 provided from the Parks, Recreation and Trail Development Charge Reserve and \$14,000 provided from the Growth Related Non Development Charge Reserve;
4. That Umiak Investments Limited (Fieldgate) be paid for the City's share of the parkette development work in Block 95 of Registered Plan of Subdivision 40M-2720 only after the following conditions have been met:
 - a. The parkette is completed prior to May 31, 2025 to the satisfaction of the City;

- b. The subdivider has submitted a statutory declaration and progress payment certificate certifying that all invoices have been paid and no liens exist and all contractors and subcontractors have verified receipt of final payment;
 - c. The City is satisfied that all warranties on park construction, material and equipment will be honoured;
 - d. Safe vehicular and active transportation access in the opinion of the City via public streets and safe pedestrian access from the streets are provided to the park prior to the City taking over maintenance responsibility for the park; and,
 - e. Any other condition deemed advisable by the Commissioner of Safety and Facilities Services including but not necessarily limited to those set out in Section 5.2.4 of Report ED-24-39 dated April 3, 2024.
5. That an appropriate agreement for the construction and maintenance of the parkette in Block 95 of Registered Plan of Subdivision 40M-2720 be executed by the Commissioner, Economic and Development Services Department on behalf of the City and by Umiak Investments Limited (Fieldgate) which includes all of the City's requirements for the development and maintenance of the parkette as set out in Report ED-24-39 dated April 3, 2024, in a form and content acceptable to the City Solicitor and the Commissioner, Economic and Development Services Department.

ED-24-40 - Oshawa Culture Counts Awards 2024 Recipients (All Wards)
 Recommendation

- 1. That, pursuant to Report ED-24-40 dated April 3, 2024, Nominee Number 1 listed in Confidential Attachment 3 of the Oshawa Culture Counts Professional Artist nominations presented in Report ED-24-40 be selected as the winner of the 2024 Oshawa Culture Counts Professional Artist Award;
- 2. That, pursuant to Report ED-24-40 dated April 3, 2024, Nominee Number 2 listed in Confidential Attachment 3 of the Oshawa Culture Counts Emerging Artists nominations presented in Report ED 24-40 be selected as the winner of the 2024 Oshawa Culture Counts Emerging Artist Award and Nominee Number 1 be given an Honourable Mention; and,
- 3. That, pursuant to Report ED-24-40 dated April 3, 2024, Nominee Number 1 listed in Confidential Attachment 3 of the Innovation and Creation Champion Award nominations presented in Report

ED-24-40 be selected as the winner of the 2024 Innovation and Creation Champion Award.

ED-24-41 - Graffiti and Vandalism Remediation Fund (Ward 4)

Recommendation

That pursuant to Report ED-24-41 dated April 3, 2024 concerning a Graffiti and Vandalism Remediation Fund, the Economic and Development Services Department be authorized to implement and deliver the Graffiti and Vandalism Remediation Fund in accordance with Attachment 1 to this report.

ED-24-43 - Revised Application to Amend Zoning By-law 60-94, Rossland Residences Corp., 555 Rossland Road West (Ward 4)

Recommendation

Whereas as stated in Section 5.3 of Report ED-24-43 that in order to implement the proposed buildings/site design there are a number exemptions required such as increased density, lot coverage, building height, rear yard setbacks, encroachment of stairs, reduced front yard, interior side yard and exterior yard setbacks, and reduced landscaped open space and parking;

Therefore, that Report ED-43-43 concerning the revised application to amend Zoning By-law 630-94 for 555 Rossland Road West submitted by Rossland Residences Corp. be referred back to staff to review further with the Developer to attempt to reduce at least some of the exemptions noted above.

ED-24-44 - Bloor-Simcoe Intensification Study associated with Interim Control By-law 133-2023 (Ward 5)

Recommendation

1. That, pursuant to Report ED-24-44 dated April 3, 2024, Planning Services staff be authorized to initiate the statutory public process under the Planning Act, R.S.O. 1990,c.P.13 for Council to consider proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94, generally in accordance with the Bloor-Simcoe Intensification Study associated with Interim Control By-law 133-2023, contained in Attachment 1 of said Report;
2. That, pursuant to Report ED-24-44 dated April 3, 2024, Planning Services staff be directed to prepare two Master Block Concept Plans generally in accordance with Section 5.3 of Attachment 1 to said Report;
3. That, pursuant to Report ED-24-44 dated April 3, 2024, Economic and Development Services staff be directed to investigate undertaking a high-level drainage analysis, master

stormwater drainage plan and downstream erosion assessment, including a cost estimate for such work in the event external professional consultant services are recommended to be retained, in consideration of the potential for the proposed intensification within the Bloor-Simcoe Intensification Study area to exacerbate flooding constraints for upstream and/or downstream properties;

4. That, pursuant to Report ED-24-44 dated April 3, 2024, Planning Services staff be directed to consider potential amendments to the Oshawa Official Plan through the recently initiated Municipal Comprehensive Review of the City's official plan, generally reflective of the amendments outlined in Section 5.4.2 of Attachment 1 to said Report; and
5. That, pursuant to Report ED-24-44 dated April 3, 2024, Economic and Development Services staff be directed to review the Simcoe Street South Renaissance Community Improvement Plan and to investigate the potential implementation of a new Transit-oriented Development Community Improvement Plan for the City, generally in accordance with Section 5.4.3 of Attachment 1 to said Report.

ED-24-46 - Carolyn Adams submitting correspondence in support of the expansion of the Oshawa Museum (Ward 5)

Recommendation

That Correspondence ED-24-46 concerning Carolyn Adams submitting correspondence in support of the expansion of the Oshawa Museum be received for information.

ED-24-47 - Bloor Simcoe Intensification Working Group Report (Previously OEAC-24-20) (Ward 5)

Recommendation

That in accordance with Report ED-24-47 (previously OEAC-24-20) concerning the Bloor Simcoe Intensification Working Group Report, the following be referred to Report ED-24-44:

1. Bike lanes be installed along Bloor St to support the intensification of the area;
2. Conserving the old growth trees that are present at the southwest segment of the vacant lot located at the Northwest corner of Wentworth Street West and Simcoe Street South;
3. Part of the vacant lot be utilized to create green space and sports/exercise equipment or fields for the community;
4. The study team considers our comments and questions during

the intensification study process;

5. A mitigation plan be developed should de-vehicalization in the area be not as successful as projected; and,
6. The City should continue to promote applicable Community Improvement Plan financial incentives to help grow and support development.

ED-24-48 - Mike Leonard submitting correspondence to make a delegation regarding a request to place a modular building as a 'Welcome & Educational Centre' at the Oshawa Museum and to begin fund raising (Ward 5)

Recommendation

That in accordance with Correspondence ED-24-48 from Mike Leonard concerning the request on behalf of the Oshawa Museum, the following be endorsed:

1. Permission to place a modular building there as a Welcome & Educational Centre; and,
2. Permission to begin their fund raising process

ED-24-49 - Snow Placement Zones (Previously OAAC-24-15) (All Wards)

Recommendation

That in accordance with Item ED-24-49 (previously OAAC-24-15) concerning the Snow Placement Zones, the following be received for information:

1. That Snow Placement Zones be clearly indicated on all site plans for multi-residential projects, including long term care homes, schools and senior residential buildings; and,
2. That the Snow Placement Zones not be located within proximity to designated accessible parking spaces.

Report of the Safety and Facilities Services Committee

The Safety and Facilities Services Committee respectfully reports and recommends to City Council its Fifteenth Report.

SF-24-14 - Adrienne Ellis Submitting Correspondence Concerning Construction Noise at 33 Richmond Street (Ward 4)

Recommendation

That Correspondence SF-24-14 dated April 9, 2024 from Adrienne Ellis submitting correspondence concerning construction noise at 33 Richmond Street be received for information.

SF-24-13 - Technical Amendments to Two Unit Houses Registration By-law 41-2001 (All Wards)

Recommendation

Whereas the Two Unit Houses Registration By-law 41-2001, as amended (“Two-Unit House Registration By-law”) is a by-law to require the registration of two-unit houses within the City of Oshawa (“City”); and,

Whereas staff regularly review the City’s by-laws to identify opportunities to enhance municipal regulatory standards; and,

Whereas a review has identified an opportunity to implement the following amendments to the Two-Unit House Registration By-law:

- Increase the clarity of the Two-Unit House Registration By-law’s enabling legislation by updating the by-law Recitals to reflect current statute law.
- Enhance existing enforcement tools by increasing fine amounts for offences that are charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33 to the following:
 - A minimum fine of \$500 and a maximum fine not exceeding \$100,000; and,
 - In the case of a continuing offence, for each day that the offence continues, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000; and,
 - In the case of multiple offences, for each offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000.

Therefore be it resolved that Council approve a by-law in a final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to amend the Two Unit Houses Registration By-law 41-2001, as amended to increase clarity related to enabling legislation and to increase fine amounts for offences charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33.

SF-24-17 - Communications Interoperability and Radio System Use Agreement (All Wards)

Recommendation

Whereas, in 2014, the Region of Durham, Durham Regional Police Service (DRPS) and all eight area municipalities in the Region entered into the Communications Interoperability and Radio System Use Agreement (“the Agreement”); and,

Whereas, the Agreement sets out the operation of the radio communication system (“NextGen”) within the Region by first responders,

such as DRPS and local fire services; and,

Whereas, the Agreement sets out a steering committee comprised of members from DRPS, the Region and the area municipalities, which govern the operations of the NextGen system; and,

Whereas, several stakeholders are also members of the steering committee as non-voting members such as Ontario Power Generation, Emergency Medical Services and others; and,

Whereas, the steering committee is permitted to vote and add new non-voting members such as Durham College and Ontario Power Generation;

Whereas, in February 2023, the steering committee voted to add Elexicon Energy Inc. as a non-voting member of the committee and a party to the agreement;

Therefore be it resolved that the Mayor and City Clerk be authorized to sign the amending Communications Interoperability and Radio System Use Agreement to add Elexicon Energy Inc. as a non-voting member of the steering committee.

SF-24-06 - Review of Licensing By-law 120-2005 and Proposed Program Enhancements (All Wards)

Recommendation

That based on Report SF-24-06, dated March 13, 2024 concerning a review of Licensing By-law 120-2005 and Proposed Program Enhancements:

Council approve by-laws in a final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to establish a new Business Licensing By-law to regulate certain businesses in the City of Oshawa as detailed in Section 5.4 of this Report, to repeal By-law 120-2005, and to further amend General Fees and Charges By-law 13-2003, as amended to establish applicable licensing fees as detailed in Section 5.4 of this Report.

SF-24-11 - Emergency Preparedness Week (All Wards)

Recommendation

That Report SF-24-11 dated April 10, 2024 concerning Emergency Preparedness Week be received for information.

SF-24-12 - Updated City Facilities Naming/Re-naming Policy (P4-301-001) (All Wards)

Recommendation

That the updated City Facilities Naming/Re-naming Policy as set out in Attachment 1 to Report SF-24-12 dated April 10, 2024 be endorsed, with the addition of the word 'trails' so the policy applies to trails.

SF-24-16 - Update Regarding Questions Related to the Link 3 Recreation Trail (Ward 1)

Recommendation

That Report SF-24-16 dated April 10, 2024 concerning an update regarding questions related to the Link 3 Recreation Trail be received for information.

SF-24-19 - Review of Noise By-law 112-82, as amended, as it relates to Construction Noise (All Wards)

Recommendation

Whereas the Noise By-law 112-82, as amended (“Noise By-law”) regulates noises by prohibiting those that are likely to disturb the inhabitants of the City of Oshawa; and,

Whereas the Noise By-law exempts certain noises including those related to construction between 7:00 am and 7:00 pm Monday to Saturday and 9:00 am to 5:00 pm on Sundays, excluding Holidays; and,

Whereas the regulation of construction noises was last reviewed in 2013 in staff report CORP-13-169-CM; and,

Whereas there is a desire to further review regulations related to construction noises to ensure that the standards remain appropriate;

Therefore be it resolved that staff be directed to review Noise By-law 112-82, as amended, as it relates to construction noise.

SF-24-20 - Service Oshawa and Municipal Law Enforcement Coverage when Fireworks are Permitted (All Wards)

Recommendation

That the following motion be referred to the Mayor's budget for consideration:

'That the City increase Service Oshawa and Municipal By-law coverage intake and response times during the 48 hour period before and after the holiday times when fireworks are permitted in the City of Oshawa.'

Other Staff Reports and Motions

CNCL-24-35 - Review of Council Charter (All Wards)

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Recommendation

That in accordance with Report CNCL-24-35 dated April 24, 2024 concerning a review of the Oshawa Council Charter:

1. That Council reconsider its decision of December 12, 2011 concerning a review of the Council Charter in each new Term of Council; and,
2. That Council repeal the Council Charter and associated By-law 109-

CNCL-24-37 - Proposed Licence Agreement with Oshawa Legion Minor Baseball Association for its use of Kinsmen Civic Memorial Stadium (Ward 4)

(Also See Pages C3 to C14 - Closed Pursuant to Section 239 (2)(c) of the Municipal Act.)

Recommendation

That pursuant to Report CNCL-24-37 dated April 24, 2024, concerning a licence agreement with the Oshawa Legion Minor Baseball Association for its use of Kinsmen Stadium, the Commissioner, Community and Operations Services Department be authorized to execute an agreement in accordance with the terms and conditions in Section 5.4 of this Report and in a form and content acceptable to the Commissioner, Corporate and Finance Services Department and the City Solicitor.

CNCL-24-38 - Strategic Workforce Plan - Single Source Award (All Wards)

Recommendation

Whereas, the Purchasing By-Law 80-2020 requires Council to approve Professional and Consulting Services single source contracts greater than \$50,000; and,

Whereas, the Strategic Workforce Plan requires reviewing and updating to assist with future staffing and budget requirements; and,

Whereas, in 2021, the City issued Request for Proposal C2021-001 Strategic Workforce Plan and J. Macpherson and Associates was the successful proponent; and,

Whereas, Council approved Report CNCL-21-92 “Strategic Workforce Planning: 2022-2025 Staff Resourcing Forecast” prepared by J. Macpherson & Associates; and,

Whereas, the report indicated there was a staffing deficit of 97 Full Time Equivalent positions (“FTE”); and,

Whereas, through the 2022, 2023 and 2024 operating budgets there were 134 FTEs added; and,

Whereas, an update to the Workforce Strategy should be undertaken to determine the appropriate number of new FTEs that should be proposed in future budgets to maintain service levels, address growth and plan for future needs; and,

Whereas, it is administratively practical and cost effective to single source the review and update to J. Macpherson and Associates; and,

Whereas, the cost for an updated Workforce Strategy can be funded from

Account 15917 HR Special Projects;

Therefore, be it resolved that, pursuant to Item CNCL-24-38, Council authorize the Manager, Procurement to award a single source contract to J. Macpherson and Associates for an amount not to exceed \$80,000, including non-rebateable H.S.T., for Strategic Workforce Plan review and update.

CNCL-24-43 - Council-Staff Relations Policy (All Wards)

105

Recommendation

1. That pursuant to Report CNCL-24-43 dated April 24, 2024, concerning a Council-Staff Relations Policy, City Council adopt the Council-Staff Relations Policy as set out in Attachment 1 to said report; and,
2. That the Council-Staff Relations Policy be reviewed at the beginning of each term of a new Council as part of the Council orientation process.

CNCL-24-45 - Appointment to the Oshawa Public Library Board of Directors (All Wards)

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(Also See Pages C15 to C45 - Closed Pursuant to Section 239 (2)(b) of the Municipal Act.)

Recommendation

That in accordance with Report CNCL-24-45 dated April 24, 2024 concerning an appointment to the Oshawa Public Library Board of Directors, the applicant listed in Confidential Attachment 1 be appointed for the term listed, or until such time as successors are appointed.

CNCL-24-46 - Response to Letters Received from Maxwell Heights Neighbourhood Association with respect to Report ED-24-42 (File: Z-2022-11) Revised Applications to Amend the Zoning By-law and for Approval of a Proposed Draft Plan of Subdivision and ED-24-42 - Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road (Ward 3)

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[At the April 8, 2024 Economic and Development Services Committee, this matter was deferred to the April 29, 2024 Council meeting in order for staff to provide comments on the two Neighbourhood Association reports.]

Recommendation

1. That, pursuant to Report CNCL-24-46 dated April 23, 2024, the revised application submitted by Icon Harmony Limited to amend Zoning By-law 60-94 (File: Z-2022-11) to rezone 1081 and 1093 Harmony Road North and 836 Pinecrest Road from R1-A (Residential) to an appropriate R2 (Residential) zone to permit the development of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form

and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,

2. That, pursuant to Report CNCL-24-46 dated April 23, 2024, the revised application submitted by Icon Harmony Limited for approval of a draft plan of subdivision (File: S-O-2022-04) which proposes a block for single detached dwellings, semi-detached dwellings and block townhouses and a road widening block at 1081 and 1093 Harmony Road North and 836 Pinecrest Road be approved, and that the Commissioner, Economic and Development Services Department or Director, Planning Services be authorized to impose City conditions in the draft plan of subdivision approval Planning Act decision; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law amendment proposed in Report ED-23-10 dated January 4, 2023, presented at the public meeting of January 9, 2023, differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

CNCL-24-42 - Proposed New Indemnification By-law for Members of Council and Employees of the City of Oshawa (All Wards)

211

Recommendation

That in accordance with Report CNCL-24-42 dated April 24, 2024 concerning a proposed new indemnification by-law:

1. That Council pass the new Indemnification By-law as set out in Attachment 2 to this Report which will continue to provide for the indemnification and defence of Members of Council and City of Oshawa Employees against actions or proceedings that name them personally, and,
2. That the City Clerk be authorized, if necessary, to enter into an amending agreement with Principles Integrity for Integrity Commissioner Services in accordance with the new Indemnification By-law and in a form and content to the satisfaction of the City Clerk and City Solicitor; and,
3. That the Indemnification By-law be in a form and content acceptable to the Chief Administrative Officer and the City Solicitor; and,
4. That Indemnification By-law 127-2015 be repealed.

CNCL-24-54 - Proposed City of Oshawa Development Charges By-law and Background Study Update (All Wards)

Recommendation

That Report CNCL-24-54, Proposed City of Oshawa Development Charge By-law and Background Study Update be received for information.

By-Laws

56-2024 - A By-law to Designate the Property Municipally Known as 117 King Street East

(Implements Council direction of February 26, 2024 through Item ED-24-14 of the Twenty-fifth Report of the Economic and Development Services Committee to designate the property municipally known as 117 King Street East, specifically PIN 16352-0223 (LT) LT 3 PL 115 Oshawa; LT 4 PL 115 Oshawa; LT 5 PL 115 Oshawa; LT 1 PL 46 Oshawa; LT 5 PL 46 Oshawa; LT 2 PL 46 Oshawa except PT 1 EXPROP PL 126; LT 6 PL 46 Oshawa except PT 1 EXPROP PL 284, Save and except PTS 2, 3 & 7 ON PLAN 40R24452; T/W ROW OVER PT LT 5 PL 115 & PT LT 6 PL 46 Oshawa PT 2 ON PL 40R24452, PT LTS 2, 5 & 6 PL 46 Oshawa PTS 3 & 7 ON PL 40R24452 until such time as the said lands are dedicated as public highway as in DR602345; City of Oshawa, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

57-2024 - A By-law to Further Amend Two Unit Houses Registration By-law 41-2001, As Amended

(Implements direction of April 29, 2024 through Item SF-24-13 of the Fifteenth Report of the Safety and Facilities Services Committee to further amend Two Unit Houses Registration By-law 41-2001, as amended, to increase clarity related to enabling legislation and to increase fine amounts for offences charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33.)

58-2024 - A By-law to Adopt the Estimates of all Sums Required to be Raised by Taxation for the Year 2024 and to Establish the Tax Rates Necessary to Raise those Sums

(Implements direction of April 29, 2024 through Item CF-24-27 of the Seventieth Report of the Corporate and Finance Services Committee to adopt the estimates of all sums required to be raised by taxation for the year 2024 and to establish the Tax Rates necessary to raise those sums.)

59-2024 - A By-law to Amend Zoning By-law 60-94, As Amended

(Implements direction of April 29, 2024 through Item ED-24-42 of the Twenty-ninth Report of the Economic and Development Services Committee to change the zoning for lands municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road from R1-A to R2(13) to permit 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings.)

60-2024 - A By-law to Authorize a Franchise Agreement Between The Corporation of the City of Oshawa and Enbridge Gas Inc.

(Implements direction of October 30, 2023 through Item ED-23-189 of the Seventeenth Report of the Economic and Development Services Department to authorize a franchise agreement between the City of Oshawa and Enbridge Gas Inc.)

61-2024 - A By-law to Amend Council Procedure By-law 128-2022 to Include Mandatory Breaks During Council and Standing Committee Meetings

(Implements Council direction of March 25, 2024 through Item CNCL-24-28 being a Notice of Motion that Council's Procedure By-law be amended to include mandatory breaks during Council and Standing Committee meetings.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

Items Pulled from the Information Package

CNCL-24-50 - Resolution Passed by the Council of Prince Edward County Requesting the Province Create a 'Municipal Accessibility Fund' to Support Municipalities in Developing, Implementing and Enforcing AODA Standards (Previously INFO-24-86) (All Wards)

617

(Placed on the agenda at the request of Councillor McConkey in order to be endorsed.)

Closed Consent Agenda

Recommendation

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated April 29, 2024 be adopted as recommended.

Correspondence with recommendations

None

Standing Committee Reports

Report of the Community and Operations Services Committee

None

Report of the Corporate and Finance Committee Services

None

Report of the Economic and Development Services Committee

The Economic and Development Services Committee respectfully reports and recommends to City Council its Thirtieth Report.

ED-24-37 - Request to Purchase City-owned Parkland on the east side of Kingside Park, west of Emerson Court (Ward 5)

Closed Pursuant to Section 239(2)(c) of the Municipal Act, 2001.

Recommendation

That, pursuant to Closed Report ED-24-37 dated April 3, 2024, City staff be authorized to advance the recommendation in accordance with Section 2.0 of said Closed Report.

ED-24-38 - Update on the Recommended Disposal of a Portion of the Cromwell Avenue Road Allowance, North of Highway 401, East of Park Road South (Ward 5)

Closed Pursuant to Section 239(2)(c) of the Municipal Act, 2001.

Recommendation

That, pursuant to Closed Report ED-24-38 dated April 3, 2024, the Commissioner of Economic and Development Services be authorized to enter into an agreement of purchase and sale for the City-owned lands comprising a portion of the Cromwell Avenue road allowance, located north of Highway 401, east of Park Road South, generally in accordance with the key terms as set out in Section 5.6 of said Report, together with such documents as are required to complete the transaction in the opinion of the City Solicitor, and further that the agreements and other required documents be in a form and content satisfactory to the City Solicitor and the Commissioner, Economic and Development Services Department.

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

CNCL-24-44 - Oshawa Power and Utilities Corporation Shareholder Declaration Update (All Wards)

Closed Pursuant to Section 239 (2)(k) of the Municipal Act.

(See Pages C46 to C63)

Recommendation

That Council approve the process outlined in Closed Item CNCL-24-44 concerning the Oshawa Power and Utilities Corporation Shareholder Declaration Update.

Closed Discussion Agenda

Matters Excluded from Consent Agenda

Items Requiring Council Direction

None

Rise and Report

Matters Tabled

None

Notices of Motion

CNCL-24-40 - Amendments to City By-laws and Policies regarding Electric Scooters (All Wards)

The following notice of motion is submitted by Councillor Nicholson, seconded by

Councillor Marimpietri:

Recommendation

Whereas electric scooters are blocking access to public sidewalks and public spaces, and

Whereas these scooters are often left unmonitored for days on end and often end up in local waterways and public parks, and

Whereas in many cases, city staff must remove or recover these scooters at the expense of city tax payers,

Be it resolved, that the appropriate city bylaws and policy directives be amended to reflect the following

1. That electric scooters may not be left unattended on any city sidewalk, boulevard or public space including parks and local waterways.
2. That in the event that electric scooters are left unattended on any city sidewalk, boulevard or public space, City staff may remove the electric scooters and recover the costs of removal or recovery from the owners of the electric scooters.
3. That after removal or recovery of electric scooters, the City of Oshawa may maintain possession of the electric scooters until such time as the owners of the electric scooters have reimbursed the City of Oshawa for the cost of removal or recovery and further that the reimbursement also include any storage costs incurred by the City of Oshawa until reimbursement.
4. That, after notice to the owners of the electric scooters for reimbursement, and that notice not resulting in full payment of the reimbursement with 60 days of said notice, the City of Oshawa shall deem the electric scooters as being abandoned and shall reserve the right to sell or dispose of the electric vehicles at its discretion.
5. That after passage of sections 1 to 4 of this resolution, a registered letter be sent to the two companies currently operating electric scooters for lease to notify them.

CNCL-24-51 - Poet Laurette Program (All Wards)

The following notice of motion is submitted by Councillor McConkey, seconded by Councillor Kerr:

Recommendation

Whereas April is National Poetry month, established in Canada in 1998 to celebrate poetry and its vital place in Canada's culture; and,

Whereas a number of Ontario municipalities have named a poet laureate to write poetry about their communities, compose poems for special events and act as literary

ambassadors for the city; and,

Whereas a number of Ontario municipalities are on record stating their poet laureate program has raised awareness of their city, fostered creative writing in and about their city, and generated good-will in different ways;

Now therefore Council direct that staff investigate a poet laureate program, including:

1. options for setting up an Oshawa poet laureate program, with input from the Oshawa Library, Durham College Journalism and Creative Writing, Trent University, Ontario Tech, the Robert McLaughlin Gallery, and other organizations, associations, corporations and individuals supportive of the City's arts and culture; and,
2. with the upcoming Oshawa Arts, Heritage, Culture Plan review, staff report back with potential choices for Council concerning the feasibility of a plan to create a poet laureate program and name a poet laureate for the City of Oshawa.

CNCL-24-52 - Reduction of Speed on Burk Street (Ward 4)

The following notice of motion is submitted by Councillor Giberson, seconded by Councillor Kerr:

Recommendation

Whereas in the past residents on Burk Street between King Street and John Street brought forward concerns about motor vehicle traffic speed and infiltration on their street, including drivers using their street as a bypass for the nearby intersections on Park Road; and,

Whereas a Radar Message Board (RMB) was placed on Burk Street, and during the time there only had a marginal impact, and since its removal in mid-2023, residents continue to experience speed and infiltration concerns;

Therefore be it resolved that:

1. A speed of 40km/h be implemented on Burk Street with appropriate signage; and,
2. That staff be directed to examine options using the process in the Council-approved Neighbourhood Traffic Management Guide, engage with residents on their concerns and input into the available options, and report back to Community and Operations Committee with possible proposed solutions.

CNCL-24-53 - Review of Property Tax Relief (All Wards)

The following notice of motion is submitted by Councillor Nicholson, seconded by Councillor Marimpietri:

Recommendation

Whereas the City of Oshawa has for years offered property tax relief to low income seniors and those with disabilities upon application and to those meeting the eligibility criteria; and,

Whereas this tax relief was established by Council through Report FIN-17-94; and,

Whereas this tax relief is only available to those who own their properties and not to those seniors and persons with disabilities who pay their property taxes through their rental payments; and,

Whereas the Ontario Residential Tenancies Act allows landlords to claim property taxes paid on their rental properties as a recoverable expense and further allows the landlords to claim a rent increase higher than the designated increase issued by the Province of Ontario due to higher property tax increases; and,

Whereas persons renting properties in the City of Oshawa is increasing with some wards having almost half of their residential properties being rental properties; and,

Whereas the residential tax rate of multi-residential properties is almost twice the rate as those for residential properties; and,

Whereas it has been estimated that low income seniors and those with disabilities are paying as much as 30% of their rent to offset municipal property taxes on their rented property; and,

Whereas since the adoption of the tax relief program for low income seniors and persons with disabilities, the cumulative increase in municipal property taxes up to and including 2024 has increased the need for review of the annual tax relief amounts;

Be it resolved that:

1. That the current levels of tax relief be reviewed to address the cumulative increase in municipal property tax to return at a minimum to the ratio that existed between the taxes paid and relief offered when the program was originally offered; and,
2. That the current levels of tax relief be further reviewed to determine whether they provide sufficient tax relief given the massive increases in property tax and in the cost of living in the City of Oshawa; and,
3. That staff investigate the expansion of the tax relief programs beyond property owners only to include those who pay their municipal property taxes through their rents to the property owner.

Confirming By-Law

A by-law to confirm the City Council meeting of April 29, 2024.

Adjournment



March 25, 2024

Mayor Dan Carter and Councillors
City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

Dear Mayor Carter and Councillors:

The Board of the Oshawa Senior Community Centres nominates **Joan Hannah and Mary Jameson** for designation by Council for the 2024 *Senior of the Year* award.

See attached for your reference and advise which nominee the City would like to put forth.

Yours truly,

A handwritten signature in blue ink, appearing to read "Sylvia Rhodes".

Sylvia Rhodes
President



**Oshawa City Council
Minutes**

**March 25, 2024, 9:30 a.m.
Council Chamber**

Present: Mayor Carter
Councillor Chapman
Councillor Giberson
Councillor Gray
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor Marks
Councillor McConkey
Councillor Neal
Councillor Nicholson

Public Meeting

The Mayor called the meeting to order and stated that all members of Council were participating from the Chamber except Councillors Marks and McConkey (entered the meeting at 9:34 a.m.)

National Anthem

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Councillors Marks and McConkey entered the meeting.

Council Member Announcements

Various announcements were made by Members of Council.

Additional Agenda Items

Moved by Councillor Chapman

Seconded by Councillor Giberson

That additional information CNCL-24-31 concerning Item CF 24-20 regarding Contract Award – RFT – C2024-010 Supply Delivery of 8 Side Loading Refuse Trucks – Split Packers be added to the agenda for the meeting of March 25, 2024 and be referred to the respective item.

Carried

Declarations of Pecuniary Interest

Councillor Neal - CNCL-24-24 - New Community Centre in the Northwood Business Park - Alternative Design Concept (Ward 2)

Councillor Neal made a declaration of interest concerning Report CNCL-24-24 regarding the new Community Centre in the Northwood Business Park - alternative design concept as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and did not take part in discussion or voting on the matter.

Councillor Neal - CO-24-14 - Selection of the 2024 Oshawa Community Legend Award Recipient (All Wards)

Councillor Neal made a declaration of interest concerning Item CO-24-14 regarding the selection of the 2024 Oshawa Community Legend Award recipient as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and did not take part in discussion or voting on the matter.

Presentations

Durham Agricultural Advisory Committee - Overview of Durham Agriculture

Hubert Schillings, Durham Agricultural Advisory Committee provided an overview of Durham Agricultural.

Members of Council questioned Hubert Schillings.

The Regional Municipality of Durham - Durham Region's Strategic Plan Process and Online Survey

Andrea Smith, Policy Advisor, Corporate Initiatives provided a presentation concerning Durham Region's Strategic Plan Process and Online Survey.

Members of Council questioned Andrea Smith.

Delegations

None

Items requiring Council Direction

CNCL-24-23 - 2025 Budget Timetable and Engagement Opportunities (All Wards)

Moved by Councillor Giberson

Seconded by Councillor Chapman

That pursuant to CNCL-24-23 dated March 20, 2024, concerning the 2025 budget timetable and engagement opportunities:

1. That Council reduce the time period as set out in subsection 7(3) of O. Reg. 530/22 to pass a resolution making an amendment to the proposed budget from 30 days to 20 days; and,
2. That a Council meeting be held on November 22, 2024 for proposing amendments to the budget; and,
3. That Council reduce the time period as set out in subsection 7(10) of O. Reg. 530/22 to override the head of Council's veto of an amendment to the proposed budget from 15 days to 9 days; and,
4. That Council approve the public engagement opportunities as set out in Section 5.3 of this report.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor McConkey

That the recommendation concerning Report CNCL-24-23 be amended to change the time for the public meeting scheduled on November 8, 2024 from 9:30 a.m. to 6:30 p.m.

Affirmative (5): Councillor Giberson, Councillor Gray, Councillor Lee, Councillor McConkey, and Councillor Neal

Negative (6): Mayor Carter, Councillor Chapman, Councillor Kerr, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Lost (5 to 6)

The vote on the recommendation concerning Report CNCL-24-23.

Affirmative (10): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Negative (1): Councillor Neal

Carried (10 to 1)

Moved by Councillor Chapman
Seconded by Councillor Marimpietri

That the meeting recess for 15 minutes.

The meeting recessed at 10:55 a.m. and reconvened at 11:10 a.m. with all members of Council in attendance.

Carried

CNCL-24-24 - New Community Centre in the Northwood Business Park - Alternative Design Concept (Ward 2)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Report CNCL-24-24 regarding the new Community Centre in the Northwood Business Park - alternative design concept as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and did not take part in discussion or voting on the matter. ;)

Moved by Councillor Marimpietri
Seconded by Councillor Nicholson

That Council reconsider its June 26, 2023 decision regarding Report CNCL-23-63 concerning the new Community Centre in Northwood Business Park and increasing the swimming pool to eight (8) lanes.

Affirmative (10): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Conflict (1): Councillor Neal

Carried (10 to 0)

Moved by Councillor McConkey
Seconded by Councillor Marks

That Council move into Committee of the Whole.

Affirmative (5): Councillor Giberson, Councillor Kerr, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Negative (5): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Lee, and Councillor Marimpietri

Conflict (1): Councillor Neal

Lost (5 to 5)

Moved by Councillor Marimpietri
Seconded by Councillor Lee

1. That pursuant to Report CNCL-24-24, dated March 20, 2024, concerning an alternative design for the New Community Centre in the Northwood Business Park, Option 1 – Alternative Design Concept: Full Site as outlined in Section 5.8.1 of this Report be approved; and,
2. That staff report back to Council prior to tender on total funds required to complete the facility and recommendations on a funding strategy.

Moved by Councillor McConkey
Seconded by Councillor Giberson

That Report CNCL-24-24 be referred to a Joint meeting of the Safety and Facilities Services Committee and Corporate and Finance Services Committee.

Affirmative (2): Councillor Giberson, and Councillor McConkey

Negative (8): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Conflict (1): Councillor Neal

Lost (2 to 8)

The vote to adopt the recommendation contained in Option 1 as set out in Report CNCL-24-24.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Negative (1): Councillor Giberson

Conflict (1): Councillor Neal

Carried (9 to 1)

CNCL-24-26 - 40 km/h Area Program (Maximum Rate of Speed Areas) (All Wards)

Moved by Councillor Gray
Seconded by Councillor Giberson

That in accordance with Report CNCL-24-26 dated March 20, 2024, staff proceed with implementing the 40 km/h Area Program beginning in 2024.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

Public Consent Agenda

Moved by Councillor Chapman
Seconded by Councillor Giberson

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated March 25, 2024 be adopted as recommended except the following:

Items CO-24-14 and CO-24-20 from the Fourteenth Report of the Community and Operations Services Committee; and,

Items CF-24-10, CF-24-17, CO-24-21 and CF-24-23 from the Sixteenth Report of the Corporate and Finance Services Committee; and,

Item SF-24-08 and related By-laws 42-2024 and 43-2024 and SF-24-10 from the Fourteenth Report of the Safety and Facilities Services Committee.

Carried

Moved by Councillor Marimpietri
Seconded by Councillor McConkey

That Council reconsider its decision regarding the consent agenda in order to exclude Items CO-24-15 and SF-24-06 from the consent agenda **(Requires 2/3 vote of members present.)**

Carried

The vote to adopt all items listed under the heading of Public Consent Agenda for the City Council Meeting dated March 25, 2024 be adopted as recommended with the exception of the following:

Items CO-24-14, CO-24-15 and CO-24-20 from the Fourteenth Report of the Community and Operations Services Committee; and,

Items CF-24-10, CF-24-17, CO-24-21 and CF-24-23 from the Sixteenth Report of the Corporate and Finance Services Committee; and,

Items SF-24-06, SF-24-08 and related By-laws 42-2024 and 43-2024 and SF-24-10 from the Fourteenth Report of the Safety and Facilities Services Committee.

Carried

Moved by Councillor Nicholson
Seconded by Councillor Marimpietri

That the meeting recess for one hour.

The meeting recessed at 12:27 p.m. and reconvened at 1:30 p.m. with all members of Council in attendance except Councillor Marimpietri (entered the meeting at 1:47 p.m.)

Carried

Adoption of Council Minutes

That the minutes of the City Council meeting held on February 26, 2024 be adopted.

Correspondence with recommendations

CNCL-24-30 - The Regional Municipality of Durham Requesting Municipalities Jointly Nominate a Candidate to the CTC Source Protection Committee (All Wards)

That in accordance with Correspondence CNCL-24-30 from the Region of Durham, the City of Oshawa agrees to nominate Tavis Nimmo, Manager of Water Resource Monitoring & Protection in the Environmental Services Branch of the Works Department at the Region of Durham, to represent the joint municipalities at the CTC Source Protection Committee.

Standing Committee Reports

Report of the Community and Operations Services Committee

CO-24-12 - Volt Hockey Recreation Program (Previously OAAC-24-07) (All Wards)

That in accordance with Report CO-24-12 concerning the Volt Hockey Recreation Program the following be referred to staff:

'That the City investigate starting a recreation program for Volt Hockey, a newly adopted sport for the disability community, played on a city gym or court using specially designed hockey sport chairs, played as a three vs. three game with chairs that are battery operated and controlled with a joystick.'

CO-24-17 - Jayson Deslauriers submitting correspondence to make a delegation regarding an agreement at Kinsmen Civic Memorial Stadium Agreement (Ward 4)

That Correspondence CO-24-17 from Jayson Deslauriers, Baseball Oshawa requesting to renew the previous agreement or create a new agreement between the City of Oshawa and Oshawa Legion Minor Baseball for Kinsmen Civic Memorial Stadium be referred to staff and report back to Council.

CO-24-13 - Installing Solar Lights on Conlin Road East to Accommodate Safer Bus Stops (Ward 1)

Whereas at its meeting of January 29, 2024 Council adopted the following recommendation contained in CNCL-24-08 concerning the installation of solar lights on Conlin Road East to accommodate safer bus stops:

“Whereas the road, traffic and pedestrian conditions on Conlin Road East have been growing increasingly problematic; and,

Whereas both Oshawa and Region staff are working on the design and funding for the infrastructure needed to complete the urban landscape along Conlin Road East; and,

Whereas the lack of safe accessible bus stops, lighting, turn lanes, and a four lane road necessary to accommodate the heavy traffic, combined present serious safety issues; and,

Now therefore staff investigate the feasibility of installing solar lights (similar to the one installed at Winchester Road East and Given Road in Oshawa) in conjunction with Durham Region Transit and the Region of Durham on Conlin Road East to accommodate safer bus stops”; and,

Whereas off-grid solar powered streetlights are not necessary along Conlin Road East as there is electric power available for streetlighting from the existing Oshawa Power hydro poles along the road between Ritson Road North and Townline Road North; and,

Whereas installing streetlighting powered by the existing electrical supply is more cost-efficient and reliable than off-grid solar powered streetlights; and,

Whereas based on staff-review of all seven (7) existing Durham Region Transit bus stop locations on Conlin Road East between Ritson Road North and Townline Road North, all but one of the existing seven (7) Durham Region Transit bus stop locations has existing streetlighting in the vicinity of the bus stop; and,

Whereas Durham Region Transit has recently relocated the existing westbound bus stop at Conlin Road East and Verne Bowen Street/Riverton Street closer to the intersection to improve safety; and,

Whereas in order to assist Durham Region Transit, City staff have replaced the existing streetlights at the intersection of Conlin Road East and Verne Bowen Street/Riverton Street to improve safety and visibility at the recently relocated bus stop on the north side of Conlin Road East and the existing bus stop on the south side of Conlin Road East; and,

Whereas the new westbound bus stop at Conlin Road East and Coppermine Street has no existing streetlighting, and staff have recently investigated installing new streetlighting powered from the existing Oshawa Power electrical supply on the south side of Conlin Road East to improve the safety and visibility of this bus stop; and,

Whereas City staff received approval from Oshawa Power to install additional streetlighting to their pole on the south side of Conlin Road East at Coppermine Street; and,

Whereas the City's streetlighting contractor has completed the installation of additional streetlighting on the Oshawa Power hydro pole on the south side of Conlin Road East at Coppermine Street; and

Whereas City staff can confirm that, based on post-installation analysis, adequate illumination is now being provided to the new bus stop on north side of Conlin Road East at Coppermine Street from the Oshawa Power hydro pole on the south side of Conlin Road East;

Therefore, be it resolved that item CO-24-13 concerning the installation of solar lights on Conlin Road East to accommodate safer bus stops be received for information.

CO-24-16 - Community and Operations Services Committee Outstanding Items Status Report - First Quarter 2024 (All Wards)

That Report CO-24-16 dated March 13, 2024 being the Community and Operations Services Committee Outstanding Item Status Report for the first quarter of 2024 be received for information.

CO-24-18 - Oshawa Outdoor Facilities

Whereas the weather patterns for Oshawa have been unseasonably warm and some outdoor facility users have enquired about the ability to book and use outdoor facilities at a date earlier than is the traditionally permitted;

Therefore be it resolved that:

1. Staff investigate the potential of advancing the process of granting permits for Oshawa's outdoor facilities to community users earlier than the traditional date of May 1; and,
2. In the event that staff ascertain outdoor facilities are able to accommodate earlier activity due to the favorable weather conditions, the Commissioner, Community and Operations Services Department implement an advanced permit option, at their discretion, and forgo the procedural reporting process to Committee; and,
3. If the Commissioner deems the use of outdoor facilities can be activated on an advanced schedule without negatively impacting facility conditions, Affiliated User Groups as defined in the Sports Field and Outdoor Court Allocation Policy be contacted first and offered the advanced permit option.

CO-24-19 - General Fees and Charges By-Law 13-2003, as amended, concerning a change to the definition of a senior from 65+ to 55+

Whereas General Fees and Charges By-law 13-2003, as amended defines a senior as '65+ years of age living in or paying property taxes in Oshawa'; and,

Whereas Oshawa's Age-Friendly Strategy in partnership with Oshawa Senior Community Centres 55+ (OSCC 55+) is to support independent active living and enable older adults to continue to join in all aspects of community life; and

Whereas OSCC 55+ memberships are available to persons aged 55 and older; and,

Whereas all other municipalities in the Region of Durham provide senior discounts for those aged 55 years of age and older;

Therefore be it resolved that General Fees and Charges By-Law 13-2003, as amended be further amended to change the definition of a senior from 65+ years of age to 55+ years of age living in or paying property taxes in Oshawa.

Report of the Corporate and Finance Services Committee

CF-24-10 - The Region of Durham Submitting a Funding Request for the Creation of a Durham Region-Wide Family Physician Recruitment Program (All Wards)

That in accordance with Correspondence CF-24-10 from the Region of Durham, the request for the City of Oshawa to participate in the cost-sharing of a Durham Region-wide Family Physician Recruitment Program be endorsed.

CF-24-12 - 2023 Annual Investment Report (All Wards)

That Report CF-24-12, dated February 28, 2024 concerning the 2023 annual investment activity be received for information.

CF-24-13 - Corporate Payments for the Months of October, November and December 2023 (All Wards)

That Report CF-24-13, dated February 28, 2024 concerning the corporate payments for the months of October, November and December 2023 be received for information.

CF-24-14 - Contract Award - RFT-C2024-005 Roof Replacement - Harman Park Arena (Ward 5)

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000; and,

Whereas, Council approved funding in the 2023 and 2024 budget for Project 11-0071 in the amounts of \$1,500,000 and \$2,300,000 respectively, for a total of \$3,800,000 including non-rebateable H.S.T. for Roof Replacement – Harman Arena; and,

Whereas, there has been a total of \$161,000 committed to date for design and contract management, and structural reinforcement; and,

Whereas, Procurement issued a Request for Tender (R.F.T.) C2024-005 for Roof Replacement – Harman Park Arena; and,

Whereas, four (4) bids were received and opened by Procurement on February 5, 2024; and,

Whereas, Bids received are publically posted on the City website at Oshawa's Bids and Tenders; and,

Whereas, the bid received from Bel-Con Design-Builders Ltd. in the amount of \$2,105,878 excluding H.S.T., meets the requirements of the tender and is within budget; and,

Whereas, the bidders provided optional pricing for work related to roof area 6 and supply and install of low emissivity ceiling; and,

Whereas, Bel-Con Design-Builders Ltd. cost to complete the optional work is \$309,066 for a total cost of \$2,414,944 excluding H.S.T.;

Therefore, be it resolved that pursuant to CF-24-14, that the Manager, Procurement award a contract to Bel-Con Design-Builders Ltd. in the amount of \$2,414,944 excluding H.S.T., for Roof Replacement – Harman Park Arena.

CF-24-15 - Disclosure of Property Standards Orders and Notices (All Wards)

Whereas at its February 8, 2021 meeting, the Corporate Services Committee (“Committee”) meeting provided the following direction:

“Whereas Council members in instances where Municipal Law Enforcement has received complaints on vacant properties and issued Orders, when these matters come before Committee and Council, members receive copies of the Orders and a summary of the history of complaints and Municipal Law Enforcement actions in order to make informed decisions regarding requests for demolition; and,
That a summary of complaint history on vacant properties be referred to the City Solicitor”; and,

Whereas the City’s Property Standards By-law 1-2002, as amended – which was modernized by way of By-law 136-2021, as approved by Council at its November 22, 2021 meeting – prescribes minimum standards for the maintenance and occupancy of buildings, structures and surrounding lands, including with respect to vacant buildings that are in a state of disrepair and/or maintenance, and is established pursuant to the Ontario Building Code Act, 1992, S.O. 1992, c. 23; and,

Whereas at its May 1, 2023 Council meeting, Council approved of a Vacant Buildings and Land Registry By-law in accordance with Report SF-23-17 dated April 19, 2023, which establishes a requirement to register a vacant building or land and establishes a regular full-cost recovery inspection system in order to ensure that such properties continue to comply with the Property Standards By-law and all applicable law; and,

Whereas specific enforcement activities, including the issuance of Property Standards Orders and related details, are not disseminated to Committee or Council pursuant to Enforcement By-law 92-2014 (“Enforcement By-law”) as they contain confidential and personal information; and,

Whereas disclosure of personal information is subject to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 and related processes;

Therefore be it resolved:

1. That members of Committee and Council not be provided with copies of Orders and a summary of the complaint history on vacant properties; and,
2. That the Item “Request for Summary of Complaint History on Vacant Properties” be removed from the Corporate and Finance Services Committee’s Outstanding Items List.

CF-24-22 - Corporate and Finance Services Committee Outstanding Items Status Report - First Quarter 2024 (All Wards)

1. Whereas on February 19, 2019 the Corporate Services Committee referred the following motion to staff for a report: “That administrative or procedural direction given by a Council without passage of a motion at City Council shall terminate at the end of the term of Council.”; and,Whereas such administrative or procedural directions given without motion or decision of Council are verbal only and therefore are not captured in minutes of a meeting and cannot be tracked; and,Whereas on June 10, 2022 Council adopted and new Procedure By-law; and,Whereas Section 26.1d) of Council’s Procedure By-law states that all direction to staff will be given in the form of a motion;Therefore that all administrative or procedural directions given by previous Councils without the passage of a motion be terminated and Item 4 be removed from the Corporate and Finance Services Committee’s Outstanding Items List; and,
2. Whereas on May 1, 2023 Council referred Correspondence CF-23-33 from the Ontario Regiment requesting 10 parking spaces for Armoury members in Parking Lot 20 and options for parking in adjacent City garages to staff for a report; and,Whereas as a result of this direction, this item appears on the Corporate and Finance Services Committee’s Outstanding Items Status Report; and,Whereas such parking requests are more appropriately handled by Community and Operations Services Department staff;Therefore that Item 14 from the Ontario Regiment requesting 10 parking spaces for Armoury members in Parking Lot 20 and options for parking in adjacent City garages be removed from the Corporate and Finance Services Committee Outstanding Items list and placed on the Community and Operations Services Committee’s Outstanding Items List; and,

3. Whereas on June 23, 2023, Council directed that staff receive feedback from the Community, members of Council and staff concerning a new Oshawa Strategic Plan; and,

Whereas this direction includes reporting back to Council directly, not Committee, and was erroneously included on the Committee's Outstanding Items Status Report; and,
Whereas Council has a special meeting scheduled on April 12, 2024 to provide feedback, following which staff will report to Council at a later meeting;
Therefore that Item 17 regarding the 2024-2027 Strategic Plan be removed from the Corporate and Finance Services Committee's Outstanding Items List; and,

4. That the remainder of Report CF-24-22 dated February 28, 2024 being the Corporate and Finance Services Committee's Outstanding Items Status Report for the first quarter of 2024 be received for information.

CF-24-16 - Combined Heat and Power Plant at Delpark Centre (Ward 1)

That in accordance with Report CF-24-16 dated February 28, 2024 concerning the Combined Heat and Power Plant at Delpark Homes Centre, staff be directed to terminate all agreements related to the Combined Heat and Power Plant at Delpark Homes Centre.

Report of the Economic and Development Services Committee

ED-24-29 - Bloor-Simcoe Intensification Study - Consultation Process (Previously OAAC-24-09) (Ward 5)

That in accordance with Report ED-24-29 concerning the Bloor-Simcoe Intensification Study-Consultation Process, the following be received for information:

1. That based on the presentation from Planning Staff concerning the Bloor-Simcoe Intensification Study-Consultation Process, the Oshawa Accessibility Advisory Committee receive a special report on the potential for model accessibility improvements in the Bloor-Simcoe Intensification Study in both publicly owned lands and private lands in alignment with Oshawa, Durham Region, Ontario Ministry of Transportation and Metrolinx official plans; and,
2. That this shall include key features of Highway 401, CN Rail, Future Go Expansion, Oshawa Creek and Trail Network, Heritage Status and Local Business.'

ED-24-30 - Durham Region Transit Stop at Harmony Taunton Smart Centres (Previously OAAC-24-05) (Ward 1)

That in accordance with Report ED-24-30 concerning the Durham Region Transit Stop at Harmony Taunton Smart Centres, the following be endorsed and referred to Durham Region Transit:

'That the Oshawa Accessibility Advisory Committee advise Durham Region Transit that the transit stop changes recently initiated that removed the Harmony Taunton Smart Centres Stop is adversely impacting people with disabilities and that Durham Region Transit consider returning the stop to the shopping plaza.'

ED-24-31 - Correspondence from Diana Turchin concerning the use of Glass Railings in the City of Oshawa (All Wards)

That Correspondence ED-24-31, dated February 10, 2024, concerning the use of Glass Railings in the City of Oshawa be referred to the Oshawa Environmental Advisory Committee.

ED-24-33 - Refund Request for Draft Plan of Subdivision S-O-2023-01, 20-24 Beatrice Street West, Build Up Real Development Co Oshawa Inc. (Ward 2)

Whereas, Build Up Real Development Co Oshawa Inc. (the “Applicant”) is advancing an application for site plan approval (File: SPA-2022-18) for the lands municipally known as 20 and 24 Beatrice Street West to facilitate the development of six (6) semi-detached dwellings and a twenty (20) unit apartment building (stacked townhouses); and,

Whereas, the Applicant has also submitted an application for a proposed draft plan of subdivision (File: S-O-2023-01) to create three (3) blocks, consisting of one (1) block for the proposed apartment building, one (1) block for the proposed semi-detached dwellings and a road widening block; and,

Whereas, the proposed draft plan of subdivision application was submitted to facilitate a future application for a common elements draft plan of condominium, allowing the future Parcels of Tied Land (P.O.T.L.s) associated with the semi-detached dwellings to be created utilizing the removal of part lot control process; and,

Whereas, a public meeting has not been held for the proposed draft plan of subdivision; and,

Whereas, the Applicant is now proposing to advance the development as a standard condominium instead of the originally proposed common elements condominium, negating the need for the proposed draft plan of subdivision; and,

Whereas, the Applicant has decided to withdraw the draft plan of subdivision application and has requested a 75% refund of the draft plan of subdivision application fees in accordance with the letter forming Attachment 1 to this resolution; and,

Whereas, the City does not have a refund policy for draft plan of subdivision applications; and,

Whereas, the City’s refund policy for zoning by-law amendment applications would permit the refund of 50% of a zoning by-law amendment application fee where an application is withdrawn prior to notification of a public meeting being held;

Therefore, be it resolved that pursuant to Item ED-24-33, dated February 28, 2024, the Director of Planning Services be authorized to refund 50% of the application fees submitted by Build Up Real Development Co Oshawa Inc. for draft plan of subdivision S-O-2023-01.

ED-24-34 - City-initiated Amendments to Zoning By-law 60-94 (All Wards)

That pursuant to Report ED-24-34 dated February 28, 2024, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to Zoning By-law 60-94, generally in accordance with Attachment 1 to said Report.

ED-24-36 - Economic and Development Services Committee Outstanding Items Status Report - First Quarter (All Wards)

That Item ED-23-36, dated March 4, 2024, being the Economic and Development Services Committee's Outstanding Items Status Report for the first quarter of 2024 be received for information.

Report of the Safety and Facilities Services Committee

SF-24-07 - Technical Amendments to Fireworks By-law 59-2014 and Tiered and Escalating Administrative Monetary Penalties (All Wards)

Whereas the Fireworks By-law 59-2014, as amended ("Fireworks By-law") is a by-law that regulates the sale and discharge of fireworks within the City of Oshawa ("City"); and,

Whereas staff regularly review the City's by-laws to identify opportunities to enhance municipal regulatory standards; and,

Whereas Section 5.5 of Report SF-23-13 "Options to Amend Fireworks By-law 59-2014" dated March 15, 2023 identified an opportunity to establish Tiered and Escalating Administrative Monetary Penalties (A.M.P.) and implement the following amendments to increase clarity in the Fireworks By-law:

- Amend Section 9 of the Fireworks By-law to establish Tiered and Escalating A.M.P.s with the following tiers:
 - Tier 1: \$250
 - Tier 2: \$350
 - Tier 3: \$450
- Implement minor typographical changes to reflect updates in position titles and to increase clarity with respect to references to by-laws and legislation.
- Renumbering certain sections to increase clarity and ease of reference.
- Implement minor typographical changes to provide further clarity on when permits are required for the discharge of Consumer Fireworks; and,

Whereas Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25 ("Municipal Act") authorizes municipalities to establish a system of fines, impose maximum single offence fines of \$100,000 and impose total fines for multiple and continuing offences greater than \$100,000, under a by-law enacted pursuant to the Municipal Act; and,

Whereas additional municipal benchmarking has identified the opportunity to enhance existing enforcement tools by increasing fine amounts for offences that are charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33 by amending the fines as articulated in the Fireworks By-law to the following:

- A minimum fine of \$500 and a maximum fine not exceeding \$100,000; and,

- In the case of a continuing offence, for each day that the offence continues, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000; and,
- In the case of multiple offences, for each offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000;

Therefore be it resolved that Council approve the amending by-law, as set out in Attachment 1 to Report SF-24-07, to further amend Fireworks By-law 59-2014, as amended, to establish Tiered and Escalating Administrative Monetary Penalties, including other technical amendments as indicated, and to increase fine amounts for offences charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33.

SF-24-09 - Safety and Facilities Services Committee Outstanding Items List Status Report - First Quarter 2024 (All Wards)

That Report SF-24-09, dated March 13, 2024 being the Safety and Facilities Services Committee's Outstanding Items List Status Report for the first quarter of 2024 be received for information.

Other Staff Reports and Motions

CNCL-24-25 - Intergovernmental Partnership Program (All Wards)

1. That pursuant to Report CNCL-24-25, dated March 20, 2024, concerning an Intergovernmental Partnership Program, that the proposed Intergovernmental Partnership Program Policy, be endorsed; and,
2. That in accordance with the proposed Intergovernmental Partnership Program Policy:
 - i. That the existing friendship agreements with Louyang City and Wuxi New District be expired; and,
 - ii. That staff confirm partnership details with the City of Aquino and report back to Council on proposed agreement terms.

By-Laws

The following By-laws were passed:

39-2024 - A By-law to Amend Delegation of Authority By-law 29-2009, as amended

(Implements direction of March 4, 2024 through Item ED-24-25 of the Twenty-eighth Report of the Economic and Development Services Committee to alter the delegation restriction under Item 60 of Schedule 'A' in such a manner that the execution and registration of Heritage Easement Agreements would be delegated to the Commissioner, Economic and Development Services Department for purposes beyond those simply relating to the City's Heritage Property Tax Reduction Program, provided that the property has been designated by Council under Part IV or Part V of the Ontario Heritage Act.)

40-2024 - A By-law to Further Amend Fence and Sight Triangle By-law 23-2014, as amended and Boulevard By-law 136-2006, as amended

(Implements Council direction of January 29, 2024 through Item SF-24-01 of the Fourteenth Report of the Safety and Facilities Services Committee to provide clarity in reference to corner sight triangles, address sight obstructions on top of retaining walls located within the driveway sight triangle, and to remove references to Legal Non-Complying provisions for fences, natural features, things or objects located within the corner sight triangle or driveway sight triangle to enhance public safety. Further, the Committee recommended to remove the appeals process for remedial work orders to ensure effective and efficient compliance with the respective by-laws.)

41-2024 - A By-law to Further Amend Fireworks By-law 59-2014, as amended

(Implements direction of March 25, 2024 through Item SF-24-07 of the Fourteenth Report of the Safety and Facilities Services Committee to establish Tiered and Escalating Administrative Monetary Penalties, implement technical amendments and increase fine amounts for offences charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33.)

42-2024 - A By-law to Further Amend Vehicle-for-Hire By-law 31-2022, as amended

(Implements direction of March 25, 2024 through Item SF-24-08 of the Fourteenth Report of the Safety and Facilities Services Committee to implement technical amendments and to establish additional licensing fees to further encourage the delivery of accessible taxicab services.)

43-2024 - A By-law to Further Amend General Fees and Charges By-law 13-2003, as amended

(Implements direction of March 25, 2024 through Item SF-24-08 of the Fourteenth Report of the Safety and Facilities Services Committee to amend Schedule C.1 of General Fees and Charges By-law 13-2003, as amended to reflect new Vehicle-for-Hire Licensing fee categories in order to further incentivize the increase in supply of accessible taxicabs within the City.)

44-2024 - A By-law to Provide for the Implementation and Collection of an Interim Tax Levy for 2024

(Implements Council direction of October 30, 2023 through Item CF-23-72 of the Sixteenth Report of the Corporate and Finance Services Committee to implement and collect an interim tax levy for 2024.)

45-2024 - A By-law to Amend General Fees and Charges By-Law 13-2003, as amended

(Implements direction of March 25, 2024 through Item CO-24-19 of the Fourteenth Report of the Community and Operations Services Committee to change the definition of a senior from 65+ years of age to 55+ years of age living in or paying property taxes in Oshawa.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

CO-24-14 - Selection of the 2024 Oshawa Community Legend Award Recipient (All Wards)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Item CO-24-14 regarding the selection of the 2024 Oshawa Community Legend Award recipient as he sits on the Board of Directors for the Oshawa Senior Citizens Centre (OSCC55+) and

did not take part in discussion or voting on the matter.)

Consent Motion:

That pursuant to Report CO-24-14 dated March 13, 2024, concerning the selection of the 2024 Oshawa Community Legend Award recipient:

1. That Joanne Kozaroff be selected as the 2024 Oshawa Community Legend Award; and,
2. That the 2024 Oshawa Community Legend Award be presented to Joanne Kozaroff at a future meeting of Council.

The vote to adopt the recommendation contained in Item CO-24-14.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Conflict (1): Councillor Neal

Absent (1): Councillor Marimpietri

Carried (9 to 0)

CO-24-15 - Use of Speed Cushions on Rural Roads (Ward 1)

Consent Motion:

1. That pursuant to Report CO-24-15, dated March 13, 2024 and in accordance with the Neighbourhood Traffic Management Guide (N.T.M.G.) and the Institute of Transportation Engineers (I.T.E.), staff will implement pavement markings and/or signage where appropriate along Columbus Road West; and,
2. That staff continue to work with Durham Regional Police Service and request additional speed enforcement along Columbus Road West; and,
3. That following the Council approved process, staff consider installing Radar Message Boards along Columbus Road West.

The vote to adopt the recommendation contained in Item CO-24-15.

Carried

CO-24-20 - Delpark Park Homes Centre Installation of a Tennis Court

Consent Motion:

That Staff investigate and report back on the installation of a Tennis Court at the Delpark Homes Centre.

Moved by Councillor Lee
Seconded by Councillor Chapman

That Item CO-24-20 be referred to the Parks, Recreation and Cultural Needs Assessment.

Carried

CF-24-17 - Reserves and Reserve Funds Funding (All Wards)

Consent Motion:

1. That pursuant to Report CF-24-17, dated February 28, 2024, concerning reserves and reserve funds funding, a transfer of surplus funds from the Tax Appeal Reserve in the amount of \$4,000,000 be transferred to the following reserves:
 - a. Parks and Recreation Infrastructure Reserve \$1,000,000
 - b. Energy Management Fund \$500,000
 - c. Conditions Audit (CARS) Reserve \$1,000,000
 - d. Information Technology (IT) Reserve \$500,000
 - e. Tribute Communities Centre (TCC) Reserve \$1,000,000; and,
2. That the 2023 Operating Surplus in the amount of approximately \$4.5 million be utilized:
 - a. to repay interfund note (IFN) #70, City of Oshawa By-law 12-2023, in the amount of \$1,666,000; and,
 - b. to repay interfund note #71, City of Oshawa By-law 11-2023, in the amount of \$800,000; and,
 - c. to provide additional funding to the Growth Related Non-DC Reserve in the amount of approximately \$2.0M; and,
3. That unclaimed Site Alteration securities and applicable interest in the amount of \$371,700 be transferred to the Civic Property Development Reserve.

Moved by Councillor Nicholson
Seconded by Councillor McConkey

That Item CF-24-17 be referred to a special meeting of Council in Committee of the Whole to be discussed in tandem with the Strategic Financial Plan.

Affirmative (4): Councillor Gray, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (6): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Kerr, Councillor Lee, and Councillor Marks

Absent (1): Councillor Marimpietri

Lost (4 to 6)

Councillor Marimpietri entered the meeting.

The vote to adopt the recommendation contained in Item CF-24-17.

Affirmative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (3): Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (8 to 3)

CF-24-18 - Capital Project Status as of December 31, 2023 (All Wards)

Consent Motion:

That Report CF-24-18, dated February 28, 2024 concerning the Capital Project Status Report as of December 31, 2023 be received for information.

The vote to adopt the recommendation contained in Item CF-24-18.

Carried

CF-24-19 - Security Surveillance and Guard Services Contract (All Wards)

Consent Motion:

1. That the Manager, Procurement be authorized to extend the existing contract for a one year term as outlined in Report CF-24-19, "Security Surveillance and Guard Services Contract", dated February 28, 2024, to Logixx Security Inc. for the provision of security surveillance and guard services; and,
2. That the Manager, Procurement be authorized to extend the contract for an additional two one-year terms to Logixx Security Inc. subject to favourable service and pricing; and,
3. That the Region of Durham be requested to assist with the cost and enter into a memorandum of understanding with the City of Oshawa for fifty (50) per cent of the cost of the Dedicated Downtown Patrol Enforcement Resource for the calendar year 2024, and that the Commissioner, Corporate and Finance Services be authorized to enter into the agreement in a form and content to the satisfaction of the Commissioner, Corporate and Finance Services and the City Solicitor; and,
4. That a copy of this report and Council resolution be provided to the Region of Durham Council, Region of Durham Social Services Department, Region of Durham Health Department, Region of Durham Planning & Economic Development Department, Lakeridge Health and Durham Regional Police Service Board, Chief of Police and Greater Oshawa Chamber of Commerce.

The vote to adopt the recommendation contained in Item CF-24-19.

Carried

CF-24-20 - Contract Award - RFT- C2024-010 Supply Delivery of 8 Side Loading Refuse Trucks - Split Packers (All Wards)

Consent Motion:

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000 and that exceed the approved budget; and,

Whereas Council approved funding for Project 24-13-0056 in the amount of \$4,000,000 including non-rebateable H.S.T. for eight (8) Side Loaders; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2024-010 for Supply and Delivery of 8 Side Loading Refuse Trucks Split Packers; and,

Whereas two (2) bids were received and opened by Procurement on February 15, 2024; and,

Whereas bids received are publically posted on the City website at Oshawa's Bids and Tenders; and,

Whereas the bid received from Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 (\$4,585,729 including non-rebateable H.S.T.), is the lowest compliant bidder and meets the requirements of the tender; and,

Whereas there is a funding shortfall of \$585,729 including the non-rebateable H.S.T.; and,

Whereas the additional cost of \$585,729 can be funded from the Operations Reserve;

Therefore be it resolved that pursuant to CF-24-20:

1. That the additional funding being requested in Item CF-24-20 for the \$585,729 including non rebateable HST for the Eight side loading refuse trucks – split packers is deferred for the period of time up to the next Oshawa Council meeting when an alternate motion may be recommended once Staff and Council Members have considered the merits of staggering the refuse truck acquisition so that the order for seven side loading split packer refuse trucks may be advanced and the acquisition of an eighth refuse truck is contemplated with regard to the merits of ordering an electric refuse truck, similar to the Region of Peel's pilot project, and,
2. That the Manager, Procurement award a contract to Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 excluding H.S.T. and minus the amount for the truck in Part 1, for Supply and Delivery of 7 Side Loading Refuse Trucks Split Packers.

The vote to adopt the recommendation contained in Item CF-24-20.

Negative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Lost (0 to 11)

Moved by Councillor Chapman
Seconded by Councillor Giberson

Whereas, the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000 and that exceed the approved budget; and,

Whereas Council approved funding for Project 24-13-0056 in the amount of \$4,000,000 including non-rebateable H.S.T. for eight (8) Side Loaders; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2024-010 for Supply and Delivery of 8 Side Loading Refuse Trucks Split Packers; and,

Whereas two (2) bids were received and opened by Procurement on February 15, 2024; and,

Whereas bids received are publically posted on the City website at Oshawa's Bids and Tenders; and,

Whereas the bid received from Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 (\$4,585,729 including non-rebateable H.S.T.), is the lowest compliant bidder and meets the requirements of the tender; and,

Whereas there is a funding shortfall of \$585,729 including the non-rebateable H.S.T.; and,

Whereas the additional cost of \$585,729 can be funded from the Operations Reserve;

Therefore, be it resolved that pursuant to CF-24-20:

1. That additional funding of \$585,729 to be funded from the Operations Reserve be approved; and,
2. That the Manager, Procurement award a contract to Winslow-Gerolamy Motors Limited in the amount of \$4,506,416 excluding H.S.T., for Supply and Delivery of 8 Side Loading Refuse Trucks Split Packers.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

CF-24-21 - Analysis of a Reduced Boulevard Presence and Time Limits Concerning the Placement of Election Signs (All Wards)

Consent Motion:

1. That Report CF-24-21 concerning an Analysis of a reduced boulevard presence and time limits concerning the placement of election signs be referred back to staff to prepare a public presentation on the function and mechanics of the proposed Election Signs By-law, inclusive of comparators to those of neighbouring municipalities in addition to relevant GTA municipalities; and,
2. Further report back to Council via a future special Committee of the Whole to be scheduled in consultation with Council members and City staff.

The vote to adopt the recommendation contained in Item CF-24-21

Affirmative (7): Councillor Giberson, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (4): Mayor Carter, Councillor Chapman, Councillor Gray, and Councillor Lee

Carried (7 to 4)

CF-24 23 - First-Year Canadian Medical Student Placements (All Wards)

Consent Motion:

1. The Council of the City of Oshawa encourage the Province of Ontario and the Federal Government of Canada work together to effectively boost the number of first year medical student placements within Ontario and Canadian Universities in order to secure the much needed physician recruitment of family doctors for communities like Oshawa and the Region of Durham; and,
2. This motion be shared with the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), MPPs and MPs for endorsement and support and that the Mayor communicate accordingly.

Moved by Councillor Gray

Seconded by Councillor Marimpietri

That Item CF-24-23 be referred to Corporate Communications and the Mayor's Office for wording improvements to make the motion more impactful and further, that the improved wording be reported back at the next regularly scheduled Council meeting.

Carried

SF-24-06 - Review of Licensing By-law 120-2005 and Proposed Program Enhancements (All Wards)

Consent Motion:

That based on Report SF-24-06, dated March 13, 2024 concerning a review of Licensing By-law 120-2005 and Proposed Program Enhancements:

1. The following be deferred to the Safety and Facilities Services Committee meeting of April 15, 2024: 'Council approve by-laws in a final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to establish a new Business Licensing By-law to regulate certain businesses in the City of Oshawa as detailed in Section 5.4 of this Report, to repeal By-law 120-2005, and to further amend General Fees and Charges By-law 13-2003, as amended to establish applicable licensing fees as detailed in Section 5.4 of this Report'; and,
2. That staff be directed to conduct a review of relevant regulations and business licensing options for Boarding Kennel and Breeders and report back to the Safety and Facilities Services Committee at a later date.

The vote to adopt the recommendation contained in Item SF-24-06

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

SF-24-08 - Technical Amendments to Vehicle-for-Hire By-law 31-2022 (All Wards)

Consent Motion:

That based on Report SF-24-08, dated March 13, 2024 concerning Technical Amendments to Vehicle-for-Hire By-law 31-2022:

1. That Council approve by-laws in final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to further amend the Vehicle-for-Hire By-law 31-2022, as amended, and the General Fees and Charges By-law 13-2003, as amended to implement technical amendments and to establish additional licensing fees to further encourage the delivery of accessible taxicab services as generally outlined in Section 5.2 of this Report; and,
2. That staff be directed to report back on additional licensing measures to incentivize the Vehicle-for-Hire industry in attempts to increase the supply of wheelchair accessible services, including a Reciprocal Licensing Arrangement with Durham Region lower-tier municipalities; and,
3. That the requirements of the Public Notice Policy GOV-23-02 regarding notice to the public for the amendments to the General Fees and Charges By-law 13-2003, as amended be waived; and,
4. That staff investigate a surcharge to fund additional accessible vehicles.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor Chapman

That Part 4 of the recommendation contained in Item SF-24-08 be amended to add the words 'and other forms of possible funding' after the word 'surcharge'

Carried

The vote to adopt the recommendation contained in Item SF-24-08, as amended and pass related By-laws 42-2024 and 43-2024.

Carried

SF-24-10 - Questions regarding the Active Transportation Master Plan Link 3 Recreation Trail (Ward 1)

Consent Motion:

That pursuant to Item SF-24-10, staff report to the next Committee meeting with available answers to the questions below related to the proposed Active Transportation Master Plan Link 3 recreation trail:

- a. A map showing the actual trail design with elevation data, areas where guard rails or retaining walls between the creek and private property lines will be needed; and,
- b. A map showing the trees which are in proximity to the private property lines and that were planted and tagged in the last decade for slope stability and the City identify which of the trees will need to cut down, and if any will be relocated or replaced; and,
- c. A map showing the trail setbacks from the flood plan regulated area, and hazard and erosion areas; and,
- d. The City's plan to ensure how the recurring flooding issues from both the creek and the Arborwood Storm Water Management Pond are to be addressed to mitigate adverse impacts to the trail infrastructure and residential properties in close proximity; and,
- e. Has the City considered adding any planting necessary to increase privacy; and,
- f. There are steep drop offs in some sections along the proposed trail area - which residential properties will need to have fill added behind them and the embankment regraded; and,
- g. Has the City completed all necessary geotechnical investigations, given soil test contractors were on site Feb 22, 2024 digging holes or will there be more tests; and,
- h. What is the expected construction start date.

Amendment:

Moved by Councillor Chapman
Seconded by Councillor Lee

That the recommendation contained in Item SF-24-10 be amended to add the following after Part h: 'and, i. Have any of the properties encroached in any way onto City property;

and, j. Has there been any site alterations to any properties that has or may have a negative effect on City property.'

Carried

The vote to adopt the recommendation contained in Item SF-24-10, as amended.

Carried

Items Pulled from the Information Package

CNCL-24-27 - Oshawa Power and Utilities Corporation (Oshawa Power) Report of the Chairman to the Shareholder - Fourth Quarter Report (2023) (Previously INFO-24-51) (All Wards)

Moved by Councillor McConkey
Seconded by Councillor Giberson

That Item CNCL-24-27 from Oshawa Power and Utilities Corporation (Oshawa Power) Report of the Chairman to the Shareholder - Fourth quarter Report be received for information.

Carried

Closed Consent Agenda

Moved by Councillor Chapman
Seconded by Councillor Giberson

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated March 25, 2024 be adopted as recommended except the following:

Items ED-24-26, ED-24-28 and ED-24-35 of the Twenty-eighth Report of the Economic and Development Services Committee.

Carried

Correspondence with recommendations

None

Standing Committee Reports

Report of the Community and Operations Services Committee

None

Report of the Corporate and Finance Committee Services

None

Report of the Economic and Development Services Committee

ED-24-25 - Use of Heritage Easement Agreements to Protect Designated Heritage Properties (All Wards)

1. That, pursuant to Report ED-24-25 dated February 28, 2024, Economic and Development Services staff be authorized to advance amendments to the Delegation of Authority By-law 29-2009, as amended, to remove the delegation restriction under Item 60 of Schedule "A" of said by-law which limits the use of Heritage Easement Agreements to only those properties designated by Council as eligible for a Heritage Property Tax Reduction, generally in accordance with Attachment 3 to said Report; and

2. That, pursuant to Report ED-24-25 dated February 28, 2024, the Commissioner of Economic and Development Services be authorized to execute Heritage Easement Agreements, and cause such agreements to be registered on title, where deemed appropriate under the Ontario Heritage Act, in a form and content satisfactory to the Commissioner of Economic and Development Services and City Solicitor.

ED-24-27 - Acquisition Strategy: Land on Bagot Street (Ward 4)

That pursuant to Closed Report ED-24-27 dated February 28, 2024, City staff be directed to proceed as outlined in Sections 5.4 and 5.5 of said Report.

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

None

Closed Discussion Agenda

Matters Excluded from Consent Agenda

ED-24-26 - Results of the Request for Proposal (Reference Number C2023-093) for the Purchase/Lease and Development of the City-owned Land Located at 0 and 20 Harbour Road (Ward 5)

Consent Motion:

1. That, pursuant to Closed Report ED-24-26 dated February 28, 2024, City staff be authorized to advance Option 1 in accordance with Section 5.3.1 of Report ED-24-26; and,
2. That Staff be directed to initiate a rezoning of City owned lands known as 0 and 20 Harbour Roads to have complementary uses as found on the adjacent property to the east; and further that the rezoning be completed by October 2024.

A request was made to vote on Part 2 separately.

Moved by Councillor Chapman

Seconded by Councillor Gray

That Part 2 of Item ED-24-26 be referred to Item ED-24-34.

Carried

The vote on Part 1 of the recommendation contained in Item ED-24-26.

Carried

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the meeting recess and reconvene in a session closed to the public pursuant to Section 239(2) (h) and (k) of the Municipal Act in order to consider Items ED-24-28 and ED-24-35 which concerns information explicitly supplied in confidence to the municipality by Canada, a province or territory or a Crown agency of any of them and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

A request was made to divide the recommendation in order to vote on each item separately.

The vote to go into closed session in order to consider Item ED-24-28.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

The vote to go into closed session in order to consider Item ED-24-35.

Affirmative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (3): Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (8 to 3)

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the meeting recess for 15 minutes.

The meeting recessed at 2:47 p.m. and reconvened at 3:03 p.m. in a session closed to the public with all members of Council present in the Chamber.

Carried

Also in attendance were the Director, Legislative Services/City Clerk; the Manager, Legislative Services/Deputy City Clerk, the Chief Administrative Officer; the Commissioner Corporate and Finance Services Department; the Commissioner, Safety and Facilities Services Department; the Commissioner, Community and Operations Services; the Commissioner, Economic and Development Services Department; the Director, Planning Services; the Manager, Policy; C. Leherbauer, Senior Planner; L. Moebs, Principal Planner; F. Bianchet, Council-Committee Coordinator and K. Christopher, Council-Committee Coordinator.

All other staff left the meeting.

Council entered closed session at 2:47 p.m.

Closed meeting discussions took place.

Moved by Councillor Chapman
Seconded by Councillor Giberson

That Council rise from closed session and report.

Carried

Council rose from closed session at 4:00 p.m.

Closed Meeting Report

The following is a summary of the closed portion of the meeting.

All members of Council were present in the Chamber.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-24-26.

The Commissioner, Economic and Development Services Department responded to questions from Council.

Members of Council questioned the Commissioner, Economic and Development Services Department concerning Item ED-24-35.

The Commissioner, Economic and Development Services Department responded to questions from Council.

This concludes the closed meeting summary.

ED-24-28 - Third Update on Matters Related to the Oshawa-to-Bowmanville GO Rail Extension (All Wards)

Consent Motion:

That, pursuant to Report ED-24-28 dated February 28, 2024, regarding a third update on matters related to the Oshawa-to-Bowmanville GO Rail Extension, Council adopt the position and comments as referenced in Section 2.0 of said Report and authorize staff to proceed as outlined in said Section.

The vote on the recommendation contained in Item ED-24-28.

Carried

ED-24-35 - Response to Correspondence from the Minister of Municipal Affairs and Housing concerning 2023 Housing Targets and Performance (All Wards)

Consent Motion:

That, pursuant to Closed Item ED-24-35, the Mayor of Oshawa be directed to respond to the Minister of Municipal Affairs and Housing and the Province of Ontario in the manner outlined in said Closed Item.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor Chapman

That the motion be amended to add the following: ';and, That upon confirmation that the information contained in ED-24-35 has been made public by the Province, that ED-24-35 be released publicly.'

Carried

The vote to adopt the recommendation contained in Item ED-24-35, as amended.

Carried

Moved by Councillor Marimpietri

Seconded by Councillor Chapman

That Council reconsider its previous decision of March 25, 2024 concerning Item CF-24-21.

(Requires 2/3 vote of members present.)

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

The following recommendation concerning Item CF-24-21 was now before Council:

1. That Report CF-24-21 concerning an Analysis of a reduced boulevard presence and time limits concerning the placement of election signs be referred back to staff to prepare a public presentation on the function and mechanics of the proposed Election Signs By-law, inclusive of comparators to those of neighbouring municipalities in addition to relevant GTA municipalities; and,
2. Further report back to Council via a future special Committee of the Whole to be scheduled in consultation with Council members and City staff.

Negative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Lost (0 to 11)

Moved by Councillor Chapman

Seconded by Councillor Neal

That Section 3(q) of Election Sign By-law 42-2014, as amended, be further amended to change the word 'forty-second (42nd)' to 'twenty-fifth (25)'.

Amendment:

Moved by Councillor Giberson
Seconded by Councillor Lee

That the motion be further amended to add the following: 'that a \$250 deposit for signs also be implemented.'

Affirmative (2): Councillor Giberson, and Councillor Lee

Negative (9): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Lost (2 to 9)

The vote to adopt the motion concerning Item CF-24-21.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

Items Requiring Council Direction

None

Matters Tabled

Notices of Motion

CNCL-24-28 - Mandatory Breaks During Council and Standing Committee Meetings (All Wards)

Moved by Councillor Nicholson
Seconded by Councillor Marimpietri

That Council's Procedure By-law be amended to include the following mandatory breaks during Council and Standing Committee meetings:

- a) Council:
 - 11:00 a.m. – 11:15 a.m. - a fifteen minute comfort break;
 - 12:30 p.m. - 1:30 p.m. - a one hour break for lunch;
 - 3:00 p.m. – 3:15 p.m. - a fifteen minute comfort break
 - 5:00 p.m. - 6:00 p.m. - a one hour break for dinner, if required; and,
- b) Standing Committees:
 - i) For meetings starting at 9:30 a.m.
 - 11:00 a.m. – 11:15 a.m. - a fifteen minute comfort break
 - ii) For meetings starting at 1:30 p.m.
 - 3:00 p.m. – 3:15 p.m. – a fifteen minute comfort break; and,
- c) For meetings which start at 6:30 p.m. - a fifteen minute comfort break at 8:00 p.m.

Amendment:

Moved by Councillor McConkey
Seconded by Councillor Kerr

That the motion be amended to replace the word 'mandatory' with the word 'suggested'

Carried

The vote to adopt the recommendation contained in Notice of Motion CNCL-24-28, as amended.

Carried

CNCL-24-29 - Parking Utilization Survey for the On-Street and Off-Street Parking Components of the City's Municipal Parking System in the Downtown Oshawa Urban Growth Centre (Ward 4)

Moved by Councillor Kerr
Seconded by Councillor Marimpietri

That commencing in Q2 of 2024, staff initiate an updated parking utilization survey for the on- and off-street parking components of the City's municipal parking system in the Downtown Oshawa Urban Growth Centre (the "D.O.U.G.C.") as recommended in Report CNCL-21-110 dated November 23, 2021, including an analysis of the current municipal parking supply in the D.O.U.G.C. and the future parking requirements related to current development proposals, and accounting for any future parking supply reductions related to proposed development and future Rapid Transit, as well as proposed reduced parking requirements related to current development proposals, and that staff investigate and determine an appropriate funding source.

Carried

CNCL-24-32 - Back-up Recording of Committee and Council Meetings (All Wards)

Whereas there was an issue with the audio at a recent City Standing Committee meeting and the sound was not recorded;

Now therefore;

1. That IT be directed to ensure there is a back-up audio recording of all City Committee and Council meetings; and,
2. That the Clerks department advise Council members and the public when the webstream for a City Committee of Council meeting fails, that meeting be delayed or rescheduled until the webstream is working.

The Notice of Motion was ruled out of order by the Mayor.

Councillor McConkey challenged the Mayor's ruling.

The vote to uphold the Mayor's ruling.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Negative (2): Councillor McConkey, and Councillor Neal

Carried (9 to 2)

CNCL-24-33 - Speeding on Rural Roads (Ward 1)

Speed concerns on 'Rural Roads' are on the increase; and,

In an effort to prevent further accidents, associated with traffic safety, from occurring;

Be it resolved that notwithstanding the city's policies relating to the limitation of traffic safety measures applicable on rural roads, that staff work with the ward councillors to activate an effective pilot project aimed at reducing speeds and improving road safety on Columbus Road, thereby offering a model potentially applicable on other 'Rural Roads' within our community.

The Notice of Motion was ruled out of order by the Mayor.

Confirming By-Law

Moved by Councillor Chapman

Seconded by Councillor Giberson

That the confirming by-law be passed.

Carried

Adjournment

Moved by Councillor Kerr

Seconded by Councillor Neal

That the meeting adjourn at 4:41 p.m.

Carried

Mayor

City Clerk



Oshawa City Council - Special Meeting Minutes

March 26, 2024, 9:30 a.m.
Council Chamber

Present: Mayor Carter
Councillor Chapman
Councillor Giberson
Councillor Gray
Councillor Kerr
Councillor Lee
Councillor McConkey
Councillor Neal

Absent: Councillor Marimpietri
Councillor Marks
Councillor Nicholson

Purpose

Mayor Carter advised purpose of this meeting is to receive education and training on coyotes from Coyote Watch Canada. All members of Council were participating from the Council Chamber except Councillors Marimpietri, Marks, McConkey (entered the meeting at 9:43 a.m.), Neal (entered the meeting at 9:54 a.m.) and Nicholson who were absent.

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this

diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Additional Agenda Items

None

Declarations of Pecuniary Interest

None

Presentation

Coyote Watch Canada - Aversion Conditioning and Co-Existing with Coyotes

Lesley Sampson and Ann Brokelman of Coyote Watch Canada provided an education and training presentation to City Council regarding best practices for aversion conditioning and co-existing with coyotes.

Councillors McConkey and Neal entered during the presentation.

Members of Council questioned the representatives from Coyote Watch Canada.

Confirming By-law

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the Confirming By-law be passed.

Carried

Adjournment

Moved by Councillor Kerr
Seconded by Councillor Gray

That the meeting adjourn at 10:52 a.m.

Carried

Mayor

City Clerk



Oshawa City Council - Special Meeting Minutes

April 12, 2024, 9:30 a.m.
Council Chamber

Present: Mayor Carter
Councillor Chapman
Councillor Giberson
Councillor Gray
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor Marks
Councillor McConkey
Councillor Neal
Councillor Nicholson

Purpose

Mayor Carter advised that the purpose of this meeting is to receive Council's input to help shape the Draft Oshawa Strategic Plan.

All members of Council were participating from the Council Chamber except Councillor McConkey who was participating electronically and Councillor Giberson who was absent (entered the meeting at 9:33 a.m.)

Moved by Councillor Chapman
Seconded by Councillor Lee

That the following rules of procedure be waived:

- Requirement for a motion to be on the floor before speaking; and,
- Allocation of seats in alphabetical order seated clockwise from the left of the Chair; and,

- Limits regarding the number of times a member may speak. **(Requires 2/3 vote of members present.)**

Carried

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

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Declarations of Pecuniary Interest

(See Background Information)

Background Information

Oshawa Strategic Plan What We Heard Core Elements Report - February 2024

Councillor Neal declared a conflict on this item. (He sits on the Board of Directors for the O.S.C.C.55+ and the organization is referenced in the background material.)

The Oshawa Strategic Plan What We Heard Core Elements Report dated February 2024 was provided as background information for the meeting.

Presentations

LURA Consulting - Oshawa Strategic Plan What We Heard Core Elements Report

Members of Council participating from the Chamber were divided and seated into two smaller groups.

Susan Hall and Zoie Brown from LURA Consulting provided a presentation concerning the Oshawa Strategic Plan What We Heard Core Elements Report and facilitated a discussion to receive Council's input for the Draft Oshawa Strategic Plan Emerging Elements which details the Vision, Mission, Priorities and Goals.

Moved by Councillor Gray
Seconded by Councillor Lee

That the meeting recess.

Carried

The meeting recessed at 10:40 a.m. and resumed at 10:50 a.m. with all members of Council present except Councillor McConkey who was participating electronically and Councillor Gray who was absent (entered the meeting at 10:52 a.m.)

Council discussed the Oshawa Strategic Plan in small, facilitated groups. Following the facilitated discussions, Council continued to discuss the Oshawa Strategic Plan as a whole.

Moved by Councillor Marimpietri
Seconded by Councillor Kerr

That staff and LURA Consulting be directed to refine the Oshawa Strategic Plan Emerging Elements to reflect the input received during the facilitated Council discussion on April 12, 2024 and report back to Council with a proposed Oshawa Strategic Plan with Key Performance Indicators in June 2024.

Carried

Confirming By-law

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the confirming by-law be passed.

Carried

Adjournment

Moved by Councillor Kerr
Seconded by Councillor Marimpietri

That the meeting adjourn at 12:02 p.m.

Carried

Mayor

City Clerk



Oshawa City Council - Special Meeting Minutes

April 12, 2024, 1:30 p.m.
Council Chamber

Present: Mayor Carter
Councillor Chapman
Councillor Giberson
Councillor Gray
Councillor Kerr
Councillor Marimpietri
Councillor Marks
Councillor McConkey
Councillor Neal
Councillor Nicholson

Absent: Councillor Lee

Purpose

Mayor Carter advised purpose of this meeting is to provide a report to Council on the status and timing of proposed Development Charges policy changes.

All members of Council were participating from the Council Chamber except Councillor McConkey who was participating electronically and Councillor Lee who was absent.

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this

diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Additional Agenda Items

Moved by Councillor Chapman
Seconded by Councillor Giberson

That Correspondence CNCL-24-36 from Medallion Developments concerning non-statutory development charge exemptions for specific residential developments within designated areas be added to the agenda for the meeting of City Council on April 12, 2024 at 1:30 p.m. and referred to Report CNCL-24-34.

Carried

Declarations of Pecuniary Interest

None

Presentation

Watson & Associates Economists Ltd. - Development Charges Study

Nancy Neale, Watson & Associates Economists Ltd. provided a presentation concerning the purpose of the Development Charges Study, an overview of the methodology required to undertake a Development Charges and policies due to recent legislative changes and Council direction on proposed policy changes.

Members of Council questioned Nancy Neale.

Councillor Marks left the meeting at 2:11 p.m. during questions to the presenter.

Members of Council continued to question Nancy Neale.

Items Requiring Council Direction

CNCL-24-34 - Status and Policy Review for the 2024 Development Charges By-law Update (All Wards)

Moved by Councillor Chapman

Seconded by Councillor Giberson

1. That, pursuant to Report CNCL-24-34, dated April 4, 2024 concerning the draft proposed 2024 Development Charges By-law, Council select an option for each category as outlined in Sections 5.6.1, 5.6.2, 5.6.3, and 5.6.4 of this Report; and,
2. That the current non-statutory exemption for 1569 Simcoe Street North shown as Schedule “G” of Attachment 1, Development Charges By-law 60-2019 be removed as this project is complete; and,
3. That the current exemption for lands designated under federal law as land reserved for the exclusive use of aboriginal peoples be removed, given that the City’s Planning documents, including the Oshawa Official Plan, do not identify any such lands that would qualify for this exemption; and,
4. That a clause be added to exempt “change of use” permits considering industrial and commercial uses from D.C.’s when a building has been in existence for more than 20 years. This clause would need to be adjusted depending on the option chosen for the non-statutory industrial exemption. i.e. if a 5-year phase-in of the industrial rate is chosen, a 5-year ramp down for change of use would be implemented; and,
5. That the consideration of capital costs for Provincial Offences Act (P.O.A.) be implemented including By-law Enforcement Facilities, Vehicles and Equipment given that service definition amendments to the Development Charges Act allow for P.O.A. Services to be considered as an eligible development charge service; and,
6. That the D.C. demolition/conversion credit be revised from 10 years to 5 years; and,
7. That the definition of Agricultural be expanded to not exempt cannabis production; and
8. That the definition of Nursing Home defined in subsection 1(1) of the Nursing Homes Act, R.S.O. 1990, c N.7 which has been repealed be replaced with Long-term Care Home within the meaning of subsection 2(1) of the Fixing Long-Term Care Act, 2021; and,
9. That the definition of Stacked Townhouse be updated to add two (2) “or more” Townhouses high; and,

10. That the City's Draft Local Service Policy, included as Attachment 3 to Report CNCL-24-34, be approved.

Amendment:

Moved by Councillor Giberson

Seconded by Councillor McConkey

That Pat 1 of the recommendation contained in Report CNCL-24-34 be amended to add: 'That based on Section 5.6.1, an industrial charge be phased-in over 3 years as follows:

- January 1, 2025: 33%
- January 1, 2026: 66%
- January 1, 2027: 100%.'

Affirmative (2): Councillor Giberson, and Councillor McConkey

Negative (7): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor Neal, and Councillor Nicholson

Absent (2): Councillor Lee, and Councillor Marks

Lost (2 to 7)

Amendment:

Moved by Councillor Nicholson

Seconded by Councillor Marimpietri

That Part 1 of the recommendation contained in Report CNCL-24-34 be amended to add: 'That based on Section 5.6.1, no change be made to the current policy for the non-statutory industrial exemption.'

Affirmative (5): Mayor Carter, Councillor Chapman, Councillor Kerr, Councillor Marimpietri, and Councillor Nicholson

Negative (4): Councillor Giberson, Councillor Gray, Councillor McConkey, and Councillor Neal

Absent (2): Councillor Lee, and Councillor Marks

Carried (5 to 4)

Amendment:

Moved by Councillor Giberson

Seconded by Councillor Kerr

That Part 1 of the recommendation contained in Report CNCL-24-34 be amended to add: 'That based on Section 5.6.2., the Urban Growth Centre and Downtown Shoulder Area Exemptions be maintained; and,

That staff be directed to develop a project development timeline limitation policy on the Exemption for future Council review and approval.'

A request was made to divide the motion in order to vote on each part separately.

The vote on maintaining the Urban Growth Centre and Downtown Shoulder Exemptions as set out in Section 5.6.2 of Report CNCL-24-34.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Absent (2): Councillor Lee, and Councillor Marks

Carried (9 to 0)

The vote on directing staff to develop a project development timeline limitation policy related to Section 5.6.2 of Report CNCL-24-34.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Kerr, Councillor Marimpietri, Councillor McConkey, and Councillor Neal

Negative (2): Councillor Gray, and Councillor Nicholson

Absent (2): Councillor Lee, and Councillor Marks

Carried (7 to 2)

Moved by Councillor Giberson

Seconded by Councillor Kerr

That Part 1 of the recommendation contained in Report CNCL-24-34 be amended to add: 'That based on Section 5.6.4, the same non-statutory exemption be implemented for student housing apartment and townhouse dwellings (other than a street townhouse) for the shaded areas shown in Schedule D, Urban Growth Centre and Schedule F, Downtown Shoulder Area of Attachment 1, and that no other change be made to the current policy concerning non-statutory special area exemption.'

Carried

A request was made to divide the motion concerning Report CNCL-24-34, as amended in order to vote on Part 9 separately.

The vote on Parts 1 to 8 and Part 10 of the motion concerning Report CNCL-24-34, as amended.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Absent (2): Councillor Lee, and Councillor Marks

Carried (9 to 0)

The vote on Part 9 of the motion concerning Report CNCL-24-34.

Affirmative (6): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, and Councillor Marimpietri

Negative (3): Councillor McConkey, Councillor Neal, and Councillor Nicholson

Absent (2): Councillor Lee, and Councillor Marks

Carried (6 to 3)

Confirming By-law

Moved by Councillor Chapman
Seconded by Councillor Giberson

That the confirming by-law be passed.

Carried

Adjournment

Moved by Councillor Chapman
Seconded by Councillor Kerr

That the meeting adjourn at 4:17 p.m.

Carried

Mayor

City Clerk

From: Beth Jenish <M.F.I.P.P.A. Sec 14(1)>
Sent: Sunday, April 7, 2024 1:59 PM
To: clerks <clerks@oshawa.ca>
Subject: Maxwell Village new housing

Dear City Council of Oshawa,

I am a resident of the Maxwell Village community in Oshawa. I have reviewed the plans for the new residential development in the older section of our neighbourhood. My main concern is the increase in vehicle traffic that these new homes will create. Pinecrest Rd and Swiss Heights Drive do not have sidewalks. Many people enjoy walking on these roads with dogs and children. The increase in vehicle traffic poses a safety issue for pedestrians. The base of Pinecrest Road is narrow and has two sharp turns. Even now it is difficult for cars to meet and safely pass each other head on.

I hope a plan is currently being discussed to address the road and safety issues in our neighbourhood.

Sincerely,
Beth Corrigan Jenish
<M.F.I.P.P.A. Sec 14(1)>
<M.F.I.P.P.A. Sec 14(1)>

From: AnnMarie Snider <M.F.I.P.P.A Sec 14(1)>
Sent: Sunday, April 7, 2024 7:03 PM
To: clerks <clerks@oshawa.ca>
Subject: Oshawa museum expansion support

Sent from my iPhone

Hello councillors and Mayor Carter ,

I am writing this email to express my support for the Oshawa Museum and their request today for city of Oshawa to support their request of permission to expand at the lakefront.

It is important to them to be able to have the cities' support in this, as they need the space to continue to deliver their programs to the best of their ability to the public, and to store their ever growing collections of Oshawa's past.

As a member of the Oshawa Historical Society, it is of regret that I will not be able to come support in person Monday afternoon, but please include this letter in the Monday April 8th meeting along with the others who have written in support of this request.

Sincerely, a friend in Heritage

Annmarie Snider

From: noreply@oshawa.ca On Behalf Of Virginia Roach
Sent: Friday, April 12, 2024 7:49 AM
To: clerks <clerks@oshawa.ca>
Subject: Scooters

I felt that the request that Brian Nicolson has submitted regarding scooters should be considered

From: noreply@oshawa.ca On Behalf Of chris mccloskey
Sent: Friday, April 12, 2024 7:17 PM
To: clerks <clerks@oshawa.ca>
Subject: scooters

I fully support scooter owners being charged for City Staff time picking them up from all over the place. Should have been charged from the start, they are a nuisance.

To: City Council

From: Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.

Report Number: CNCL-24-35

Date of Report: April 24, 2024

Date of Meeting: April 29, 2024

Subject: Review of the Council Charter

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to respond to Council's direction of November 15, 2022 regarding Report CNCL-22-70 concerning the Oshawa Council Charter which was referred to staff for review.

Attachment 1 is a copy of CNCL-22-70 and the current Council Charter as approved December 12, 2011.

2.0 Recommendation

It is recommended to City Council:

That in accordance with Report CNCL-24-35 dated April 24, 2024 concerning a review of the Oshawa Council Charter:

1. That Council reconsider its decision of December 12, 2011 concerning a review of the Council Charter in each new Term of Council; and,
2. That Council repeal the Council Charter and associated By-law 109-2008.

3.0 Executive Summary

Not applicable

4.0 Input From Other Sources

Not applicable

5.0 Analysis

5.1 Background

5.1.1 Municipal Statute Law Amendment Act (Bill 130) and Adoption of the Council Charter

Bill 130, assented in December 2006, provided a number of amendments to the Municipal Act, 1996, S.O. 1996, c. 32, Sched. (“Municipal Act, 2001”), including authorizing municipalities to establish codes of conduct for Council and local boards. At that time, such codes were discretionary for all municipalities in Ontario with the exception of the City of Toronto.

On September 22, 2008, Council adopted the Council Charter (the “Charter”), chosen in lieu of a formal code of conduct and at its October 15, 2008 meeting Council passed By-law 109-2008 to establish the Charter.

Of note, the recitals in the Council Charter By-law reference Section 223.2 of the Municipal Act, 2001, which is the same section that authorized a Council the option to establish, and later to mandate the establishment of, a code of conduct for municipal Councils and their local boards.

5.1.2 Review of the Charter in 2011

At its meeting of September 26, 2011, Council formed a Council Charter Subcommittee consisting of the Mayor and one member of each Standing Committee to review and make recommendations on the Charter. The Council Charter Subcommittee condensed the Charter into four key principles:

1. Treat each other, City staff and members of the public with respect and courtesy;
2. Discharge all duties with honour, integrity, professionalism and impartiality;
3. Attend faithfully and conduce City business at public meetings; and,
4. Preserve confidentiality where required by law or decided upon by Council pursuant to applicable law.

On December 12, 2011, Council adopted the revised Charter (refer to Attachment 1). At the same meeting, Council directed that the Charter be brought forward, reviewed and signed by each new Council as soon as practicable during their term of office.

5.1.3 Subsequent Reviews of the Charter

During the Council Orientation session on November 17, 2014, the City Solicitor reviewed the Council Charter and suggested Council endorse or amend it as appropriate; however no motions to amend the Charter were made at that time.

During the Council Orientation Session on December 6, 2018, the City Clerk provided an overview of the Charter and advised that the Charter was not repealed or superseded as a

result of the adoption of the Code of Conduct. The City Clerk noted that the presentation satisfied Council's direction for each new Council to review the Charter.

At the Inaugural Meeting of Council on November 15, 2022, staff brought forward Report CNCL-22-70 (refer to Attachment 1) being a review of the Oshawa Council Charter in accordance with the 2011 Council direction. At that meeting, Council referred the Charter to staff for further review.

5.1.4 Development of a Code of Conduct

At its meeting of May 19, 2015, Council passed By-law 51-2015, being a by-law to establish a Code of Conduct for Members of the Council of the Corporation of the City of Oshawa (the "Code of Conduct" or "Code").

Effective March 1, 2019, Bill 68 further amended a number of sections of the Municipal Act, 2001 including Section 223.2. This amendment removed the option for municipalities to establish codes of conduct for its members of Council and local boards, making it a legislated requirement to have such a code. In addition, other amendments required municipalities to appoint an Integrity Commissioner responsible for investigating complaints of alleged breaches of the code of conduct and Municipal Conflict of Interest Act as well as providing advice to members of Council and local boards concerning the procedures, rules and policies governing the ethical behavior of such members.

Ontario Regulation 55/18 which also came into force on March 1, 2019 and sets out prescribed subject matters that must be addressed in a code of conduct for members of Council and local boards, specifically:

- gifts, benefits and hospitality;
- respectful conduct toward officers and employees of the municipality or local board;
- confidential information; and,
- use of municipal or local board property.

While the current Council Charter speaks to respectful conduct and preservation of confidential information, the Regulation requires that all four of these subject matters be included in a code of conduct.

To remain compliant with legislation, Council passed a by-law to amend By-law 51-2015 to effect the changes in legislation and directed staff to recommend procedures and forms to access Integrity Commissioner Services by Members of Council and local boards seeking advice and for the public to initiate complaints. At its meeting of April 27, 2020, Council passed a by-law to further amend By-law 51-2015, as amended, to update the Code of Conduct and implement the necessary forms and procedures for accessing the services of the Integrity Commissioner as directed.

5.2 Council Charter vs the Code of Conduct

As noted, the Charter was created prior to any legislated requirements for a code of conduct, and while the intent and principles are similar in nature, the Code of Conduct is more robust and includes the additional subjects now required by legislation. The

principles in the current Charter however can be correlated to a number of sections in the Code of Conduct. The following sections compare the principles of the Charter to these applicable sections of the Code.

5.2.1 Charter Principle 1 – “Treat each other, City staff and members of the public with respect and courtesy;”

The first Charter principle is addressed in Sections 10 to 15 of the Code of Conduct:

- “10. Each Member has the duty and responsibility to treat members of the public, each other Member and staff appropriately and without abuse, bullying or intimidation, and to ensure that the City’s work environment is free from discrimination and Harassment. Without limitation, a Member shall not:
- (a) use indecent, abusive or insulting words or expressions toward any other Member, any member of staff or any member of the public;
 - (b) speak in a manner that is discriminatory to any individual, based on that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability; or
 - (c) engage in any Harassment of any other Member, any member of staff or any member of the public.
11. Under the direction of the senior City administration, and in accordance with the decisions of Council, City staff are required to serve the municipal corporation as a whole and staff of the local board are required to serve it. Each Member shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any Member.
12. No Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff.
13. Each Member shall show respect for staff, and for their professional capacities and responsibilities.
14. No Member shall compel any member of staff to engage in partisan political activities or subject any member of staff to threat or discrimination for refusing to engage in any such activity.
15. No Member shall use or attempt to further her or his authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff member or interfering with that person's duties, including the duty to disclose improper activity.

5.2.2 Charter Principle 2 – “Discharge all duties with honour, integrity, professionalism and impartiality;”

The second Charter principle is addressed in Sections 5 and 33 of the Code of Conduct:

- “5. b) Members must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest;
- 5. c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;”

And,

- “33. No Member shall use the influence of her or his office for any purpose other than for the lawful exercise of her or his official duties and for City purposes. Without limitation, no Member shall:
 - (a) use her or his office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage or that of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise;
 - (b) attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties; or
 - (c) hold out the prospect or promise of future advantage through the Member's supposed influence within Council or the local board, as applicable, in return for any action or inaction.”

5.2.3 Charter Principle 3 – “Attend faithfully and conduct City business at public meetings;”

The third Charter principle is addressed in Sections 5 and 9 of the Code of Conduct:

- “5. a) Members must serve and be seen to serve their constituents in a conscientious and diligent manner;
- 5. d) Members must recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible;”

And,

- “9. Each Member shall conduct herself or himself properly and in a civil manner at Council, Committee and other meetings, and in accordance with the provisions of the Procedure By-law 111-2017 as from time to time amended, this Code of Conduct, the procedural rules adopted by the local board and other applicable law.”

5.2.4 Charter Principle 4 – “Preserve confidentiality where required by law or decided upon by Council pursuant to applicable law.”

The fourth Charter principle is addressed in Section 5 as well as Sections 25 to 30 of the Council Code of Conduct:

“5. e) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the Council;”

And,

“25. No Member shall disclose, release or publish by any means to any person or to the public any confidential information of the City or of the local board, whether or not acquired by virtue of her or his office, except when required or authorized by Council or of the local board, as applicable, or otherwise by law to do so.

26. No Member shall use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person.

27. No Member shall disclose a matter, the substance of the matter and information pertaining to the matter that has been debated or discussed at a meeting closed to the public, and shall be maintained as confidential unless authorized by the Council or the local board or other legislation to be released, generally or subject to conditions and are such complied with.

28. No member shall disclose the content of any matter referred to in Section 27 or the subject matter of deliberations, at a meeting closed to the public, only after the Council or Committee lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public.

29. No Member shall, without lawful authority, disclose or make personal use of any of the following types of Confidential Information (including but not limited to):

- (a) Information concerning litigation, negotiation or personnel matters;
- (b) Information that the publication of which may infringe on the rights of any person (e.g. the source of a complaint where the identity of the person making the complaint is given in confidence);
- (c) Price schedules in any contract, tender or proposal document while it remains a confidential document;
- (d) Information deemed to be “personal information” as defined by the Municipal Freedom of Information and Protection of Privacy Act; and,
- (e) Any other information or statistical data required by law not to be released.

30. No Member shall obtain access, or attempt to gain access, to confidential information except to the extent that such access is necessary for the performance of her or his duties, such confidential information is provided to Council or to the local board, as applicable, as a whole, and such access is not prohibited by Council or by the local board, as applicable, or otherwise by law.”

5.3 Forthcoming Revised Code of Conduct

As set out in this Report, each of the four points in the current Charter can be correlated to a number of sections in the existing Code of Conduct, therefore the Council Charter can be repealed while maintaining the key principles to ensure responsibility and accountability.

As noted by Principles Integrity during a presentation to City Council at its February 26, 2024 meeting, a revised Code of Conduct will be presented for Council’s consideration in the near future. Staff will work with Principles Integrity to ensure the revised Code of Conduct includes similar clauses to those in the current Code to be certain the Charter’s principles of accountability and transparency continue in the new Code.

6.0 Financial Implications

There are no financial implications associated with the recommendations contained in this Report.

7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Plan Goal of Accountable Leadership.



Mary Medeiros, Director, Legislative Services/City Clerk,
Office of the C.A.O.



Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.



CNCL-22-70
Memorandum

Corporate Services Department
City Clerk Services

Date: November 9, 2022
To: Mayor Carter and Members of City Council
From: Mary Medeiros, City Clerk
Re: Review of Oshawa Council Charter

Purpose

The purpose of this memorandum is to provide Council an opportunity to review the Oshawa Council Charter (“Council Charter”) and to endorse or amend it prior to signing it.

Background

Prior to adopting a Council Code of Conduct as required by the Municipal Act 2001, S.O. 2001, c. 25 (“Municipal Act”), Council established a statement of conduct principles in the form of the Council Charter. The Council Charter was initially developed by the Accountability and Transparency Subcommittee, adopted by Council its meeting of September 22, 2008 and signed by Council.

At its meeting of September 26, 2011, Council directed that a sub-committee be formed to review the Council Charter and make any recommended changes to the Charter and to report to Council. The Council Charter Sub-Committee met and reviewed the Council Charter and recommended a revised Council Charter.

At its meeting of December 12, 2011, Council adopted a revised Council Charter and directed that the Council Charter be brought forward, reviewed and signed by each new Council as soon as practicable during their term in office. This memorandum offers Council the opportunity to endorse the Council Charter as written or provide direction with respect to amendments.

A copy of the Council Charter is appended as Attachment 1.

.../2

Recommendation

If Council wishes to endorse the Council Charter as written, it should adopt the following recommendation:

“That based on Report CNCL-22-70, Council endorse the Oshawa Council Charter as set out in Attachment 1 of said Report and that all members of Council sign a copy as soon as possible.”

If Council wishes to amend the Council Charter, it should refer the matter to staff to report back to the appropriate Council Standing Committee on any proposed changes.

“That Report CNCL-22-70 dated November 9, 2022 concerning the Council Charter be referred to the appropriate Council Standing Committee in order to provide direction to staff concerning a revised Council Charter.”



CNCL-22-70 - Attachment 1

Council Charter

Members of Council for the City of Oshawa, a responsible and accountable level of government, work within a framework prescribed by law.

As community leaders, Council members are held to a higher standard of behavior in all aspects of their conduct at all times and must fulfill their duties in a way that maintains and enhances public confidence and trust in the Corporation and the members of Council.

Each member of Council will:

1. Treat each other, City staff and members of the public with respect and courtesy;
2. Discharge all duties with honour, integrity, professionalism and impartiality;
3. Attend faithfully and conduct City business at public meetings; and,
4. Preserve confidentiality where required by law or decided upon by Council pursuant to applicable law.

Mayor Carter

Councillor Chapman

Councillor Marimpietri

Councillor Giberson

Councillor Marks

Councillor Gray

Councillor McConkey

Councillor Lee

Councillor Neal

Councillor Kerr

Councillor Nicholson

To: City Council

From: Kevin Alexander, Commissioner,
Community and Operations Services Department

Report Number: CNCL-24-37

Date of Report: April 24, 2024

Date of Meeting: April 29, 2024

Subject: Proposed Licence Agreement with Oshawa Legion Minor
Baseball Association for its use of Kinsmen Civic Memorial
Stadium

Ward: Ward 4

File: 03-05

1.0 Purpose

The purpose of this Report is to respond to Council direction on March 25, 2024 that staff respond to Correspondence CO-24-17:

“That Correspondence CO-24-17 from Jayson DesLauriers, Baseball Oshawa requesting to renew the previous agreement or create a new agreement between the City of Oshawa and Oshawa Legion Minor Baseball for Kinsmen Civic Memorial Stadium be referred to staff and report back to Council.”

Attachment 1 is an aerial photo of Kinsmen Memorial Civic Stadium.

Attachment 2 is Correspondence CO-24-17.

Attachment 3 is Report CS-21-114, Kinsmen Civic Memorial Stadium Redevelopment – Conceptual Plan.

Confidential Attachment 4 is the now-expired agreement between the City of Oshawa and the O.L.M.B.A dated February 26, 2018 (closed pursuant to Section 239(2)(c) of the Municipal Act as it relates to a proposed or pending acquisition or disposition of land).

Confidential Attachment 5 includes the proposed terms of the lease from Section 5.4 of this Report and detailed Financial Implications (closed pursuant to Section 239(2)(c) of the Municipal Act as it relates to a proposed or pending acquisition or disposition of land).

2.0 Recommendation

It is recommended to City Council:

That pursuant to Report CNCL-24-37 dated April 24, 2024, concerning a licence agreement with the Oshawa Legion Minor Baseball Association for its use of Kinsmen Stadium, the Commissioner, Community and Operations Services Department be authorized to execute an agreement in accordance with the terms and conditions in Section 5.4 of this Report and in a form and content acceptable to the Commissioner, Corporate and Finance Services Department and the City Solicitor.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

- Facilities Management Services
- Finance Services
- Legal Services
- Legislative Services
- Operations Services

5.0 Analysis

5.1 Background on the Subject site

Kinsmen Civic Memorial Stadium (“Kinsmen Stadium”) is a City-Level outdoor baseball stadium located south of the Children’s Arena and adjacent to the Oshawa Creek. The site is zoned “Hazards Lands Open Space” (“O.S.H.”), and is fully located within an area regulated by the Central Lake Ontario Conservation Authority (“C.L.O.C.A.”).

Built in honour of fallen Second World War Servicemen, and officially opened on May 21, 1949, the site has been identified as a Class “A” property on the Heritage Oshawa Inventory. The original concrete outfield walls, with thick ivy coverage, are a component of this heritage classification.

The Kinsmen Stadium houses a 122 metre baseball diamond. The site features include irrigation and drainage, backstop, field fencing, grandstands, bullpens, and lighting. Existing buildings and ancillary structures on the site include a storage bunker, combined washroom/office facility, and a ticket booth. Many of these structures and buildings are nearing their end of serviceable life, and are in various states of disrepair. Over the last number of years, a patchwork approach to capital improvements has been undertaken to increase the immediate lifespan of the facility and playability of the field.

5.2 Oshawa Legion Minor Baseball Association (“O.L.M.B.A.”)

The O.L.M.B.A. is an Ontario not-for-profit corporation that facilitates baseball leagues across the city. The O.L.M.B.A. is a member of Baseball Ontario, the recognized provincial sport organization for baseball in Ontario.

At its meeting of April 27, 2009, City Council adopted the recommendation contained in Report CS-09-47 which authorized the City to enter into an agreement with the O.L.M.B.A. for its use of Kinsmen Stadium. Through this agreement, the City committed to providing day-to-day maintenance of Kinsmen Stadium with maintenance assistance provided by the O.L.M.B.A. volunteers.

This agreement was a pre-requisite to the O.L.M.B.A.’s application to the Ontario Trillium Foundation for a grant to cover costs associated with the enhancement of the playability of the field. During the term of the agreement, the O.L.M.B.A. received funding for a second grant through the Ontario Trillium Foundation for improvements to the aging infrastructure.

At its meeting of June 26, 2017, City Council adopted the recommendations contained in Closed Report CS-17-67 which authorized the City to enter into a new licence agreement with the O.L.M.B.A. for its use of Kinsmen Stadium. The licence agreement was a prerequisite to an application for an Ontario Trillium Foundation grant to obtain funding for costs associated with providing an accessible entrance off of the Children’s Arena parking lot; providing an accessible walkway along the west wall leading into Kinsmen Stadium; building a large viewing area through the stadium wall along Arena Street; building an accessible ramp down to the change rooms and washrooms; and constructing new bleachers to accommodate 400 people. However, the O.L.M.B.A. opted not to proceed with the application for the Ontario Trillium Foundation grant because the maximum amount awarded per year was reduced from \$300,000 to \$100,000. This agreement, dated February 26 2018, expired on March 31, 2023.

In accordance with the terms of the 2018 agreement (refer to Confidential Attachment 4), the City agreed to provide day-to-day maintenance of Kinsmen Stadium with maintenance assistance provided by O.L.M.B.A. volunteers. O.L.M.B.A. agreed to pay the City for the use of lights, based on the fee within the General Fees and Charges By-law 13-2003, as amended.

5.3 Capital Investments and Ontario Trillium Grants

Kinsmen Stadium is an aging facility and requires significant capital investment.

In 2021, Council approved the Capital Project 51-0125 and a budget of \$325,000 to advance the design for the Capital Redevelopment of the Kinsmen Stadium, as a result of the aging infrastructure, accessibility non-compliance, and capital improvements identified within the Parks, Recreation, Library, and Culture Facility Needs Assessment (2015) and the improvements outlined in Report CS-17-67.

At its meeting of November 15, 2021, Council received for information report CS-21-114 which outlined the conceptual plan and Class D (+/-50%) construction estimate.

As outlined in Report CS-21-114 (refer to Attachment 3) a construction estimate of \$4.7M was provided and a conceptual plan that included:

- Creating a new entrance feature at the southwest corner of the site, providing an accessible entrance to the facility which connects with accessible pathways through the site to provide barrier free access to all amenities;
- Ticket booth and commentator's booth adjacent to the new entrance;
- Permanent bleachers with accessible seating;
- Site grading, layout, and drainage, to address the current ponding on the playing field;
- Two (2) covered player's benches, and two (2) covered batting cages;
- Change room/washroom building with a slightly larger footprint and fully accessible amenities;
- Operation Building for storage of maintenance equipment; and,
- Replacement of damaged concrete outfield panels with panels that maintain the original look and feel.

As Capital Project 51-0125 continued to advance the design to a tender ready stage for construction a revised estimate (Class B) was provided by the consultant for the amount of \$6.3M, excluding H.S.T. in 2021 dollars. Subsequent Capital Budget submissions have identified an estimated cost of \$9.2M in the capital budget forecast with the 2024 submission currently identifying this value in 2032.

There is no commitment made by the City to undertake the above capital improvements. The O.L.M.B.A. will be using Kinsmen Stadium on an "as is, where is" basis with no warranty of any kind being provided by the City to the Association or any other person.

Through previous agreements, the O.L.M.B.A. has been successful in securing two Ontario Trillium Grants for improvements to Kinsmen Stadium.

Should the O.L.M.B.A. be successful in future grant applications, this could contribute to improvements that the City may not be able to fully fund through existing or future resources.

Kinsmen Stadium is a Class "A" property on the Heritage Oshawa Inventory. Input from Heritage Oshawa, the Oshawa Accessibility Advisory Committee and the Central Lakes Oshawa Conservation Authority will be solicited prior to the O.L.M.B.A. submitting any grant applications.

5.4 Proposed Terms of a Licence Agreement with the O.L.M.B.A.

Details regarding the proposed terms of a licence agreement with O.L.M.B.A. can be found in Confidential Attachment 5.

6.0 Financial Implications

It is estimated that the proposed agreement would result in a waiver of rental fees of \$45,000 over the course of the agreement. If the agreement is renewed, the total waiver of rental fees would be approximately \$90,000. Further details regarding the financial implications related to the terms of the agreement can be found in Confidential Attachment 5.

The ongoing operating costs to the City associated with grass cutting and trimming, providing field diamond screening and diamond maintenance materials, providing building and facility maintenance and maintaining the vegetation along the outer perimeter wall are already accounted for in the 2024 Operating Budget.

7.0 Relationship to the Oshawa Strategic Plan

This Report addresses the Oshawa Strategic Plan goals of Economic Prosperity and Financial Stewardship and Social Equity.



Jim Naumovski, Director,
Recreation Services



Kevin Alexander, Commissioner,
Community and Operations Services Department

Aerial Photo of Kinsmen Memorial Civic Stadium located at 111 Arena Street, Oshawa



CO-24-17

To Whom It May Concern;

I am following up on my online submission for a Delegation Request. I filled out the appropriate link found here: <https://forms.oshawa.ca/Corporate-Services/City-Clerk-Services/Delegation-Request-Form>

But to this day, I have not heard back regarding its process. The submission was made on 2024.02.14.

I will add the info here in hopes that this can be checked and followed up on:

First Name: Jayson

Last Name: DesLauriers

Telephone: <M.F.I.P.P.A.(Sec 14(1))>

Email: <M.F.I.P.P.A.(Sec 14(1))>

Addressing: Community and Operations Services Committee

Appear before Standing Committee: No

Overview:

To discuss renewing the previous agreement or creating a new agreement between the City of Oshawa and Oshawa Legion Minor Baseball (OLMBA) aka Baseball Oshawa in regards to Kinsmen Civic Memorial Stadium and the "first right to refusal" on the hours and use. Previously this has been a 5 year term agreement and we would like to maintain that at the least or possibly suggest a greater time line of 10 years. As the past Vice President (10 years) and current Elite Director (3 years) with OLMBA, it has been placed in my purview from the Association, to discuss these matters with the City of Oshawa. The previous agreements have served both parties very well with the care, upkeep, and functionality of the stadium. A sense of pride for the players, coaches, and residents of Oshawa as the home of the Legionaires. From our chore lists for upkeep to the scoreboard we partnered on and all the equipment provided by OLMBA, Kinsmen is a jewel of this province and country in the baseball community and loved by all who attend. Our relationship with the maintenance staff and grounds crew is strong and open. We would like to keep this special place, special as we have since 1949.

It does not relate to an item on the agenda.

There will not be a PowerPoint Presentation.

Jayson DesLauriers
Elite Director, Baseball Oshawa

Head coach, 16u



To: Community Services Committee

From: Ron Diskey, Commissioner,
Community Services Department

Report Number: CS-21-114

Date of Report: November 10, 2021

Date of Meeting: November 15, 2021

Subject: Kinsmen Civic Memorial Stadium Redevelopment - Conceptual
Plan

Ward: Ward 4

File: 03-05

1.0 Purpose

The purpose of this report is to provide Council with the conceptual plan and Class D ($\pm 50\%$) construction estimate for the Kinsmen Civic Memorial Stadium Redevelopment for information.

2.0 Recommendation

That the Community Services Committee recommend to City Council:

Report CS-21-114, Kinsmen Civic Memorial Stadium Redevelopment – Conceptual Plan, dated November 10, 2021, be received for information.

3.0 Executive Summary

N/A

4.0 Input From Other Sources

- Community Services, Parks Planning & Development
- Community Services, Parks & Waste Operations
- Planning Services
- Facilities Management Services
- Recreation & Culture
- Heritage Oshawa
- C.L.O.C.A.
- O.L.M.B.A.

5.0 Analysis

5.1 Background

Kinsmen Civic Memorial Stadium is a City-Level outdoor baseball stadium located south of the Children's Arena and adjacent to the Oshawa Creek. The site is zoned Hazards Lands Open Space (O.S.H.), and is fully located within Central Lake Ontario Conservation Authority's (C.L.O.C.A.) flood limits and Regulatory Area. Built in honour of fallen Second World War Servicemen, and officially opened on May 21, 1949, the site is classified as a Class A property on the Heritage Oshawa Inventory. The original concrete outfield walls, with thick ivy coverage, are a component of this heritage classification.

The Kinsmen Civic Memorial Stadium houses a 122m baseball diamond, and is a under long-term lease agreement with the Oshawa Legion Minor Baseball Association (O.L.M.B.A.). The site features include irrigation and drainage, backstop, field fencing, grandstands, bullpens, and lighting. Existing buildings and ancillary structures on the site include a storage bunker, combined washroom/office facility, and a ticket booth. Many of these structures and buildings are nearing their end of serviceable life, and are in various states of disrepair. Over the last number of years, a patchwork approach to capital improvements has been undertaken to increase the immediate lifespan of the facility and playability of the field, including the field lighting and electrical bunker most recently in 2018.

In 2021, Council approved the design budget for the Capital Redevelopment of the Kinsmen Civic Memorial Stadium, to undertake a comprehensive redevelopment of the site to address the aging infrastructure, playability, and overall accessibility of the site.

On June 14, 2021, Landscape Planning Ltd., a professional Landscape Architecture firm, supported by architectural and engineering sub-consultants, was retained through competitive R.F.P. process (FIN-21-71) to undertake the detailed design on behalf of the City, in the amount of \$167,085, excluding HST.

5.2 Site Analysis

To support the design process, a number of background studies were undertaken to better characterize the existing conditions of the site, associated structures, and buildings, including:

- Architectural building assessment;
- Accessibility evaluation;
- Programming needs assessment, which included engagement with the O.L.M.B.A. and internal City departments;
- Structural engineering review; and,
- Vine management assessment.

Based on the background studies, the consultant team has provided the following recommendations:

- **Site Layout:** The site does not meet accessibility and requires capital investment to upgrade the entrance, pathways, and associated amenities for accessibility and to meet the current and future programming needs of the site.
- **Concrete outfield walls:** A number of panels require replacement within three (3) years to address safety hazards.
- **Washroom Building:** The existing building requires significant capital repair within three (3) years to address aging infrastructure and accessibility, and meet the programming needs of the site. Opportunities to address accessibility within the existing footprint is limited, and would require extensive changes to both the building layout and footprint, which would not be cost effective.
- **Storage Building (former concession):** The existing building requires significant capital repair within three (3) to five (5) years to address aging infrastructure and accessibility, and the most cost effective approach was recommended as removal and rebuild.
- **Commentator's Booth:** Due to the deteriorating condition of the building, the consultant's recommendation is to remove the existing building and rebuild in a location appropriate for the proposed programming of the site.
- **Storage Shed:** As the former concession building is proposed to be rebuilt as a dedicated storage facility, the existing pre-fabricated metal shed is recommended for removal.
- **Ticket Booth:** Due to the state of disrepair and deteriorating condition of the building, the consultant's recommendation is to remove and rebuild in a location appropriate for the proposed layout and programming of the site.

5.3 Conceptual Plan

Further to the consultant's recommendations, a conceptual plan was developed for the site, which respects the heritage elements of the facility and maintains the historical look and feel of the site. The Conceptual Plan was also brought to Heritage Oshawa on October 28, 2021, and feedback received was supportive of the proposed redevelopment.

The conceptual plan includes:

- Creating a new entrance feature at the southwest corner of the site, providing an accessible entrance to the facility, and which connects with accessible pathways through the site to provide barrier free access to all amenities;
- Ticket booth and commentator's booth adjacent the new entrance;
- Permanent bleachers with accessible seating;
- Site grading, layout, and drainage, to address the current ponding on the playing field;
- Two (2) covered player's benches, and two (2) covered batting cages;
- Change room/washroom building with slightly larger footprint and fully accessible amenities. Through preliminary discussions with C.L.O.C.A., the minor increase in building footprint was reviewed, and no overall concerns were noted. C.L.O.C.A. will continue to be engaged as the design is refined and further information identified.

- Operation Building for storage of maintenance equipment; and,
- Replacement of damaged concrete outfield panels with panels that maintain the original look and feel.

Table 1 below provides a summary of design features and associated Class D construction cost estimates ($\pm 50\%$), excluding contingency and H.S.T.

Table 1: Class D Cost Estimate ($\pm 50\%$)	
Design Feature	Class D Estimate
Site preparation & removals	\$265,550
Grading	\$180,000
Drainage and site servicing	\$177,775
Water service / mechanical works / service building	\$33,750
Paving / walls / curbs / fence	\$491,620
Site elements (bleachers, batting cages, dugouts, etc.)	\$574,300
Buildings	\$2,184,250
Site furnishings	\$18,800
Electrical	\$72,500
Irrigation	\$53,500
Field amenities (infield, warning track, turf, etc.)	\$633,930
Soft landscaping	\$19,367
Total	\$4,705,342

5.4 Next Steps

Detailed design is proceeding, and anticipated to be complete by mid-2022. It is anticipated that the design will identify a phased approach to construction, with implementation of the playing field and supporting amenities in the first phase, and implementation of the buildings and supporting infrastructure in a subsequent phase.

6.0 Financial Implications

There are no financial implications resulting from the recommendation of this report.

7.0 Relationship to the Oshawa Strategic Plan

This report addresses many of the goals set in the Oshawa Strategic Plan, including the goal of “Economic Prosperity and Financial Stewardship” through the theme of “Safe and Reliable Infrastructure and Wise Land Use”, the goal of “Social Equity” through the theme of “An Active, Healthy and Safe Community”, the goal of “Cultural Vitality” through the theme of “Enrich Our Community through Culture”, and the goal of “Environmental Responsibility” through the theme of “Proactive Environmental Management and Combat Climate Change”.



Mike Saulnier, Director,
Operations Services



Ron Diskey, Commissioner,
Community Services Department

To: City Council

From: Mary Medeiros, Director, Legislative Services/City Clerk,
Office of the C.A.O.

Tracy Adams, Chief Administrative Officer
Office of the C.A.O.

Report Number: CNCL-24-43

Date of Report: April 24, 2024

Date of Meeting: April 29, 2024

Subject: Council-Staff Relations Policy

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to recommend a Council-Staff Relations Policy in order to meet the City's requirements under the Municipal Act, 2001.

Attachment 1 is the proposed Council-Staff Relations Policy.

2.0 Recommendation

It is recommended to City Council:

1. That pursuant to Report CNCL-24-43 dated April 24, 2024, concerning a Council-Staff Relations Policy, City Council adopt the Council-Staff Relations Policy as set out in Attachment 1 to said report; and,
2. That the Council-Staff Relations Policy be reviewed at the beginning of each term of a new Council as part of the Council orientation process.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

- Corporate Leadership Team
- Human Resource Services

- Legal Services
- Principles Integrity
- Association of Municipal Managers, Clerks and Treasurers of Ontario – Successful Staff/Council Relations
- Municipalities: Brampton, Clarington, Durham Region, Oakville, Ottawa, Peterborough, Sarnia, Vaughan, Whitby

5.0 Analysis

5.1 Legislative & Policy Framework

Under subsection 270(1)2.1 of the Municipal Act, 2001, S.O. 2001, c.25 (the “Act”), all municipalities in Ontario are required to adopt and maintain policies regarding the “relationship between members of Council and employees of the municipality”, namely a Council-Staff Relations Policy (the “Policy”). Municipalities have the discretion to determine the exact content of this Policy.

The roles of Council as a whole, the head of council, and Staff as set out in the proposed Policy (Attachment 1) are reflective of the provisions of the Act. Members of Council and Staff have a collective goal to serve the best interests of the City of Oshawa and to work collaboratively together to achieve this shared purpose while fulfilling their distinct roles.

This Policy is part of a broader framework of policies that support a collaborative, cooperative and mutually respectful relationship between Members of Council and Staff. To effectively carry out their roles as prescribed under the Act, the proposed Policy builds on the following policies and legislation to establish clear roles and efficient processes for effective governance and effective Council-Staff relations:

- Access and Privacy Policy
- Code of Conduct for Members of Council
- Council’s Procedure By-law
- Employee Code of Conduct
- Enforcement By-law
- Municipal Act, 2001
- Occupational Health and Safety Act
- Records and Information Management Policy
- Respect Check Policy Code of Conduct Policy
- Respect in the Workplace - Harassment, Discrimination and Violence Policy (“Respect in the Workplace Policy”)
- The Human Rights Code, R.S.O. 1990, c.H.19
- The Municipal Elections Act, 1996, S.O. 1996 c.32
- Use of Corporate Resources Policy

5.2 Policy Principles

As cited by the City’s Integrity Commissioner in the Annual Report submission (refer to [CNCL-24-14](#)), elected officials, including heads of council, must not take part in the day-to-day operations of the City unless specifically authorized by legislation.

The proposed Policy outlines four principles in support of a collaborative, respectful, effective and efficient Council-Staff relations:

- 1) All Members of Council are Equal
- 2) Acknowledgement of Roles
- 3) Open and Clear Communication
- 4) Respectful Workplace

5.2.1 All Members of Council are Equal

This principle clearly establishes that only Council as a whole, not individual Members (with the exception of the head of council as outlined in Part VI.1 of the Act), has the ability to direct Staff. Staff, under the direction of the Chief Administrative Officer, serve Council as a whole and the combined interests of all Members of Council as expressed through the resolutions of Council.

The Policy recognizes that Section 284.3 of the Act, which was introduced under Bill 3, “Strong Mayors, Building Homes Act, 2022”, S.O. 2022, c.18, provides an exception to the rule that only Council as a whole may direct staff. The section states that the head of council may direct Staff in writing to:

- a) undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality or of the head of council as they relate to the powers and duties under this Part; and,
- b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under this Part.

It is important to note that a head of council in a municipality with “Strong Mayor Powers” may only direct Staff in the specific instances cited for the purposes of exercising powers or performing duties under Part VI.1 of the Act. Otherwise, all direction to Staff related to any other matters must continue to be exercised by Council as a whole. Therefore, an individual Member of Council should refrain from requesting Staff to undertake work, to prepare reports, or seek preferred outcomes other than pursuant to a Council-approved direction.

5.2.2 Acknowledgement of Roles

Building on the notion that all Members of Council are equal, the proposed Policy acknowledges the roles of Members of Council, the Mayor as the head of council and Staff as stated under the Act. The Policy reiterates the role of Council as a policy and decision making authority with financial and representative responsibilities.

Individual Members of Council have a responsibility to support Council’s role in representing the public and upholding the decisions of Council and interests of the City. Staff must equally acknowledge their role to uphold and enable the policy decisions of Council and develop the necessary administrative practices and procedures to implement these decisions.

The Policy recognizes that, in accordance with the Act, the business of Council is to be conducted in meetings that are open to the public unless the matter is permitted to be discussed in closed session. Further guidelines are included to ensure Council and Staff abide by the procedural rules of Council and Committee meetings when communicating.

[Council's Procedure By-law](#) sets out the role of the Chair of a meeting of Council or Committee. The role of the Chair or their designate does not extend to the preparation or administration of the meeting. In accordance with the Act and Council's Procedure By-law, the City Clerk is the statutory officer charged with managing the organization, notice, agenda preparation, records and all other administration of meetings.

5.2.3 Open and Clear Communication

Outside of Council and Committee meetings, and in order to fulfil their constituent, decision-making and oversight responsibilities, Members of Council may require advice and information from Staff in matters that are routine and non-routine. Accordingly, the Policy provides guidelines for how Members of Council should most appropriately make these requests and seek out the assistance of the appropriate Staff. The Policy outlines the process through which Members of Council should contact Staff and standards for Staff to ensure Members receive information in a timely manner. All communication between Members of Council and Staff shall be respectful, courteous and professional.

5.2.4 Respectful Workplace

In concert with the Policy and associated policies and legislation, all Members of Council and Staff shall treat each other with respect and courtesy, discharging their duties with honour, integrity, professionalism and impartiality. No Member of Council or Staff shall make comments that disparage or harm the reputation of the City, Members of Council or Staff.

Council-Staff relations shall reflect the City's commitment to a positive, healthy, and safe workplace in which every person is treated with respect and dignity. Workplace harassment, incivility, bullying, intimidation and discrimination is not acceptable and will not be condoned.

The proposed Policy reflects the City's commitment to providing and maintaining a healthy and safe work environment that is based on respect for the dignity and rights of everyone in the organization.

The Policy promotes an efficient, effective, respectful and harassment-free workplace and relationship between Members of Council and Staff in accordance with legislation such as the Municipal Act, 2001 and the Occupational Health and Safety Act, as well as City by-laws and policies.

6.0 Financial Implications

There are no financial implications related to this Report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this Report responds to the Oshawa Strategic Plan Goal of Accountable Leadership.



Mary Medeiros, Director, Legislative Services/City Clerk,
Office of the C.A.O.



Tracy Adams, C.A.O.,
Office of the C.A.O.

Title:	Council-Staff Relations Policy
Number:	GOV-24-00X
Approved By:	City Council
Administered By:	Legislative Services
Effective:	
Revised:	

1.0 Purpose/ Background

Subsection 270(1)2.1 of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Act”) requires that all municipalities in Ontario adopt and maintain policies regarding the relationship between Members of Council, the Officers and the Employees of the municipality.

In addition, the Occupational Health and Safety Act, R.S.O. 1990, c. O.1 (“Occupational Health and Safety Act”) requires that all employers have a Policy with respect to workplace violence and harassment. The City’s Respect in the Workplace – Harassment, Discrimination and Violence Policy outlines the commitment to providing and maintaining a healthy and safe work environment that is based on respect for the dignity and rights of everyone in the organization. The Council-Staff Relations Policy promotes an efficient, effective, respectful and Harassment-free workplace and relationship between Members of Council and Staff.

2.0 Policy Statement

Members of Council and Staff have a collective goal to serve the best interests of the City of Oshawa (the “City”) and to work collaboratively together to achieve this shared purpose while fulfilling their distinct roles.

This Policy is part of a broader framework of policies and legislation that support a collaborative, cooperative and mutually respectful relationship between Council Members and Staff. The documents include (but are not be limited to):

- Code of Conduct for Members of Council
- Council’s Procedure By-law
- Employee Code of Conduct
- Municipal Act, 2001
- Occupational Health and Safety Act
- Respect Check Policy Code of Conduct Policy
- Respect in the Workplace - Harassment, Discrimination and Violence Policy (“Respect in the Workplace Policy”)
- Use of Corporate Resources Policy
- The Human Rights Code, R.S.O. 1990, c.H.19
- The Municipal Elections Act, 1996, S.O. 1996 c.32

3.0 Scope/ Application

This Policy applies to all Members of Council as well as Officers and Employees of the City. This Policy is to be applied wherever and whenever interactions occur including communication (both verbal and written) and onsite at City facilities or external to City facilities, during or outside of hours of work.

Members of Council and Staff are to ensure they are in compliance with all City Policies and By-laws, including but not limited to:

- Access and Privacy Policy
- Records and Information Management Policy
- Enforcement By-law

4.0 Definitions

Act means the Municipal Act, 2001, S.O. 2001, c. 25, which for the purposes of this Policy, outlines the roles and responsibilities of Members of Council and Officers and Employees of the City, and describes the requirement for such a Policy.

City means the Corporation of the City of Oshawa.

C.A.O. means the Chief Administrative Officer appointed pursuant to Section 229 of the Act who is responsible for managing the City's staff and operations.

C.L.T. means the Corporate Leadership Team of the City, comprised of the Chief Administrative Officer (C.A.O.), and the four Commissioners.

C.L.T.D. means the Corporate Leadership Team and the Directors and/or Senior Managers of each branch of the City.

Council means the Council of the Corporation of the City of Oshawa as a whole.

Employee or Staff means all full-time, part-time, temporary and seasonal employees of the City of Oshawa including employees hired on a contract basis for a defined period of time and students.

Integrity Commissioner means the independent key advisor to Council on a range of important issues, as defined in the Municipal Act, 2001. The Integrity Commissioner is responsible for providing education and advice to Members of Council, and presiding over complaints investigations.

Mayoral Decision means the legislative instrument used to document decisions made by the Head of Council when exercising powers or performing duties under Part VI.1 of the Act and its Regulations which are required to be recorded in writing, provided to each Member of Council and the City Clerk and made available to the public (subject to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56).

Mayoral Direction means the legislative instrument used to document direction given to municipal employees by the Head of Council when exercising powers or performing duties under Section 243.3 of the Act which are required to be recorded in writing, provided to the C.A.O. and the City Clerk and made available to Members of Council and the public (subject to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56).

Member of Council or Council Member means the individuals elected or appointed to the Council for the City of Oshawa who have taken the declaration of office for the current term, including the Mayor as the head of council. For the purpose of this policy and as applicable in the circumstances, Member of Council includes an individual who is supervised by a Member of Council and who purports to represent or undertake an activity covered by this policy on behalf of the Member of Council.

Member of the Public means a person or entity residing and/or having a business, ceremonial or policy interest in the City of Oshawa.

Non-Routine Matter means a communication, request for information or service that is not typically undertaken in the ordinary course of business, and/or for which there is no routine process, procedure, guideline or convention to guide members of Staff.

Officers means the individuals appointed by Council as Statutory Officers with the Act which includes the City Clerk, the Treasurer, the Chief Building Official, and the Fire Chief, and their designates, of the municipality.

Routine Matter means a communication by a Member of Council with a Member of Staff, in person, in writing, by phone, by text, or by other electronic means, which:

- a) in the ordinary course of business constitutes a type of communication that would typically occur between a Member of the Public and Staff;
- b) constitutes a request for information that is routinely produced by Staff in the course of their duties;
- c) constitutes a request for a service that is routinely done by Staff in the course of their duties; and,
- d) requires no expenditure of unbudgeted resources.

Workplace Harassment is defined by the Occupational Health and Safety Act as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

5.0 Roles

5.1 Members of Council

The Act sets out the core roles of Members of Council in Section 224 of the Act.

It is the role of Council:

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act.

5.2 Head of Council

The role of the Mayor as head of council is set out in Sections 225, 226, and Part VI.1 of the Act.

It is the role of the head of council to:

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses [(d) and (d.1) above];
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act.

As chief executive officer of a municipality, the head of council shall:

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

5.3 Chief Administrative Officer

The C.A.O.'s specific responsibilities are set out in Section 229 of the Act and for the City are outlined in the C.A.O.'s By-law 33-98, as amended.

Generally, the C.A.O. is responsible for the following (but not limited to):

- The overall management and administration of the City;
- Facilitate communications between the administration, Council and the public;
- Providing professional advice to Council and ensuring reports requested by Council are prepared and presented as requested; and,
- Leading and directing staff in the implementation of Council's direction and policies.

5.4 Staff

In accordance with Section 227 of the Act, it is the role of the Officers and Employees of the municipality:

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

6.0 Principles

An effective relationship between Council as a whole and Staff is necessary to serve the best interests of the City and maintain a high level of public trust and confidence. To produce the best results and outcomes for the City, Members of Council and Staff shall work together, while performing their respective roles.

Council is the policy- and decision-making authority for the City, and subject to the proper issuance of a Mayoral Decision or Direction, only Council as a whole can direct Staff.

Individual Members of Council have a responsibility to support Council's role to represent the public and to consider the well-being and interests of the municipality, and in that regard, have a representative relationship with the residents and businesses they serve. Members of Council shall not involve themselves in matters of administration or department management.

Members of Council require advice and information from Staff on a need-to-know basis to fulfill their constituent, decision-making and oversight responsibilities. Individual Members of Council have the same status as any member of the public when requesting information from City staff and should either submit a formal request for access to information under the Municipal Freedom of Information and Protection of Privacy Act, or make a motion requesting that the information be provided to Council as a whole.

Council Members and Staff should feel comfortable communicating to one another about their work both formally and informally. However, formal communication channels exist to raise and manage operational and administrative issues and should be respected. Communications between Members of Council and Staff must be courteous and professional. All communications shall take into account:

- the author’s and the recipient’s roles and responsibilities under the respective policy, procedure or code of conduct
- the impact upon any Member of the Public involved
- the Council and/ or department priority of the matter
- the anticipated length of time it would take to properly comply with a request

Communications, especially communications shared with Members of the Public, shall not be disparaging of any person. Legitimately held criticisms shall be stated directly and professionally, clearly identified as the author’s own opinion. However, this Policy does not condone the making of defamatory statements or statements based on conjecture.

Communications made in the course of a matter before a Standing Committee or Council shall be done in compliance with the Procedure By-law or respective City policies and by-laws. Members of Council and Staff shall preserve confidentiality where required by law or decided upon by Council pursuant to applicable law and Council’s Code of Conduct.

Members of Council shall not involve themselves in matters of administration or department management. Members of Council shall not direct Staff; interfere with Staff’s work; nor expect procedures to be waived in the course of their dealings with Staff. Council Members shall direct any concerns regarding Employees through the C.A.O

6.1 All Members of Council are Equal

Council Members acknowledge that only Council as a whole has the authority to direct Staff. Notwithstanding Section 284.3 of the Act, an individual Member of Council should refrain from requesting Staff to undertake work, to prepare reports, or seek preferred outcomes other than pursuant to a Council approved direction.

Section 284.3 of the Act provides the exception to the principle that only Council as a whole may direct staff. The section states that the Mayor, as the head of council, may direct Staff in writing to:

- a) undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality or of the head of council as they relate to the powers and duties under this Part; and
- b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under this Part.

The Mayor may only direct employees in the specific instances cited above for the purposes of exercising powers or performing duties under Part VI.1 of the Act through a Mayoral Decision or Mayoral Direction. Otherwise, all direction to Staff related to any other matters must continue to be exercised by Council as a whole.

It is expected that the Mayor when making a Mayoral Decision or Mayoral Direction will have regard to the policies and decisions of Council, and the apolitical role of the Chief Administrative Officer and staff, and will weigh the application of those policies, decisions and roles when so doing.

Staff, under the direction of the Chief Administrative Officer, serves Council as a whole and the combined interests of all Members of Council as expressed through the resolutions of Council. Staff shall avoid favouritism and/or the appearance of favouritism as all Members of Council shall be treated equally. Council Members shall direct any concerns respecting Employees through the Chief Administrative Officer.

6.2 Acknowledgement of Roles

Council exercises fiduciary and representative responsibilities concerning the operations of the City in partnership with an administration that is neutral, objective, and professional. Council is the policy and decision-making authority for the municipality but only Council can direct Staff to carry out specific tasks or functions pursuant to a Council direction (notwithstanding Section 284.3 of the Act as described in Section 5.2 of this Policy).

Individual Members of Council therefore have a responsibility to support Council's role in representing the public and upholding the decisions and interests of the City. Staff must equally acknowledge their role to uphold and enable the policy decisions of Council and develop the necessary administrative practices and procedures to implement these decisions.

The role of the Chair is to chair either a Council or Committee meeting as the presiding officer. As outlined in Council's Procedure By-law Section 7.2, the Chair (or Vice-Chair/Deputy Mayor in the absence of the Chair) must ensure meetings are conducted in an orderly fashion in accordance with the Procedure By-law including but not limited to:

- enforcing rules and decorum during meetings;
- accepting and putting to a vote motions as presented by members;
- deciding and ruling on points of order and points of privilege;
- facilitating discussion among Members (and Visiting Councillors, as appropriate);
- recessing a meeting without a motion where there is a threat or imminent threat to the health and safety of persons present or possibility of public disorder.

The role of the Chair, Vice Chair or their designate does not extend to the preparation of reports, agendas or the administration of the meeting. In accordance with the Act and Council's Procedure By-law, the City Clerk is the statutory officer charged with managing the organization, notice, agenda preparation, records and all other administration of meetings.

Staff acknowledge the representative, direction-setting and policy-making role of Council and shall establish administrative practices and procedures to implement and carry out Council's decisions.

Overstepping of these roles from either side is a violation of the Policy as well as the respective Codes of Conduct. Members of Council shall not direct Staff; interfere with Staff's work; nor expect procedures to be waived in the course of their dealings with Staff.

6.3 Open and Clear Communication

All Members of Council shall attend and conduct City business at public meetings. Individual Members of Council have a responsibility to support Council's role to represent the public and to consider the well-being and interests of the municipality, and in that regard have a representative relationship with the residents and businesses they serve.

Members of Council require advice and information from Staff on a need-to-know basis in order to fulfil their constituent, decision-making and oversight responsibilities.

Council Members and Staff should feel comfortable speaking to one another about their work both formally and informally. However, formal communication channels exist to raise and manage operational and administrative issues and should be respected.

Council should seek input from and consult Staff as the technical experts prior to making policy decisions or public commitments.

Staff shall ensure that information pertaining to Council business is proactively and consistently provided to all Members of Council.

Council Members and Staff shall preserve confidentiality where required by law or decided upon by Council pursuant to applicable law and Council's Code of Conduct.

All email correspondence between members of Council and Staff shall be performed on City of Oshawa email only.

Members of Council should not make comments on social media about any Staff member. Members of Staff should not make comments about any Member of Council on social media. Members of Council and Staff are to follow the City's processes and policies related to City business. Direction to Staff must be made through a resolution of Council and not through any social media channel.

6.4 Respectful Workplace

All Council Members and Staff shall treat each other with mutual respect and courtesy in discharging their duties with honour, integrity, professionalism and impartiality. No Member of Council or Staff member shall make comments that disparage or harm the reputation of the City, Council or Staff.

Council-Staff relations shall reflect the City's commitment to a positive, healthy, and safe workplace in which every person is treated with respect and dignity. Workplace

Harassment, incivility, bullying, intimidation and discrimination will not tolerated, condoned or ignored.

7.0 Responsibilities

7.1 Members of Council

With the Act in mind, Members of Council shall:

- a) Comply with Council's Code of Conduct.
- b) Discuss issues with C.L.T. and advise them of questions in writing prior to Committee and Council meetings whenever possible, for better informed debate and evidence based decision making;
- c) Consult with the appropriate member of C.L.T. prior to responding to a Member of the Public concerns or requests to ensure accurate information regarding City policies, service levels, budgets and work plans, including Routine Matters;
- d) When communicating on behalf of a Member of the Public concerning a matter that should normally be addressed by front line staff (i.e. missed waste collection, property standards complaint, large item pickup scheduling, malfunctioning traffic signals, etc.) the Member of Council shall direct the Member of the Public to contact Service Oshawa directly;
- e) Comply and adhere to Enforcement By-law 92-2014 to ensure a transparent, consistent, fair, unbiased, and effective process for the enforcement and prosecution of alleged contraventions of municipal standards.

Members of Council shall refrain from:

- a) Directing, instructing, or influencing Staff other than by giving appropriate direction by way of a Council resolution, except for the head of Council only in relation to the Strong Mayor authority set out in Part VI.1 of the Municipal Act;
- b) Contacting Staff below the level of C.L.T.D. regarding Council and/or department related business;
- c) When a Routine Matter or Non-Routine Matter has been forwarded to Staff, the Member of Council shall refrain from interfering with Staff's carriage of the matter; and,
- d) Communicating with and issuing instructions to consultants, applicants, contractors, regulatory bodies or legal advisers unless directed by Council.

7.2 Staff

With the Act in mind, Staff shall:

- a) Comply with the Employee Code of Conduct.

- b) Respond to Members of Council in accordance with the City's Customer Service Standards. If it is anticipated that the time to provide a fulsome response will be lengthy, C.L.T.D. will respond to Members of Council within 2 business day to confirm receipt of the request and advise of an approximate time for resolution based on what is requested and other operational priorities;
- c) Respond to all Members of Council concerning requests additional information related to a Staff report in order to ensure the information is shared fairly.
- d) Provide advice based on political neutrality and objectivity, utilizing their professional expertise, and without undue influence from any Member of Council;
- e) C.L.T.D. shall apprise Council of known issues in a timely manner that may impact their decision-making process;
- f) C.L.T.D. shall notify Council in a timely fashion of changes to relevant legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- g) C.L.T. shall provide Committee and/or Council with the implications of recommendations which may impact on services or corporate wide work plans and related capacity issues; and,
- h) Give effect to and uphold the lawful decisions, policies and procedures of Council, regardless of personal opinion or belief.

Staff shall refrain from:

- a) Interfering in political debate or discussion;
- b) Getting involved with an issue after a recommendation has been made to Council by Standing Committee;
- c) Seeking input in Staff Reports to Council or Committee from individual Members of Council unless directed by legislation;
- d) Refrain from providing information requested by individual Members of Council which may be subject to the provisions of the Municipal Freedom of Information Protection of Privacy Act, R.S.O. 1990, c. M.56.

7.3 Other Members of Staff will:

Refer inquiries from Members of Council to the appropriate C.L.T.D. or Manager as required.

The exception to the above-responsibilities relates to City Staff working in the Mayor and/or Councillor's Office who are not limited from carrying out their responsibilities in

providing administrative assistance to individual Members of Council or the Mayor, as required.

8.0 Monitoring

The City Clerk shall be responsible for receiving complaints and/or concerns related to this Policy from Members of Council and Staff. Upon receipt of a complaint and/or concern, the City Clerk shall notify the following who shall investigate and respond to the complaint and/or concern accordingly:

1. In the case of Staff, the Chief People Officer, the Commissioner responsible for the Employee and the C.A.O., however,
 - in the event that the complaint is regarding a Commissioner only the Chief People Officer and C.A.O. shall be notified;
 - in the event that the complaint is regarding the C.A.O., the Chief People Officer and Council shall be notified.
2. In the case of Council or a Member of Council, the Integrity Commissioner shall be notified.

Where there is a discrepancy between the Council-Staff Relations Policy and the Council Code of Conduct for Members of Council or the Employee Code of Conduct, the language of the applicable Code of Conduct prevails.

9.0 Review

This Policy shall be reviewed with Members of Council and C.L.T.D. at the beginning of each term of a new Council as part of the Council orientation process.

The Director, Legislative Services/City Clerk is delegated the authority to make administrative changes to this Policy that may be required from time to time due to legislative changes or if, in the opinion of the City Clerk, the amendments do not change the intent of this Policy.

10.0 References

Code of Conduct for Members of Council
Employee Code of Conduct
Municipal Act, 2001, S.O. 2001, c. 25
Occupational Health and Safety Act of Ontario (R.S.O. 1990, c. O.1)
Council's Procedure By-law
Respect Check Code of Conduct Policy
Respect in the Workplace – Harassment, Discrimination and Violence Policy
Use of Corporate Resources Policy
Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
The Human Rights Code, R.S.O. 1990, c.H.19
Municipal Elections Act, 1996 S.O. 1996 c.32
Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50

11.0 Approved

Authority City Council	Date	Signature
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To: City Council

From: Tracy Adams, C.A.O.,
Office of the C.A.O.

Report Number: CNCL-24-45

Date of Report: April 24, 2024

Date of Meeting: April 29, 2024

Subject: Appointment to the Oshawa Public Library Board of Directors

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this Report is to recommend applicants to fill recommend an appointment to the Oshawa Public Library Board of Directors (“Board”) to fill a vacancy on the Board.

Confidential Attachment 1 contains the applicant being recommended for appointment to the Oshawa Public Library Board of Directors.

Confidential Attachment 2 contains the applicants not being recommended for appointment at this time.

2.0 Recommendation

It is recommended to City Council:

That in accordance with Report CNCL-24-45 dated April 24, 2024 concerning an appointment to the Oshawa Public Library Board of Directors, the applicant listed in Confidential Attachment 1 be appointed for the term listed, or until such time as successors are appointed.

3.0 Executive Summary

Not applicable

4.0 Input From Other Sources

- Chair of the Oshawa Public Library Board of Directors

5.0 Analysis

In January, Legislative Services received a resignation from a member of the Oshawa Public Library Board. In accordance with Section 12 of the Public Libraries Act, R.S.O. 1990, c. P.44, Council shall appoint a person as soon as possible to fill the vacancy and to hold office for the unexpired term, except where the unexpired term is less than forty-five days.

As such, Legislative Services initiated a recruitment process including advertisements via public notices, on the City's website and the City's social media accounts in February 2024.

Interviews with qualified candidates were conducted in March 2024. The interview panel consisted of the Council member representative on the Board, the Chair of the Oshawa Public Library Board and staff from Legislative Services.

The following interview questions were asked of each candidate:

- Why are you interested in volunteering your time on the Library Board?
- What skills, interests, resources and expertise do you have to offer and are willing to use on behalf of the Board?
- Do you have personal aspirations that could be enhanced by serving on the Board?
- How much time can you dedicate to serving on the Board?
- Do you see the library playing a different role in the future from the one it currently plays?
- Libraries in other cities have integrated other services (i.e. coffee shops, sound engineering booths, etc.) Do you think this is a good idea?
- What do you know about the Oshawa Public Libraries?
- How did you prepare for this interview?
- What do you think is the role of the Oshawa Public Libraries in the Community?
- What do you think is the most important challenge for the Oshawa Public Libraries?
- What do you think defines a productive, successful board or committee?
- How would you promote the Library?

In addition to the questions above, members of the interview panel were able to ask the applicant any additional or follow up questions. At the end of the each interview, each member of the interview panel scored the applicant. The interview panel discussed the interview and put forward the recommendation based on the score provided by each panel member and the applicant's experience, skills and availability based on the Committee's mandate.

The recommended applicant is contained in Confidential Attachment 1.

6.0 Financial Implications

There are no financial implications from the recommendation contained in this Report.

7.0 Relationship to the Oshawa Strategic Plan

This Report supports the Oshawa Strategic Goal of Accountable Leadership.



Mary Medeiros, Director, Legislative Services/City Clerk,
Legislative Services



Tracy Adams, C.A.O.,
Office of the C.A.O.

Economic and Development Services Department

Date: April 23, 2024

File: Z-2022-11, S-O-2022-04

To: Mayor Carter and Members of Council

From: Anthony Ambra, P.Eng., Commissioner
Economic and Development Services Department

Re: Response to Letters Received from Maxwell Heights Neighbourhood Association with respect to Revised Applications to Amend the Zoning By-law (File: Z-2022-11) and for Approval of a Proposed Draft Plan of Subdivision (File: S-O-2022-04)

1.0 Purpose

On April 8, 2024, the Economic and Development Services Committee considered Report ED-24-42 regarding revised applications submitted by Icon Harmony Limited (the “Applicant”) to amend Zoning By-law 60-94 (File: Z-2022-11) and for approval of a proposed draft plan of subdivision (File: S-O-2022-04) for lands municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road (the “Subject Site”). The report recommended the following:

“That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-24-42 dated April 3, 2024, the revised application submitted by Icon Harmony Limited to amend Zoning By-law 60-94 (File: Z-2022-11) to rezone 1081 and 1093 Harmony Road North and 836 Pinecrest Road from R1-A (Residential) to an appropriate R2 (Residential) zone to permit the development of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
2. That, pursuant to Report ED-24-42 dated April 3, 2024, the revised application submitted by Icon Harmony Limited for approval of a draft plan of subdivision (File: S-O-2022-04) which proposes a block for single detached dwellings, semi-detached dwellings and block townhouses and a road widening block at 1081 and 1093 Harmony Road North and 836 Pinecrest Road be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose City conditions in the draft plan of subdivision approval Planning Act decision.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law amendment proposed in Report ED-23-10 dated January 4, 2023, presented at the public meeting of January 9, 2023, differs to some degree from the proposed amendment recommended to be approved by

City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.”

On April 8, 2024 the Economic and Development Services Committee adopted the following motion:

“That the Economic and Development Services Committee recommend to City Council:

Whereas the Maxwell Village Neighbourhood Association has submitted two reports questioning the staff recommendations in this report; and

Whereas Committee Members and staff require time to review the two submitted reports;

Therefore be it resolved that based on Report ED-24-42 concerning revised development applications for 1081 and 1093 Harmony Road North and 836 Pinecrest Road submitted by Icon Harmony Limited:

1. That this matter be deferred until the April 29, 2024 Council meeting; and,
2. That staff provide comments on the two Neighbourhood Association reports prior to the Council meeting.”

This Memorandum is intended to:

- a) Respond to the two reports submitted by the Maxwell Village Neighbourhood Association consisting of Attachments 2 and 3 to this Report; and,
- b) Provide an update on the efforts of staff to accommodate a driveway for the proposed development onto Harmony Road North from the Subject Site.

Attachment 1 to this Memorandum is a copy of Report ED-24-42 dated April 3, 2024.

Attachment 2 to this Memorandum is a copy of a letter from Kristy Kilbourne providing land use planning commentary on behalf of the Maxwell Village Neighbourhood Association.

Attachment 3 to this Memorandum is a copy of a letter from Dewan Karim providing transportation engineering commentary on behalf of the Maxwell Village Neighbourhood Association.

2.0 Analysis

2.1 Background

On April 7, 2024, the City was provided with two letters prepared on behalf of the Maxwell Village Neighbourhood Association with respect to the subject revised applications. The first letter was prepared by Kristy Kilbourne (“Kilbourne”) providing land use planning commentary on the applications (see Attachment 2). The second letter was prepared by Dewan Karim (“Karim”) providing transportation engineering commentary on the applications (see Attachment 3).

2.2 Kilbourne Planning Comments

The commentary from Kilbourne is set out below together with a staff response.

2.2.1 Kilbourne Comment 1

“Inadequate information has been presented to support the basis for recommendation in Section 5.7 of the Staff Report, in particular related to the following:

- a) The proposed development conforms to the Durham Regional Official Plan and the O.O.P.
- b) The increased traffic as a result of the proposed development will have a negligible impact on the adjacent local roads and their intersections with Harmony Road North. The road network can accommodate the additional vehicle trips.
- c) The proposed development has been designed to be compatible with surrounding land uses and provides an appropriate interface with surrounding existing residential development.
- d) The proposed development represents good planning.”

Staff Response:

- a) Kilbourne does not specify which policies of the Durham Regional Official Plan or the Oshawa Official Plan (the “O.O.P.”) they believe the subject applications do not comply with. The Region of Durham Planning and Economic Development Department has stated they have no objection to the approval of the applications. Section 5.2 of Report ED-24-42 (see Attachment 1) outlines City Planning staff’s opinion with respect to conformity to the O.O.P., namely, that the subject revised applications conform to the O.O.P.
- b) Report ED-24-42 outlines that the transportation engineers at both the City and the Region have reviewed the traffic impact studies prepared by GHD and they have no objections to the conclusions that the development will have negligible impact on the local roads and Harmony Road North.
- c) Report ED-24-42 outlines that the interfacing homes in this development abutting existing homes on Swiss Height and Pinecrest Road will have a maximum height of 9m (29.5 ft.) and two storeys which matches the maximum building height already permitted under the current R1-A zoning. The proposed development contemplates a low rise, low density housing project that is consistent with the Low Density Residential designation of the Pinecrest Part II Plan.
- d) In view of the foregoing, and in consideration of the various matters addressed in detail in Report ED-24-42, it is this Department’s opinion that the proposed development represents good planning.

2.2.2 Kilbourne Comment 2

“Staff and the applicant have only selectively considered and addressed applicable Regional and Oshawa Official Plan (O.O.P.) policies. Official Plans must be read and applied in their entirety and all decisions of Council related to Zoning By-law Amendments must ensure that

the amendment would be in conformity with the in-force and effect Official Plan and the applicable policies of the Part II Plan.

- In particular, many of the Part II Plan policies have not been spoken to or addressed in relation to this proposal and it's conformity with the O.O.P. Some examples are listed below:
 - a) 8.4.6.7 It is the intent of the City to encourage the development of large lot single detached dwellings in areas as schematically shown on the Pinecrest Land Use and Road Plan, particularly where such areas abut creek valleys, woodlots or the top of the slope associated with the former Lake Iroquois shoreline.
 - b) 8.4.6.8 In areas designated as Low Density Residential, the City will encourage the provision of new residential development of a similar type as abutting residential development existing as of the date of approval of this Part II Plan in order to ensure compatibility between new and existing development.
 - c) 8.4.12.5 Development shall have regard to its effect on the natural environment. Measures shall be taken to retain and enhance natural features having ecological, recreational or aesthetic value such as significant woodlots, specimen trees, scenic vistas and natural watercourses.”

Staff Response:

- a) Attachment 2 of Report ED-24-42 is a copy of the Pinecrest Land Use and Road Plan which shows areas designated as Large Lot Single Detached Dwellings. This designation applies to various properties in the Pinecrest Planning Area that directly abut open space corridors and creek valleys, as outlined in Policy 8.4.6.7 of the Pinecrest Part II Plan. Lands on the east and south sides of Pinecrest Road and the east side of the north-south leg of Swiss Height have been developed as large lot single detached dwellings. This designation does not apply to the Subject Site.
- b) Policy 8.4.6.8 of the Pinecrest Part II Plan does not stipulate that only single detached dwellings shall be permitted in the Low Density Residential designation. The proposed development conforms to the Low Density Residential designation by providing a residential density of 32.15 units per hectare (13.02 ac.). The applications propose to provide single detached dwellings abutting existing single detached dwellings on Pinecrest Road and Swiss Height, in accordance with Policy 8.4.6.8.
- c) The Subject Site is composed of three large residential properties with manicured yards and various trees throughout the site. There are no significant woodlots, scenic vistas or natural watercourses. Regardless of the type or density proposed, most trees would be required to be removed for any redevelopment. Boundary trees along the exterior property lines will be preserved and protected during construction. The Central Lake Ontario Conservation Authority has indicated that there are no significant natural heritage features on the Subject Site that require preservation or protection.

2.2.3 Kilbourne Comment 3

- “Staff have indicated that the proposed development would necessarily contribute toward fulfilling the City’s housing needs. Policy 8.4.6.10 (d) of the Pinecrest Part II Plan indicates: ‘Development will be monitored on a City-wide basis to determine if the affordability objectives of the Oshawa Official Plan are being achieved. Should the objectives not be met, the Pinecrest Part II Plan will be reviewed and may be revised to address this situation in the context of its role in the City’s housing supply.’ This policy seems to indicate that if the objectives had not been met for this particular planning area, an amendment to the Part II plan to address this need would’ve been initiated by the City.”

Staff Response:

- a) Kilbourne appears to be suggesting that if housing affordability were an issue in Oshawa, then the City would amend the Pinecrest Part II Plan in accordance with Pinecrest Part II Plan Policy 8.4.6.10(d). However, this is not what the policy states. Rather, the policy states that if housing objectives across the City are not being achieved, the Pinecrest Part II Plan will be reviewed and may be revised to address the housing affordability situation.
- b) Policy 8.4.6.10(d) only says the Pinecrest Part II Plan may be revised upon review, not shall be revised.
- c) Staff note that Kilbourne’s letter does not address the balance of Policy 8.4.6.10, consisting of paragraphs (a), (b) and (c) which read as follows:

“8.4.6.10 The following policies will apply to lands to be used for residential purposes within the Pinecrest Planning Area:

- (a) Opportunities will be created for a broad range of residential accommodation by housing type, tenure, size, location and cost which are suitable for different income and age levels, and household structures in order to meet the housing needs of the future residents of the Pinecrest Planning Area.
- (b) Innovation will be encouraged in terms of housing types to ensure that development will create and foster continuing opportunities for affordable housing.
- (c) The Pinecrest Planning Area will contribute to achieving an overall City-wide goal of providing a minimum of twenty-five percent (25%) affordable housing.”

Paragraphs (a) to (c) emphasize the need for a diverse housing supply to accommodate a range of household needs and that is receptive to the current housing needs in Oshawa.

- d) Policy 8.4.6.10(d) would suggest that, upon review of the Pinecrest Part II Plan by the City, the City may need to redesignate certain lands to create more opportunities for housing in the area or increase the residential densities in certain areas. In any case, the Applicant is not proposing to amend the Part II Plan but rather develop the site in accordance with the existing Low Density Residential designation, while achieving suitable residential

intensification and the supply of a variety of housing types in accordance with Paragraph (a) of Policy 8.4.6.10.

- e) The City reviewed the Pinecrest Part II Plan as well as the O.O.P. as a whole including other Part II Plans and Secondary Plans as part of the City's Growth Plan conformity exercise in the mid-2010s. The City adopted Official Plan Amendment 179 ("O.P.A. 179") in 2016 and it was subsequently approved by the Region of Durham. O.P.A. 179 implemented the Province's Growth Plan for the Greater Golden Horseshoe and the Region of Durham's Official Plan. O.P.A. 179 redesignated lands within the Pinecrest Part II Plan on the south side of Taunton Road East, east of Townline Road North from Low Density Residential to Medium Density II Residential subject to a policy to also permit Medium Density I Residential. This is an example of how the City has reviewed the Pinecrest Part II Plan in consideration of evolving Provincial and Regional land use planning policies and the need to accommodate additional housing and a range of housing in the Pinecrest Planning Area at appropriate locations.
- f) Kilbourne's comments appear to suggest that no additional housing can be permitted in the Pinecrest Part II Plan unless the plan is reviewed and amended in some form. It is important to note that the City may review and consider the Pinecrest Part II Plan's contribution to housing affordability as part of the review of an application to amend the Pinecrest Part II Plan submitted by a landowner or developer. This is not currently the case with respect to the subject revised applications as the Applicant is not proposing to amend the plan.
- g) Lastly, due to the general lack of housing affordability across Ontario, the Province has tasked the City with delivering 23,000 new housing units in Oshawa between 2022 and 2031. This is part of the Province's plan to build 1.5 million homes across Ontario over the ten-year period, for the purpose of increasing housing supply.

2.2.4 Kilbourne Comment 4

- "With regard to comparator properties Staff have referenced in Section 4.2.1 of the Staff Report, properties presented consist of medium density developments in areas outside of the Pinecrest Part II Plan area, with the exception of 1280 Harmony Road North which is designated Medium Density in the Pinecrest Part II Plan, has direct site access onto Harmony Road, and is located near the major intersection of Harmony and Taunton Roads. Further, these comparables are all served by either direct access to an arterial or collector road or full movement turning opportunities within very close proximity to the site access which mitigates for any traffic impacts on existing surrounding neighbourhoods."

Staff Response:

The purpose of Section 4.2.1 of Report ED-24-42 is to demonstrate that the proposed development conforms to the Low Density Residential designation due to the proposed residential density, despite the inclusion of block townhouses. It was also to help visualize the contrast between the proposed low density development contemplated in the subject revised applications in comparison to other completed medium density developments in the City. The examples consist entirely of block townhouse dwellings whereas the subject proposed development consists of a mix of block townhouse dwellings, semi-detached dwellings and single detached dwellings.

Kilbourne does not dispute the argument made in this section of the Report, but rather focuses on whether the comparable housing developments have direct driveway access to an arterial or collector road. There is no policy or direct correlation regarding what type of road any given type or density of development must have. In any case, all of the listed comparable housing developments that are in the Medium Density I Residential category or Medium Density II Residential category have direct driveway access to either an arterial road or a collector road, whereas the subject proposed development is a Low Density Residential development with access to a local road.

2.2.5 Kilbourne Comment 5

- “While the O.O.P. does allow for some flexibility in interpretation (e.g. numerical values, typologies), the City and applicant have not demonstrated how the proposed development conforms otherwise and satisfies the intent of the OOP relevant and applicable policies for Low Density Residential, which the site is designated. If the proposed density falls within the criteria for medium density, and the built form/typology proposed also falls under the criteria for medium density development in the O.O.P., it has not been clearly or adequately explained what else distinguishes the proposed development as conforming with the Low Density Residential policies and the intent of the O.O.P. and Part II Plan, compared to a Medium Density Residential development proposal which would require an Official Plan Amendment. Notably, comparable developments presented by staff appear to be Medium Density Residential developments, and designated as such or enabled through separate policies in the O.O.P. or respective Part II Plan where applicable.”

Staff Response:

Section 4.2.1 of Report ED-24-42 contains detailed discussion outlining how the proposed development is consistent with the Pinecrest Part II Plan.

The Pinecrest Part II Plan and O.O.P. contain policies which are predicated in articulating the City’s intent for how development should generally occur, rather than impose strict parameters. As such, they provide for a modicum of flexibility in interpretation, acting reasonably.

As an example, a residential development in an area that is designated Medium Density I Residential (which generally permits a density of 30 to 60 units per hectare) could be proposed at 28 units per hectare with a built form consisting entirely of townhouses and still be considered to conform to the intent of the Medium Density I Residential designation. Similarly, the proposed development featuring a mix of single detached, semi-detached and block townhouse units having a combined density of 32.15 units per hectare which is considered to conform to the Low Density Residential designation.

The site at 1640 Grandview Street North is designated Low Density Residential in the Taunton Part II Plan, but was developed as entirely block townhouses and produced a density of 31.3 units per hectare (12.7 u/ac.). According to Kilbourne’s opinion, that development would not be permitted because it is over 30 units per hectare and consists entirely of block townhouses.

2.2.6 Kilbourne Comment 6

- “Further, this flexibility in interpretation by staff should be considered in conjunction with Policy 8.4.1.8 of the O.O.P. which stipulates: **The Pinecrest Part II Plan refines and complements the policies of the Part I Plan.** In instances where the Pinecrest Part II Plan is silent on matters contained in the Part I Plan, the relevant policies of the Part I Plan, as may be amended from time to time, shall likewise apply to the Pinecrest Planning Area. However, **in instances where the Pinecrest Part II Plan contains more detailed policies than the Part I Plan, such detailed policies shall be applicable. Similarly, where a list of permitted uses provided in the Pinecrest Part II Plan expands, contracts or further details uses listed in the Part I Plan, permitted uses shall be those listed in the Part II Plan.**”

Staff Response:

The policies of the Pinecrest Part II Plan have not been refined such to prevent smaller single detached dwellings, semi-detached dwellings or block townhouses from being permitted in the Low Density Residential designation if the density provisions are complied with.

Staff acknowledge that the Pinecrest Part II Plan does identify areas for Large Lot Single Detached Dwellings, which is a refinement of the Part I Plan (O.O.P.), but, as discussed in Section 2.2.2 of this Report, this designation does not apply to the Subject Site.

Kilbourne has not identified any policies of the Part I Plan or Part II Plan that would prevent the proposed density or land uses.

2.2.7 Kilbourne Comment 7

- “Staff’s interpretation of Regional Official Plan policies and appropriate densities and their applicability to the subject development should also be reviewed and confirmed. For instance, currently the proposed site is served by DRT [Durham Region Transit] routes 916 and 423 which operate at frequencies between 20-30 minutes. This corresponds to “basic transit services” which are recommended to support densities at 22 units per hectare. While the Region has identified Harmony Road as a High Frequency Transit Corridor, nearly the entirety of the Harmony Road Corridor, south of Taunton has already been developed with “Low Density” residential development. It is not reasonable to expect that at the site level, any singular redevelopment would be expected to meet or exceed these “targets”, irrespective of the context and especially in situations where the surrounding area has not been developed or is unlikely to be significantly redeveloped to enable transit supportive densities. Further, the City of Oshawa has not yet completed a conformity exercise to assess and update the Oshawa Official Plan to bring it into conformity with the Regional Official Plan which would include refining and applying Regional policy as appropriate to specific areas and neighbourhoods within the City. Until such time as the City’s conformity exercise has been completed, including the required opportunity for public consultation and input, the policies of the existing in force and effect OOP continue to be applicable and guide development in the City.”

Staff Response:

- a) The current Durham Regional Official Plan identifies Harmony Road as a Regional Corridor and a High Frequency Transit Network corridor. Regional Corridors form the key connections between Centres and are considered the main arteries of the Region's urban structure. They provide for the movement of people and goods between Centres to support their vitality. Development adjacent to a High Frequency Transit Network corridor shall, among other matters, provide for complementary higher density uses at an appropriate scale and context in accordance with the Region's policies for Regional Corridors. O.P.A. 179 updated the O.O.P. to implement the policies of the Durham Regional Official Plan, which included designating Harmony Road as a Regional Corridor and a Regional Transit Spine. The Region adopted a new official plan (Envision Durham) on May 17, 2023 and it is currently with the Ministry of Municipal Affairs and Housing for approval. As such, the current Regional Official Plan is still in effect and the O.O.P. is consistent with it. Envision Durham encourages higher density developments along Regional Corridors and along High Frequency Transit Networks to support compact communities and efficient transit service. The minimum density target along High Frequency Transit Networks is 45 dwelling units per hectare.
- b) The Region of Durham Planning and Economic Development Department has stated that development proposals along Regional Corridors such as Harmony Road must be at higher densities and support an overall long term density of at least 60 units per gross hectare (24 units/gross acre). The Region also has stated that, since this proposed development is only 32.15 units per hectare, it is important for the City to encourage future developments for other sites along Harmony Road that support higher-density mixed-use developments in order to make up for the shortfall represented by the development at the Subject Site.
- c) Harmony Road North is expected to continue to intensify in areas north of Taunton Road East, particularly in the Kedron Planning Area (north of Conlin Road East) and within the northern part of the Taunton Planning Area (between Coldstream Drive and Conlin Road East).
- d) Kilbourne suggests that a bus on the 423 and 916 Durham Region Transit (D.R.T.) routes currently passes the Subject Site every 20-30 minutes (2 to 3 times per hour). However, this is not accurate. The 423 bus passes the Subject Site every 30 minutes, and the 916 Pulse bus passes the Subject Site every 20 minutes. This produces 5 buses per hour or a frequency of every 12 minutes on average, not 20 to 30 minutes.
- e) Kilbourne appears to be suggesting that portions of the Harmony Road corridor will not be able to achieve transit-supportive densities and therefore it is not reasonable to redevelop any lands within the corridor. However, in staff's opinion, the lack of intensification opportunities in other areas along the corridor demonstrates the importance of developing available lands at suitable densities to support transit use.

2.2.8 Kilbourne Comment 8

- "Whereas Section 9.15 of the O.O.P. allows for the City to require a peer review of studies with the cost to be borne by the applicant, it is recommended that Council request a peer review of the Transportation Study be undertaken prior to approving the proposed

development, based on the significant concerns raised related to the transportation analysis.”

Staff Response:

A peer review is an option the City can always pursue. However, both the City and the Region have in-house expertise in traffic engineering. The City’s Engineering Services and the City’s Community and Operations Services department have reviewed the reports and have no issues. As well, the Regional Works professional transportation engineering staff have also extensively reviewed the proposal and traffic reports. On the basis of this review, no apparent need to have an external transportation expert review the project on behalf of the City was identified.

2.2.9 Kilbourne Comment 9

- “As the applicant is not requesting an Official Plan Amendment as part of their applications, it is imperative that conformity be demonstrated with the approved, in force and effect O.O.P. and Pinecrest Part II Plan Policies in order for Council to approve a Zoning By-law Amendment and all other associated applications, which are required to be in conformity with the OOP.”

Staff Response:

Report ED-24-42 outlines this Department’s opinion on the planning merits of the applications and their conformity with the O.O.P. In this regard, for the reasons outlined in Report ED-24-42, staff is of the opinion that conformity has been appropriately demonstrated.

2.3 Karim Transportation Comments

The commentary from Karim is set out below together with a staff response. These responses were prepared in consultation with GHD, a professional consulting company with transportation engineering expertise retained by the applicant, and takes into account comments provided throughout the application review process by the Region of Durham, which has jurisdiction over Harmony Road North.

2.3.1 Karim Comment 1

“Harmony Road Access: Full access on Harmony Road should be able to accommodate the site-generated traffic proposed by this development. The proposed access location is over 400 meters from the nearest traffic signal from Grand Ridge Avenue, and the site’s frontage on Harmony Road is relatively flat, making full access likely feasible for accommodating development traffic on/from Harmony Road.”

Staff Response:

A full moves access on Harmony Road North would be able to accommodate the proposed site-generated traffic volumes. However, the volume of potential traffic is not the issue preventing the approval of a direct access to Harmony Road North. In their response to City staff, Regional staff noted that the proposed access does not comply with the Region’s entranceway policy and access spacing guidelines for Harmony Road North, given its

classification as a Type “A” Arterial Road. They concluded that most of the turning movements at the proposed access would present an unacceptable risk of collisions given the existing volumes, vehicle speed, road geometry and sight distance conditions on the adjacent section of Harmony Road North. Given these findings, the Region would only be able to support a right-out movement and a right-in movement with a deceleration lane. However, these turning movements are already available via Pinecrest Road with minimal impact.

2.3.2 Karim Comment 2

“Northbound Traffic Distribution: The GHD study assumed that the majority of future site or background traffic would be directed towards the northbound direction. However, given that the majority of trip destinations are towards the southbound direction and with access to Highway 401 located south of the site, most vehicle traffic should be destined southward, not northward. The GHD study should be revised to reflect the true nature of traffic destination demands across the city.”

Staff Response:

The most recent version of the GHD traffic study reviewed the distribution of site-generated traffic and revised it to propose that just over 50% of the site trips are assigned to the north of the Subject Site. This was based on a review of the existing volumes of traffic on Harmony Road North which has slightly higher volumes travelling northbound during the morning and afternoon peak hours. This was consistent throughout the day where more traffic was heading north than south on Harmony Road North.

2.3.3 Karim Comment 3

“Traffic Infiltration: Due to limited options for left-turns from Harmony Road, the majority of left-turns will likely occur at the traffic signal at Grand Ridge Avenue/Harmony Road. These left-turning vehicles will use several local roads (such as Swiss Heights, Pinecrest Road, etc.) to access the site. The impact of traffic infiltration was not analyzed in the GHD traffic study.”

Staff Response:

The impact of traffic infiltration was not analyzed in the GHD traffic study due to the low volume of traffic on the local roads and the low volume of traffic that would be generated by the proposed development. The development is expected to generate a maximum of 23 one-way trips to the local road network or one vehicle on average every two minutes. Pinecrest Road has a maximum of 10 one-way trips during the peak hour while Swiss Height has a maximum of approximately 14 one-way trips during the peak hour. Combined with the maximum one-way site traffic, the future maximum combined volumes on Pinecrest Road or Swiss Height is approximately one vehicle every 1.5 to 2 minutes during the peak hour. For the rest of the day it is much lower.

2.3.4 Karim Comment 4

“Right-of-Way Constraints: Despite Pinecrest Road having a 20-meter right-of-way per Official Plan, the actual space available for vehicular and pedestrian traffic will be significantly narrower due to elevation differences along the segment between Harmony Road and Pinecrest Road. The presence/need of multiple retaining walls, grading requirements, cross-

slope issues, and widening needs will pose serious challenges when applying City engineering standards during the detailed design stage. No detailed design for this segment of Pinecrest Road and access was provided to confirm these constraints.”

Staff Response:

The pavement width on Pinecrest Road will not be impacted by the proposed development. The north boulevard of Pinecrest Road adjacent the Subject Site will be reconstructed and urbanized with a new sidewalk leading to the development. Detailed design of the access will be completed to the satisfaction of the City.

2.3.5 Karim Comment 5

“Distance from Harmony Road to Pinecrest Access: The proposed Pinecrest access is approximately 30-35 meters from the stop bar at Harmony Road. However, when accounting for clear intersection distance (including "no stopping" restrictions and intersection clearance etc.), this distance reduces to roughly the length of two regular vehicles or one large vehicle. Such proximity from a major street like Harmony Road could lead to queuing, conflict, and other traffic operation and safety issues.”

Staff Response:

Future traffic volumes on Pinecrest Road at Harmony Road North amount to 13 right turns during the morning peak hour (one vehicle every 4.5 minutes) and 8 during the afternoon peak hour (one vehicle every 7.5 minutes) on average. The 95th percentile queue length is one vehicle during either peak hour. There is no anticipated queue that would extend to the site access and block access to the site.

2.3.6 Karim Comment 6

“Proximity to Curvature: Geometric design guidelines generally recommended to avoid placing new access points close to road curvature. The proposed Pinecrest access is located only a few meters away from a sharp horizontal curvature (nearly a 90-degree bend), which poses risks such as sightline issues, visibility challenges, sideswipe risks, and potential head-on collisions once the new access is installed.”

Staff Response:

The latest GHD traffic study included a sightline assessment of the Pinecrest Road driveway access which demonstrated sufficient sightlines based on the operation of the road and low volumes. The professional transportation engineering staff in this Department reviewed the assessment and agreed with its conclusions.

2.3.7 Karim Comment 7

“Left Turn at Pinecrest Road Access: The GHD study suggested that right-turning vehicles from Harmony Road should immediately turn left at the Pinecrest access. This close back-to-back turning proximity, coupled with insufficient space for left-turn vehicle storage (especially for larger design vehicles), could block eastbound traffic and increase collision risks at the proposed Pinecrest access.”

Staff Response:

Future traffic volumes along Pinecrest Road and at the site access confirmed that the access would operate with acceptable delays and queuing. Inbound volume at the Pinecrest Road access is estimated at one vehicle every 5 to 6 minutes during the afternoon peak hour, and the remaining inbound trips will be right turns. Opposing through volumes on Pinecrest Road to the left-in from Pinecrest Road is 7 vehicles during the morning peak hour and 4 vehicles during the afternoon peak hour. There is expected to be no delay to the inbound left turns to the Subject Site.

2.3.8 Karim Comment 8

“Turning Vehicle Constraints: Apart from left-turning vehicles entering the Pinecrest access, outbound turning vehicles (particularly larger ones) will encounter minimal buffer space between oncoming vehicles, pedestrians at corners, or cyclists on Pinecrest Road. This condition often leads to increased ‘vehicle mounting’ incidents, posing serious collision risks to vulnerable road users, including seniors. The swept path analysis provided in the GHD report did not account for street curbs (particularly the south curb), leaving the true impact of large vehicles unknown.”

Staff Response:

The largest design vehicle expected to access the development on a regular basis is a waste collection truck or single axle delivery truck. In most cases these trucks will be on the road during the off peak hours where traffic volumes on Pinecrest Road are even less than one vehicle every 4 to 8 minutes during the hour. The expected interaction between pedestrians, cyclists and vehicles at the Pinecrest Road access are expected to be minimal. The section of Pinecrest Road between the site access and Harmony Road North will also have a pedestrian sidewalk on the north side, eliminating the risk of pedestrians and vehicles interacting once a vehicle turns right out of the site access.

2.3.9 Karim Comment 9

“Pedestrian Safety Issues: The proposed pedestrian sidewalk on the north side of Pinecrest Road seems to be situated too close to the property line, leaving little to no safety buffer for a maintenance strip and safety distance behind the sidewalk. Additionally, the grass boulevard between the sidewalk and curb on Pinecrest Road features a steep slope exceeding provincial maximum boulevard slope standards, posing additional risks to pedestrians. The downward slope and ramp at the northeast corner of Harmony Road and Pinecrest Road, where two sidewalks intersect, present grading challenges and could hinder accessibility standards, increasing slip-and-fall risks—especially during winter.”

Staff Response:

The new Pinecrest Road sidewalk in the north boulevard will be required to be designed and constructed to meet the City’s design standards. A certain amount of regrading of the boulevard may be required to accommodate the sidewalk and boulevard slopes that satisfy City criteria.

Karim Comment 10:

“Bicycle Safety Issues: The pavement width along the site's frontage on Pinecrest Road is approximately 6 meters, which is too narrow for cyclists to ride adjacent to vehicle traffic safely. Widening the pavement to accommodate cyclists would face elevation difference issues along the segment between Harmony Road and Pinecrest Road. Furthermore, conflicts with turning vehicles at the Pinecrest access would increase risks for bicycle users.”

Staff Response:

This is an existing condition and the interaction between cyclists and vehicles is only slightly increased with the additional traffic expected on Pinecrest Road and Swiss Height. During peak traffic there would be one vehicle every 1.5 minutes which produces little risk to cyclists using the local roads.

2.4 Harmony Road North Driveway Access

Section 4.2.3 of Report ED-24-42 outlines the options explored with the Region to provide a full movement driveway access directly on Harmony Road North for the proposed development.

The Region will allow a right-out driveway access since it would not conflict with other vehicle movements on Harmony Road North.

The Region will not allow a right-in driveway access unless a deceleration lane is constructed in the Harmony Road North boulevard in front of the Subject Site on the approach towards the driveway to allow drivers to slow down in a separate lane from northbound through traffic. Introducing such a design feature would likely necessitate the removal of a minimum of 2 street trees and preclude the planting of 4 new boulevard trees.

In order to allow right-in or right-out driveway access, the median in Harmony Road North would need to be extended northerly to the intersection of Swiss Height. The purpose is to prevent left turn movements into or out of the driveway.

The Region was also requested to investigate additional options for alternative turning movements for the Subject Site on Harmony Road North, including possibly traffic signals. These options would likely involve the partial or full closure of the Swiss Height access to Harmony Road North. The closure of Swiss Height at Harmony Road North would have traffic implications for existing residents, as it would divert some drivers to Grand Ridge Avenue that would have otherwise used the Swiss Height intersection. At the time of writing of this report, the Region has not provided a response on these options.

If a driveway access to Harmony Road North was provided, it does not necessarily rule out a potential driveway on Pinecrest Road.

In the hypothetical situation that the contextual constraints associated with the subject section of Harmony Road North did not exist, if vehicular access to the proposed development was limited only to a Harmony Road North driveway, it would divert a maximum of 24 vehicles during the morning peak hour and 39 vehicles during the afternoon peak hour from using the

35 metre stretch of Pinecrest Road between Harmony Road North and the Pinecrest Road driveway.

Direct driveway access to Harmony Road North would have other site design implications for the development. Specifically, the size of the parkette would be reduced substantially, 833 Swiss Height would have a driveway directly behind their property, and the driveway/deceleration lane would remove existing street trees on Harmony Road North.

If the development is ultimately approved with driveway access on Pinecrest Road, the City could consider removing permission for on-street parking on certain portions of Pinecrest Road near Harmony Road North and the driveway access to prevent drivers from parking on this stretch of the road.

3.0 Recommendation

1. That, pursuant to Report CNCL-24-46 dated April 23, 2024, the revised application submitted by Icon Harmony Limited to amend Zoning By-law 60-94 (File: Z-2022-11) to rezone 1081 and 1093 Harmony Road North and 836 Pinecrest Road from R1-A (Residential) to an appropriate R2 (Residential) zone to permit the development of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
2. That, pursuant to Report CNCL-24-46 dated April 23, 2024, the revised application submitted by Icon Harmony Limited for approval of a draft plan of subdivision (File: S-O-2022-04) which proposes a block for single detached dwellings, semi-detached dwellings and block townhouses and a road widening block at 1081 and 1093 Harmony Road North and 836 Pinecrest Road be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose City conditions in the draft plan of subdivision approval Planning Act decision.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law amendment proposed in Report ED-23-10 dated January 4, 2023, presented at the public meeting of January 9, 2023, differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.



Anthony Ambra, P.Eng., Commissioner
Economic and Development Services Department

DS/k

Attachments

Public Report

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-42

Date of Report: April 3, 2024

Date of Meeting: April 8, 2024

Subject: Revised Applications to Amend Zoning By-law 60-94 and for
Approval of a Draft Plan of Subdivision, Icon Harmony Limited,
1081 and 1093 Harmony Road North and 836 Pinecrest Road

Ward: Ward 3

File: Z-2022-11, S-O-2022-04

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised applications submitted by Icon Harmony Limited (the “Applicant”) to amend Zoning By-law 60-94 (File: Z-2022-11) and for approval of a draft plan of subdivision (File: S-O-2022-04) to permit 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings on lands municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road (the “Subject Site”).

The Applicant intends to register the proposed development as a common elements draft plan of condominium pursuant to File: C-O-2022-07.

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of Schedule “A”, Pinecrest Land Use and Road Plan, from the Pinecrest Part II Plan showing the location of the Subject Site.

Attachment 3 is a copy of the original proposed site plan submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 4 is a copy of the revised proposed site plan submitted by the Applicant to address certain public and technical comments.

Attachment 5 is a copy of the original proposed draft plan of subdivision (File: S-O-2022-04) submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 6 is a copy of the revised proposed draft plan of subdivision (File: S-O-2022-04) submitted by the Applicant to address certain technical comments.

A public meeting was held on January 9, 2023 concerning the subject development applications. At the conclusion of the public meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the subject applications and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. The minutes of the January 9, 2023 public meeting form Attachment 7 to this Report.

Subsequent to the January 9, 2023 public meeting, the Applicant revised the subject development proposal. The key differences between the original proposal considered at the public meeting (see Attachment 3) and the revised proposal (see Attachment 4) are as follows:

- (a) The total number of dwelling units has increased from 73 to 78. The number of single detached dwellings has decreased from 36 to 33. The number of semi-detached dwellings has increased from 22 to 24. The number of block townhouse dwellings has increased from 15 to 21.
- (b) The number of proposed single detached dwelling lots located around the perimeter of the site abutting the existing neighbourhood has been reduced from 36 to 33.
- (c) The original site design proposed a driveway access on Pinecrest Road and an emergency access only on Harmony Road North. In response to concerns from the existing neighbourhood with respect to traffic impacts, the Applicant subsequently revised the site design in an attempt to make the driveway on Harmony Road North an open full movement driveway access. Ultimately, it was determined that the road geometry and sight distance conditions along the adjacent segment of Harmony Road North render most turning movements from this access unsafe. The development does not require an emergency access or more than one driveway access. The Applicant is now proposing a single driveway access for the proposed development, which will be located on Pinecrest Road.
- (d) The area of the common outdoor amenity area (parkette) has been expanded, incorporating additional space at the northwest corner of the Subject Site previously occupied by the emergency access. The size of the private parkette has increased from 458 square metres (4,929.87 sq. ft.) to 686 square metres (7,384.04 sq. ft.).
- (e) The visitor parking rate has been increased from 0.23 spaces per unit to 0.25 spaces per unit (20 visitor parking spaces in total).
- (f) The original proposal requested a maximum building height of 11 metres (36.08 ft.) for all single detached dwellings, semi-detached dwellings and block townhouses. The Applicant subsequently revised the proposal to request a maximum building height of 9 metres (29.52 ft.) for twenty of the proposed single detached dwellings (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4) and a maximum building height of 11 metres (36.08 ft.) for the front wall facing the internal private road and a maximum height of 9 metres (29.52 ft.) (2 storeys) for the rear wall facing the rear lot line for the

remaining thirteen single detached dwellings (i.e. Lots 12 to 24 as shown on Attachment 4). Further, the Applicant has reduced the proposed height of all semi-detached dwellings to 9.50 metres (31.17 ft.) (2 storeys), and increased the proposed height of all block townhouses to 11.75 metres (38.55 ft.) measured on the exterior of the west side of the building facing Harmony Road North and 11.25 metres (36.91 ft.) measured on the east side of the building facing the internal private road.

- (g) The net site area of Block 1 in the draft plan of subdivision has increased from 2.342 hectares (5.79 ac.) to 2.426 hectares (5.99 ac.). This change is a result of a reduction in the width of the road widening conveyance required by the Region of Durham along the frontage of Harmony Road North.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-24-42 dated April 3, 2024, the revised application submitted by Icon Harmony Limited to amend Zoning By-law 60-94 (File: Z-2022-11) to rezone 1081 and 1093 Harmony Road North and 836 Pinecrest Road from R1-A (Residential) to an appropriate R2 (Residential) zone to permit the development of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
2. That, pursuant to Report ED-24-42 dated April 3, 2024, the revised application submitted by Icon Harmony Limited for approval of a draft plan of subdivision (File: S-O-2022-04) which proposes a block for single detached dwellings, semi-detached dwellings and block townhouses and a road widening block at 1081 and 1093 Harmony Road North and 836 Pinecrest Road be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose City conditions in the draft plan of subdivision approval Planning Act decision.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law amendment proposed in Report ED-23-10 dated January 4, 2023, presented at the public meeting of January 9, 2023, differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends the approval of the revised applications to amend Zoning By-law 60-94, as amended, and for approval of a draft plan of subdivision to permit the development of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings at 1081 and 1093 Harmony Road North and 836 Pinecrest.

The Applicant and Department staff, working with the Region of Durham, attempted to find ways to minimize the need for vehicular traffic to and from the proposed development to

drive through the existing surrounding neighbourhood. However, due to the design and characteristics of the adjacent sections of Harmony Road North and Pinecrest Road, it was not possible to implement alternative driveway access designs.

The proposal represents an infill residential development with a density and built form that is appropriate given the locational context of the Subject Site, which is at the periphery of a neighbourhood abutting an arterial road designated as a Regional Corridor and a Regional Transit Spine, and can be designed to be compatible with the surrounding residential uses. The proposed interface between the surrounding existing residential development and the proposed new residential development is appropriate. The proposed block townhouses are located adjacent to the westerly limit of the Subject Site abutting Harmony Road North rather than adjacent to any existing residential properties.

The proposed development conforms to the Provincial Growth Plan, is consistent with the Provincial Policy Statement, conforms to the Durham Regional Official Plan and Oshawa Official Plan, is within the City's Built Boundary and represents good planning. The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa between 2022 and 2031 as targeted by the Province.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the subject revised applications. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the site plan approval and building permit processes, if the revised applications are approved.

4.2 Public Comments

The minutes of the January 9, 2023 public meeting concerning the subject applications form Attachment 7 to this Report. Several letters were also received from the public with respect to the subject applications containing comments and expressing objections to the applications.

On August 16, 2023, City staff coordinated a meeting between the Applicant and three members of the Maxwell Heights Neighbourhood Association to discuss changes to the site plan resulting from comments on the first submission and concerns from the neighbourhood.

Key concerns raised by the public at the public meeting, in subsequent meetings with area residents and in the written correspondence are set out below together with a staff response.

4.2.1 Conformity to the Pinecrest Part II Plan

Comment:

Comments were made concerning the need for an amendment to the Pinecrest Part II Plan (official plan amendment) based on the proposed density and housing type/form of the proposed development.

Staff response:

The lands subject to the revised applications are designated Low Density Residential on Schedule 'A' of the Pinecrest Part II Plan.

The Low Density Residential designation generally permits a maximum net residential density of up to 30 units per hectare (12 u/ac.), as outlined in Table 2 of the Oshawa Official Plan (the "O.O.P."). The density of the revised proposal is 32.15 units per hectare (13.02 u/ac.).

Policy 10.1.2(a) of the O.O.P. states, in part, that with the exception of floor space indices, all numbers and quantities shown in the O.O.P. are approximate and that minor changes to such numbers and quantities will be permitted without amendment provided that such changes do not affect the intent of the O.O.P. Therefore, the densities outlined in Table 2 of the O.O.P. are not fixed limits for the given density category, but rather provide a guideline in evaluating development proposals. The difference between 30 units per hectare and 32.15 units per hectare is minor and can be considered to still be consistent with the Low Density Residential Category and therefore the intent of the O.O.P.

Table 2 of the O.O.P. also provides descriptions of the general representative housing type/form for each density type. Low Density Residential development has the general representative housing type/form of single detached dwellings, semi-detached dwellings and duplexes. In the footnote associated with Table 2, the O.O.P. acknowledges that these descriptions represent only the anticipated housing forms for the density categories specified in the Table, and that differences in building design, site specifications and lot area may produce considerable variation in housing type at any given density. On this basis, the housing form of the proposed development, which consists of single detached and semi-detached dwellings in the interior of the lot and block townhouse dwellings fronting Harmony Road North, is consistent with the O.O.P. guidance for the Low Density Residential designation in the Pinecrest Part II Plan.

A built example of how townhouse form development can be consistent with Low Density Residential development is the block townhouse development at 1640 Grandview Street North. The site is designated Low Density Residential in the Taunton Part II Plan and is developed with 47 townhouse units. The site is approximately 1.5 hectares (3.7 ac.) in size, which yields a density of 31.3 units per hectare (12.7 u/ac.). This density is generally consistent with the Low Density Residential designation despite consisting entirely of block townhouse units.

For comparison, the 79 block townhouses at Harmony Road North and Missom Gate have a combined density of 60.8 units per hectare (24.6 u/ac.), the 56 block townhouses at

Phillip Murray Avenue and Park Road South have a density of 54.15 units per hectare (29.1 u/ac.), the 212 block townhouses at Harmony Road South and Taylor Avenue have a density of 46.6 units per hectare (11.2 u/ac.), and the 38 block townhouses at 1280 Harmony Road North have a density of 43.4 units per hectare (17.6 u/ac.).

4.2.2 Compatibility with the Surrounding Neighbourhood

Comment:

Comments were made concerning compatibility between the built form of the proposed development and the surrounding neighbourhood.

Staff response:

The proposal features 33 single detached dwellings located along the northern, eastern and southern limits of the Subject Site abutting the existing residential neighbourhood, 24 semi-detached dwellings situated within the interior of the Subject Site, and 21 block townhouse dwellings located along the western limit of the Subject Site fronting Harmony Road North.

Harmony Road North is classified as a Type "A" Arterial Road. The policies of the Provincial Growth Plan, Durham Regional Official Plan and the O.O.P. encourage appropriate residential intensification along arterial roads.

Harmony Road North is designated as a Regional Corridor and a Regional Transit Spine in the O.O.P. It is also identified as part of the High Frequency Transit Network in the new Durham Regional Official Plan (Envision Durham), which was adopted by Regional Council on May 17, 2023 and is currently with the Ministry of Municipal Affairs and Housing for approval. Envision Durham encourages higher density developments along Regional Corridors and along High Frequency Transit Networks to support compact communities and efficient transit service. The minimum density target along High Frequency Transit Networks is 45 dwelling units per hectare. A development proposal having a density of 45 units per hectare at the Subject Site would produce approximately 109 units (39.7% more units than currently proposed). With only 78 units, yielding a density of 32.15 dwelling units per hectare, the density of the proposed development is lower than this minimum target. Notwithstanding this, the Region of Durham is supportive of the proposed development as it generally conforms to the current in-force Durham Regional Official Plan and provides a range of housing types that would be complementary with the surrounding low-density community.

Staff note that all of the proposed single detached dwellings along the perimeter of the site abutting existing housing feature a minimum rear yard depth of 7.50 metres (24.61 ft.), which complies with the existing zoning. The maximum height of the single detached dwellings measured at the wall facing the rear lot line is 9 metres (29.52 ft.), reflective of a two-storey condition.

4.2.3 Traffic Impacts

Comment:

Comments were made concerning the impact of the proposed development on vehicular traffic in the area, as well as the adequacy of the study methods used to prepare the Traffic Impact Study (“T.I.S.”) submitted in support of the applications.

Staff response:

Harmony Road North is designated as a Type “A” Arterial Road on Schedule ‘B’, Road Network, of the O.O.P. Pinecrest Road, Swiss Height and Grand Ridge Avenue (east of Harmony Road North) are all local roads.

Type “A” Arterial Roads are intended to carry high volumes of traffic, including high volumes of truck traffic. Harmony Road North is under the jurisdiction of the Region of Durham. Local roads are intended to collect light volumes of traffic moving between points of origin and the collector road system and arterial roads.

The revised proposal features a full movement driveway access on Pinecrest Road only, with no direct access on Harmony Road North.

An additional driveway access is only required where the furthest point on a private road or public road is greater than 250 metres (820.21 ft.) from a single access point. In this case, the furthest point on the private road from the driveway access on Pinecrest Road is approximately 230 metres (754 ft.). Consequently, only one driveway is required for emergency service access. The site design complies with the City’s private road design standards including minimum private road width and radii for fire truck access, minimum building setbacks from the fire route (private road), and Fire Route/No Parking signs posted alongside the entire private road.

The intersection of Harmony Road North and Pinecrest Road permits right-in and right-out movements only. Drivers exiting the proposed development that wish to travel southbound on Harmony Road North would have to drive east along Pinecrest Road through the existing neighbourhood to access intersections that permit left turns onto Harmony Road North (Swiss Height or Grand Ridge Avenue). Alternatively, they could exit onto Pinecrest Road, turn right onto northbound Harmony Road North, turn onto Taunton Road East and then turn south on another arterial road such as Ritson Road North or Grandview Street North.

Southbound drivers on Harmony Road North intending to access the proposed development would have to turn left onto Swiss Height or Grand Ridge Avenue and then access the site via Pinecrest Road.

The Applicant hired GHD, a professional consulting company with transportation engineering expertise, to prepare a Transportation Impact Study (“T.I.S.”) which was

submitted in support of the revised applications. The key findings and conclusions of the T.I.S. are as follows:

- The proposed development is expected to generate a total of 49 new two-way vehicle trips during the weekday morning peak hour traffic period consisting of 13 inbound trips and 36 outbound trips, and 61 new two-way vehicle trips during the weekday afternoon peak hour traffic period consisting of 37 inbound trips and 24 outbound trips.
- The T.I.S. describes the existing vehicle trips on the area’s roads in 2024. The T.I.S. also describes the vehicle trips generated by the proposed development and the projected combined total vehicle trips based on the completed proposed development. This data is summarized in the following table:

Peak Hour Period Turning Movement	2024 Vehicle Trips	2024 Vehicle Trips Including Subject Site Development	Difference as a result of Subject Site Development
Morning peak hour right turn from northbound Harmony Road North onto Pinecrest Road	10	14	4*
Afternoon peak hour right turn from northbound Harmony Road North onto Pinecrest Road	4	18	14*
Morning peak hour right turn from Pinecrest Road onto northbound Harmony Road North	6	26	20*
Afternoon peak hour right turn from Pinecrest Road onto northbound Harmony Road North	3	18	15*
Morning peak hour right turn from northbound Harmony Road North onto Swiss Height	3	3	0
Afternoon peak hour right turn from northbound Harmony Road North onto Swiss Height	10	10	0
Morning peak hour right turn from Swiss Height onto northbound Harmony Road North	4	4	0
Afternoon peak hour right turn from Swiss Height onto northbound Harmony Road North	11	11	0
Morning peak hour left turn from Swiss Height onto southbound Harmony Road North	6	22	16

Peak Hour Period Turning Movement	2024 Vehicle Trips	2024 Vehicle Trips Including Subject Site Development	Difference as a result of Subject Site Development
Afternoon peak hour left turn from Swiss Height onto southbound Harmony Road North	3	12	9
Morning peak hour left turn from southbound Harmony Road North onto Swiss Height	6	15	9
Afternoon peak hour left turn from southbound Harmony Road North onto Swiss Height	8	31	23

- The additional vehicle trips indicated with an asterisk (*) are trips for which the driver would only be travelling on Pinecrest Road between Harmony Road North and the Subject Site’s driveway (i.e. the driver would only be driving on Pinecrest Road for approximately 35 metres). This represents approximately half of all trips generated by the proposed development.
- Traffic generated by the Subject Site will have a nominal impact on the operation of the surrounding study area intersections with respect to capacity, delays and queueing. No intersection improvements are required within the study area to accommodate traffic generated by the development.

Professional traffic engineering staff at both the City and the Region of Durham reviewed the T.I.S. and have no objections to the methodology or the key conclusions noted above with respect to a single driveway access on Pinecrest Road.

The initial applications received by staff in November 2022 and considered at the January 9, 2023 public meeting (see Attachment 3) proposed a full turning movement driveway access on Pinecrest Road and an emergency vehicle access only on Harmony Road North. The Region would allow an emergency access on Harmony Road North. However, the City’s Fire Services does not support new permanent emergency accesses.

In response the neighbourhood’s concerns about the potential impact of traffic generated by the proposed development on local roads, the Applicant’s second submission (received in June 2023) redesigned the northwest corner of the Subject Site in an attempt to provide a full movement driveway access on Harmony Road North.

Between June 2023 and January 2024, the City, Region and the Applicant worked collaboratively to assess the feasibility of the proposed full movement driveway access on Harmony Road North. In support of the revised access the Applicant submitted a sightline assessment prepared by GHD. Ultimately it was determined by the Region that the road geometry and sight distance conditions, combined with the existing traffic volumes and speeds on the arterial road, lack of appropriate left turn lane width south of Swiss Height, lack of a left turn refuge lane within Harmony Road North, and proximity of the potential

driveway to the Swiss Height intersection render all turning movements directly to or from Harmony Road North unsafe for drivers except right-out turns. Because future residents will be able to turn right onto Harmony Road North from Pinecrest Road, providing an additional right-out only access on Harmony Road North would not reduce traffic through the neighbourhood.

Between January 2024 and March 2024, at the request of City staff, the Region of Durham assessed the feasibility of providing a signalized intersection at Harmony Road North and Pinecrest Road to reduce potential traffic through the neighbourhood. Through this assessment it was determined that the necessary sightlines for a signalized intersection are not available for northbound traffic and would result in an increased risk of rear-end and turning movement collisions at the proposed signal. Constructing a signalized intersection at this location would also require widening Harmony Road North on both approaches to accommodate a left turn lane and a divisional island. This would be technically challenging and very costly given the steep slopes on both sides of Harmony Road North in the area and the need to relocate utility poles, potentially install a guiderail system and construct new retaining walls. Furthermore, the spacing of the proposed signalized intersection does not comply with the Region of Durham's guidelines for signalized intersections on Type "A" Arterial Roads [700m (2,297 ft.)] and would result in traffic delays on Harmony Road North. For these reasons, a signalized intersection at Harmony Road North and Pinecrest Road is not feasible, and not supported by the Region.

Between January 2024 and February 2024, at the request of City staff, the Region of Durham also assessed the feasibility of providing protected signalized advance U-turns on Harmony Road North at each of the signalized intersections at Beatrice Street East and Grand Ridge Avenue to reduce traffic through the neighbourhood by providing an intentional U-turn option for drivers driving to or from the Subject Site. To accommodate protected U-turns, both signalized intersections would need to be widened to include a third receiving lane to provide sufficient space for the U-turn movement to happen in a single stage. Otherwise, a three-point turn may be required at the end of the movement for many vehicles, which would block the intersection and create an unsafe condition. Widening the road would require the relocation of utility poles and the acquisition of property. Implementing a split phase signal is not feasible due to the excessive traffic delays on Harmony Road North that would occur as a result. For these reasons, advance protected U-turns cannot be provided at these intersections, and are not supported by the Region.

Lastly, between January 2024 and February 2024, Traffic and Streetlighting Services investigated the feasibility of a directional closure on Pinecrest Road to prevent traffic exiting the proposed development from traveling east through the neighbourhood. The Oshawa Neighbourhood Traffic Management Guide defines a directional closure as a curb extension or barrier which extends to the centerline of a road to prohibit traffic in one direction of travel for the purpose of reducing traffic volume. The proposed directional closure would prevent drivers exiting the proposed development from travelling east through the existing neighbourhood; drivers would only be able to exit the development and travel west directly to Harmony Road North. Westbound traffic along Pinecrest Road would be uninterrupted by the directional closure.

It was determined that the directional closure would create a safety risk as the low volume of traffic on Pinecrest Road will encourage drivers to disobey the closure by driving around it in the opposite lane, which has reduced visibility due to the horizontal and vertical curve of Pinecrest Road at this location. The directional closure would also inconvenience existing residents residing beyond the closure, who would have to drive further to reach their homes, and would likely shift traffic onto other nearby streets. It was also noted that the projected peak hour traffic volumes generated by the proposed development are not significant and that Pinecrest Road and Swiss Height will be able to accommodate the increased traffic. The directional closure would have prevented 16 vehicle trips from the Subject Site during the morning peak hour and 9 trips from the Subject Site during the afternoon peak hour from driving east along Pinecrest Road, but would have added trips from the existing neighbourhood onto portions of Pinecrest Road and other streets that would not have otherwise used those roads. For these reasons, a directional closure on Pinecrest Road is not feasible.

As a result of these discussions and assessments, the Applicant has redesigned the proposal again to maintain one driveway access on Pinecrest Road with no access of any sort directly onto Harmony Road North (see Attachment 4).

The circumstances that prevent a full movement driveway on Harmony Road North exist regardless of the number of residential units or the types of units proposed in the development.

In the event the revised applications are approved, traffic calming measures in the existing neighbourhood can be explored once the proposed development is complete and speeding issues, if any, can be assessed to determine appropriate mitigation measures.

4.2.4 Parking

Comment:

Comments were made that the proposed development does not provide sufficient parking and that parking may spill onto Pinecrest Road or Swiss Height.

Staff response:

As it relates to the proposed development, Zoning By-law 60-94 requires 156 parking spaces consisting of a minimum of 2.0 parking spaces for every single detached dwelling and semi-detached dwelling and 1.65 parking spaces for every block townhouse dwelling, plus 0.35 parking spaces for every block townhouse dwelling unit (7 visitor spaces). Zoning By-law 60-94 does not require visitor parking for single detached dwellings and semi-detached dwellings.

The revised site design provides:

- 2 parking spaces per unit for 20 of the single detached dwellings;
- 4 parking spaces per unit for 13 of the single detached dwellings;
- 2 parking spaces for every semi-detached dwelling;
- 2 parking spaces for every block townhouse dwelling; and,

- 20 visitor parking spaces.

The proposal exceeds the parking requirements of Zoning By-law 60-94 by providing 202 parking spaces (46 more spaces than required). The visitor parking is intended to be used by visitors to all dwelling types and is not restricted to the visitors of the block townhouse dwellings.

4.2.5 Townhouse Basements

Comment:

Some residents expressed concern that the proposed block townhouse dwellings do not have basements, which could lead to some residents using their garage for storage rather than parking.

Staff response:

In addition to exceeding the minimum parking requirements for block townhouse dwellings, the Applicant has also incorporated additional storage space into the design of the garages.

The proposed single detached and semi-detached dwelling units contain basements.

4.2.6 Tree Removal

Comment:

Comments were made concerning the removal of trees and associated impacts on the tree canopy and wildlife.

Staff response:

In support of the revised applications, the Applicant has submitted a Tree Preservation Plan ("T.P.P."). The T.P.P. inventories all existing trees on the Subject Site and on adjacent properties near the mutual property line. The T.P.P. documents how trees along or near the property line will be preserved and protected during construction. These measures include the installation of temporary tree protection fencing prior to any demolition or works on site that shall remain until the completion of fine grading and sodding/seeding.

In support of the revised applications, the Applicant has also submitted a landscape plan illustrating where trees will be planted along the public boulevard and internal to the site in alignment with the City's policies.

It is important to note that a development in conformity with the existing zoning of the Subject Site would likely also result in the removal of the trees internal to the site.

The Central Lake Ontario Conservation Authority (C.L.O.C.A.) has reviewed the revised subject applications and has no objection the subject revised applications.

4.2.7 Pedestrian Safety

Comment:

Comments were made concerning the lack of safe pedestrian access between the proposed development and the bus stop on the west side of Harmony Road North near the intersection with Swiss Height, and the potential for conflicts between vehicles and pedestrians on Pinecrest Road and Swiss Height.

Staff response:

Harmony Road North is designated as a Type “A” Arterial Road on Schedule ‘B’, Road Network, of the O.O.P. and is under the jurisdiction of the Region of Durham. Type “A” Arterial Roads are intended to carry large volumes of traffic, including large volumes of truck traffic.

The segment of Harmony Road North between Rossland Road East and Taunton Road East was reconstructed by the Region of Durham in 2021. The reconstruction included widening the road to four lanes to increase capacity, with turning lane improvements at critical intersections.

The location of transit stops is determined by Durham Region Transit (D.R.T.). In urban areas, D.R.T. aims to provide transit stops within a 500 metre (1640.42 ft.) walk to 80% of dwellings and within an 800 metre (2624.67 ft.) walk of 95% of dwellings. These service proximity goals are noted in D.R.T.’s current Service Guidelines.

Residents of the proposed development will need to walk to/from the transit stops at the signalized intersections of Grand Ridge Avenue [approximately 430 metres (1,410 ft.)] or Beatrice Street East [approximately 400 metres (1,312 ft.)].

Pinecrest Road and Swiss Height are local roads under the jurisdiction of the City. Both roads have a rural cross section without curbs or pedestrian facilities (e.g. sidewalks). Professional traffic engineering staff at the City have reviewed the revised applications and have not identified any concerns with respect to conflicts between vehicles and pedestrians within the neighbourhood as a result of the vehicle trips generated by the proposed development. Both Pinecrest Road and Swiss Height are still expected to operate within the parameters of the local road category.

In the event the revised applications are approved, traffic calming measures can be explored once the proposed development is complete and speeding issues, if any, can be assessed to determine appropriate mitigation measures.

5.0 Analysis

5.1 Background

The Subject Site is generally located on the east side of Harmony Road North, north of Pinecrest Road, and is municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road (see Attachment 1).

The following is background information concerning the subject revised applications:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential	No change
Pinecrest Part II Plan Designation	Low Density Residential	No change
Zoning By-law 60-94	R1-A (Residential)	An appropriate R2 (Residential) Zone to permit the proposed development, with site specific conditions to permit certain performance standards to implement the site and building designs.
Use	Three (3) single detached dwellings	33 single detached dwellings, 24 semi-detached dwellings, 21 block townhouse dwellings on a new private road, and a road widening block.

The following land uses are adjacent to the Subject Site:

- **North** Single detached dwellings fronting onto Swiss Height
- **South** Pinecrest Road and single detached dwellings fronting onto Pinecrest Road
- **East** Single detached dwellings fronting onto Pinecrest Road
- **West** Harmony Road North, beyond which are single detached dwellings

The following are the proposed revised development details for the Subject Site:

Site Statistics Item	Measurement
Lot Frontage	Harmony Road North – 125.12m (410.50 ft.) Pinecrest Road – 42.96m (140.94 ft.)
Gross Lot Area (inclusive of road widening)	2.44 ha (6.03 ac.)
Net Lot Area (exclusive of road widening)	2.426 ha (5.99 ac.)
Number of Proposed Residential Units	Single Detached Dwellings – 33 Semi-Detached Dwellings – 24 Block Townhouse Dwellings – 21 Total: 78 units
Net Residential Density	32.15 u/ha (13.02 u/ac.)
Minimum Lot Frontages of the Proposed Single Detached Dwelling Lots	9m (29.53 ft.) – 20 lots 11m (36.09 ft.) – 13 lots

Site Statistics Item	Measurement
Minimum Lot Frontages of the Proposed Semi-Detached Dwelling Lots	6.5m (21.33 ft.) – 12 lots 7m (22.97 ft.) – 12 lots
Minimum Lot Frontages of the Proposed Block townhouse Dwelling Lots	5.78m (18.96 ft.) – 21 lots
Parking Spaces Required	149 spaces for residents (2.0 spaces per unit for single detached dwellings and semi-detached dwellings and 1.65 spaces per unit for block townhouse dwellings). 7 spaces for visitors (0.35 spaces per block townhouse dwelling unit). Zoning By-law 60-94 does not require visitor parking for single detached dwellings and semi-detached dwellings. Total required parking: 156
Parking Spaces Provided	182 parking spaces for residents (2 spaces per unit for 20 single detached dwellings, 4 spaces per unit for 13 single detached dwellings, 2 spaces per unit for all semi-detached dwellings, and 2 spaces per unit for all block townhouse dwellings). 20 spaces for visitors (0.25 spaces per unit) Total parking provided: 202

5.2 Oshawa Official Plan

The Subject Site is designated Residential in the O.O.P.

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings.

Schedule “A-2”, Corridors and Intensification Areas, of the O.O.P. designates Harmony Road North as a Regional Corridor. The O.O.P. specifies, in part, that development along Regional Corridors shall achieve higher density, intensive and compact built form and complementary mixed uses subject to the relevant policies of the underlying land use designation. Regional Corridors are intended to develop as ribbons of compact, intensive, higher density development along what form the key connections between Central Areas within the City and to those in abutting municipalities, and provide for the efficient movement of people and goods between the Central Areas to support their vitality. A range of residential uses at higher densities may be permitted in Regional Corridors where the underlying land use designation permits a residential development.

Harmony Road North is designated as a Type “A” Arterial Road and a Regional Transit Spine in the O.O.P. Pinecrest Road is a local road.

The subject revised applications conform to the O.O.P.

5.3 Pinecrest Part II Plan

The Subject Site is designated as Low Density Residential in the Pinecrest Part II Plan (see Attachment 2). The Low Density Residential designation generally permits a maximum net residential density of up to 30 units per hectare (12 u/ac.).

The general representative housing type/form within the Low Density Residential category generally consists of single detached, semi-detached and duplex dwellings with a density of up to 30 units per hectare (12 u/ac.), subject to general locational criteria as follows:

- (a) Generally located in the interior of residential neighbourhoods on local or collector roads, or along arterial roads subject to the policies of this Plan.
- (b) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

The net residential density of the revised proposed development is 32.15 units per hectare (13.02 u/ac.), which is generally consistent with the Low Density Residential Designation. While the proposed development contains 21 townhouse dwellings, the proposed townhouse dwellings are located on the periphery of the Subject Site adjacent to Harmony Road North, a Regional Corridor.

It should be noted that in order to provide for flexibility in the interpretation of the text and schedules of the O.O.P., all numbers and quantities (with the exception of floor space indices) shall be considered to be approximate. Policy 10.1.2(a) of the O.O.P. specifies that minor changes to such numbers and quantities will be permitted without the need for an Official Plan amendment, provided that such changes do not affect the intent of the O.O.P. This policy would apply in the consideration of minor deviations from the density ranges outlined in Table 2 of the O.O.P., which serves as a guideline for reviewing matters related to the density of development.

The General Representative Housing Type/Form column heading in Table 2 includes a footnote that reads as follows:

“These descriptions represent only the anticipated housing forms for the density categories specified in this Table. It should be noted that differences in building design, site specifications and lot area may produce considerable variation in housing type at any given density. Therefore, conformity with the locational criteria for the respective density categories contained in this Table is determined primarily on the basis of net density.”

The subject revised applications conform to the Pinecrest Part II Plan.

5.4 Zoning By-law 60-94

The Subject Site is currently zoned R1-A (Residential) in Zoning By-law 60-94 which permits single detached dwellings subject to compliance with various regulations. The R1-A Zone requires a minimum 7.50 metres (24.61 ft.) rear yard depth and permits a maximum building height of 9 metres (29.53 ft.).

The Applicant proposes to amend Zoning By-law 60-94 by rezoning the Subject Site from R1-A (Residential) to an appropriate R2 (Residential) Zone to permit 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings with site specific conditions to permit certain performance standards. The site specific R2 Zone regulations requested by the Applicant are as follows:

- Maximum building height of 11 metres (36.08 ft.) for the front wall facing the internal road and a maximum height of 9 metres (29.52 ft.) (2 storeys) for the rear wall facing the rear lot line for thirteen single detached dwellings (i.e. Lots 12 to 24 as shown on Attachment 4);
- Maximum building height of 9 metres (29.52 ft.) for twenty of the single detached dwellings (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4);
- Maximum building height of 9.50 metres (31.17 ft.) for all semi-detached dwellings;
- Maximum building height of 11.75 metres (38.55 ft.) (3 storeys) for the block townhouses facing Harmony Road North and 11.25 metres (36.91 ft.) facing the internal private road;
- Reduced landscaped open space in the front yard of the four 11 metre (36.09 ft.) wide single detached dwelling lots located on the outside of the northeasterly and southeasterly elbows of the private road;
- Reduced landscaped open space and driveway length in the rear yards of the block townhouse dwellings;
- Reduced landscaped open space in the front yard and a reduced driveway length of 5.75 metres (18.86 ft.) for semi-detached dwelling corner lots only;
- Reduced lot frontages for semi-detached dwellings;
- Reduced lot areas;
- Reduced front yard depths;
- 0.25 parking spaces per unit for visitors;
- Minimum of 2 parking spaces per block townhouse unit whereas only 1.65 spaces per unit is required;

- Minimum of 2 parking spaces per unit for single detached dwellings and semi-detached dwellings except that for twenty of the single detached dwellings, the minimum parking shall be 4 spaces per unit (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4);
- Minimum rear yards of all single detached dwellings and semi-detached dwellings will be 7.50 metres (24.61 ft.).

This Department has no objection to rezoning the Subject Site to an appropriate R2 (Residential) Zone subject to a special condition to permit the single detached dwellings, semi-detached dwellings and block townhouses with regulations to implement the proposed building/site design.

This Department recommends that an “h” holding symbol be applied to the zoning of the Subject Site which would restrict development until such a time as:

- a) Site Plan Approval is obtained from the City that addresses such matters as landscaping, fencing, lighting, amenity area design and tree preservation;
- b) Appropriate arrangements shall be made for the provision of adequate sanitary, water, storm, foundation drainage and transportation services and facilities to serve this development; and,
- c) Noise mitigation has been addressed to the satisfaction of the City.

While the “h” holding symbol is in effect, only uses permitted in an R1-A Zone and a temporary sales office would be permitted.

Section 5.7 of this Report sets out the rationale for this position.

5.5 Subdivision and Condominium

5.5.1 Standard Condominium versus a Common Elements Condominium

The Condominium Act, 1998 permits four different types of condominiums: common elements, phased, vacant land and leasehold. The Applicant is proposing to establish a common elements condominium for the proposed 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings.

To implement a common elements condominium, a declaration is registered which converts certain lands into common elements that are owned in common by the owners of specified freehold lands situated in the same land registry division. A common elements condominium does not have any units. Each owner’s percentage interest in the common elements will be specified in the declaration, will be appurtenant to the owner’s freehold land and will not be severable from it. Arrears of common expenses will result in a lien in favour of the condominium corporation on the default owner’s freehold land.

An example of a common elements condominium would be the common ownership of a private road. The owners of the lands serviced by the road could be part of a common elements condominium corporation for the road and would pay proportionately its common

expenses (maintenance, repair, management and insurance). This type of condominium enables a positive obligation (the payment of common expenses) to “run with the land”.

The following chart identifies the key differences between a standard condominium and a common elements condominium:

Standard Condominium	Common Elements Condominium
A standard condominium cannot be registered until all dwelling units are built. Therefore, the developer cannot close a deal with a purchaser on any of the units until all the units are built.	A common elements condominium is registered before any dwelling is conveyed. The developer can close a deal with a purchaser when the unit is completed. The developer does not have to wait until all units are built to close a real estate deal.
The individual units and common elements are created with the registration of the plan and are part of the condominium. The home owners are subject to the by-laws of the condominium corporation.	The individual units are created through either a plan of subdivision, consent approval or removal of part lot control. The dwelling units are not part of the condominium and therefore the homeowners are not subject to any condominium by-laws. The homeowners only have an interest in the common elements.

5.5.2 Draft Plan of Condominium and Draft Plan of Subdivision

The Applicant has submitted an application for approval of a common elements draft plan of condominium (File: C-O-2022-07). The common elements condominium would be tied to the proposed 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings. The following would generally be the common elements:

- (a) The private road providing access to each individual driveway serving the single detached dwellings, semi-detached dwellings and townhouse dwellings;
- (b) The internal sidewalks/walkways;
- (c) The common outdoor amenity area (parkette);
- (d) Community mailbox(es);
- (e) Visitor parking spaces; and,
- (f) Utility building (water meter room).

The 78 individual lots are proposed to be created through the removal of part lot control. These lots are commonly referred to as Parcels of Tied Land (“P.O.T.L.s”). The individual P.O.T.L.s have a percentage of ownership interest in the common elements but are not part of the condominium. To date, the Applicant has not submitted an application to remove part lot control. Applications to remove part lot control are delegated to the Commissioner of Economic and Development Services and Director of Planning Services for approval.

The Applicant proposes a draft plan of subdivision with 2 blocks: 1 block for a road widening and 1 block for the proposed condominium development (see Attachment 6). A part lot control by-law under the Planning Act can only be approved for lands in a registered plan of subdivision.

The City has approved other common element condominium developments. Recent examples include the sites at 487 Aztec Drive (Modeno Homes), 211 Thomas Street (Wiltshire Homes), 1640 Grandview Street North (Ballantry Homes), the southwest corner of Phillip Murray Avenue and Park Road South (SO Developments Inc.), 849 Rossland Road West (Delpark Homes), 250 Harmony Road South (Marlin Spring) and 800 and 805 Missom Gate (Sundance Developments).

Applications for approval of a draft plan of condominium are delegated to the Commissioner of Economic and Development Services and Director of Planning Services. The condominium application will not be approved unless the zoning by-law amendment application is approved.

5.6 Site Design/Land Use Considerations

The Applicant proposes 78 dwelling units in total consisting of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings on a private roadway (see Attachment 4). The 78 dwellings are proposed to be tied to a common elements condominium.

The 21 block townhouse dwellings will have front doors facing Harmony Road North with individual walkways leading to the Harmony Road North sidewalk. The remaining 57 dwellings will have frontage on the private condominium road only. The individual driveways for all 78 dwellings will have access from the private road only.

The development has been designed such that the 33 single detached dwellings are located along the north, east and south limits of the site abutting the existing low-rise residential neighbourhood. The minimum rear yard depth for the proposed single detached dwellings is 7.50 metres (24.61 ft.) which complies with the existing zoning of the Subject Site. The maximum height of twenty of the proposed single detached dwellings (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4) is 9 metres (29.52 ft.). The maximum height of the remaining thirteen single detached dwellings (i.e. Lots 12 to 24 as shown on Attachment 4) measured at the wall facing the rear lot line and the adjacent existing residential development is 9 metres (29.52 ft.).

The Applicant intends to construct, at their cost, a new 1.8 metre (6 ft.) high wood privacy fence along the north, east and south property lines abutting all existing single detached dwelling lots on Pinecrest Road and Swiss Height.

The proposed development also features a 686 square metre (7,384.04 sq. ft.) common amenity area (parkette) located at the northwest corner of the Subject Site. The parkette will include a children's playground, benches and open play area.

The Applicant will be required to install street curbing and a new public sidewalk on the north side of Pinecrest Road between Harmony Road North and the proposed driveway

access to the development. The site design includes a network of sidewalks along the internal private roads. The site design will also include sidewalk connections from the internal private roads to Pinecrest Road and to Harmony Road North through the parkette at the northwest corner of the Subject Site.

The Applicant has also submitted an application for Site Plan Approval (File: SPA-2023-07) for the proposed development.

In support of the proposed development, the Applicant has submitted a variety of plans and documents including a draft plan of subdivision, a draft plan of condominium, a site plan, floor plans, elevation plans, landscape and tree preservation plans, a servicing plan, a grading plan, an erosion and sediment control plan, a functional servicing and stormwater management report, a planning justification report, transportation impact assessments, an archaeological assessment, a geotechnical report, an environmental site assessment and a noise study.

Detailed design matters will be reviewed during the further processing of the application for site plan approval (File: SPA-2023-07) to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies in the event the subject revised applications are approved.

Some of the specific matters this Department will be reviewing during the further processing of the application for site plan approval, if the subject revised applications are approved, include:

- (a) Site/building design matters including parking, waste storage and collection, landscaping, lighting, outdoor amenity area design and snow storage;
- (b) Building architecture to ensure the quality of the design of the new homes;
- (c) Design and installation of privacy fencing abutting surrounding residential properties;
- (d) Noise attenuation;
- (e) Tree preservation;
- (f) Servicing, grading and stormwater management matters; and,
- (g) Construction management.

5.7 Basis for Recommendation

This Department has no objection to the approval of the subject revised applications submitted by the Applicant to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision for the following reasons:

- (a) Redeveloping an under-utilized property at this location along an arterial road at the periphery of a neighbourhood along a Regional Corridor and Transit Spine is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan.

- (b) The proposed development conforms to the Durham Regional Official Plan and the O.O.P.
- (c) The proposal will advance development that is within the City's Built Boundary. The Growth Plan for the Greater Golden Horseshoe established a Built Boundary for municipalities within which a certain percentage of all new residential development must take place to reduce the demand for new residential growth in greenfield areas.
- (d) The proposed development contributes to a range of housing types in the area.
- (e) The proposed development has been designed to exceed the minimum parking requirements of Zoning By-law 60-94 for single detached, semi-detached and block townhouse dwellings.
- (f) The increased traffic as a result of the proposed development will have a negligible impact on the adjacent local roads and their intersections with Harmony Road North. The road network can accommodate the additional vehicle trips.
- (g) The proposed development is transit supportive given its proximity to D.R.T. bus routes 423 and Pulse 916 and its location on an arterial road that is part of the High Frequency Transit Network described in the new Durham Regional Official Plan.
- (h) The proposed development has been designed to be compatible with surrounding land uses and provides an appropriate interface with surrounding existing residential development.
- (i) The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.
- (j) Through the use of a holding symbol, appropriate conditions can be implemented in the zoning of the Subject Site to ensure matters related to noise mitigation, servicing, storm water management, foundation drainage, landscaping, fencing, lighting, amenity area design, tree preservation, and transportation services are appropriately addressed to the satisfaction of the City prior to construction.
- (k) The proposed development will make efficient use of existing municipal services such as water and sanitary services.
- (l) The proposed development represents good planning.

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

The subject applications were submitted prior to July 1, 2023 and therefore the Applicant will not be eligible for a fee refund under the Planning Act as amended by Bill 109 (More Homes for Everyone Act, 2022) if the City does not make a decision on the Zoning By-law Amendment application within a certain timeframe.

7.0 Relationship to the Oshawa Strategic Plan

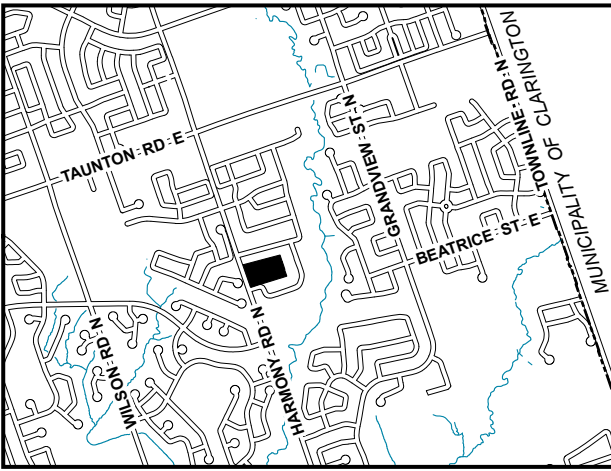
The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship and Environmental Responsibility goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department



**Item: ED-24-42
Attachment 1**

Economic and Development Services

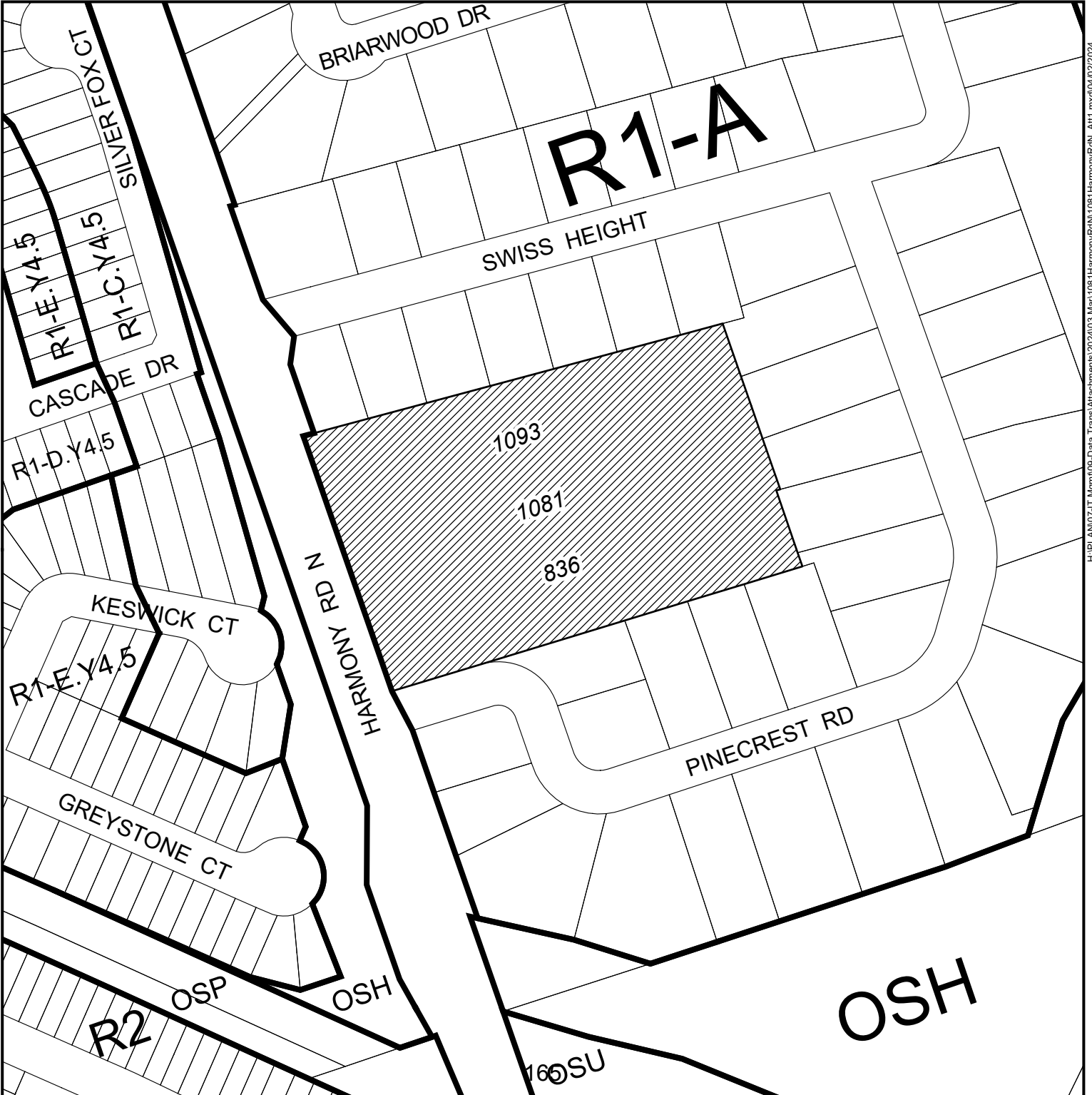
Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road

Ward: Ward 3

File: Z-2022-11, S-O-2022-04

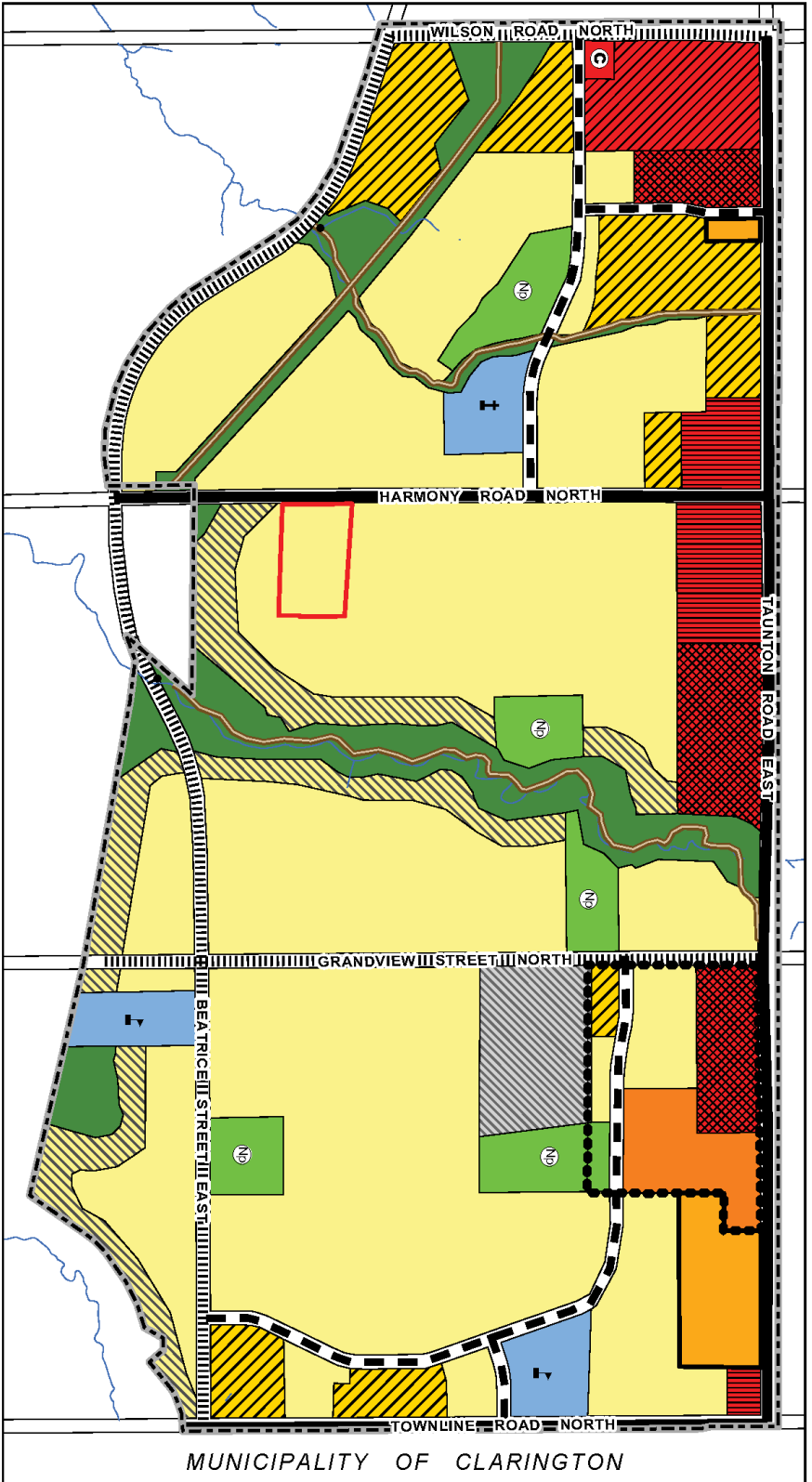


Subject Site



Title: Schedule 'A' Pinecrest Land Use and Road Plan of the Oshawa Official Plan
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

City of Oshawa
 Economic and Development Services
 Subject Site



Schedule 'A' Pinecrest Land Use and Road Plan
 Part II Plan for the Pinecrest Planning Area
 March 2021
 Development Services Department

Residential	Commercial	Transportation
Low Density Residential	Convenience Commercial Centre	Type A Arterial Road
Medium Density I Residential	Special Purpose Commercial	Type B Arterial Road
Medium Density II Residential	Planned Commercial Strip	Type C Arterial Road
High Density I Residential	Planned Commercial Centre	Collector Road
Large Lot Single Detached Dwellings	Community Use	Recreational Trail
Subject to Policy 8.4.6.12 in the Pinecrest Part II Plan	Public Elementary School	Pinecrest Planning Area Boundary
Open Space and Recreation	Separate Elementary School	Pedestrian Underpass
Neighbourhood Park	Utilities	Planned Development Area
Open Space and Recreation		

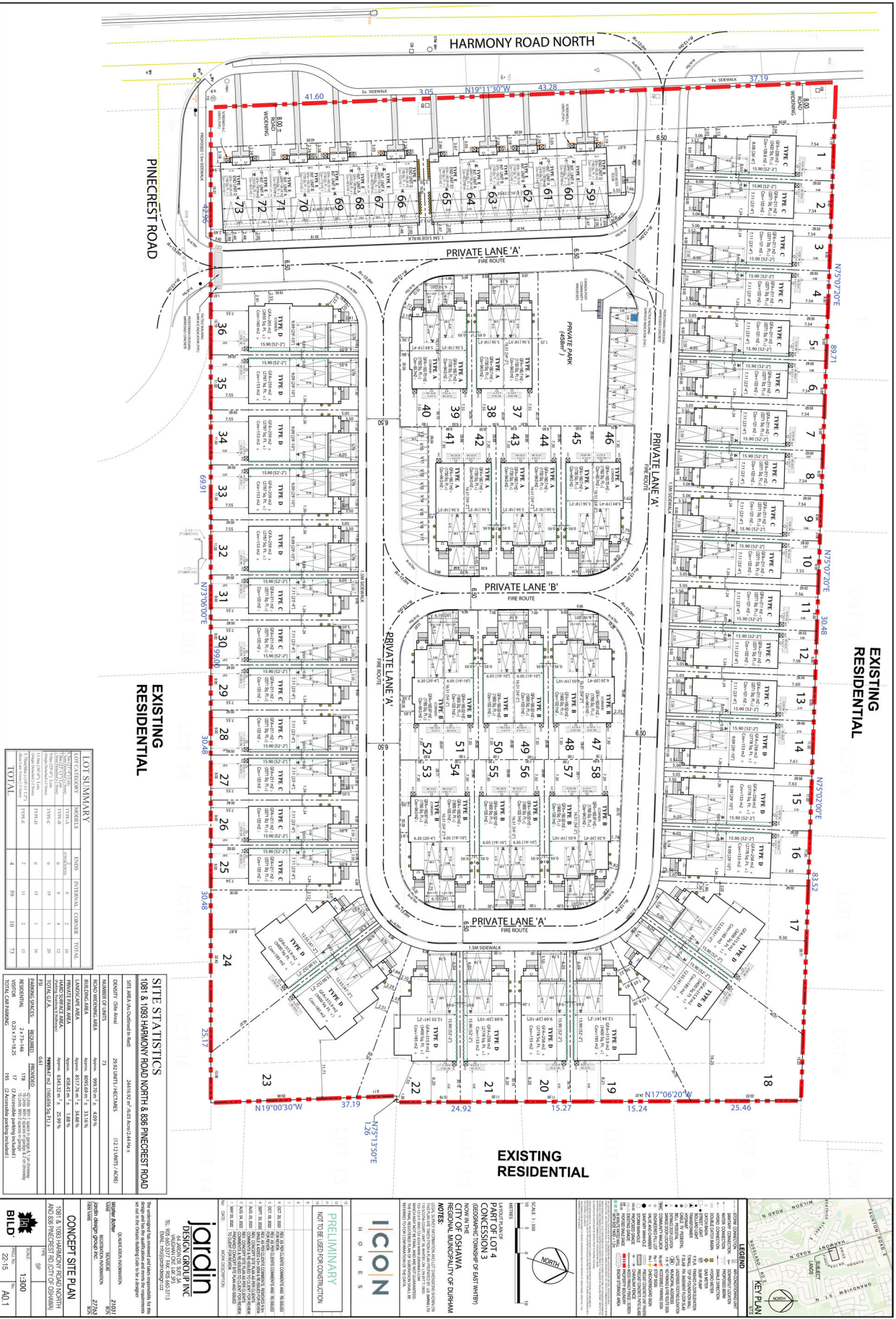
Legend

0 50 100 200 300 Meters

March 2021
Development Services Department

Title: Original Site Plan considered at the January 9, 2023 Public Meeting
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

City of Oshawa
Economic and Development Services



EXISTING
RESIDENTIAL

EXISTING
RESIDENTIAL

1081 & 1093 HARMONY ROAD NORTH & 836 PINECREST ROAD

CONCEPT SITE PLAN

1081 & 1093 HARMONY ROAD NORTH
AND 836 PINECREST RD CITY OF OSHTAWA

DATE: 2022-11-13

SCALE: 1:300

BLD: 22-15 / 401

SITE STATISTICS

TYPE	AREA (SQM)	AREA (SQFT)
TOTAL	17,312.48	1,863,000.00
TYPE A	1,234.56	133,400.00
TYPE B	2,345.67	253,000.00
TYPE C	3,456.78	371,000.00
TYPE D	4,567.89	492,000.00

LOT SUMMARY

LOT NO.	TYPE	AREA (SQM)	AREA (SQFT)
1	TYPE C	1,234.56	133,400.00
2	TYPE C	1,234.56	133,400.00
3	TYPE C	1,234.56	133,400.00
4	TYPE C	1,234.56	133,400.00
5	TYPE C	1,234.56	133,400.00
6	TYPE C	1,234.56	133,400.00
7	TYPE C	1,234.56	133,400.00
8	TYPE C	1,234.56	133,400.00
9	TYPE C	1,234.56	133,400.00
10	TYPE C	1,234.56	133,400.00
11	TYPE C	1,234.56	133,400.00
12	TYPE C	1,234.56	133,400.00
13	TYPE C	1,234.56	133,400.00
14	TYPE C	1,234.56	133,400.00
15	TYPE C	1,234.56	133,400.00
16	TYPE C	1,234.56	133,400.00
17	TYPE C	1,234.56	133,400.00
18	TYPE C	1,234.56	133,400.00
19	TYPE C	1,234.56	133,400.00
20	TYPE C	1,234.56	133,400.00
21	TYPE C	1,234.56	133,400.00
22	TYPE C	1,234.56	133,400.00
23	TYPE C	1,234.56	133,400.00
24	TYPE C	1,234.56	133,400.00
25	TYPE C	1,234.56	133,400.00
26	TYPE C	1,234.56	133,400.00
27	TYPE C	1,234.56	133,400.00
28	TYPE C	1,234.56	133,400.00
29	TYPE C	1,234.56	133,400.00
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69	TYPE C	1,234.56	133,400.00
70	TYPE C	1,234.56	133,400.00
71	TYPE C	1,234.56	133,400.00
72	TYPE C	1,234.56	133,400.00
73	TYPE C	1,234.56	133,400.00

1081 & 1093 HARMONY ROAD NORTH
AND 836 PINECREST RD CITY OF OSHTAWA

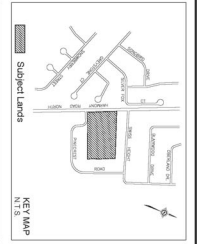
DATE: 2022-11-13

SCALE: 1:300

BLD: 22-15 / 401

Title: Draft Plan of Subdivision Considered at the January 9, 2023 Public Meeting
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision,
 Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

Economic and Development Services
 City of Oshawa
 OSHAWA



OWNER'S AUTHORIZATION
 I hereby authorize the preparation and filing of this plan for other approval.
 Signature: [Signature]
 Date: September 23, 2022

SUBDIVISION'S CERTIFICATE
 I hereby verify that the boundaries of the lands shown are defined and are in accordance with the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Act, R.S.O. 1990, Chapter S.5.
 Signature: [Signature]
 Date: September 23, 2022

ADDITIONAL INFORMATION
 I hereby certify that the boundaries of the lands shown are defined and are in accordance with the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Act, R.S.O. 1990, Chapter S.5.
 Signature: [Signature]
 Date: September 23, 2022

DEVELOPMENT STATISTICS

PROPOSED LAND USE	Lot/Block No.	Area
1) Residential	1	2.342 ha
2) Road Widening	2	0.1001 ha
TOTAL SITE AREA		2.442 ha

DRAFT PLAN OF SUBDIVISION

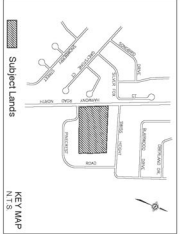
Block	Area (ha)	Area (sq. ft.)
1	2.342	263,100
2	0.1001	11,500
TOTAL	2.442	274,600

DRAFT PLAN OF SUBDIVISION
 PART OF LOT 4
 (BOUNDARIES DETERMINED BY DATE WHEN)
 CITY OF OSHAWA
 REGIONAL MUNICIPALITY OF DURHAM
 Scale: 1:400



Title: Revised Draft Plan of Subdivision Submitted by the Applicant
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

City of Oshawa
Economic and Development Services



OWNER'S AUTHORIZATION
 I hereby authorize the preparation and filing of this plan to the City of Oshawa.
 Signature: [Handwritten Signature]
 Date: May 22, 2022

SUBROTOR'S CERTIFICATE
 I hereby certify that the above is a true and correct copy of the plan as shown to me by the owner and that the same is the best copy of the plan as shown to me by the owner.
 Signature: [Handwritten Signature]
 Date: May 22, 2022

ADDITIONAL INFORMATION
 1) - []
 2) - []
 3) - []
 4) - []
 5) - []
 6) - []
 7) - []
 8) - []
 9) - []
 10) - []

DEVELOPMENT STATISTICS

Proposed Land Use	Lot/Block No.	Area
Block 1	1	2,426 ha
Block 2	2	0,016 ha
TOTAL SITE AREA		2,442 ha

Lot No.	Area (sq. m)	Area (ha)
1	2426000	2.426
2	16000	0.016
TOTAL	2442000	2.442

DRAFT PLAN OF SUBDIVISION
 PART OF LOT 4
 CONCESSION 3
 (INCORPORATING CONVEYANCE OF PART INTEREST)
 CITY OF OSHTAWA
 REGIONAL MUNICIPALITY OF DURHAM
 Scale: 1:400
 0 5 10 20 30m

Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on January 9, 2023

Application ED-23-10

Presentation

Evans Planning - Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium

Connor Wright, Associate Planner, Evans Planning presented an overview of the applications to amend Zoning By-law 60-94 and for Approval of Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited for lands located at 1081 and 1093 Harmony Road North and 836 Pinecrest Road.

Members of the Committee questioned Connor Wright.

Delegations

Christine Arsenault and Mark Purcell - Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road

Christine Arsenault and Mark Purcell addressed the Economic and Development Services Committee on behalf of the Maxwell Village Homeowners Association development applications submitted for lands located at 1081 and 1093 Harmony Road North and 836 Pinecrest Road, expressing concerns with how the development will fit into the neighbourhood given its current density and make up. Christine Arsenault stated that the community is open to growth, however not the rate that has been proposed and suggested that 46 units would be acceptable. Christine Arsenault suggested the scope of the traffic study was too narrow and contained inaccurate information. Christine Arsenault stated that the association also has concerns with traffic flow and increased patterns in the area of the development and recommended that current the Harmony Road and Pinecrest intersection be relocated within the development instead.

Members of the Committee questioned Christine Arsenault.

Correspondence

ED-23-19 - Various Residents submitting comments concerning ED-23-10 regarding the Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision 1081 and 1093 Harmony Road North and 836 Pinecrest Road (Ward 3)

Moved by Councillor Chapman

That Correspondence ED-23-19 from Al Arnott submitting comments concerning ED-23-10 regarding the Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road be referred to Report ED-23-10.

Motion Carried

Reports

ED-23-10 - Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road (Ward 3)

Moved by Councillor Kerr

That, pursuant to Report ED-23-10 dated January 4, 2023, concerning the applications submitted by Icon Harmony Limited to amend Zoning By-law 60-94 (File: Z-2022-11) and for approval of a draft plan of subdivision (File: S-O-2022-04) and a common elements draft plan of condominium (File: C-O-2022-07) to permit 36 single detached dwellings, 22 semi-detached dwellings and 15 block townhouse dwellings on lands municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road, staff be directed to further review and prepare a report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

Motion Carried

Summary of Planning Concerns with the Development Proposal at 1081 and 1093 Harmony Road North and 836 Pinecrest Road

The following concerns are presented from a Planning perspective in response to the Recommendation and Information contained in City of Oshawa Staff Report ED-24-42:

- Inadequate information has been presented to support the basis for recommendation in Section 5.7 of the Staff Report, in particular related to the following:
 - (B) - The proposed development conforms to the Durham Regional Official Plan and the O.O.P.
 - (F) - The increased traffic as a result of the proposed development will have a negligible impact on the adjacent local roads and their intersections with Harmony Road North. The road network can accommodate the additional vehicle trips.
 - (H) - The proposed development has been designed to be compatible with surrounding land uses and provides an appropriate interface with surrounding existing residential development.
 - (I) – The proposed development represents good planning.
- Staff and the applicant have only selectively considered and addressed applicable Regional and Oshawa Official Plan (OOP) policies. Official Plans must be read and applied in their entirety and all decisions of Council related to Zoning By-law Amendments must ensure that the amendment would be in conformity with the in-force and effect Official Plan and the applicable policies of the Part II Plan.
 - In particular, many of the Part II Plan policies have not been spoken to or addressed in relation to this proposal and it's conformity with the OOP. Some examples are listed below:
 - **8.4.6.7 It is the intent of the City to encourage the development of large lot single detached dwellings in areas as schematically shown on the Pinecrest Land Use and Road Plan, particularly where such areas abut creek valleys, woodlots or the top of the slope associated with the former Lake Iroquois shoreline.**
 - **8.4.6.8 In areas designated as Low Density Residential, the City will encourage the provision of new residential development of a similar type as abutting residential development existing as of the date of approval of this Part II Plan in order to ensure compatibility between new and existing development.**

- 8.4.12.5 Development shall have regard to its effect on the natural environment. **Measures shall be taken to retain and enhance natural features having ecological, recreational or aesthetic value such as significant woodlots, specimen trees, scenic vistas and natural watercourses.**
- Staff have indicated that the proposed development would necessarily contribute toward fulfilling the City’s housing needs. Policy 8.4.6.10 (d) of the Pinecrest Part II Plan indicates: “Development will be monitored on a City-wide basis to determine if the affordability objectives of the Oshawa Official Plan are being achieved. Should the objectives not be met, the Pinecrest Part II Plan will be reviewed and may be revised to address this situation in the context of its role in the City’s housing supply.” This policy seems to indicate that if the objectives had not been met for this particular planning area, an amendment to the Part II plan to address this need would’ve been initiated by the City.
- With regard to comparator properties Staff have referenced in Section 4.2.1 of the Staff Report, properties presented consist of medium density developments in areas outside of the Pinecrest Part II Plan area, with the exception of 1280 Harmony Road North which is designated Medium Density in the Pinecrest Part II Plan, has direct site access onto Harmony Road, and is located near the major intersection of Harmony and Taunton Roads. Further, these comparables are all served by either direct access to an arterial or collector road or full movement turning opportunities within very close proximity to the site access which mitigates for any traffic impacts on existing surrounding neighbourhoods.
- While the OOP does allow for some flexibility in interpretation (e.g. numerical values, typologies), the City and applicant have not demonstrated how the proposed development conforms otherwise and satisfies the intent of the OOP relevant and applicable policies for Low Density Residential, which the site is designated. If the proposed density falls within the criteria for medium density, and the built form/typology proposed also falls under the criteria for medium density development in the OOP, it has not been clearly or adequately explained what else distinguishes the proposed development as conforming with the Low Density Residential policies and the intent of the OOP and Part II Plan, compared to a Medium Density Residential development proposal which would require an Official Plan Amendment. Notably, comparable developments presented by staff appear to be Medium Density Residential developments, and designated as such or enabled through separate policies in the OOP or respective Part II Plan where applicable.
- Further, this flexibility in interpretation by staff should be considered in conjunction with Policy 8.4.1.8 of the OOP which stipulates: **The Pinecrest Part II Plan refines and complements the policies of the Part I Plan.** In instances where the Pinecrest Part II Plan is silent on matters contained in the Part I Plan, the relevant policies of the Part I Plan, as may be amended from time to time, shall likewise apply to the Pinecrest Planning Area. However, **in instances where the Pinecrest Part II Plan contains more detailed policies than the Part I Plan, such detailed**

policies shall be applicable. Similarly, where a list of permitted uses provided in the Pinecrest Part II Plan expands, contracts or further details uses listed in the Part I Plan, permitted uses shall be those listed in the Part II Plan.

- Staff’s interpretation of Regional Official Plan policies and appropriate densities and their applicability to the subject development should also be reviewed and confirmed. For instance, currently the proposed site is served by DRT routes 916 and 423 which operate at frequencies between 20-30 minutes. This corresponds to “basic transit services” which are recommended to support densities at 22 units per hectare. While the Region has identified Harmony Road as a High Frequency Transit Corridor, nearly the entirety of the Harmony Road Corridor, south of Taunton has already been developed with “Low Density” residential development. It is not reasonable to expect that at the site level, any singular redevelopment would be expected to meet or exceed these “targets”, irrespective of the context and especially in situations where the surrounding area has not been developed or is unlikely to be significantly redeveloped to enable transit supportive densities. Further, the City of Oshawa has not yet completed a conformity exercise to assess and update the Oshawa Official Plan to bring it into conformity with the Regional Official Plan which would include refining and applying Regional policy as appropriate to specific areas and neighbourhoods within the City. Until such time as the City’s conformity exercise has been completed, including the required opportunity for public consultation and input, the policies of the existing in force and effect OOP continue to be applicable and guide development in the City.
- Whereas Section 9.15 of the OOP allows for the City to require a peer review of studies with the cost to be borne by the applicant, it is recommended that Council request a peer review of the Transportation Study be undertaken prior to approving the proposed development, based on the significant concerns raised related to the transportation analysis.
- As the applicant is not requesting an Official Plan Amendment as part of their applications, it is imperative that conformity be demonstrated with the approved, in force and effect OOP and Pinecrest Part II Plan Policies in order for Council to approve a Zoning By-law Amendment and all other associated applications, which are required to be in conformity with the OOP.

Based on the information I have reviewed and been provided, the above represents my independent professional planning opinion as a Registered Professional Planner in the Province of Ontario.

Kristy Kilbourne, MES (PI), MCIP, RPP, AICP
Principal
Kristy Kilbourne Consulting Inc.

Summary of Transportation Planning, Safety and Design Issues for proposed development at 1081 and 1093 Harmony Road North and 836 Pinecrest Road

Please find below a high-level summary of transportation issues pertaining to the development mentioned above. It's important to note that this summary is quite high-level and does not include detailed traffic analysis or design reviews that would be necessary for providing detailed recommendations. The brief recommendations and action items provided at the end of this email require thorough comprehensive traffic analysis, design drawings, and other relevant reviews to confirm the extent of the issues outlined.

Overview of Transportation Reviews

Traffic operation Issues:

1. **Harmony Road Access:** Full access on Harmony Road should be able to accommodate the site-generated traffic proposed by this development. The proposed access location is over 400 meters from the nearest traffic signal from Grand Ridge Avenue, and the site's frontage on Harmony Road is relatively flat, making full access likely feasible for accommodating development traffic on/from Harmony Road.
2. **Northbound Traffic Distribution:** The GHD study assumed that the majority of future site or background traffic would be directed towards the northbound direction. However, given that the majority of trip destinations are towards the southbound direction and with access to Highway 401 located south of the site, most vehicle traffic should be destined southward, not northward. The GHD study should be revised to reflect the true nature of traffic destination demands across the city.
3. **Traffic Infiltration:** Due to limited options for left-turns from Harmony Road, the majority of left-turns will likely occur at the traffic signal at Grand Ridge Avenue/Harmony Road. These left-turning vehicles will use several local roads (such as Swiss Heights, Pinecrest Road, etc.) to access the site. The impact of traffic infiltration was not analyzed in the GHD traffic study.

Design and Safety Issues

1. **Right-of-Way Constraints:** Despite Pinecrest Road having a 20-meter right-of-way per Official Plan, the actual space available for vehicular and pedestrian traffic will be significantly narrower due to elevation differences along the segment between Harmony Road and Pinecrest Road. The presence/need of multiple retaining walls, grading requirements, cross-slope issues, and widening needs will pose serious challenges when applying City engineering standards during the detailed design stage. No detailed design for this segment of Pinecrest Road and access was provided to confirm these constraints.

2. **Distance from Harmony Road to Pinecrest Access:** The proposed Pinecrest access is approximately 30-35 meters from the stop bar at Harmony Road. However, when accounting for clear intersection distance (including "no stopping" restrictions and intersection clearance etc.), this distance reduces to roughly the length of two regular vehicles or one large vehicle. Such proximity from a major street like Harmony Road could lead to queuing, conflict, and other traffic operation and safety issues.
3. **Proximity to Curvature:** Geometric design guidelines generally recommended to avoid placing new access points close to road curvature. The proposed Pinecrest access is located only a few meters away from a sharp horizontal curvature (nearly a 90-degree bend), which poses risks such as sightline issues, visibility challenges, sideswipe risks, and potential head-on collisions once the new access is installed.
4. **Left Turn at Pinecrest Road Access:** The GHD study suggested that right-turning vehicles from Harmony Road should immediately turn left at the Pinecrest access. This close back-to-back turning proximity, coupled with insufficient space for left-turn vehicle storage (especially for larger design vehicles), could block eastbound traffic and increase collision risks at the proposed Pinecrest access.
5. **Turning Vehicle Constraints:** Apart from left-turning vehicles entering the Pinecrest access, outbound turning vehicles (particularly larger ones) will encounter minimal buffer space between oncoming vehicles, pedestrians at corners, or cyclists on Pinecrest Road. This condition often leads to increased "vehicle mounting" incidents, posing serious collision risks to vulnerable road users, including seniors. The swept path analysis provided in the GHD report did not account for street curbs (particularly the south curb), leaving the true impact of large vehicles unknown.
6. **Pedestrian Safety Issues:** The proposed pedestrian sidewalk on the north side of Pinecrest Road seems to be situated too close to the property line, leaving little to no safety buffer for a maintenance strip and safety distance behind the sidewalk. Additionally, the grass boulevard between the sidewalk and curb on Pinecrest Road features a steep slope exceeding provincial maximum boulevard slope standards, posing additional risks to pedestrians. The downward slope and ramp at the northeast corner of Harmony Road and Pinecrest Road, where two sidewalks intersect, present grading challenges and could hinder accessibility standards, increasing slip-and-fall risks – especially during winter.
7. **Bicycle Safety Issues:** The pavement width along the site's frontage on Pinecrest Road is approximately 6 meters, which is too narrow for cyclists to ride adjacent to vehicle traffic safely. Widening the pavement to accommodate cyclists would face elevation difference issues along the segment between Harmony Road and Pinecrest Road. Furthermore, conflicts with turning vehicles at the Pinecrest access would increase risks for bicycle users.

Recommendations:

Recommendation Number 1: The city, in collaboration with the property owner/developer, should conduct independent comprehensive study to address transportation needs and detail design studies for the aforementioned transportation planning, engineering, and safety issues.

Recommendation Number 2: The proposed Pinecrest Road access requires extensive operational, design, and safety analysis and review before approval. Preliminary reviews suggest that this access may not be suitable for full vehicle access due to multiple constraints and significant safety concerns. However, it may be feasible for active transportation and emergency vehicle access, which also requires detailed analysis and review.

Recommendation Number 3: Investigate the feasibility of providing full access from Harmony Road to mitigate traffic infiltration impacts on local neighborhoods and avoid design constraints and safety issues associated with full access on Pinecrest Road.

Thanks,

Dewan Masud Karim, B.Sc., M.Engg., M.A.Sc., PTOE, MITE.
Practice Lead, Transportation
30 FORENSIC ENGINEERING
Vancouver Calgary Toronto Ottawa
T: 416.368.1700 | TF: 1.800.564.5313 | D: 437.290.3704
www.30fe.com

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-42

Date of Report: April 3, 2024

Date of Meeting: April 8, 2024

Subject: Revised Applications to Amend Zoning By-law 60-94 and for
Approval of a Draft Plan of Subdivision, Icon Harmony Limited,
1081 and 1093 Harmony Road North and 836 Pinecrest Road

Ward: Ward 3

File: Z-2022-11, S-O-2022-04

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised applications submitted by Icon Harmony Limited (the “Applicant”) to amend Zoning By-law 60-94 (File: Z-2022-11) and for approval of a draft plan of subdivision (File: S-O-2022-04) to permit 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings on lands municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road (the “Subject Site”).

The Applicant intends to register the proposed development as a common elements draft plan of condominium pursuant to File: C-O-2022-07.

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of Schedule “A”, Pinecrest Land Use and Road Plan, from the Pinecrest Part II Plan showing the location of the Subject Site.

Attachment 3 is a copy of the original proposed site plan submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 4 is a copy of the revised proposed site plan submitted by the Applicant to address certain public and technical comments.

Attachment 5 is a copy of the original proposed draft plan of subdivision (File: S-O-2022-04) submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 6 is a copy of the revised proposed draft plan of subdivision (File: S-O-2022-04) submitted by the Applicant to address certain technical comments.

A public meeting was held on January 9, 2023 concerning the subject development applications. At the conclusion of the public meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the subject applications and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. The minutes of the January 9, 2023 public meeting form Attachment 7 to this Report.

Subsequent to the January 9, 2023 public meeting, the Applicant revised the subject development proposal. The key differences between the original proposal considered at the public meeting (see Attachment 3) and the revised proposal (see Attachment 4) are as follows:

- (a) The total number of dwelling units has increased from 73 to 78. The number of single detached dwellings has decreased from 36 to 33. The number of semi-detached dwellings has increased from 22 to 24. The number of block townhouse dwellings has increased from 15 to 21.
- (b) The number of proposed single detached dwelling lots located around the perimeter of the site abutting the existing neighbourhood has been reduced from 36 to 33.
- (c) The original site design proposed a driveway access on Pinecrest Road and an emergency access only on Harmony Road North. In response to concerns from the existing neighbourhood with respect to traffic impacts, the Applicant subsequently revised the site design in an attempt to make the driveway on Harmony Road North an open full movement driveway access. Ultimately, it was determined that the road geometry and sight distance conditions along the adjacent segment of Harmony Road North render most turning movements from this access unsafe. The development does not require an emergency access or more than one driveway access. The Applicant is now proposing a single driveway access for the proposed development, which will be located on Pinecrest Road.
- (d) The area of the common outdoor amenity area (parkette) has been expanded, incorporating additional space at the northwest corner of the Subject Site previously occupied by the emergency access. The size of the private parkette has increased from 458 square metres (4,929.87 sq. ft.) to 686 square metres (7,384.04 sq. ft.).
- (e) The visitor parking rate has been increased from 0.23 spaces per unit to 0.25 spaces per unit (20 visitor parking spaces in total).
- (f) The original proposal requested a maximum building height of 11 metres (36.08 ft.) for all single detached dwellings, semi-detached dwellings and block townhouses. The Applicant subsequently revised the proposal to request a maximum building height of 9 metres (29.52 ft.) for twenty of the proposed single detached dwellings (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4) and a maximum building height of 11 metres (36.08 ft.) for the front wall facing the internal private road and a maximum height of 9 metres (29.52 ft.) (2 storeys) for the rear wall facing the rear lot line for the

remaining thirteen single detached dwellings (i.e. Lots 12 to 24 as shown on Attachment 4). Further, the Applicant has reduced the proposed height of all semi-detached dwellings to 9.50 metres (31.17 ft.) (2 storeys), and increased the proposed height of all block townhouses to 11.75 metres (38.55 ft.) measured on the exterior of the west side of the building facing Harmony Road North and 11.25 metres (36.91 ft.) measured on the east side of the building facing the internal private road.

- (g) The net site area of Block 1 in the draft plan of subdivision has increased from 2.342 hectares (5.79 ac.) to 2.426 hectares (5.99 ac.). This change is a result of a reduction in the width of the road widening conveyance required by the Region of Durham along the frontage of Harmony Road North.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-24-42 dated April 3, 2024, the revised application submitted by Icon Harmony Limited to amend Zoning By-law 60-94 (File: Z-2022-11) to rezone 1081 and 1093 Harmony Road North and 836 Pinecrest Road from R1-A (Residential) to an appropriate R2 (Residential) zone to permit the development of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
2. That, pursuant to Report ED-24-42 dated April 3, 2024, the revised application submitted by Icon Harmony Limited for approval of a draft plan of subdivision (File: S-O-2022-04) which proposes a block for single detached dwellings, semi-detached dwellings and block townhouses and a road widening block at 1081 and 1093 Harmony Road North and 836 Pinecrest Road be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose City conditions in the draft plan of subdivision approval Planning Act decision.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law amendment proposed in Report ED-23-10 dated January 4, 2023, presented at the public meeting of January 9, 2023, differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends the approval of the revised applications to amend Zoning By-law 60-94, as amended, and for approval of a draft plan of subdivision to permit the development of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings at 1081 and 1093 Harmony Road North and 836 Pinecrest.

The Applicant and Department staff, working with the Region of Durham, attempted to find ways to minimize the need for vehicular traffic to and from the proposed development to

drive through the existing surrounding neighbourhood. However, due to the design and characteristics of the adjacent sections of Harmony Road North and Pinecrest Road, it was not possible to implement alternative driveway access designs.

The proposal represents an infill residential development with a density and built form that is appropriate given the locational context of the Subject Site, which is at the periphery of a neighbourhood abutting an arterial road designated as a Regional Corridor and a Regional Transit Spine, and can be designed to be compatible with the surrounding residential uses. The proposed interface between the surrounding existing residential development and the proposed new residential development is appropriate. The proposed block townhouses are located adjacent to the westerly limit of the Subject Site abutting Harmony Road North rather than adjacent to any existing residential properties.

The proposed development conforms to the Provincial Growth Plan, is consistent with the Provincial Policy Statement, conforms to the Durham Regional Official Plan and Oshawa Official Plan, is within the City's Built Boundary and represents good planning. The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa between 2022 and 2031 as targeted by the Province.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the subject revised applications. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the site plan approval and building permit processes, if the revised applications are approved.

4.2 Public Comments

The minutes of the January 9, 2023 public meeting concerning the subject applications form Attachment 7 to this Report. Several letters were also received from the public with respect to the subject applications containing comments and expressing objections to the applications.

On August 16, 2023, City staff coordinated a meeting between the Applicant and three members of the Maxwell Heights Neighbourhood Association to discuss changes to the site plan resulting from comments on the first submission and concerns from the neighbourhood.

Key concerns raised by the public at the public meeting, in subsequent meetings with area residents and in the written correspondence are set out below together with a staff response.

4.2.1 Conformity to the Pinecrest Part II Plan

Comment:

Comments were made concerning the need for an amendment to the Pinecrest Part II Plan (official plan amendment) based on the proposed density and housing type/form of the proposed development.

Staff response:

The lands subject to the revised applications are designated Low Density Residential on Schedule 'A' of the Pinecrest Part II Plan.

The Low Density Residential designation generally permits a maximum net residential density of up to 30 units per hectare (12 u/ac.), as outlined in Table 2 of the Oshawa Official Plan (the "O.O.P."). The density of the revised proposal is 32.15 units per hectare (13.02 u/ac.).

Policy 10.1.2(a) of the O.O.P. states, in part, that with the exception of floor space indices, all numbers and quantities shown in the O.O.P. are approximate and that minor changes to such numbers and quantities will be permitted without amendment provided that such changes do not affect the intent of the O.O.P. Therefore, the densities outlined in Table 2 of the O.O.P. are not fixed limits for the given density category, but rather provide a guideline in evaluating development proposals. The difference between 30 units per hectare and 32.15 units per hectare is minor and can be considered to still be consistent with the Low Density Residential Category and therefore the intent of the O.O.P.

Table 2 of the O.O.P. also provides descriptions of the general representative housing type/form for each density type. Low Density Residential development has the general representative housing type/form of single detached dwellings, semi-detached dwellings and duplexes. In the footnote associated with Table 2, the O.O.P. acknowledges that these descriptions represent only the anticipated housing forms for the density categories specified in the Table, and that differences in building design, site specifications and lot area may produce considerable variation in housing type at any given density. On this basis, the housing form of the proposed development, which consists of single detached and semi-detached dwellings in the interior of the lot and block townhouse dwellings fronting Harmony Road North, is consistent with the O.O.P. guidance for the Low Density Residential designation in the Pinecrest Part II Plan.

A built example of how townhouse form development can be consistent with Low Density Residential development is the block townhouse development at 1640 Grandview Street North. The site is designated Low Density Residential in the Taunton Part II Plan and is developed with 47 townhouse units. The site is approximately 1.5 hectares (3.7 ac.) in size, which yields a density of 31.3 units per hectare (12.7 u/ac.). This density is generally consistent with the Low Density Residential designation despite consisting entirely of block townhouse units.

For comparison, the 79 block townhouses at Harmony Road North and Missom Gate have a combined density of 60.8 units per hectare (24.6 u/ac.), the 56 block townhouses at

Phillip Murray Avenue and Park Road South have a density of 54.15 units per hectare (29.1 u/ac.), the 212 block townhouses at Harmony Road South and Taylor Avenue have a density of 46.6 units per hectare (11.2 u/ac.), and the 38 block townhouses at 1280 Harmony Road North have a density of 43.4 units per hectare (17.6 u/ac.).

4.2.2 Compatibility with the Surrounding Neighbourhood

Comment:

Comments were made concerning compatibility between the built form of the proposed development and the surrounding neighbourhood.

Staff response:

The proposal features 33 single detached dwellings located along the northern, eastern and southern limits of the Subject Site abutting the existing residential neighbourhood, 24 semi-detached dwellings situated within the interior of the Subject Site, and 21 block townhouse dwellings located along the western limit of the Subject Site fronting Harmony Road North.

Harmony Road North is classified as a Type “A” Arterial Road. The policies of the Provincial Growth Plan, Durham Regional Official Plan and the O.O.P. encourage appropriate residential intensification along arterial roads.

Harmony Road North is designated as a Regional Corridor and a Regional Transit Spine in the O.O.P. It is also identified as part of the High Frequency Transit Network in the new Durham Regional Official Plan (Envision Durham), which was adopted by Regional Council on May 17, 2023 and is currently with the Ministry of Municipal Affairs and Housing for approval. Envision Durham encourages higher density developments along Regional Corridors and along High Frequency Transit Networks to support compact communities and efficient transit service. The minimum density target along High Frequency Transit Networks is 45 dwelling units per hectare. A development proposal having a density of 45 units per hectare at the Subject Site would produce approximately 109 units (39.7% more units than currently proposed). With only 78 units, yielding a density of 32.15 dwelling units per hectare, the density of the proposed development is lower than this minimum target. Notwithstanding this, the Region of Durham is supportive of the proposed development as it generally conforms to the current in-force Durham Regional Official Plan and provides a range of housing types that would be complementary with the surrounding low-density community.

Staff note that all of the proposed single detached dwellings along the perimeter of the site abutting existing housing feature a minimum rear yard depth of 7.50 metres (24.61 ft.), which complies with the existing zoning. The maximum height of the single detached dwellings measured at the wall facing the rear lot line is 9 metres (29.52 ft.), reflective of a two-storey condition.

4.2.3 Traffic Impacts

Comment:

Comments were made concerning the impact of the proposed development on vehicular traffic in the area, as well as the adequacy of the study methods used to prepare the Traffic Impact Study (“T.I.S.”) submitted in support of the applications.

Staff response:

Harmony Road North is designated as a Type “A” Arterial Road on Schedule ‘B’, Road Network, of the O.O.P. Pinecrest Road, Swiss Height and Grand Ridge Avenue (east of Harmony Road North) are all local roads.

Type “A” Arterial Roads are intended to carry high volumes of traffic, including high volumes of truck traffic. Harmony Road North is under the jurisdiction of the Region of Durham. Local roads are intended to collect light volumes of traffic moving between points of origin and the collector road system and arterial roads.

The revised proposal features a full movement driveway access on Pinecrest Road only, with no direct access on Harmony Road North.

An additional driveway access is only required where the furthest point on a private road or public road is greater than 250 metres (820.21 ft.) from a single access point. In this case, the furthest point on the private road from the driveway access on Pinecrest Road is approximately 230 metres (754 ft.). Consequently, only one driveway is required for emergency service access. The site design complies with the City’s private road design standards including minimum private road width and radii for fire truck access, minimum building setbacks from the fire route (private road), and Fire Route/No Parking signs posted alongside the entire private road.

The intersection of Harmony Road North and Pinecrest Road permits right-in and right-out movements only. Drivers exiting the proposed development that wish to travel southbound on Harmony Road North would have to drive east along Pinecrest Road through the existing neighbourhood to access intersections that permit left turns onto Harmony Road North (Swiss Height or Grand Ridge Avenue). Alternatively, they could exit onto Pinecrest Road, turn right onto northbound Harmony Road North, turn onto Taunton Road East and then turn south on another arterial road such as Ritson Road North or Grandview Street North.

Southbound drivers on Harmony Road North intending to access the proposed development would have to turn left onto Swiss Height or Grand Ridge Avenue and then access the site via Pinecrest Road.

The Applicant hired GHD, a professional consulting company with transportation engineering expertise, to prepare a Transportation Impact Study (“T.I.S.”) which was

submitted in support of the revised applications. The key findings and conclusions of the T.I.S. are as follows:

- The proposed development is expected to generate a total of 49 new two-way vehicle trips during the weekday morning peak hour traffic period consisting of 13 inbound trips and 36 outbound trips, and 61 new two-way vehicle trips during the weekday afternoon peak hour traffic period consisting of 37 inbound trips and 24 outbound trips.
- The T.I.S. describes the existing vehicle trips on the area’s roads in 2024. The T.I.S. also describes the vehicle trips generated by the proposed development and the projected combined total vehicle trips based on the completed proposed development. This data is summarized in the following table:

Peak Hour Period Turning Movement	2024 Vehicle Trips	2024 Vehicle Trips Including Subject Site Development	Difference as a result of Subject Site Development
Morning peak hour right turn from northbound Harmony Road North onto Pinecrest Road	10	14	4*
Afternoon peak hour right turn from northbound Harmony Road North onto Pinecrest Road	4	18	14*
Morning peak hour right turn from Pinecrest Road onto northbound Harmony Road North	6	26	20*
Afternoon peak hour right turn from Pinecrest Road onto northbound Harmony Road North	3	18	15*
Morning peak hour right turn from northbound Harmony Road North onto Swiss Height	3	3	0
Afternoon peak hour right turn from northbound Harmony Road North onto Swiss Height	10	10	0
Morning peak hour right turn from Swiss Height onto northbound Harmony Road North	4	4	0
Afternoon peak hour right turn from Swiss Height onto northbound Harmony Road North	11	11	0
Morning peak hour left turn from Swiss Height onto southbound Harmony Road North	6	22	16

Peak Hour Period Turning Movement	2024 Vehicle Trips	2024 Vehicle Trips Including Subject Site Development	Difference as a result of Subject Site Development
Afternoon peak hour left turn from Swiss Height onto southbound Harmony Road North	3	12	9
Morning peak hour left turn from southbound Harmony Road North onto Swiss Height	6	15	9
Afternoon peak hour left turn from southbound Harmony Road North onto Swiss Height	8	31	23

- The additional vehicle trips indicated with an asterisk (*) are trips for which the driver would only be travelling on Pinecrest Road between Harmony Road North and the Subject Site’s driveway (i.e. the driver would only be driving on Pinecrest Road for approximately 35 metres). This represents approximately half of all trips generated by the proposed development.
- Traffic generated by the Subject Site will have a nominal impact on the operation of the surrounding study area intersections with respect to capacity, delays and queueing. No intersection improvements are required within the study area to accommodate traffic generated by the development.

Professional traffic engineering staff at both the City and the Region of Durham reviewed the T.I.S. and have no objections to the methodology or the key conclusions noted above with respect to a single driveway access on Pinecrest Road.

The initial applications received by staff in November 2022 and considered at the January 9, 2023 public meeting (see Attachment 3) proposed a full turning movement driveway access on Pinecrest Road and an emergency vehicle access only on Harmony Road North. The Region would allow an emergency access on Harmony Road North. However, the City’s Fire Services does not support new permanent emergency accesses.

In response the neighbourhood’s concerns about the potential impact of traffic generated by the proposed development on local roads, the Applicant’s second submission (received in June 2023) redesigned the northwest corner of the Subject Site in an attempt to provide a full movement driveway access on Harmony Road North.

Between June 2023 and January 2024, the City, Region and the Applicant worked collaboratively to assess the feasibility of the proposed full movement driveway access on Harmony Road North. In support of the revised access the Applicant submitted a sightline assessment prepared by GHD. Ultimately it was determined by the Region that the road geometry and sight distance conditions, combined with the existing traffic volumes and speeds on the arterial road, lack of appropriate left turn lane width south of Swiss Height, lack of a left turn refuge lane within Harmony Road North, and proximity of the potential

driveway to the Swiss Height intersection render all turning movements directly to or from Harmony Road North unsafe for drivers except right-out turns. Because future residents will be able to turn right onto Harmony Road North from Pinecrest Road, providing an additional right-out only access on Harmony Road North would not reduce traffic through the neighbourhood.

Between January 2024 and March 2024, at the request of City staff, the Region of Durham assessed the feasibility of providing a signalized intersection at Harmony Road North and Pinecrest Road to reduce potential traffic through the neighbourhood. Through this assessment it was determined that the necessary sightlines for a signalized intersection are not available for northbound traffic and would result in an increased risk of rear-end and turning movement collisions at the proposed signal. Constructing a signalized intersection at this location would also require widening Harmony Road North on both approaches to accommodate a left turn lane and a divisional island. This would be technically challenging and very costly given the steep slopes on both sides of Harmony Road North in the area and the need to relocate utility poles, potentially install a guiderail system and construct new retaining walls. Furthermore, the spacing of the proposed signalized intersection does not comply with the Region of Durham's guidelines for signalized intersections on Type "A" Arterial Roads [700m (2,297 ft.)] and would result in traffic delays on Harmony Road North. For these reasons, a signalized intersection at Harmony Road North and Pinecrest Road is not feasible, and not supported by the Region.

Between January 2024 and February 2024, at the request of City staff, the Region of Durham also assessed the feasibility of providing protected signalized advance U-turns on Harmony Road North at each of the signalized intersections at Beatrice Street East and Grand Ridge Avenue to reduce traffic through the neighbourhood by providing an intentional U-turn option for drivers driving to or from the Subject Site. To accommodate protected U-turns, both signalized intersections would need to be widened to include a third receiving lane to provide sufficient space for the U-turn movement to happen in a single stage. Otherwise, a three-point turn may be required at the end of the movement for many vehicles, which would block the intersection and create an unsafe condition. Widening the road would require the relocation of utility poles and the acquisition of property. Implementing a split phase signal is not feasible due to the excessive traffic delays on Harmony Road North that would occur as a result. For these reasons, advance protected U-turns cannot be provided at these intersections, and are not supported by the Region.

Lastly, between January 2024 and February 2024, Traffic and Streetlighting Services investigated the feasibility of a directional closure on Pinecrest Road to prevent traffic exiting the proposed development from traveling east through the neighbourhood. The Oshawa Neighbourhood Traffic Management Guide defines a directional closure as a curb extension or barrier which extends to the centerline of a road to prohibit traffic in one direction of travel for the purpose of reducing traffic volume. The proposed directional closure would prevent drivers exiting the proposed development from travelling east through the existing neighbourhood; drivers would only be able to exit the development and travel west directly to Harmony Road North. Westbound traffic along Pinecrest Road would be uninterrupted by the directional closure.

It was determined that the directional closure would create a safety risk as the low volume of traffic on Pinecrest Road will encourage drivers to disobey the closure by driving around it in the opposite lane, which has reduced visibility due to the horizontal and vertical curve of Pinecrest Road at this location. The directional closure would also inconvenience existing residents residing beyond the closure, who would have to drive further to reach their homes, and would likely shift traffic onto other nearby streets. It was also noted that the projected peak hour traffic volumes generated by the proposed development are not significant and that Pinecrest Road and Swiss Height will be able to accommodate the increased traffic. The directional closure would have prevented 16 vehicle trips from the Subject Site during the morning peak hour and 9 trips from the Subject Site during the afternoon peak hour from driving east along Pinecrest Road, but would have added trips from the existing neighbourhood onto portions of Pinecrest Road and other streets that would not have otherwise used those roads. For these reasons, a directional closure on Pinecrest Road is not feasible.

As a result of these discussions and assessments, the Applicant has redesigned the proposal again to maintain one driveway access on Pinecrest Road with no access of any sort directly onto Harmony Road North (see Attachment 4).

The circumstances that prevent a full movement driveway on Harmony Road North exist regardless of the number of residential units or the types of units proposed in the development.

In the event the revised applications are approved, traffic calming measures in the existing neighbourhood can be explored once the proposed development is complete and speeding issues, if any, can be assessed to determine appropriate mitigation measures.

4.2.4 Parking

Comment:

Comments were made that the proposed development does not provide sufficient parking and that parking may spill onto Pinecrest Road or Swiss Height.

Staff response:

As it relates to the proposed development, Zoning By-law 60-94 requires 156 parking spaces consisting of a minimum of 2.0 parking spaces for every single detached dwelling and semi-detached dwelling and 1.65 parking spaces for every block townhouse dwelling, plus 0.35 parking spaces for every block townhouse dwelling unit (7 visitor spaces). Zoning By-law 60-94 does not require visitor parking for single detached dwellings and semi-detached dwellings.

The revised site design provides:

- 2 parking spaces per unit for 20 of the single detached dwellings;
- 4 parking spaces per unit for 13 of the single detached dwellings;
- 2 parking spaces for every semi-detached dwelling;
- 2 parking spaces for every block townhouse dwelling; and,

- 20 visitor parking spaces.

The proposal exceeds the parking requirements of Zoning By-law 60-94 by providing 202 parking spaces (46 more spaces than required). The visitor parking is intended to be used by visitors to all dwelling types and is not restricted to the visitors of the block townhouse dwellings.

4.2.5 Townhouse Basements

Comment:

Some residents expressed concern that the proposed block townhouse dwellings do not have basements, which could lead to some residents using their garage for storage rather than parking.

Staff response:

In addition to exceeding the minimum parking requirements for block townhouse dwellings, the Applicant has also incorporated additional storage space into the design of the garages.

The proposed single detached and semi-detached dwelling units contain basements.

4.2.6 Tree Removal

Comment:

Comments were made concerning the removal of trees and associated impacts on the tree canopy and wildlife.

Staff response:

In support of the revised applications, the Applicant has submitted a Tree Preservation Plan ("T.P.P."). The T.P.P. inventories all existing trees on the Subject Site and on adjacent properties near the mutual property line. The T.P.P. documents how trees along or near the property line will be preserved and protected during construction. These measures include the installation of temporary tree protection fencing prior to any demolition or works on site that shall remain until the completion of fine grading and sodding/seeding.

In support of the revised applications, the Applicant has also submitted a landscape plan illustrating where trees will be planted along the public boulevard and internal to the site in alignment with the City's policies.

It is important to note that a development in conformity with the existing zoning of the Subject Site would likely also result in the removal of the trees internal to the site.

The Central Lake Ontario Conservation Authority (C.L.O.C.A.) has reviewed the revised subject applications and has no objection the subject revised applications.

4.2.7 Pedestrian Safety

Comment:

Comments were made concerning the lack of safe pedestrian access between the proposed development and the bus stop on the west side of Harmony Road North near the intersection with Swiss Height, and the potential for conflicts between vehicles and pedestrians on Pinecrest Road and Swiss Height.

Staff response:

Harmony Road North is designated as a Type “A” Arterial Road on Schedule ‘B’, Road Network, of the O.O.P. and is under the jurisdiction of the Region of Durham. Type “A” Arterial Roads are intended to carry large volumes of traffic, including large volumes of truck traffic.

The segment of Harmony Road North between Rossland Road East and Taunton Road East was reconstructed by the Region of Durham in 2021. The reconstruction included widening the road to four lanes to increase capacity, with turning lane improvements at critical intersections.

The location of transit stops is determined by Durham Region Transit (D.R.T.). In urban areas, D.R.T. aims to provide transit stops within a 500 metre (1640.42 ft.) walk to 80% of dwellings and within an 800 metre (2624.67 ft.) walk of 95% of dwellings. These service proximity goals are noted in D.R.T.’s current Service Guidelines.

Residents of the proposed development will need to walk to/from the transit stops at the signalized intersections of Grand Ridge Avenue [approximately 430 metres (1,410 ft.)] or Beatrice Street East [approximately 400 metres (1,312 ft.)].

Pinecrest Road and Swiss Height are local roads under the jurisdiction of the City. Both roads have a rural cross section without curbs or pedestrian facilities (e.g. sidewalks). Professional traffic engineering staff at the City have reviewed the revised applications and have not identified any concerns with respect to conflicts between vehicles and pedestrians within the neighbourhood as a result of the vehicle trips generated by the proposed development. Both Pinecrest Road and Swiss Height are still expected to operate within the parameters of the local road category.

In the event the revised applications are approved, traffic calming measures can be explored once the proposed development is complete and speeding issues, if any, can be assessed to determine appropriate mitigation measures.

5.0 Analysis

5.1 Background

The Subject Site is generally located on the east side of Harmony Road North, north of Pinecrest Road, and is municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road (see Attachment 1).

The following is background information concerning the subject revised applications:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential	No change
Pinecrest Part II Plan Designation	Low Density Residential	No change
Zoning By-law 60-94	R1-A (Residential)	An appropriate R2 (Residential) Zone to permit the proposed development, with site specific conditions to permit certain performance standards to implement the site and building designs.
Use	Three (3) single detached dwellings	33 single detached dwellings, 24 semi-detached dwellings, 21 block townhouse dwellings on a new private road, and a road widening block.

The following land uses are adjacent to the Subject Site:

- **North** Single detached dwellings fronting onto Swiss Height
- **South** Pinecrest Road and single detached dwellings fronting onto Pinecrest Road
- **East** Single detached dwellings fronting onto Pinecrest Road
- **West** Harmony Road North, beyond which are single detached dwellings

The following are the proposed revised development details for the Subject Site:

Site Statistics Item	Measurement
Lot Frontage	Harmony Road North – 125.12m (410.50 ft.) Pinecrest Road – 42.96m (140.94 ft.)
Gross Lot Area (inclusive of road widening)	2.44 ha (6.03 ac.)
Net Lot Area (exclusive of road widening)	2.426 ha (5.99 ac.)
Number of Proposed Residential Units	Single Detached Dwellings – 33 Semi-Detached Dwellings – 24 Block Townhouse Dwellings – 21 Total: 78 units
Net Residential Density	32.15 u/ha (13.02 u/ac.)
Minimum Lot Frontages of the Proposed Single Detached Dwelling Lots	9m (29.53 ft.) – 20 lots 11m (36.09 ft.) – 13 lots

Site Statistics Item	Measurement
Minimum Lot Frontages of the Proposed Semi-Detached Dwelling Lots	6.5m (21.33 ft.) – 12 lots 7m (22.97 ft.) – 12 lots
Minimum Lot Frontages of the Proposed Block townhouse Dwelling Lots	5.78m (18.96 ft.) – 21 lots
Parking Spaces Required	149 spaces for residents (2.0 spaces per unit for single detached dwellings and semi-detached dwellings and 1.65 spaces per unit for block townhouse dwellings). 7 spaces for visitors (0.35 spaces per block townhouse dwelling unit). Zoning By-law 60-94 does not require visitor parking for single detached dwellings and semi-detached dwellings. Total required parking: 156
Parking Spaces Provided	182 parking spaces for residents (2 spaces per unit for 20 single detached dwellings, 4 spaces per unit for 13 single detached dwellings, 2 spaces per unit for all semi-detached dwellings, and 2 spaces per unit for all block townhouse dwellings). 20 spaces for visitors (0.25 spaces per unit) Total parking provided: 202

5.2 Oshawa Official Plan

The Subject Site is designated Residential in the O.O.P.

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings.

Schedule “A-2”, Corridors and Intensification Areas, of the O.O.P. designates Harmony Road North as a Regional Corridor. The O.O.P. specifies, in part, that development along Regional Corridors shall achieve higher density, intensive and compact built form and complementary mixed uses subject to the relevant policies of the underlying land use designation. Regional Corridors are intended to develop as ribbons of compact, intensive, higher density development along what form the key connections between Central Areas within the City and to those in abutting municipalities, and provide for the efficient movement of people and goods between the Central Areas to support their vitality. A range of residential uses at higher densities may be permitted in Regional Corridors where the underlying land use designation permits a residential development.

Harmony Road North is designated as a Type “A” Arterial Road and a Regional Transit Spine in the O.O.P. Pinecrest Road is a local road.

The subject revised applications conform to the O.O.P.

5.3 Pinecrest Part II Plan

The Subject Site is designated as Low Density Residential in the Pinecrest Part II Plan (see Attachment 2). The Low Density Residential designation generally permits a maximum net residential density of up to 30 units per hectare (12 u/ac.).

The general representative housing type/form within the Low Density Residential category generally consists of single detached, semi-detached and duplex dwellings with a density of up to 30 units per hectare (12 u/ac.), subject to general locational criteria as follows:

- (a) Generally located in the interior of residential neighbourhoods on local or collector roads, or along arterial roads subject to the policies of this Plan.
- (b) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

The net residential density of the revised proposed development is 32.15 units per hectare (13.02 u/ac.), which is generally consistent with the Low Density Residential Designation. While the proposed development contains 21 townhouse dwellings, the proposed townhouse dwellings are located on the periphery of the Subject Site adjacent to Harmony Road North, a Regional Corridor.

It should be noted that in order to provide for flexibility in the interpretation of the text and schedules of the O.O.P., all numbers and quantities (with the exception of floor space indices) shall be considered to be approximate. Policy 10.1.2(a) of the O.O.P. specifies that minor changes to such numbers and quantities will be permitted without the need for an Official Plan amendment, provided that such changes do not affect the intent of the O.O.P. This policy would apply in the consideration of minor deviations from the density ranges outlined in Table 2 of the O.O.P., which serves as a guideline for reviewing matters related to the density of development.

The General Representative Housing Type/Form column heading in Table 2 includes a footnote that reads as follows:

“These descriptions represent only the anticipated housing forms for the density categories specified in this Table. It should be noted that differences in building design, site specifications and lot area may produce considerable variation in housing type at any given density. Therefore, conformity with the locational criteria for the respective density categories contained in this Table is determined primarily on the basis of net density.”

The subject revised applications conform to the Pinecrest Part II Plan.

5.4 Zoning By-law 60-94

The Subject Site is currently zoned R1-A (Residential) in Zoning By-law 60-94 which permits single detached dwellings subject to compliance with various regulations. The R1-A Zone requires a minimum 7.50 metres (24.61 ft.) rear yard depth and permits a maximum building height of 9 metres (29.53 ft.).

The Applicant proposes to amend Zoning By-law 60-94 by rezoning the Subject Site from R1-A (Residential) to an appropriate R2 (Residential) Zone to permit 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings with site specific conditions to permit certain performance standards. The site specific R2 Zone regulations requested by the Applicant are as follows:

- Maximum building height of 11 metres (36.08 ft.) for the front wall facing the internal road and a maximum height of 9 metres (29.52 ft.) (2 storeys) for the rear wall facing the rear lot line for thirteen single detached dwellings (i.e. Lots 12 to 24 as shown on Attachment 4);
- Maximum building height of 9 metres (29.52 ft.) for twenty of the single detached dwellings (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4);
- Maximum building height of 9.50 metres (31.17 ft.) for all semi-detached dwellings;
- Maximum building height of 11.75 metres (38.55 ft.) (3 storeys) for the block townhouses facing Harmony Road North and 11.25 metres (36.91 ft.) facing the internal private road;
- Reduced landscaped open space in the front yard of the four 11 metre (36.09 ft.) wide single detached dwelling lots located on the outside of the northeasterly and southeasterly elbows of the private road;
- Reduced landscaped open space and driveway length in the rear yards of the block townhouse dwellings;
- Reduced landscaped open space in the front yard and a reduced driveway length of 5.75 metres (18.86 ft.) for semi-detached dwelling corner lots only;
- Reduced lot frontages for semi-detached dwellings;
- Reduced lot areas;
- Reduced front yard depths;
- 0.25 parking spaces per unit for visitors;
- Minimum of 2 parking spaces per block townhouse unit whereas only 1.65 spaces per unit is required;

- Minimum of 2 parking spaces per unit for single detached dwellings and semi-detached dwellings except that for twenty of the single detached dwellings, the minimum parking shall be 4 spaces per unit (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4);
- Minimum rear yards of all single detached dwellings and semi-detached dwellings will be 7.50 metres (24.61 ft.).

This Department has no objection to rezoning the Subject Site to an appropriate R2 (Residential) Zone subject to a special condition to permit the single detached dwellings, semi-detached dwellings and block townhouses with regulations to implement the proposed building/site design.

This Department recommends that an “h” holding symbol be applied to the zoning of the Subject Site which would restrict development until such a time as:

- a) Site Plan Approval is obtained from the City that addresses such matters as landscaping, fencing, lighting, amenity area design and tree preservation;
- b) Appropriate arrangements shall be made for the provision of adequate sanitary, water, storm, foundation drainage and transportation services and facilities to serve this development; and,
- c) Noise mitigation has been addressed to the satisfaction of the City.

While the “h” holding symbol is in effect, only uses permitted in an R1-A Zone and a temporary sales office would be permitted.

Section 5.7 of this Report sets out the rationale for this position.

5.5 Subdivision and Condominium

5.5.1 Standard Condominium versus a Common Elements Condominium

The Condominium Act, 1998 permits four different types of condominiums: common elements, phased, vacant land and leasehold. The Applicant is proposing to establish a common elements condominium for the proposed 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings.

To implement a common elements condominium, a declaration is registered which converts certain lands into common elements that are owned in common by the owners of specified freehold lands situated in the same land registry division. A common elements condominium does not have any units. Each owner’s percentage interest in the common elements will be specified in the declaration, will be appurtenant to the owner’s freehold land and will not be severable from it. Arrears of common expenses will result in a lien in favour of the condominium corporation on the default owner’s freehold land.

An example of a common elements condominium would be the common ownership of a private road. The owners of the lands serviced by the road could be part of a common elements condominium corporation for the road and would pay proportionately its common

expenses (maintenance, repair, management and insurance). This type of condominium enables a positive obligation (the payment of common expenses) to “run with the land”.

The following chart identifies the key differences between a standard condominium and a common elements condominium:

Standard Condominium	Common Elements Condominium
A standard condominium cannot be registered until all dwelling units are built. Therefore, the developer cannot close a deal with a purchaser on any of the units until all the units are built.	A common elements condominium is registered before any dwelling is conveyed. The developer can close a deal with a purchaser when the unit is completed. The developer does not have to wait until all units are built to close a real estate deal.
The individual units and common elements are created with the registration of the plan and are part of the condominium. The home owners are subject to the by-laws of the condominium corporation.	The individual units are created through either a plan of subdivision, consent approval or removal of part lot control. The dwelling units are not part of the condominium and therefore the homeowners are not subject to any condominium by-laws. The homeowners only have an interest in the common elements.

5.5.2 Draft Plan of Condominium and Draft Plan of Subdivision

The Applicant has submitted an application for approval of a common elements draft plan of condominium (File: C-O-2022-07). The common elements condominium would be tied to the proposed 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings. The following would generally be the common elements:

- (a) The private road providing access to each individual driveway serving the single detached dwellings, semi-detached dwellings and townhouse dwellings;
- (b) The internal sidewalks/walkways;
- (c) The common outdoor amenity area (parkette);
- (d) Community mailbox(es);
- (e) Visitor parking spaces; and,
- (f) Utility building (water meter room).

The 78 individual lots are proposed to be created through the removal of part lot control. These lots are commonly referred to as Parcels of Tied Land (“P.O.T.L.s”). The individual P.O.T.L.s have a percentage of ownership interest in the common elements but are not part of the condominium. To date, the Applicant has not submitted an application to remove part lot control. Applications to remove part lot control are delegated to the Commissioner of Economic and Development Services and Director of Planning Services for approval.

The Applicant proposes a draft plan of subdivision with 2 blocks: 1 block for a road widening and 1 block for the proposed condominium development (see Attachment 6). A part lot control by-law under the Planning Act can only be approved for lands in a registered plan of subdivision.

The City has approved other common element condominium developments. Recent examples include the sites at 487 Aztec Drive (Modeno Homes), 211 Thomas Street (Wiltshire Homes), 1640 Grandview Street North (Ballantry Homes), the southwest corner of Phillip Murray Avenue and Park Road South (SO Developments Inc.), 849 Rossland Road West (Delpark Homes), 250 Harmony Road South (Marlin Spring) and 800 and 805 Missom Gate (Sundance Developments).

Applications for approval of a draft plan of condominium are delegated to the Commissioner of Economic and Development Services and Director of Planning Services. The condominium application will not be approved unless the zoning by-law amendment application is approved.

5.6 Site Design/Land Use Considerations

The Applicant proposes 78 dwelling units in total consisting of 33 single detached dwellings, 24 semi-detached dwellings and 21 block townhouse dwellings on a private roadway (see Attachment 4). The 78 dwellings are proposed to be tied to a common elements condominium.

The 21 block townhouse dwellings will have front doors facing Harmony Road North with individual walkways leading to the Harmony Road North sidewalk. The remaining 57 dwellings will have frontage on the private condominium road only. The individual driveways for all 78 dwellings will have access from the private road only.

The development has been designed such that the 33 single detached dwellings are located along the north, east and south limits of the site abutting the existing low-rise residential neighbourhood. The minimum rear yard depth for the proposed single detached dwellings is 7.50 metres (24.61 ft.) which complies with the existing zoning of the Subject Site. The maximum height of twenty of the proposed single detached dwellings (i.e. Lots 1 to 11 and 25 to 33 as shown on Attachment 4) is 9 metres (29.52 ft.). The maximum height of the remaining thirteen single detached dwellings (i.e. Lots 12 to 24 as shown on Attachment 4) measured at the wall facing the rear lot line and the adjacent existing residential development is 9 metres (29.52 ft.).

The Applicant intends to construct, at their cost, a new 1.8 metre (6 ft.) high wood privacy fence along the north, east and south property lines abutting all existing single detached dwelling lots on Pinecrest Road and Swiss Height.

The proposed development also features a 686 square metre (7,384.04 sq. ft.) common amenity area (parkette) located at the northwest corner of the Subject Site. The parkette will include a children's playground, benches and open play area.

The Applicant will be required to install street curbing and a new public sidewalk on the north side of Pinecrest Road between Harmony Road North and the proposed driveway

access to the development. The site design includes a network of sidewalks along the internal private roads. The site design will also include sidewalk connections from the internal private roads to Pinecrest Road and to Harmony Road North through the parkette at the northwest corner of the Subject Site.

The Applicant has also submitted an application for Site Plan Approval (File: SPA-2023-07) for the proposed development.

In support of the proposed development, the Applicant has submitted a variety of plans and documents including a draft plan of subdivision, a draft plan of condominium, a site plan, floor plans, elevation plans, landscape and tree preservation plans, a servicing plan, a grading plan, an erosion and sediment control plan, a functional servicing and stormwater management report, a planning justification report, transportation impact assessments, an archaeological assessment, a geotechnical report, an environmental site assessment and a noise study.

Detailed design matters will be reviewed during the further processing of the application for site plan approval (File: SPA-2023-07) to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies in the event the subject revised applications are approved.

Some of the specific matters this Department will be reviewing during the further processing of the application for site plan approval, if the subject revised applications are approved, include:

- (a) Site/building design matters including parking, waste storage and collection, landscaping, lighting, outdoor amenity area design and snow storage;
- (b) Building architecture to ensure the quality of the design of the new homes;
- (c) Design and installation of privacy fencing abutting surrounding residential properties;
- (d) Noise attenuation;
- (e) Tree preservation;
- (f) Servicing, grading and stormwater management matters; and,
- (g) Construction management.

5.7 Basis for Recommendation

This Department has no objection to the approval of the subject revised applications submitted by the Applicant to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision for the following reasons:

- (a) Redeveloping an under-utilized property at this location along an arterial road at the periphery of a neighbourhood along a Regional Corridor and Transit Spine is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan.

- (b) The proposed development conforms to the Durham Regional Official Plan and the O.O.P.
- (c) The proposal will advance development that is within the City's Built Boundary. The Growth Plan for the Greater Golden Horseshoe established a Built Boundary for municipalities within which a certain percentage of all new residential development must take place to reduce the demand for new residential growth in greenfield areas.
- (d) The proposed development contributes to a range of housing types in the area.
- (e) The proposed development has been designed to exceed the minimum parking requirements of Zoning By-law 60-94 for single detached, semi-detached and block townhouse dwellings.
- (f) The increased traffic as a result of the proposed development will have a negligible impact on the adjacent local roads and their intersections with Harmony Road North. The road network can accommodate the additional vehicle trips.
- (g) The proposed development is transit supportive given its proximity to D.R.T. bus routes 423 and Pulse 916 and its location on an arterial road that is part of the High Frequency Transit Network described in the new Durham Regional Official Plan.
- (h) The proposed development has been designed to be compatible with surrounding land uses and provides an appropriate interface with surrounding existing residential development.
- (i) The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.
- (j) Through the use of a holding symbol, appropriate conditions can be implemented in the zoning of the Subject Site to ensure matters related to noise mitigation, servicing, storm water management, foundation drainage, landscaping, fencing, lighting, amenity area design, tree preservation, and transportation services are appropriately addressed to the satisfaction of the City prior to construction.
- (k) The proposed development will make efficient use of existing municipal services such as water and sanitary services.
- (l) The proposed development represents good planning.

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

The subject applications were submitted prior to July 1, 2023 and therefore the Applicant will not be eligible for a fee refund under the Planning Act as amended by Bill 109 (More Homes for Everyone Act, 2022) if the City does not make a decision on the Zoning By-law Amendment application within a certain timeframe.

7.0 Relationship to the Oshawa Strategic Plan

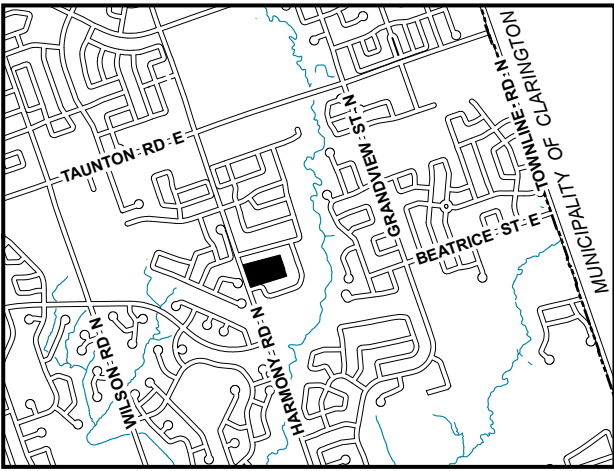
The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship and Environmental Responsibility goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department



Item: ED-24-42
Attachment 1

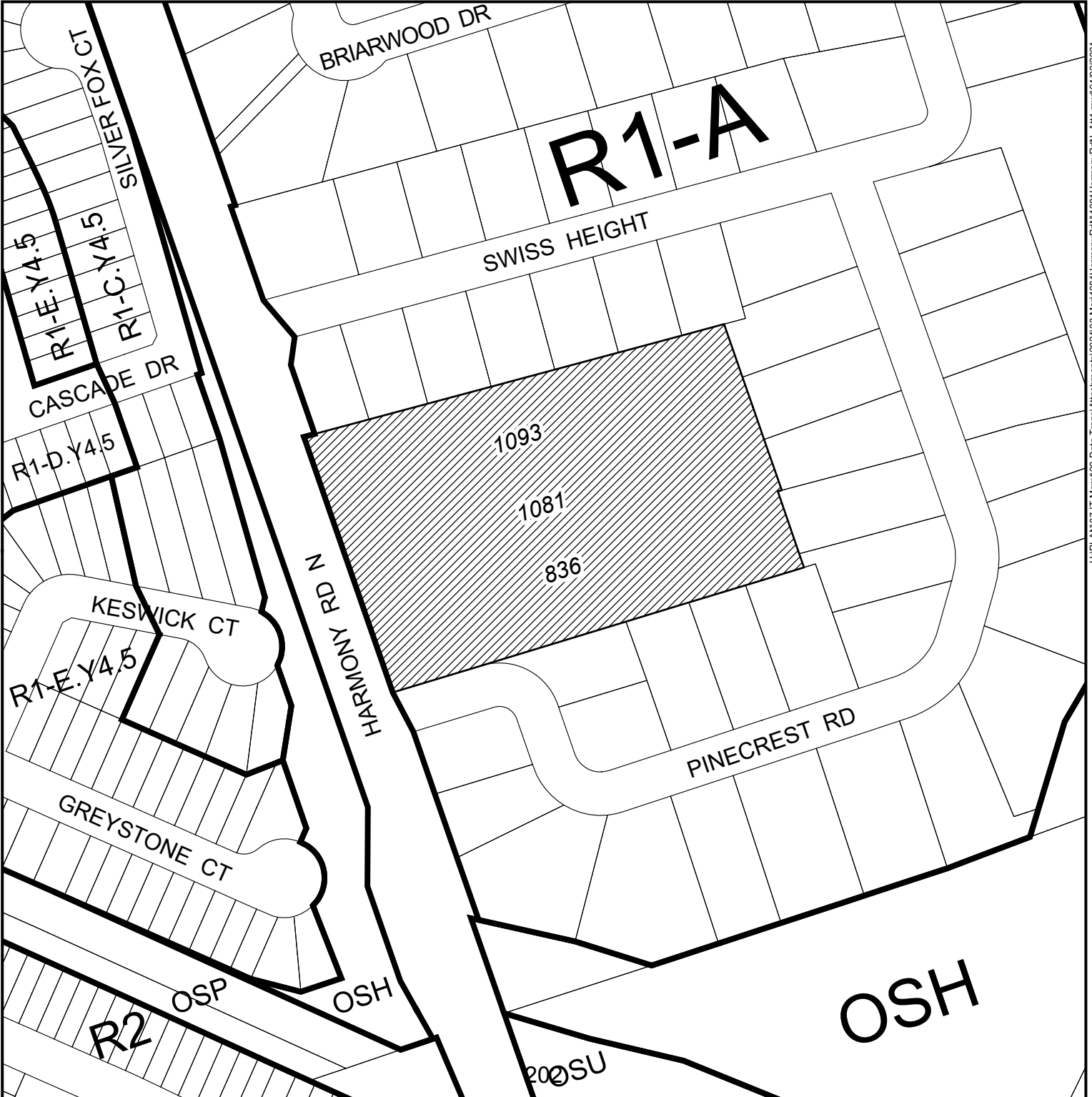
Economic and Development Services

Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road

Ward: Ward 3
File: Z-2022-11, S-O-2022-04

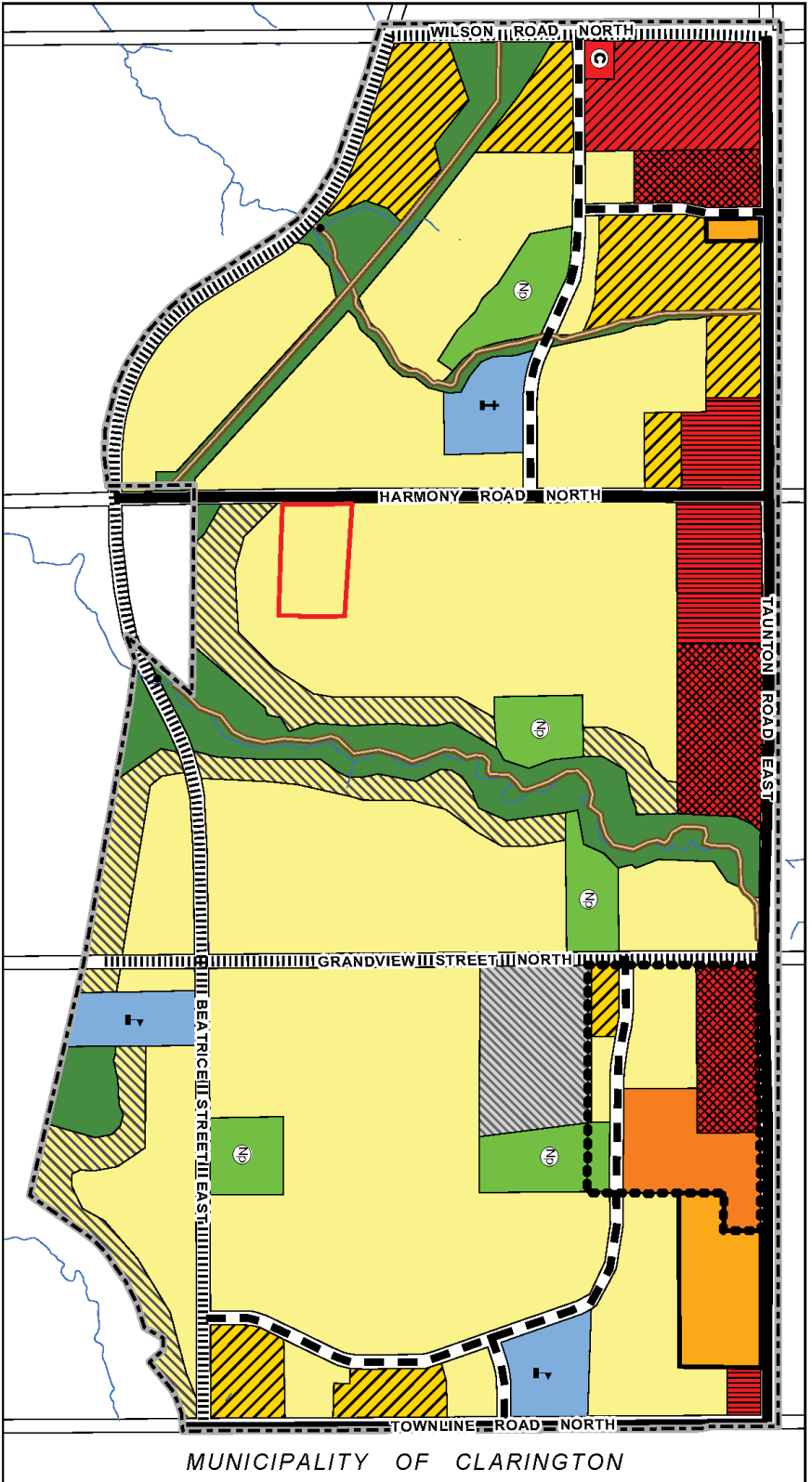


Subject Site



Title: Schedule 'A' Pinecrest Land Use and Road Plan of the Oshawa Official Plan
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

 Subject Site
 City of Oshawa
 Economic and Development Services



Schedule 'A' Pinecrest Land Use and Road Plan
 Part II Plan for the Pinecrest Planning Area

March 2021
 Development Services Department

Residential	Commercial	Transportation
Low Density Residential	Convenience Commercial Centre	Type A Arterial Road
Medium Density I Residential	Special Purpose Commercial	Type B Arterial Road
Medium Density II Residential	Planned Commercial Strip	Type C Arterial Road
High Density I Residential	Planned Commercial Centre	Collector Road
Large Lot Single Detached Dwellings	Community Use	Recreational Trail
Subject to Policy 8.4.6.12 in the Pinecrest Part II Plan	Public Elementary School	Pinecrest Planning Area Boundary
Open Space and Recreation	Separate Elementary School	Pedestrian Underpass
Neighbourhood Park	Utilities	Planned Development Area
Open Space and Recreation		

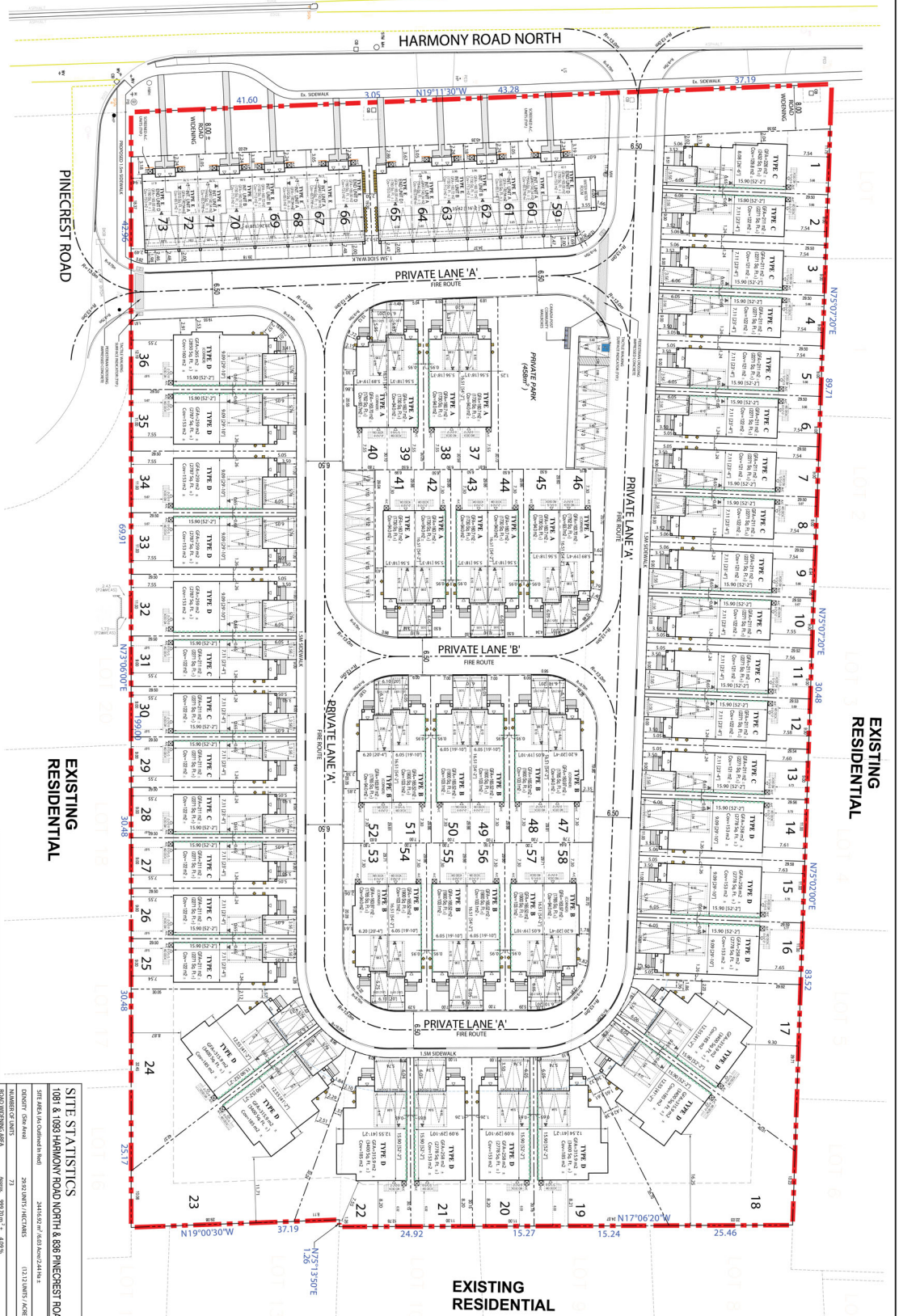
Legend

0 50 100 200 300 Meters

March 2021
 Development Services Department

Title: Original Site Plan considered at the January 9, 2023 Public Meeting
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision,
 Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

City of Oshawa
 Economic and Development Services



EXISTING
RESIDENTIAL

EXISTING
RESIDENTIAL

EXISTING
RESIDENTIAL

LOT SUMMARY			
TYPE	NO.	INTERNAL	TOTAL
TYPE A	6	6	6
TYPE B	9	9	9
TYPE C	19	19	19
TYPE D	9	9	9
TYPE E	2	2	2
TYPE F	11	11	11
TYPE G	4	4	4
TYPE H	50	50	50
TYPE I	10	10	10
TYPE J	73	73	73
TOTAL			

SITE STATISTICS
 1081 & 1093 HARMONY ROAD NORTH & 836 PINECREST ROAD

ROADWAY	NO.	INTERNAL	TOTAL
TYPE A	6	6	6
TYPE B	9	9	9
TYPE C	19	19	19
TYPE D	9	9	9
TYPE E	2	2	2
TYPE F	11	11	11
TYPE G	4	4	4
TYPE H	50	50	50
TYPE I	10	10	10
TYPE J	73	73	73
TOTAL			

Icon
 DESIGN GROUP INC.
 1081 & 1093 HARMONY ROAD NORTH
 AND 836 PINECREST RD. CITY OF OSHAWA
 99
 1300
 22-15 401

Jardin
 DESIGN GROUP INC.
 1081 & 1093 HARMONY ROAD NORTH
 AND 836 PINECREST RD. CITY OF OSHAWA
 99
 1300
 22-15 401

Icon Homes
 PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

Icon Homes
 PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

Icon Homes
 PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

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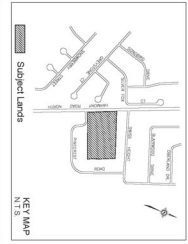
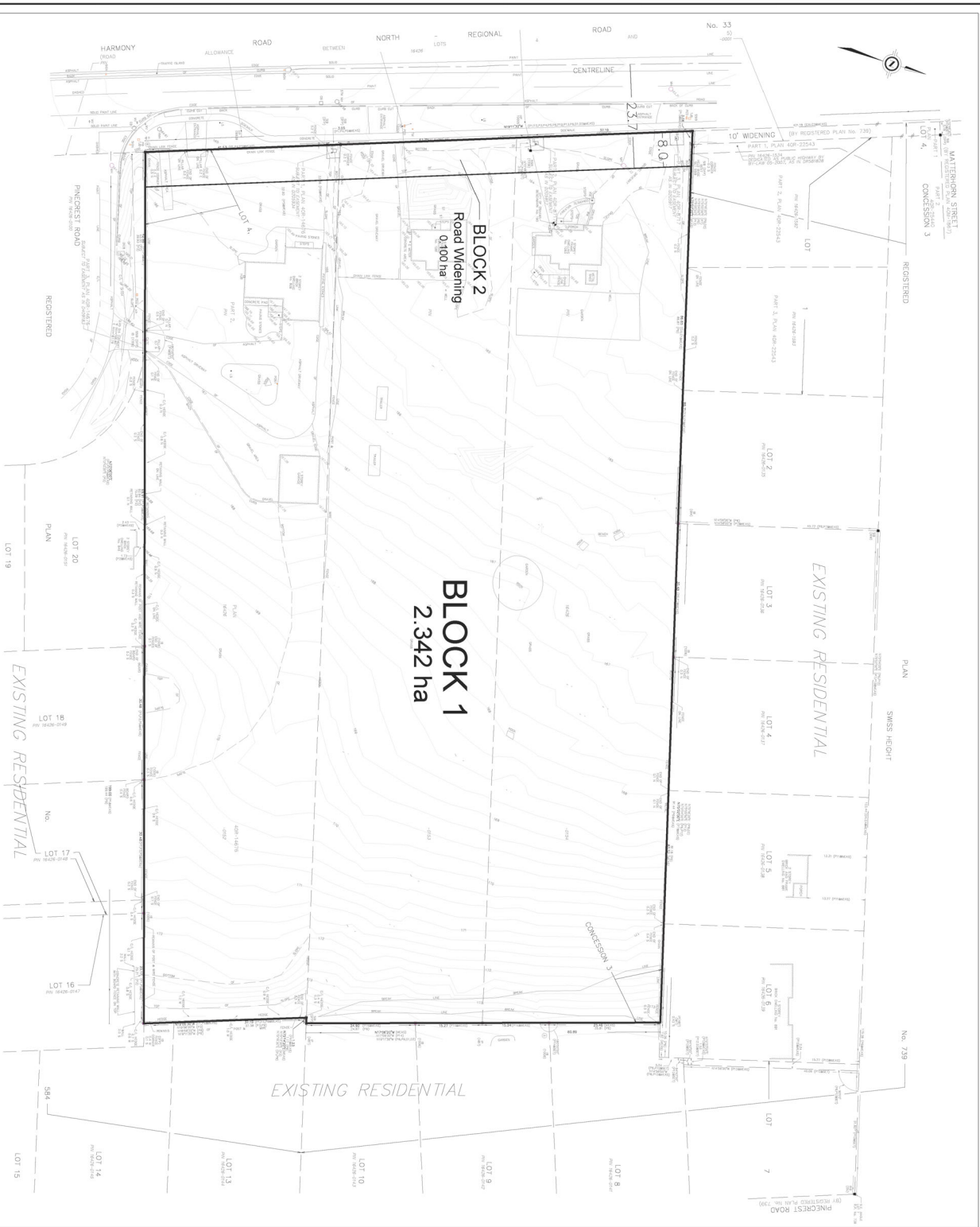
Icon Homes
 PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

Icon Homes
 PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

Icon Homes
 PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

Title: Draft Plan of Subdivision Considered at the January 9, 2023 Public Meeting
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision,
 Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

City of Oshawa
Economic and Development Services



OWNER'S AUTHORIZATION
 I hereby certify that the information provided in this plan is true and correct.
 Signature: [Signature]
 Date: September 13, 2023

SUBDIVISION'S CERTIFICATE
 I hereby certify that the boundaries of the lands shown are defined and are according to the best information available to me.
 Signature: [Signature]
 Date: September 13, 2023

ADDITIONAL INFORMATION
 1. The lands shown are owned by [Name]
 2. The lands shown are zoned [Zoning Code]
 3. The lands shown are subject to [Concession/Plan]
 4. The lands shown are subject to [Other Information]

DEVELOPMENT STATISTICS

PROPOSED LAND USE	Lot/Block No.	Area
1) Residential	1	2.342 ha
2) Road Widening	2	0.100 ha
TOTAL SITE AREA		2.442 ha

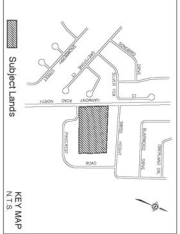
Block	Area (ha)
Block 1	2.342
Block 2	0.100
Total	2.442

DRAFT PLAN OF SUBDIVISION
 PART OF LOT 4
 (BOUNDARIES DETERMINED BY DATE WHEN)
 CITY OF OSHTAWA
 REGIONAL MUNICIPALITY OF DURHAM
 Scale: 1:400



Title: Revised Draft Plan of Subdivision Submitted by the Applicant
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road
 Ward: Ward 3
 File: Z-2022-11, S-O-2022-04

Economic and Development Services
 City of Oshawa
 OSHAWA



OWNER'S AUTHORIZATION
 I hereby authorize the preparation and filing of this plan to the satisfaction of the City of Oshawa.
 Signature: [Signature]
 Date: May 22, 2022

SUBROTOR'S CERTIFICATE
 I hereby certify that the above is a true and correct copy of the plan as shown to me and that the same is in accordance with the provisions of the Act.
 Signature: [Signature]
 Date: May 22, 2022

ADDITIONAL INFORMATION
 Registered or unregistered:
 (1) - []
 (2) - []
 (3) - []
 (4) - []
 (5) - []
 (6) - []
 (7) - []
 (8) - []
 (9) - []
 (10) - []
 (11) - []
 (12) - []
 (13) - []
 (14) - []
 (15) - []
 (16) - []
 (17) - []
 (18) - []
 (19) - []
 (20) - []

DEVELOPMENT STATISTICS

Proposed Land Use	Lot/Block No.	Area
Block 1	1	2.426 ha
Block 2	2	0.016 ha
TOTAL SITE AREA		2.442 ha

Lot No.	Area (sq. m)	Area (ha)
1	242600	2.426
2	16000	0.016
TOTAL	258600	2.442

DRAFT PLAN OF SUBDIVISION
 PART OF LOT 4
 CONCESSION 3
 (REGULATED DEVELOPMENT OF EXISTING LAND)
 CITY OF OSHTAWA
 REGIONAL MUNICIPALITY OF DURHAM
 Scale: 1:400
 0 5 10 20 30m

Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on January 9, 2023

Application ED-23-10

Presentation

Evans Planning - Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium

Connor Wright, Associate Planner, Evans Planning presented an overview of the applications to amend Zoning By-law 60-94 and for Approval of Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited for lands located at 1081 and 1093 Harmony Road North and 836 Pinecrest Road.

Members of the Committee questioned Connor Wright.

Delegations

Christine Arsenault and Mark Purcell - Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road

Christine Arsenault and Mark Purcell addressed the Economic and Development Services Committee on behalf of the Maxwell Village Homeowners Association development applications submitted for lands located at 1081 and 1093 Harmony Road North and 836 Pinecrest Road, expressing concerns with how the development will fit into the neighbourhood given its current density and make up. Christine Arsenault stated that the community is open to growth, however not the rate that has been proposed and suggested that 46 units would be acceptable. Christine Arsenault suggested the scope of the traffic study was too narrow and contained inaccurate information. Christine Arsenault stated that the association also has concerns with traffic flow and increased patterns in the area of the development and recommended that current the Harmony Road and Pinecrest intersection be relocated within the development instead.

Members of the Committee questioned Christine Arsenault.

Correspondence

ED-23-19 - Various Residents submitting comments concerning ED-23-10 regarding the Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision 1081 and 1093 Harmony Road North and 836 Pinecrest Road (Ward 3)

Moved by Councillor Chapman

That Correspondence ED-23-19 from Al Arnott submitting comments concerning ED-23-10 regarding the Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road be referred to Report ED-23-10.

Motion Carried

Reports

ED-23-10 - Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Icon Harmony Limited, 1081 and 1093 Harmony Road North and 836 Pinecrest Road (Ward 3)

Moved by Councillor Kerr

That, pursuant to Report ED-23-10 dated January 4, 2023, concerning the applications submitted by Icon Harmony Limited to amend Zoning By-law 60-94 (File: Z-2022-11) and for approval of a draft plan of subdivision (File: S-O-2022-04) and a common elements draft plan of condominium (File: C-O-2022-07) to permit 36 single detached dwellings, 22 semi-detached dwellings and 15 block townhouse dwellings on lands municipally known as 1081 and 1093 Harmony Road North and 836 Pinecrest Road, staff be directed to further review and prepare a report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

Motion Carried

To: City Council

From: Samuel Yoon, City Solicitor,
Corporate and Finance Services Department

Report Number: CNCL-24-42

Date of Report: April 24, 2024

Date of Meeting: April 29, 2024

Subject: Proposed New Indemnification By-law for Members of Council
and Employees of the City of Oshawa

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to recommend that Council repeal the City's current Indemnification By-law 127-2015, and replace with an updated, modernized by-law that will continue to provide for the indemnification and defence of both Members of Council ("Members") and City of Oshawa Employees ("Employees") against loss or liability arising out of acts or omissions that occur while acting on behalf of the City of Oshawa ("City").

Attachment 1 is a copy of the City's current Indemnification By-law 127-2015.

Attachment 2 is a copy of the proposed new Indemnification By-law.

2.0 Recommendation

It is recommended to City Council:

That in accordance with Report CNCL-24-42 dated April 24, 2024 concerning a proposed new indemnification by-law:

1. That Council pass the new Indemnification By-law as set out in Attachment 2 to this Report which will continue to provide for the indemnification and defence of Members of Council and City of Oshawa Employees against actions or proceedings that name them personally, and,
2. That the City Clerk be authorized, if necessary, to enter into an amending agreement with Principles Integrity for Integrity Commissioner Services in accordance with the new Indemnification By-law and in a form and content to the satisfaction of the City Clerk and City Solicitor; and,

3. That the Indemnification By-law be in a form and content acceptable to the Chief Administrative Officer and the City Solicitor; and,
4. That Indemnification By-law 127-2015 be repealed.

3.0 Executive Summary

Various legislative changes, as well as the City's corporate reorganization and the lack of references to both the Council Code of Conduct 51-2015, as amended ("Council Code of Conduct") and the Council-appointed Integrity Commissioner, have necessitated an update to the City's current Indemnification By-law 127-2015. While Members of Council and Employees can avail themselves of some degree of statutory immunity from legal claims and, in some circumstances, are protected by the City's insurance policies, they continue to remain at financial risk in some circumstances, even if completely successful in defending against such claims. There is a continued municipal interest in indemnifying both Members of Council and Employees in certain circumstances, subject to conditions.

4.0 Input From Other Sources

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- Commissioner, Community and Operations Services
- Commissioner, Safety and Facilities Services
- Commissioner, Economic and Development Services
- Director, Legislative Services/City Clerk
- Durham Municipal Insurance Pool

5.0 Analysis

5.1 Legislation

The Municipal Act, 2001, S.O. 2001, c. 25 (the "Municipal Act, 2001") provides several immunity provisions that are designed to protect the municipality, members of Council, Officers and Employees from personal liability against legal actions and proceedings in the following circumstances:

- (1) Neglect from "any act done in good faith" (Section 448);
- (2) Nuisance from water or sewage works (Section 449);
- (3) Negligence for policy decisions in the performance of their public duty (Section 450);
- (4) Damages for highway and bridges (Section 45); and,
- (5) Sale of land for tax arrears (Section 386).

Section 31 of the Building Code Act, 1992, S.O. 1992, c. 23 ("Building Code Act") makes reference to immunity provisions that specifically protect municipally-appointed Chief

Building Officials and provides protection from legal liability for both members of Council and Employees within the scope of those provisions, so long as the acts are done in “good faith” and in “performance of their duty.”

Section 75 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 (“F.P.P.A.”) also makes reference to immunity provisions that provide indemnification and protection from legal liability for firefighters, fire coordinators, fire safety officers, so long as the acts are in “good faith”.

Section 448 of the Municipal Act, 2001 provides the following scope of immunity:

Immunity

448(1) No proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority.

Liability for Torts

(2) Subsection (1) does not relieve a municipality of liability to which it would otherwise be subject in respect of a tort committed by a member of council or an officer, employee or agent of the municipality or a person acting under the instructions of the officer, employee or agent.

Section 448(2) makes it clear that members of Council, Employees and volunteers/agents would not be protected from specific actions, such as those framed within a tort (i.e. a civil legal action involving a wrongful act that results in injury to another), or misfeasance (i.e. a knowingly/deliberate unlawful act). Former and retired Employees and Members of Council are also not specifically addressed in these statutory provisions.

The Municipal Act, 2001 does not require a municipality to undertake a defence or pay legal costs on behalf of a Member or Employee, even in circumstances where the municipality is also named as a defendant. In addition, the Municipal Act, 2001 does not require the municipality to pay any costs associated with any legal action. While legal costs may be awarded to a successful defendant and ordered to be paid by the plaintiff, those costs rarely, if ever, fully indemnify a successful defendant for all of their costs. Consequently, a Member or Employee undertakes the defence at their own expense.

5.2 Municipal Indemnification By-laws

Section 279 of the Municipal Act, 2001 permits a municipality to act as an insurer for current/former Employees and Members of Council against any risk that may involve pecuniary loss or liability, subject to certain limitations. One such limitation is Section 14 of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 (the “M.C.I.A.”), which provides that a municipal council may only reimburse a Member’s legal expenses if that Member has been found not to have contravened subsections 5, 5.1, and 5.2 of the M.C.I.A.

In addition, Sections 11(2) and 282(2) of the Municipal Act, 2001 authorize municipal councils to pass indemnification by-laws or adopt policies to defend or reimburse Members and Employees for legal expenses they may incur while acting “in their capacity as members of council” or in the course of their public duties, respectively.

5.3 Insurance

The City’s insurance policies provide coverage to Members, Employees, officers and volunteers for claims for “bodily injury”, “personal injury”, and property damage caused during the policy term, subject to limits of liability, exclusions, conditions and other terms of the policy. The City’s insurance policy defines “personal injury” to mean false arrest, malicious prosecution, wrongful detention, false imprisonment, libel, slander, defamation of character, humiliation, invasion of privacy, wrongful eviction, wrongful entry, invasion of copyright and discrimination (except where insurance is prohibited by law) and such other causes of injury to a person other than “bodily injury”. Where coverage is provided, it includes investigative costs, defence counsel and related costs and any damage award up to the coverage limit. If a deductible is applicable, the insured pays the balance that exceeds the deductible up to the policy limit.

Despite these protections, both Members and Employees may be exposed to the financial risk of legal proceedings even where it may ultimately be determined that they acted in good faith and within the scope of their duty or authority. Further, the City’s insurance policies may only provide protection for a Member or an Employee in certain circumstances, as noted above. The costs of defending a legal proceeding can be significant, even if one is completely successful.

Generally, as an employer, the City is vicariously liable for the actions of its Employees, and may be subject to allegations of liability for the actions of individual Members of Council. As such, there is a common municipal interest in indemnifying Members and Employees to the extent that the City may have some degree of control in legal proceedings that may negatively affect its interests while also providing a level of certainty and protection for individuals facing such legal proceedings arising out of the good faith performance of their duties to the City.

5.4 Indemnification By-law 127-2015

At its meeting of October 29, 2015, Council passed Indemnification By-law 127-2015 (“the By-law”). The By-law delegates authority to the then City Manager (currently, Chief Administrative Officer) to permit indemnification of both Members of Council and Employees subject to certain conditions and limitations, the scope of which includes, but not limited to:

- (1) The City Manager shall review all indemnification requests by an Employee or Member of Council against “Indemnified Claims”;
- (2) Both Members and Employees have a duty to provide to the City Solicitor any document(s) that commences an Action or Proceeding;

- (3) The City Manager has authority or duty to decide whether the City will indemnify the Employee or Member and the extent of such indemnification;
- (4) The City Manager has authority to review, affirm, alter or reverse a decision;
- (5) If approved for indemnification, Employees and Members are required to retain their own legal counsel and to submit all expenses to the City Manager, and where the City Treasurer has authority to pay for “Indemnified Claims”; and
- (6) The Mayor shall perform the City Manager’s duties to the extent of any claims against the City Manager.

The By-law does not, however, include any of the principles and processes arising out of the current Council Code of Conduct which applies to each member of Council in their conduct and execution of the duties of their office. The By-law also does not make reference to the Integrity Commissioner who exercises duties and responsibilities in accordance with Section 223.3 of the Municipal Act, 2001, with respect to the application of the Council Code of Conduct, applicable sections of the M.C.I.A. and any procedures, rules, or policies governing the ethical behaviour of Members of Council and local boards.

5.5 Proposed New Indemnification By-law

The principles of an indemnification by-law are premised on the following:

- (1) Establish a framework for indemnifying Members of Council and Employees for defence and other costs;
- (2) Extend protection into additional types of legal disputes or actions;
- (3) Extend protection for legal fees to Members of Council and Employees, including both former/retired Members of Council and Employees; and,
- (4) Establish a process to determine when such indemnification applies and how litigation is managed.

The purpose of this new indemnification by-law is to provide an updated, modernized by-law in response to various legislative changes, the City’s recent corporate reorganization and the lack of references to the Council Code of Conduct and the Integrity Commissioner, along with optimizing efficiencies and processes, particularly as related to the retainer of external legal counsel.

The proposed new by-law is organized as follows:

- (1) Indemnification for present and former:
 - (a) Members of Council;
 - (b) City Employees;
 - (c) Contract Employees; and,

- (d) Volunteers.
- (2) Indemnifiable Member of Council and Employee actions:
 - (a) Acts done in performance of duty and statutory duties;
 - (b) Acts done honestly and in good faith with a view to the best interests of the City and with no improper, immoral or objectionable purpose;
 - (c) Acts or omissions done while acting on behalf of the City or done or made by them in good faith in their capacity as Employees or Members; and,
 - (d) In cases involving monetary penalties, conduct believed to be lawful.
- (3) Covered Proceedings:
 - (a) Any civil or administrative proceeding before any court or tribunal, subject to certain exclusions.
- (4) Excluded Conduct or Proceedings:
 - (a) Proceedings relating to a grievance filed under the provisions of a collective agreement;
 - (b) Complaints made pursuant to the Council Code of Conduct 52-1015, as amended, where the Integrity Commissioner has found that the Member of Council has breached the Code;
 - (c) Where an Employee has been found to be in breach of any provision of the Employee Code of Conduct;
 - (d) Proceedings in which the interests of the Member of Council or Employee are adverse in interest or in conflict with the City's interests;
 - (e) Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched. (coverage available under insurance subject to limits);
 - (f) Highway Traffic Act, R.S.O. 1990, c. H.8;
 - (g) The Criminal Code, R.S.C. 1985, c. C-46; and,
 - (h) City parking and traffic by-laws.
- (5) Extent of Indemnification:
 - (a) Legal fees;
 - (b) Fines;
 - (c) Damages;

- (d) Settlements; and,
 - (e) Reasonable expenses incurred.
- (6) Process:
- (a) Members of Council must submit a written request to the Integrity Commissioner, via the City Clerk;
 - (b) City Employees must submit their written request to the Chief Administrative Officer and/or their designate;
 - (c) If the Chief Administrative Officer is named as a party to an Action or Proceeding, the Chief Administrative Officer must submit their written request to either the Mayor or Council (depending on the source of authority for the Chief Administrative Officer's appointment);
 - (d) Determination of eligibility for indemnification for Members of Council is made by Integrity Commissioner, taking into consideration the criteria in the by-law, while the Chief Administrative Officer shall be authorized to determine eligibility for Employees;
 - (e) The Indemnified Person must execute an Indemnification Agreement with the City.
- (7) Limits to Indemnification:
- (a) Reasonable defence costs;
 - (b) City to be reimbursed by any award of costs (but not damages awards to the Member or Employee) paid to the Employee or Member of Council;
 - (c) Council may, where the Member of Council breaches any provision of the Indemnification By-law, or acts in bad faith or with intentional or malicious wrongful conduct, discontinue indemnification with notice to the Member of Council; similarly, for Employees, the Chief Administrative Officer may discontinue indemnification with notice to the Employee.
- (8) Process for Approval of External Legal Counsel:
- (a) The City shall select and retain a lawyer on behalf of the Member of Council or Employee; or,
 - (b) The Member of Council or Employee may retain their own lawyer, in lieu of the City's choice of lawyer, provided that the fees are billed at not more than the rate charged by the City's lawyer in insurable claims; and,
 - (c) Approval of lawyer must be by written request.
- (9) Investigation costs:

- (a) Up to \$15,000 may be provided to assist a Member of Council or Employee with the costs of representation during an investigation which may lead to charges (provincial legislation or municipal by-law).

Section 3 of the proposed new indemnification by-law sets out the approval process to determine when indemnification is applicable to either a Member of Council or Employee. The City's Integrity Commissioner, an independent and impartial arbiter, will evaluate requests received from a Member of Council for indemnification and respond within a reasonable time, with their decision based on the criteria for indemnification and the exclusions set out in the By-law. The Integrity Commissioner will ensure that persons assigned to this work will not also work on or have access to any other City files, so that the decision is made independently. Similarly, the Chief Administrative Officer will evaluate requests from an Employee for indemnification and respond within a reasonable timeframe, based on the criteria for indemnification and exclusions as set out in the new indemnification by-law. If the Chief Administrative Officer is named as a party to an Action or Proceeding, then either the Mayor or Council will evaluate requests from the Chief Administrative Officer for indemnification, based on the criteria in the new indemnification by-law.

6.0 Financial Implications

If the new Indemnification By-law is approved by Council, the City would continue to pay for those "Indemnified Claims" for any "Covered Action or Proceeding", subject to any repayments contemplated by the new Indemnification By-law. The financial implications associated with a particular Covered Action or Proceeding will be reported from time to time through the Corporate and Finance Committee pursuant to the new Indemnification By-law.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report is consistent with the Strategic Goal of Accountable Leadership.



Samuel Yoon, City Solicitor,
Corporate and Finance Services Department



By-law 127-2015
of The Corporation of the City of Oshawa

Being a by-law to establish a process for the indemnification of employees and members of Council against claims and related costs arising out of the course of their duties and not otherwise covered by The Corporation of the City of Oshawa's insurance policies.

Whereas

1. Section 448(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act") prohibits proceedings for damages being brought against a member of Council or "an officer, employee or agent" of a municipality for any act done in good faith in the performance or intended performance of his or her duty or authority under the Act or a by-law passed under the Act as well as for any alleged neglect or default in the good faith performance of said duty or authority.
2. Section 279 of the Act authorizes Council to pass by-laws to protect employees, former employees, members of Council and former members of Council against risks that may involve pecuniary loss or liability, including the payment of damages or costs awarded against them, incurred by them as a result of any action or other proceeding arising out of their actions or omissions done or made by them in their respective capacities, the payment of any sum required in connection with the settlement of such action or other proceeding, and for the cost of defending them in such action or proceeding, subject to limitations set out in that section.
3. Council considers it appropriate and advisable to pass such a by-law.

NOW THEREFORE the Council of The Corporation of the City of Oshawa ENACTS AS FOLLOWS:

Interpretation

1. In this By-law:
 - 1.1. "Action or Proceeding" includes all civil actions, provincial offences, administrative proceedings, complaints to a professional association, third party proceedings and related appeals to which an Employee or Member is or may be a party and for which the Employee or Member wishes to be indemnified pursuant to this By-law, but does not include a proceeding:
 - (a) under the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, where the Member has been found to have contravened section 5 of that Act, other than through inadvertence or by reason of a *bona fide* error in judgment;
 - (b) under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended;
 - (c) under the *Criminal Code*, R.S.C. 1985, c.C.46, as amended;
 - (d) to enforce a municipally administered statute, regulation or municipal by-law;
 - (e) which relates to a grievance filed under the provisions of a collective agreement, a disciplinary action regarding the Employee or to a management decision affecting the Employee by the City as an employer, except to the extent that the proceeding relates to the Employee's exercise of management or management support functions; or
 - (f) under the *Municipal Elections Act, 1996*, S.O., 1996, c. 32, Schedule, as amended, if the Member has been found to have committed bribery or a corrupt practice or to have otherwise contravened any of the provisions of that Act.
 - 1.2. "By-law" means this by-law and any schedule to this by-law as they may from time to time be amended;
 - 1.3. "City" means The Corporation of the City of Oshawa;

- 1.4. "City Clerk" means the Employee from time to time performing the function of the City's City Clerk;
- 1.5. "City Manager" means the Employee from time to time performing the function of the City's chief administrative officer;
- 1.6. "City Solicitor" means the Employee from time to time performing the function of the City's City Solicitor;
- 1.7. "Council" means the City's Council;
- 1.8. "Covered Action or Proceeding" means an Action or Proceeding commenced after the passing of this By-law and arising out of alleged acts or omissions of an Employee or Member acting in that person's capacity as an Employee or Member, including while acting in the performance or intended performance of a statutory duty imposed by any general or special Act, for which indemnification is provided to the Employee or Member pursuant to this By-law;
- 1.9. "Employee" means a person in the City's employ or formerly in the City's employ;
- 1.10. "Indemnified Claims" mean, in respect of a Covered Action or Proceeding, the
 - (a) legal and other costs of defending the Employee or Member;
 - (b) payment of any damages or costs, including any fine, monetary penalty or award imposed or made against such Employee or Member;
 - (c) payment, directly or indirectly, of any expenses reasonably incurred by the Employee or Member; and the
 - (d) payment of any sum required in connection with the settlement of a Covered Action or Proceeding where Council or the City Manager has approved the terms of the settlement;
- 1.11. "Mayor" means the City's Mayor;
- 1.12. "Member" means a member or former member of Council;
- 1.13. "Treasurer" means the Employee from time to time performing the function of the City's Treasurer.

Indemnification of Employees and Members

2. Subject to this By-law, the City will indemnify an Employee or Member against Indemnified Claims.
3. Where an Employee or Member becomes aware that an Action or Proceeding has been threatened against the Employee or the Member, the Employee or Member shall immediately provide to the Treasurer written notice of the Action or Proceeding that includes all particulars of the Action or Proceeding in the Employee's or Member's knowledge, information and belief. The Treasurer shall immediately provide a copy of the notice to the City Manager and the City Solicitor.
4. Where an Employee or Member receives any document that commences an Action or Proceeding, the Employee or Member shall immediately provide the document to the City Solicitor. The City Solicitor shall immediately provide a copy of the document to the City Manager and the Treasurer.
5. The City Manager may, at any time after receipt of the notice referenced in section 3 and shall, within ten (10) days after receipt of the document referenced in section 4, decide whether the City will indemnify the Employee or Member in respect of the Action or Proceeding. Prior to making the decision, the City Manager:
 - 5.1. shall consult with the City Solicitor;
 - 5.2. may consult with such others as the City Manager and City Solicitor consider appropriate; and

- 5.3. shall consider any submissions made by the Employee or Member to the City Manager.
6. The City Manager may decide that the City will indemnify the Employee or the Member in respect of the Action or Proceeding to the extent that the City Manager is satisfied that:
 - 6.1. the Employee or Member acted honestly and in good faith with a view to the best interests of the City and with no improper, immoral or objectionable purpose;
 - 6.2. in the case of a criminal or administrative Action or Proceeding that is enforced by a fine or monetary penalty, the Employee or Member had reasonable grounds for believing that her or his conduct was lawful;
 - 6.3. the interests of the City and of the Employee or Member are not adverse to each other;
 - 6.4. for an Employee, the Employee's actions or omissions did not justify immediate dismissal as a City employee;
 - 6.5. the Employee's or Member's actions or omissions were not grossly negligent;
 - 6.6. the claims which are the subject of the Action or Proceeding are not assumed, paid or reimbursed under a policy of insurance;
 - 6.7. in respect of the claims which are the subject of the Action or Proceeding, the Employee or Member has sought or is seeking to recover all damages, costs and other amounts to which the Employee or Member may be entitled from persons other than from the City or from an Employee or a Member to the extent that such other Employee or Member is indemnified pursuant to this By-law in respect of such claims;
 - 6.8. the Employee or Member is represented by appropriate legal counsel pursuant to appropriate financial terms of a retainer agreement between the Employee or Member and her or his legal counsel;
 - 6.9. the Employee or Member has cooperated and will continue to cooperate with the City including by providing to the City Solicitor and Treasurer information respecting the Action or Proceeding and by complying with requests by legal counsel for the Employee or Member;
 - 6.10. the claims which are the subject of the Action or Proceeding are, individually and in the aggregate, of an amount that is reasonable in all of the circumstances;
 - 6.11. indemnification is not otherwise prohibited by law; and
 - 6.12. the Employee or Member has agreed to pay or to repay to the City on terms and in the form of agreement acceptable to the City Manager in consultation with the Treasurer and the City Solicitor any amounts that the City may pay or have paid on account of or in relation to Indemnified Claims to the extent that the Employee or Member is no longer entitled to indemnification pursuant to this By-law.
7. The City Manager will forthwith provide to the Employee or Member written notice of the City Manager's decision made pursuant to sections 5 and 6.
8. The City Manager may, from time to time and in consultation with the City Solicitor and such others as they consider appropriate, review a decision made by the City Manager pursuant to this By-law. The City Manager may affirm, alter, or reverse the decision in whole or in part. Without limitation, the City Manager may reverse a decision to indemnify to the extent that the City Manager is satisfied that any condition for indemnification prescribed by section 6 has not been satisfied or is no longer satisfied or that the Employee or Member has not otherwise complied with this By-law. The City Manager will forthwith provide to the Employee or Member written notice of the City Manager's decision made pursuant to this section.
9. The City Manager's decisions pursuant to this By-law are subject only to review by the City Manager pursuant to section 8 and by Council. Otherwise, the City Manager's decisions and Council's decisions are final and are not subject to review including review by any court or tribunal.


Administration of Indemnified Claims

10. The Employee or Member shall forthwith provide to the Treasurer and the City Solicitor such information respecting Indemnified Claims as they may from time to time request.
11. The Employee or Member shall forthwith comply with all requests by legal counsel for the Employee or Member.
12. The Treasurer may, from time to time, cause Indemnified Claims to be paid.
13. The Employee or Member shall forthwith repay to the City any amounts that the City may pay or have paid on account of or in relation to Indemnified Claims if the Employee or Member is no longer entitled to indemnification pursuant to this By-law.
14. The City Manager is authorized to execute on the City's behalf any agreement that may be required by subsection 6.12 of this By-law and such other documents or agreements that, in the City Solicitor's opinion, are required to give effect to such agreement.
15. The City Solicitor shall periodically report to the Finance Committee respecting Actions and Proceedings.
16. Where the City Manager is a party to an Action or Proceeding, the Mayor shall perform the City Manager's duties and may exercise the City Manager's powers pursuant to this By-law to the extent of the claims against the City Manager.

General

17. In the event of any conflict between anything done pursuant to this By-law and the terms of any policy of insurance maintained by the City, the terms of any such policy or policies prevail to the extent of any such conflict.
18. The short title of this By-law is the "Indemnification By-law".

By-law passed this ninth day of November, 2015.



Mayor



City Clerk



of The Corporation of the City of Oshawa

Being a by-law to provide for the indemnification and defence of members of Council and City employees against claims for loss or liability in certain circumstances arising out of acts or omissions done while acting on behalf of, and not covered by the insurance policies of, the Corporation of the City of Oshawa.

Whereas Section 448(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Municipal Act, 2001") prohibits proceedings for damages being brought against a member of Council or "an officer, employee or agent" of a municipality for any act done in good faith in the performance or intended performance of his or her duty or authority under the Act or a by-law passed under the Act as well as for any alleged neglect or default in the good faith performance of said duty or authority; and,

Whereas Section 279 of the *Municipal Act, 2001* authorizes Council to pass by-laws to protect employees, former employees, members of Council and former members of Council against risks that may involve pecuniary loss or liability, including the payment of damages or costs awarded against them, incurred by them as a result of any action or other proceeding arising out of their actions or omissions done or made by them in their respective capacities, the payment of any sum required in connection with the settlement of such action or other proceeding, and for the cost of defending them in such action or proceeding, subject to limitations set out in that section; and,

Whereas Section 14 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 ("M.C.I.A.") provides that a municipality may indemnify members of a municipal council for costs or expenses incurred to defend a proceeding brought under the M.C.I.A. provided that a member of Council is found not guilty of the allegation brought under section 5 of the M.C.I.A.; and,

Whereas Council has deemed it advisable to enact an indemnification by-law for these purposes.

Therefore it is enacted by the Council of The Corporation of the City of Oshawa as follows:

1. Definitions:

In this By-law:

"Action or Proceeding" includes all civil actions, provincial offences, administrative proceedings including but not limited to tribunals such as the Human Rights Tribunal, complaints to a professional association and third party proceedings, except any proceeding brought under the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, the *Criminal Code*, R.S.C. 1985, c.C.46, as amended, or City parking and traffic by-laws;

"Chief Administrative Officer" means the Chief Administrative Officer of the Corporation of the City of Oshawa, or their designate;

“City” means The Corporation of the City of Oshawa; and

“City Clerk” means the City Clerk of the Corporation of the City of Oshawa, or their designate;

“City Solicitor” means the City Solicitor of the Corporation of the City of Oshawa, or their designate;

“Commissioner” means the Commissioner, Community and Operations Services Department, Commissioner, Corporate and Finance Services Department, Commissioner, Economic and Development Services Department, and Commissioner, Safety and Facilities Services Department, or their respective designates;

“Corporation” means The Corporation of the City of Oshawa;

“Council” means the Council of the Corporation of the City of Oshawa as a whole;

“Covered Action or Proceeding” means an Action or Proceeding arising out of alleged acts or omissions done or made by the Employee or Member acting in their capacity as an Employee, Member or Officer of the City, including acts or omissions done or made by the Employee or Member in the performance of a statutory duty imposed by any general or special act and duties arising out of a statutory appointment and having been determined by the Integrity Commissioner as entitled to indemnification;

“Employee” means all full-time, part-time, temporary and seasonal staff, including Statutory Officers of the City of Oshawa including staff hired on a contract basis for a defined period of time and students. For purposes of this By-law, an Employee shall also include former staff, appointees (which include statutory appointments under the Municipal Act, 2001, the Building Code Act, 1992, the Fire Protection and Prevention Act, 1997 and other provincial legislation) and volunteers acting under the direction of a person in the employ of the City;

“Indemnified Person” means a Member or Employee approved for indemnification under this By-law, and shall also include the Chief Administrative Officer if so named in an Action or Proceeding;

“Integrity Commissioner” means any person or corporation appointed by the City of Oshawa to perform the functions assigned by Section 223.3 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended;

“Mayor” means the head of Council, and includes Members from time to time acting as the Mayor;

“Member” means a Member of the Council of the Corporation of the City of Oshawa, and including any former Member of Council.

2. Former Employees and Members:

Subject to Subsection 3.4, this By-law also applies to any person who was a Member or Employee at the time the cause of Action or other Proceeding arose but who, prior to judgment or other settlement of the Action or Proceeding, has ceased to be a Member or Employee.

3. Indemnification of Employees and Members:

- 3.1 Subject to the provisions of this By-law, the City shall, in respect of any Covered Action or Proceeding against a Member or Employee, or in which the Member or Employee is a party and in which their conduct is called into question, indemnify the Member or Employee and their heirs and legal representatives in the manner and to the extent provided for in this By-law.
- 3.2 Where a Member or Employee becomes aware that an Action or Proceeding has been threatened against them, for which they may seek indemnification:
 - (1) The Member shall provide an immediate and confidential written notice of the Action or Proceeding to the Integrity Commissioner;
 - (2) The Employee shall provide an immediate and confidential written notice of the Action or Proceeding to the Chief Administrative Officer.
- 3.3 Where a Member or Employee is served with any document which commences an Action or Proceeding for which they seek indemnification, the Member or Employee shall provide the document or a copy thereof and a written request for indemnification, immediately and confidentially as follows:
 - (1) For Members, documentation and written request shall be submitted to the Integrity Commissioner, through the City Clerk.
 - (2) For Employees, documentation, including the written request for indemnification, shall be submitted to the Chief Administrative Officer or their designate. A copy of the confidential documents shall also be provided to the Employee's direct supervisor.
 - (3) If the Chief Administrative Officer is served with any document which commences an Action or Proceeding for which they seek indemnification, a City Commissioner shall be designated as the acting Chief Administrative Officer for purposes of this By-law to that Action or Proceeding. The Chief Administrative Officer shall submit documentation, including the written request for indemnification to either the Mayor or Council (pursuant to whether the Mayor or Council was the source of authority for the appointment of the Chief Administrative Officer). All indemnification provisions of this By-law, including reporting and decision-making processes, shall apply to the Chief Administrative Officer and their reporting relationship to either the Mayor or Council.
- 3.4 At any time prior to the conclusion of the Action or Proceeding, the Integrity Commissioner (for Members), the Chief Administrative Officer (for Employees) or the Mayor/Council (for the Chief Administrative Officer) shall, in accordance with Section 3.3 and exercising their sole discretion, acting reasonably, determine whether a Member or Employee is entitled to indemnification pursuant to this By-law subject to the following:
 - (1) The Member or Employee acted honestly and in good faith with a view to the best interests of the City and with no improper, immoral or objective purpose; and,

- (2) The act or omission was done while acting on behalf of the Corporation or done or made by them in good faith in their capacity as a Member or Employee; and,
- (3) In the case of a criminal, quasi-criminal or administrative action or proceeding that is enforced by a monetary penalty, the Member or Employee had reasonable grounds for believing that his/her conduct was lawful; and,
- (4) The interests of the City and the Member or Employee are not adverse to each other; and,
- (5) The actions of the Employee were not of a nature as to provide grounds for immediate dismissal; and,
- (6) Indemnification is not prohibited by statute or court order.

3.5 The Integrity Commissioner or Chief Administrative Officer shall provide a written decision to a Member or Employee, respectively, in response to a request made under Subsection 3.3, within twenty (20) business days of receipt of the request. Notwithstanding Subsections 7.1 and 7.4, the decisions of either the Integrity Commissioner or Chief Administrative Officer shall be final.

3.6 Where a Member or Employee is the subject of an investigation in a matter which may result in charges being laid against the Member or Employee under a provincial statute or regulation, or municipal by-law, because of any act done or any failure to act or allegations of same in the attempted performance or performance of his/her duties, the Member or Employee may be entitled to receive payment from the City for a retainer and/or interim payment of legal costs, up to \$15,000.00, to obtain legal representation during the investigation, at the discretion of the Integrity Commissioner or Chief Administrative Officer, respectively.

3.7 As a condition precedent to the City making any payment in respect of the costs for representation of any Member or Employee pursuant to this By-law, the Member or Employee must agree in writing to comply with the provisions of this By-law and such other terms and conditions as are determined to be appropriate by the Chief Administrative Officer in consultation with the City Solicitor, and shall agree to repay the City on demand, in the event that the Member or Employee is convicted of an offence in respect of the Covered Action or Proceeding, all sums paid by the City in respect of the costs of defence or representation as to such charges, including the retainer referred to in Subsections 5.2 and must execute an indemnity agreement or other documentation required by the City to secure such repayment to the City. No retainer shall be made on behalf of an Indemnified Person and/or no money shall be paid by the City with respect to any Action or Proceeding until an indemnity agreement has been executed. The Chief Administrative Officer and the City Clerk are hereby authorized to execute such indemnity agreements on behalf of the City.

4. Excluded Actions and Proceedings:

4.1 This By-law does not apply to an Action or Proceeding:

- (1) Which relates to a grievance filed under the provisions of a collective agreement or any action taken by the City with respect to an Employee;

- (2) Under the Council Code of Conduct, where the Member has been found by the Integrity Commissioner to have been in breach of any provision of the Council Code of Conduct;
 - (3) Under the Employee Code of Conduct, where the Employee has been found by the Chief Administrative Officer to have been in breach of any provision of the Employee Code of Conduct;
 - (4) Where the conduct or incident alleged in the Action or Proceeding also gives rise to a complaint or request for inquiry or investigation under the Council Code of Conduct and where the disposition of that complaint remains outstanding.
 - (5) Where the Member or Employee acted in bad faith;
 - (6) Where the Employee has been terminated as a result of the actions or omissions that gave rise to the Action or Proceeding;
 - (7) In any proceeding against a Member or Employee prosecuted by or on behalf of the City or in which the City was the complainant;
 - (8) Where the Member or Employee was performing their duties otherwise than in good faith and honestly or with malice;
 - (9) Where, in committing an alleged wrong, the Member or Employee was clearly acting on their own behalf and not that of the City.
 - (10) Where adverse parties in civil proceedings would each be entitled to funding for defence costs under this by-law, it being the policy of the City that it shall not finance both sides of an Action or Proceeding and the neither party should receive indemnification in such circumstances;
 - (11) In third party claims or cross-claims brought against a Member or Employee where such third party claims or cross-claims are for relief over against such Member or Employee in a proceeding commenced by the City;
 - (12) The subject actions or omissions were not within the Member's or Employee's good faith performance of their duties.
- 4.2 Where the Integrity Commissioner or Chief Administrative Officer have determined that a Member or Employee, respectively, are not entitled to indemnification, the Member or Employee shall be responsible for all costs, damages, penalties and legal fees in connection with representation in the Action or Proceeding (and which may include the reimbursement of said costs from the Member or Employee back to the City).
- 4.3 Where the Mayor or Council has determined that the Chief Administrative Officer is not entitled to indemnification, the Chief Administrative Officer shall be responsible for all costs, damages, penalties and legal fees in connection with representation in the Action or Proceeding (and which may include the reimbursement of said costs from the Chief Administrative Officer back to the City).

5. Manner and Extent of Indemnification:

Where a Member, Employee or Chief Administrative Officer is entitled to indemnification under this By-law, in a Covered Action or Proceeding, the City shall:

- (1) Pay the costs of defending such Member, Employee or Chief Administrative Officer; and,
- (2) Pay any award of damages or costs, including any monetary penalty or award against such Member, Employee or Chief Administrative Officer; and,
- (3) Pay, either by direct payment or reimbursement, any expenses reasonably incurred by the Member, Employee or the Chief Administrative Officer; and,
- (4) Pay any sum required in connection with the settlement of a Covered Action or Proceeding, provided that, as a condition precedent, the Chief Administrative Officer (or designated Commissioner acting as the Chief Administrative Officer) in consultation with the City Solicitor has approved the terms of the settlement; and,
- (5) To the extent that such costs, damages, expenses, monetary penalty, other award or other sums related to the Covered Action or Proceeding are not assumed, paid or reimbursed under any provision of the City's insurance program for the benefit and protection of such person against any liability incurred by him or her.

6. City's Right to Select Legal Counsel:

- 6.1 Subject to Section 12, the City shall have the right to select and retain legal counsel to represent an Indemnified Person and the City Solicitor shall advise the Member, Employee or Chief Administrative Officer of the legal counsel selected to represent them.
- 6.2 An Indemnified Person may retain their own legal counsel for their defence or provided by the City provided that the City shall not be obliged to pay for the services of the Indemnified Person's legal counsel at a rate in excess of the rates the City pays for legal counsel on insurable claims. If the Indemnified Person's choice of legal counsel charges in excess of the rates the City pays for insurable claims, the Indemnified Person shall be responsible for the difference in the legal costs.
- 6.3 Where an Indemnified Person seeks approval of legal counsel under Subsection 6.2, the Indemnified Person shall advise the City Solicitor through the written request in Subsection 3.3, and shall provide sufficient information to support the City Solicitor's decision, acting reasonably, to approve the Indemnified Person's choice of legal counsel, which may include the hourly rate charged by the legal counsel, as well as the experience of such legal counsel in dealing with similar claims.

7. Limits to Indemnification:

- 7.1 Authority:
 - (1) The Integrity Commissioner shall have the authority at any time during or after the commencement of the Action or Proceeding, upon the request of the Member, to review their decision to not provide indemnity and may provide indemnity where additional facts become available, that demonstrate that the Member is entitled to indemnification pursuant to this By-law.

- (2) The Chief Administrative Officer shall have the authority at any time during or after the commencement of the Action or Proceeding, upon the request of the Employee, to review their decision to not provide indemnity and may provide indemnity where additional facts become available, that demonstrate that the Employee is entitled to indemnification pursuant to this By-law.
- (3) The Mayor or Council shall have the authority at any time during or after the commencement of the Action or Proceeding, upon the request of the Chief Administrative Officer, to review their decision to not provide indemnity and may provide indemnity where additional facts become available, that demonstrate that the Chief Administrative Officer is entitled to indemnification pursuant to this By-law.

7.2 The City Solicitor, acting reasonably, may require one or both of the following:

- (1) Periodic budgets for anticipated legal costs, which may be revised from time to time as circumstances require; and,
- (2) Status updates in respect of the progress of the proceedings; and,
- (3) Detailed invoices including details of docketed time; and,
- (4) Work plans and any other documents deemed appropriate by the City Solicitor.

7.3 The City Solicitor may require that any account for legal costs for which reimbursement is sought be assessed by a Court Assessment Officer prior to payment by the City.

7.4 Notwithstanding any other provision of this By-law, the Council may, by resolution of Council regarding the Member, or as determined by the Chief Administrative Officer regarding the Employee, or by either the Mayor or Council regarding the Chief Administrative Officer, choose not to indemnify an Indemnified Person, or may cease to indemnify an Indemnified Person if it has commenced to do so, if:

- (1) The Indemnified Person breaches any provision of this By-law or any agreement for indemnification or reimbursement entered into by the Indemnified Person, at any time; and,
- (2) The Indemnified Person or their legal counsel took a step which was unnecessary or otherwise prejudicial to the conduct of the Covered Action or Proceeding; and,
- (3) The Indemnified Person initiated a counterclaim, cross-claim, third party claim, appeal, or other proceeding related to the Covered Action or Proceeding for which the indemnity or reimbursement was sought, without first obtaining approval from Council (for the Member), the Chief Administrative Officer (for the Employee) or the Mayor/Council (for the Chief Administrative Officer); or,
- (4) The Covered Action or Proceeding arises out of the Indemnified Person's bad faith acts or omissions, or their intentional or malicious wrongful conduct.

8. Third Party Actions and Counterclaims:

An Indemnified Person may not commence a third party action or counterclaim unless such third party action or counterclaim is part of the proper defence of the Indemnified Person in a Covered Action or Proceeding under this By-law, and only if such third party action or counterclaim has been approved by Council (for the Member), the Chief Administrative Officer (for the Employee), or the Mayor/Council (for the Chief Administrative Officer).

9. Duty to Co-operate:

- 9.1 An Indemnified Person shall co-operate fully with the City in the management of any Covered Action or Proceeding including the requirements of Section 7.2.
- 9.2 An Indemnified Person shall co-operate fully with any legal counsel retained by the City to defend any Covered Action or Proceeding and shall make available to such legal counsel all information and documentation relevant to matter as are within his or her knowledge, possession or control, and shall attend at all proceedings when requested to do so by such legal counsel.

10. Failure to Comply with By-law:

If an Indemnified Person fails or refuses to comply with the provisions of this By-law, or any agreement entered into by the Indemnified Person for indemnification or reimbursement, the Council (for the Member), Chief Administrative Officer (for the Employee) or the Mayor/Council (for the Chief Administrative Officer) shall have authority to determine whether to assume or pay or continue to pay any of the costs, damages, expenses or sums mentioned in Sections 5 or 6 of this By-law. Prior to Council or the Chief Administrative Officer making a decision for either a Member or Employee, respectively, to terminate or rescind indemnity, the Indemnified Person shall be provided with the opportunity to make submissions – for Members, to Council; for Employees, to the Chief Administrative Officer; for the Chief Administrative Officer, to the Mayor/Council – in support of the Indemnified Person's indemnification.

11. Appeal:

- 11.1 Where a Member who, as an Indemnified Person, seeks to appeal a judgment or decision in a Covered Action or Proceeding:
 - (1) The Member shall first consult with the Integrity Commissioner, and the Integrity Commissioner shall have sole discretion to determine indemnification eligibility for the appeal. If the Member pursues an appeal, or participates as a party in an appeal, without first seeking indemnification approval from the Integrity Commissioner and is successful in that appeal, the Integrity Commissioner shall have sole discretion to determine whether the Indemnified Person shall be indemnified for their legal costs in the appeal.

- (2) Where the Integrity Commissioner determines that it is not in the City's interest to commence an appeal and the Indemnified Person elects to proceed with an appeal, all costs of the appeal, including any awards of damages or costs, shall be at their own expense.

11.2 Where an Employee who, as an Indemnified Person, seeks to appeal a judgment or decision in a Covered Action or Proceeding:

- (1) The Employee shall first consult with the Chief Administrative Officer, and the Chief Administrative Officer shall have sole discretion to determine indemnification eligibility for the appeal. If the Employee pursues an appeal, or participates as a party in an appeal, without first seeking indemnification approval from the Chief Administrative Officer and is successful in that appeal, the Chief Administrative Officer shall have sole discretion to determine whether the Indemnified Person shall be indemnified for their legal costs in the appeal.

- (2) Where the Chief Administrative Officer determines that it is not in the City's interest to commence an appeal and the Indemnified Person elects to proceed with an appeal, all costs of the appeal, including any awards of damages or costs, shall be at their own expense.

11.3 Where the Chief Administrative Officer who, as an Indemnified Person, seeks to appeal a judgment or decision in a Covered Action or Proceeding:

- (1) The Chief Administrative Officer shall first consult with the Mayor or Council, and the Mayor or Council shall have sole discretion to determine indemnification eligibility for the appeal. If the Chief Administrative Officer pursues an appeal, or participates as a party in an appeal, without first seeking indemnification approval from the Mayor or Council and is successful in that appeal, the Mayor or Council shall have sole discretion to determine whether the Indemnified Person shall be indemnified for their legal costs in the appeal.

- (2) Where the Mayor or Council determine that it is not in the City's interest to commence an appeal and the Indemnified Person elects to proceed with an appeal, all costs of the appeal, including any awards of damages or costs, shall be at their own expense.

12. Conflict:

12.1 The City maintains various policies of insurance for both the City and its Members or Employees. The provisions of this By-law are intended to supplement the protection provided by such policies of insurance. In the event of conflict between this By-law and the terms of any such policy of insurance in place from time to time, the terms of such policy or policies of insurance shall prevail.

12.2 Notwithstanding any provision of this By-law, those Employees who are statutorily appointed pursuant to the Municipal Act, 2001, the Building Code Act, 1992, S.O. 1992, c. 23, the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, or other Provincial legislation, may be afforded indemnification subject to the criteria articulated in the relevant statute that confers indemnification. All provisions of the By-law shall apply to those Employees within the meaning of this By-law.

13. Reimbursement:

Where a Member, Employee or Chief Administrative Officer are to be indemnified by the City, the amount of the indemnity shall be reduced by the amount of any costs recovered by the Member, Employee or Chief Administrative Officer, and where the indemnity has been paid, any costs recovered by the Member, Employee or the Chief Administrative Officer shall be paid or assigned to the City up to the amount of the indemnity.

14. Severability:

If any sections, section or part of a section of this By-law are found by any Court to be illegal or beyond the power of Council to enact, such sections or section or part of a section shall be deemed to be severable and all other sections or parts of sections of this By-law shall be deemed to separate and independent and shall continue in full force and effect.

15. Title of the By-law

The short title of this By-law is the "Indemnification By-law".

16. Enactment and Transition

Indemnification By-law 127-2015, as amended, is hereby repealed.

By-law passed this day of , 2024.

Mayor

City Clerk

To: City Council

From: Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department

Report Number: CNCL-24-54

Date of Report: April 25, 2024

Date of Meeting: April 29, 2024

Subject: Proposed City of Oshawa Development Charge By-law and
Background Study Update

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to provide the details of the proposed City of Oshawa 2024 Development Charge By-law (D.C. By-law) and Background Study (D.C. Background Study) to Council.

Attachment 1 is the proposed 2024 Development Charge Background Study dated April 25, 2024 prepared by Watson and Associates Economists Ltd. The draft 2024 D.C. Background Study was posted on the City's website www.oshawa.ca on April 25, 2024 in accordance with the Development Charges Act, 1997.

2.0 Recommendation

It is recommended to City Council:

That Report CNCL-24-54, Proposed City of Oshawa Development Charge By-law and Background Study Update be received for information.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- Watson & Associates Economists Ltd. (Watson)
- Economic and Development Services Department

- Community and Operations Services Department
- Safety and Facilities Services Department
- Corporate Leadership Team
- Legislative Services
- Oshawa Public Libraries

5.0 Analysis

5.1 Background

At its meeting of June 26, 2023, Council approved [Motion CNCL-23-72](#) directing staff to commence the process to update the 2019 Development Charge By-law and Background Study targeting an implementation date of July 1, 2024 to increase the funding support needed to meet the City's capital requirements. At that time, staff engaged Watson & Associates Economists Ltd. to prepare the 2024 Development Charge By-law and Background Study.

At its meeting of April 12, 2024, Council considered [Report CNCL-24-34](#) and provided [direction](#) regarding certain D.C. By-law policy issues that are relevant to finalizing the draft D.C. By-law and Background Study.

Subsequent to the passage of the City's 2019 D.C. By-law, as amended, a number of amendments to the Development Charges Act (D.C.A.) have taken place. These changes have been incorporated throughout the draft D.C. background study and by-laws, as necessary. The legislative Acts that have amended the D.C.A. include the following (details of each Act are provided in Chapter 1 of Attachment 1):

- Bill 109: *More Homes for Everyone Act, 2022*
- Bill 23: *More Homes Built Faster Act, 2022*
- Bill 97: *Helping Homebuyers, Protecting Tenants Act, 2023*
- Bill 134: *Affordable Homes and Good Jobs Act, 2023*

A summary of some of the revisions provided from these Acts are outlined below:

- Historical level of service calculation extended to a 15-year period;
- Capital cost definition revised to remove studies and prescribe services for which land or an interest in land will be restricted (no services currently prescribed);
- Mandatory phase-in of a D.C., as follows:
 - Year 1 – 80% of the maximum charge;
 - Year 2 – 85% of the maximum charge;
 - Year 3 – 90% of the maximum charge;
 - Year 4 – 95% of the maximum charge; and
 - Year 5 to expiry – 100% of the maximum charge.

- Maximum Interest Rate for Installments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications to be set at the average prime rate plus 1%;
- Additional residential unit exemption includes allowance of a third unit as-of-right;
- Statutory exemptions for Affordable Units, Attainable Units (currently not in force);
- Statutory exemptions for Affordable Inclusionary Zoning Units;
- Statutory exemption for non-profit housing;
- Mandatory discount for rental housing, based on the number of bedrooms;
- Maximum life of a D.C. by-law extended from 5 years to 10 years after the by-law comes into force;
- Requirement to Allocate Funds Received – municipalities are required to spend or allocate at least 60% of their reserve fund at the beginning of the year for water, wastewater, and services related to a highway; and
- Additional requirements related to the annual D.C. reserve fund Treasurer's statement.

It is noted that on April 10, 2024, Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, was introduced, this Act proposes additional refinements to the D.C.A., including:

- The definition of eligible capital costs (to include certain studies);
- The removal of the mandatory phase-in of charges;
- The process for minor amendments to development charge (D.C.) by-laws;
- A reduction of time for the D.C. rate freeze related to site plan and zoning by-law amendment planning applications; and
- Modernizing public notice requirements.

As this legislation has not been enacted at the time of writing this D.C. Background Study, the proposed changes have not been reflected in the D.C. calculations or draft by-laws contained therein.

5.2 D.C. Background Study Summary

The complete draft D.C. By-law and Background Study was posted to the City's website www.oshawa.ca on April 25, 2024, 60 days prior to Council adoption as required by the Development Charges Act, 1997 and will also be available from Service Oshawa.

Attachment 1 provides the draft 2024 City of Oshawa Development Charge Background Study as prepared by Watson. The proposed D.C. By-law incorporates Council's April 12, 2024 direction on development charge policy matters.

The 2024 D.C. Background Study represents the increase in need for service and associated net capital costs attributable to residential and non-residential development over the respective forecast periods.

Chapter 7 (Attachment 1), provides the D.C. by-law policy recommendations and rules that govern the imposition of the charges. Council will consider the findings and recommendations provided therein and, in conjunction with public input received up to and including the Public Meeting of May 24, 2024, approve such policies and rates it deems appropriate. These directions will refine the draft D.C. by-laws for each service, which are appended in Appendices G through M therein. These decisions may include:

- adopting the charges and policies recommended therein;
- considering additional exemptions to the D.C. by-laws; and
- considering reductions in the charge (obtained by removing certain services or capital costs on which the charge is based and/or by a general reduction in the charge).

As the D.C.A. does not allow for any exempted or reduced amount to be made up through higher D.C.s from other development, any such decision would require the consideration of an alternative (i.e., non-D.C.) funding source provided by the City.

As outlined in Attachment 1, Table 1 below provides a comparison of the proposed new development charges with the existing charge for Residential (\$ per single detached dwelling unit) and Non-Residential – Industrial and Commercial/Institutional (\$ per square metre of gross floor area (G.F.A.)). The charges have been provided on a City-wide basis for all services based on future identified needs.

Table 1

Development Type	Existing Charge	Calculated Charge	Difference
Single and Semi-Detached	\$35,591	\$37,782	\$2,191
Duplex	\$44,802	N/A	N/A
Townhouse Dwelling / Other Multiples	\$28,679	\$28,210	(\$469)
Apartment (Bachelor / 1 Bedroom)	\$13,753	\$14,915	\$1,162
Apartments (2 or more bedroom) or Stacked Townhouse (2 or less bedrooms) or More / Apartments – 2 Bedrooms +	\$22,398	\$23,753	\$1,355
Lodging House / Special Care / Special Dwelling Units	\$12,357	\$12,199	(\$158)
Commercial / Institutional (per square metre of G.F.A.)	\$182.56	\$186.27	\$3.71
Industrial (per square metre of G.F.A.)	\$76.80	\$77.39	\$0.59

Notes: Industrial development is exempt pursuant to ss. 2.5 (d) of the 2024 D.C. By-law.
Duplex is calculated using the Apartments – 2 Bedrooms + Calculated Charge.

It should also be noted that the residential and non-residential D.C.s. may be required to be phased-in as per the D.C.A.

5.3 D.C. Eligible Services

The development charge is calculated based on the following key inputs:

- Municipality's anticipated growth, both residential and non-residential
- Services needed to meet the demands of growth
- Detailed account of the capital costs for each infrastructure project needed to support the growth
- Legislated deductions and adjustments (i.e. historical service level caps, reduction for benefit to existing population etc.)

The following services are calculated based on a City-wide 27-year forecast period:

- Services Related to a Highway; and
- Stormwater Drainage and Control Services.

The following services are calculated based on a City-wide 10-year forecast period:

- Fire Protection Services;
- Parks and Recreation Services;
- Library Services;
- Waste Diversion Services; and
- Provincial Offices Act (P.O.A.), including by-law enforcement.

The service component is evaluated on two format sheets:

1. The service standards that provide the average historical 15-year level of service calculation which "caps" the D.C. amounts; and
2. The infrastructure cost calculation, which determines the potential D.C. recoverable cost.

The nature of the capital projects and timing identified in the D.C. Background Study reflect Council's current intention. Over time, however, City projects and Council priorities may change; accordingly, Council's intentions may be altered, and different capital projects (and timing) may be necessary to meet the need for services required by new growth.

5.4 Next Steps

Section 12 (1) of the Development Charges Act, 1997 requires that "before passing a development charge by-law, the council shall,

- hold at least one public meeting
- give at least 20 days' notice of the meeting or meetings in accordance with the regulations; and
- ensure that the proposed by-law and the background study are made available to the public at least two weeks prior to the meeting or, if there is more than one meeting, prior to the first meeting."

In accordance with the above noted requirements, a public meeting is scheduled for May 24, 2024. The D.C. Background Study will be distributed to members of the public in order to provide interested parties with sufficient background information on the legislation, the study’s recommendations, and an outline of the basis for these recommendations.

The process to be followed in finalizing the report and recommendations includes:

- consideration of responses received prior to, at, or immediately following the public meeting;
- refinements to the report, if required; and
- Council consideration of the by-laws subsequent to the public meeting.

The meeting notice to be posted on the City’s website on May 1, 2024 will advise that comments can be made at the public meeting or by correspondence. Written comments received by May 14 will be provided on the agenda. Comments received after this date will be provided to Council members at the Public Meeting. In accordance with the notice, all delegation requests on the proposed D.C. By-law and Background Study will be directed to the May 24, 2024 Public Meeting.

In the event that additional refinements are required subsequent to by-law adoption, Waston would assist the City with future updates accordingly.

The following table outlines the schedule for the remaining steps in the D.C. By-law and Background Study process.

Target Date	Task
May 1, 2024	Notice of a Statutory Public Meeting to be held by Council to be posted on the City’s website (at least 20 days prior to Public Meeting in accordance with regulations).
May 24, 2024	Statutory Public Meeting held by Council on proposed D.C. By-law and Study (as legislated per the D.C.A.).
June 24, 2024	Council approval of D.C. Background Study and passing of D.C. By-law.
July 1, 2024	New D.C. Charges come into effect.

An update to the City’s Community Benefit Charge (C.B.C.) and Parkland Dedication Studies will be undertaken in Q4-2024.

6.0 Financial Implications

The collection of development charges is required to ensure that the City is able to fund ongoing growth related capital projects such as City roads and related infrastructure, operations facilities, vehicles and equipment, recreation, parkland and trail development, fire halls, libraries, stormwater, waste diversion, and by-law enforcement. Collected D.C.’s are deposited in the City’s Development Charges reserve funds as building permits are issued.

D.C.'s that are not collected due to statutory and non-statutory exemptions must be accounted for in the D.C. calculation process and ultimately will require an alternative source of non-D.C. funding (i.e. tax levy) in order to undertake the growth-related D.C. capital program.

7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Plan goals of Economic Prosperity & Financial Stewardship and Accountable Leadership by providing proactive and responsible financial management while ensuring respect and transparency.



Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department



2024 Development Charge Background Study

City of Oshawa

For Public Circulation and Comment

April 25, 2024

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List of Acronyms and Abbreviations

Acronym	Full Description of Acronym
A.M.P.	Asset management plan
CANSIM	Canadian Socio-Economic Information Management System (Statistics Canada)
D.C.	Development charge
D.C.A.	Development Charges Act, 1997, as amended
F.I.R.	Financial Information Return
G.F.A.	Gross floor area
LPAT	Local Planning Appeal Tribunal
l.m	Linear Meters
N.F.P.O.W.	No fixed place of work
O.L.T.	Ontario Land Tribunal
O.P.A.	Official Plan Amendment
O. Reg.	Ontario Regulation
P.O.A.	Provincial Offences Act
P.P.U.	Persons per unit
S.D.E.	Single detached equivalent
S.D.U.	Single detached unit
S.W.M.	Stormwater management
sq.ft.	square foot
sq.m	square metre



Executive Summary



Executive Summary

(a) The report provided herein represents the Development Charges (D.C.) Background Study for the City of Oshawa (City) required by the Development Charges Act, 1997, as amended (D.C.A.). This report has been prepared in accordance with the methodology required under the D.C.A. The contents include the following:

- Chapter 1 – Introduction and overview of the legislative requirements of the D.C.A.;
- Chapter 2 – Review of the City’s present D.C. policies;
- Chapter 3 – Summary of the anticipated residential and non-residential development for the City;
- Chapter 4 – Approach to calculating the D.C.;
- Chapter 5 – Review of the historical level of service, increase in capital needs, identification of future capital costs to service the anticipated development, and related deductions and allocations;
- Chapter 6 – Calculation of the D.C.s;
- Chapter 7 – D.C. policy recommendations and rules; and
- Chapter 8 – By-law implementation.

(b) D.C.s provide for the recovery of growth-related capital expenditures from new development. The D.C.A. is the statutory basis to impose these charges. The methodology required to determine the charges is detailed in Chapter 4; a simplified summary is provided below.

- 1) Identify amount, type, and location of the anticipated development;
- 2) Identify the increase in need for service to accommodate growth;
- 3) Identify capital costs to provide services to meet the needs;
- 4) Deduct:
 - Grants, subsidies, and other contributions;
 - Benefit to existing development;
 - Amounts in excess of 15-year historical service calculation; and
 - D.C. reserve funds (where applicable);



- 5) Net capital costs are then allocated between residential and non-residential development types; and
 - 6) Net costs divided by the anticipated development to provide the D.C.
- (c) Subsequent to the passage of the City's 2019 D.C. By-law, as amended, a number of amendments to the D.C.A. have taken place. These changes have been incorporated throughout the report and in the draft by-laws, as necessary. The legislative Acts that have amended the D.C.A. include the following (details of each Act are provided in Chapter 1 of this report):
- Bill 109: *More Homes for Everyone Act, 2022*
 - Bill 23: *More Homes Built Faster Act, 2022*
 - Bill 97: *Helping Homebuyers, Protecting Tenants Act, 2023*
 - *Bill 134: Affordable Homes and Good Jobs Act, 2023*

A summary of some of the revisions provided from these Acts are outlined below:

- Historical level of service calculation extended to a 15-year period;
- Capital cost definition revised to remove studies and prescribe services for which land or an interest in land will be restricted (no services currently prescribed);
- Mandatory phase-in of a D.C., as follows:
 - Year 1 – 80% of the maximum charge;
 - Year 2 – 85% of the maximum charge;
 - Year 3 – 90% of the maximum charge;
 - Year 4 – 95% of the maximum charge; and
 - Year 5 to expiry – 100% of the maximum charge.
- Maximum Interest Rate for Installments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications to be set at the average prime rate plus 1%;
- Additional residential unit exemption includes allowance of a third unit as-of-right;
- Statutory exemptions for Affordable Units, Attainable Units (currently not in force);
- Statutory exemptions for Affordable Inclusionary Zoning Units;



- Statutory exemption for non-profit housing;
- Mandatory discount for rental housing, based on the number of bedrooms;
- Maximum life of a D.C. by-law extended from 5 years to 10 years after the by-law comes into force;
- Requirement to Allocate Funds Received – municipalities are required to spend or allocate at least 60% of their reserve fund at the beginning of the year for water, wastewater, and services related to a highway; and
- Additional requirements related to the annual D.C. reserve fund Treasurer’s statement.

It is noted, that on April 10, 2024, Bill 185 the *Cutting Red Tape to Build More Homes Act, 2024*, was introduced, this Act proposes additional refinements to the D.C.A., including:

- The definition of eligible capital costs (to include certain studies);
 - The removal of the mandatory phase-in of charges;
 - The process for minor amendments to development charge (D.C.) by-laws;
 - A reduction of time for the D.C. rate freeze related to site plan and zoning by-law amendment planning applications; and
 - Modernizing public notice requirements.
- (d) Table ES-1 outlines the net population increase, residential unit increase, non-residential Gross Floor Area (G.F.A.) increase, and non-residential employment increase for the 10-year (2024 to 2033) and 27-year (2024 to 2051) forecast periods. The growth forecast is further detailed in Chapter 3 and Appendix A.



Table ES-1
City of Oshawa
Summary of Anticipated City-Wide D.C. Growth

Measure	10 Year 2024 to 2033	27 Year 2024 to 2051
(Net) Population Increase	36,928	101,395
(Gross) Population Increase in New Households	41,206	112,421
Residential Unit Increase	14,701	42,249
Non-Residential Gross Floor Area Increase (sq.ft.)	814,430	863,189

- (e) The capital costs identified in Table ES-2 demonstrate the total D.C. eligible capital costs arising from the growth forecast for each eligible service as detailed further in Chapter 5. The D.C.A. requires a summary be provided of the gross capital costs and the net costs to be recovered over the life of the by-laws (i.e., 10-years). This calculation is provided by service and is presented in Table 6-3.

In total, gross capital costs of \$953.37 million have been identified through discussions with City staff for all services. Of this gross amount, \$35.74 million is related to growth needs beyond the forecast period and will be included in future D.C. studies. Other deductions related to grants, subsidies, and other contributions including, but not limited to, the local service portion of the capital works of \$19.94 million. In addition, \$212 million of the gross cost relate to the portion of capital projects that will benefit the existing community and \$1.33 million related to amounts ineligible for recovery under D.C.s. The resultant net growth-related costs included in the D.C. calculations is \$684.34 million, of which \$563.9 million is attributed to residential development and \$120.44 million allocated to non-residential development



Table ES-2
City of Oshawa
Summary of Costs Anticipated in the Term of the By-laws

Description	Value (2024\$)
Total gross expenditures planned over the next ten years	\$953,371,873,
Less: benefit to existing development	\$212,029,660
Less: post planning period benefit	\$35,737,700
Less: ineligible services under the D.C.A.	\$1,332,240
Less: grants, subsidies, and other contributions	\$19,935,000
Net costs to be recovered from D.C.s.	\$684,33,273

- (f) At present, the City imposes D.C.s on residential and non-residential uses in accordance with By-law 60-2019, as amended by By-law 33-2021. The City is undertaking a D.C. public process and anticipates passing D.C. by-laws for each service identified in the D.C. Background Study. The mandatory public meeting has been set for May 24, 2024, with adoption of the D.C. by-laws anticipated for June 24, 2024.

The following services are calculated based on a City-wide 27-year forecast period:

- Services Related to a Highway; and
- Stormwater Drainage and Control Services.

The following services are calculated based on a City-wide 10-year forecast period:

- Fire Protection Services;
- Parks and Recreation Services;
- Library Services;
- Waste Diversion Services; and
- Provincial Offices Act (P.O.A.), including by-law enforcement.



- (g) The City-wide D.C. currently in effect for single and semi-detached dwelling units is \$35,591. City-wide non-residential commercial/institutional charges are \$182.56 per sq.m of gross floor area, and industrial charges are 76.80 per sq.m of gross floor area.

- (h) This report has undertaken a recalculation of the charges based on future identified needs (presented in Schedule ES-4 for residential and non-residential). Charges have been provided on a City-wide basis for all services. The corresponding single detached unit charge for full services is \$37,782. The non-residential commercial/institutional charge is \$186.27 per sq.m of gross floor area and industrial charge is \$77.39 per sq.m of gross floor area. It should be noted that the residential and non-residential D.C.s. may be required to be phased-in as per the Act.



**Table ES-4
City of Oshawa
Calculated Schedule of Development Charges**

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Services:									
Services Related to a Highway	18,617	13,901	11,705	7,350	6,011	4.92	52.96	13.13	141.33
Fire Protection Services	1,372	1,024	862	541	443	0.37	3.98	0.97	10.49
Parks and Recreation Services	14,649	10,938	9,210	5,783	4,730	0.73	7.86	1.95	20.99
Library Services	1,637	1,222	1,029	646	529	0.08	0.86	0.22	2.37
Provincial Offences Act including By-Law Enforcement	50	37	31	20	16	0.01	0.11	0.04	0.43
Stormwater Drainage and Control Services	1,416	1,057	890	559	457	1.07	11.52	0.96	10.33
Waste Diversion	41	31	26	16	13	0.01	0.11	0.03	0.32
Total City-Wide Services	\$37,782	\$28,210	\$23,753	\$14,915	\$12,199	\$7.19	\$77.39	\$17.30	\$186.27



- (i) Tables ES-5, ES-6, and ES-7 provide a comparison of the current and calculated rates for a single-detached dwelling and non-residential development on a per sq.ft. basis, respectively.

Table ES-5
City of Oshawa
Single-detached Dwelling Development Charge Comparison

Service/Class of Service	Current	Calculated
City-Wide Services/Classes:		
Services Related to a Highway	19,690	18,617
Fire Protection Services	849	1,372
Parks and Recreation Services	13,032	14,649
Library Services	555	1,637
Provincial Offences Act including By-Law Enforcement	-	50
Stormwater Drainage and Control Services	1,389	1,416
Waste Diversion	25	41
Growth-Related Studies	51	-
Total City-Wide Services/Classes	\$35,591	\$37,782

Table ES-6
City of Oshawa
Non-residential (Commercial/Institutional) Development Charge Comparison per sq.m.
of Gross Floor Area

Service/Class of Service	Current	Calculated
City-Wide Services/Classes:		
Services Related to a Highway	162.12	141.33
Fire Protection Services	7.00	10.49
Parks and Recreation Services	6.09	20.99
Library Services	0.26	2.37
Provincial Offences Act including By-Law Enforcement	-	0.43
Stormwater Drainage and Control Services	6.67	10.33
Waste Diversion	0.20	0.32
Growth-Related Studies	0.22	-
Total City-Wide Services/Classes	\$182.56	\$186.27



Table ES-7
City of Oshawa
Non-residential (Industrial) Development Charge Comparison per sq.m.
of Gross Floor Area

Service/Class of Service	Current	Calculated
City-Wide Services/Classes:		
Services Related to a Highway	61.59	52.96
Fire Protection Services	2.62	3.98
Parks and Recreation Services	6.09	7.86
Library Services	0.26	0.86
Provincial Offences Act including By-Law Enforcement	-	0.11
Stormwater Drainage and Control Services	6.06	11.52
Waste Diversion	0.09	0.11
Growth-Related Studies	0.09	-
Total City-Wide Services/Classes	\$76.80	\$77.39

- (j) Considerations by Council – The D.C. background study represents the increase in need for service and associated net capital costs attributable to residential and non-residential development over the respective forecast periods.

Chapter 7 herein, provides the D.C. by-law policy recommendations and rules that govern the imposition of the charges. Council will consider the findings and recommendations provided herein and, in conjunction with public input, approve such policies and rates it deems appropriate. These directions will refine the draft D.C. by-laws for each service, which are appended in Appendices G through M herein. These decisions may include:

- adopting the charges and policies recommended herein;
- considering additional exemptions to the D.C. by-laws; and
- considering reductions in the charge (obtained by removing certain services or capital costs on which the charge is based and/or by a general reduction in the charge).

As the D.C.A. does not allow for any exempted or reduced amount to be made up through higher D.C.s from other development, any such decision would require the consideration of an alternative (i.e., non-D.C.) funding source provided by the City.



Report



Chapter 1

Introduction



1. Introduction

1.1 Purpose of this Document

The City of Oshawa (City) retained Watson & Associates Economists Ltd. (Watson), to undertake the development charges (D.C.) background study and by-law(s) process. This draft background study has been prepared for public comment. This background study has been prepared pursuant to the requirements of the *Development Charges Act, 1997* (D.C.A.), as amended, (section 10) and, accordingly, recommends new D.C.s and D.C. by-law policies for the City.

This D.C. background study will be distributed to members of the public in order to provide interested parties with sufficient background information on the legislation, the study's recommendations, and an outline of the basis for these recommendations. In the event that additional refinements are required subsequent to by-law adoption, Watson would assist the City with future updates accordingly.

This report has been prepared, in the first instance, to meet the statutory requirements applicable to the City's D.C. background study, as summarized in Chapter 4. It begins by addressing the forecast amount, type, and location of growth as detailed in Chapter 3 and Appendix A. Further, Chapter 5 provides the increase in need and capital costs of services, which provides the basis for the D.C. calculations included in Chapter 6. It also addresses the requirement for "rules" (contained in Chapter 7) and the proposed by-laws are to be made available as part of the approval process (included as Appendices G through M).

In addition, the report includes the City's current D.C. rates and policies (Chapter 2) to provide a comparison with those being proposed. It further addresses post-adoption implementation requirements (Chapter 8) which are critical to the successful application of the new policy.

The chapters in the report are supported by Appendices containing the data required to explain and substantiate the calculation of the charges.



1.2 Summary of the Process

The public meeting required under section 12 of the D.C.A., has been scheduled for May 24, 2024. Its purpose is to present the study to the public and to solicit public input. The meeting is also being held to answer any questions regarding the study's purpose, methodology and the proposed D.C. by-laws.

In accordance with the legislation, the background study and proposed D.C. by-laws will be available for public review on April 25, 2024.

The process to be followed in finalizing the report and recommendations includes:

- consideration of responses received prior to, at, or immediately following the public meeting;
- refinements to the report, if required; and
- Council consideration of the by-laws subsequent to the public meeting.

Figure 1-1 outlines the proposed schedule to be followed with respect to the D.C. by-law adoption process

Figure 1-1
Schedule of Key D.C. Process Dates

Process Steps	Dates
Data collection, growth forecast development, staff review, engineering work, D.C. calculations and policy work	Late 2023 to Early 2024
Public release of final D.C. Background study and proposed by-law	April 25, 2024
Public meeting advertisement placed in newspaper(s)	By 21 Days prior to the Public Meeting
Public meeting of Council	May 24, 2024



Process Steps	Dates
Council considers adoption of background study and passage of by-law	June 24, 2024
Newspaper notice given of by-law passage	By 20 days after passage
Last day for by-law appeal	40 days after passage
City makes pamphlet available (where by-law not appealed)	By 60 days after in force date

1.3 Changes to the Development Charges Act, 1997

Over the past three years, since the 2021 update study, a number of changes to the D.C.A. have been introduced through various legislation including the following:

1.3.1 *More Homes for Everyone Act, 2022*

On April 14, 2022, the *More Homes for Everyone Act, 2022* received Royal Assent. One of the D.C.A. amendments, and O. Reg. 438/22, prescribed additional information to be included in the annual Treasurer's Statement on D.C. reserve funds and its publication. The following additional information must be provided for each service for which a D.C. is collected for during the year:

- a) whether, as of the end of the year, the municipality expects to incur the amount of capital costs that were estimated, in the relevant development charge background study, to be incurred during the term of the applicable development charge by-law;
- b) if the answer to a) is no, the amount the municipality now expects to incur and a statement as to why this amount is expected; and
- c) if no money was spent from the reserve fund during the year, a statement as to why there was no spending during the year.



These requirements have been further amended to require that the annual Treasurer's Statement be made available to the public on the municipality's website, or in the municipal office.

1.3.2 More Homes Built Faster Act, 2022

The *More Homes Built Fast Act, 2022*, received Royal Assent on November 28, 2022. This Act amends several pieces of legislation including the *Planning Act* and the D.C.A. The following provides a summary of the amendments to the D.C.A.:

1.3.2.1 Additional Residential Unit Exemption

The rules for these exemptions are now provided in the D.C.A., rather than the regulations and are summarized as follows:

- Exemption for residential units in existing rental residential buildings – For rental residential buildings with four or more residential units, the greater of one unit or 1% of the existing residential units will be exempt from D.C.
- Exemption for additional residential units in existing and new residential buildings – The following developments will be exempt from a D.C.:
 - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
 - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
 - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units, and no other buildings or ancillary structures contain any residential units.

1.3.2.2 Removal of Housing as an Eligible D.C. Service

Housing services is removed as an eligible service. Municipalities with by-laws that include a charge for housing services can no longer collect for this service.



1.3.2.3 *New Statutory Exemptions for Affordable Units, Attainable Units, Inclusionary Zoning Units, and Non-Profit Housing developments*

Affordable units, attainable units, inclusionary zoning units and non-profit housing developments are exempt from the payment of D.C.s, as follows:

- Affordable Rental Units: Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Units: Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Units: Excludes affordable units and rental units; will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
 - Note: for affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws are exempt from a D.C.
- Non-Profit Housing: Non-profit housing units are exempt from D.C.s and D.C. instalment payments due after November 28, 2022.

1.3.2.4 *Historical Level of Service extended to 15-year period instead of the historical 10-year period*

Prior to Royal Assent of Bill 23, the increase in need for service was limited by the average historical level of service calculated over the 10-year period preceding the preparation of the D.C. background study. This average is now extended to the historical 15-year period.

1.3.2.5 *Revised Definition of Capital Costs*

The definition of capital costs has been revised to remove studies. Further, the regulations to the Act will prescribe services for which land or an interest in land will be restricted. As at the time of writing, no services have been prescribed.



1.3.2.6 Mandatory Phase-in of a D.C.

For all D.C. by-laws passed after January 1, 2022, the charge must be phased-in annually over the first five years the by-law is in force, as follows:

- Year 1 – 80% of the maximum charge;
- Year 2 – 85% of the maximum charge;
- Year 3 – 90% of the maximum charge;
- Year 4 – 95% of the maximum charge; and
- Year 5 to expiry – 100% of the maximum charge.

1.3.2.7 D.C. By-law Expiry

A D.C. by-law now expires ten years after the day it comes into force unless the by-law provides for an earlier expiry or repeal date. This extends the by-law's life from what used to be a maximum of five years.

1.3.2.8 Installment Payments

Non-profit housing development has been removed from the instalment payment section of the D.C.A. under Section 26.1, as these units are now exempt from the payment of a D.C.

1.3.2.9 Rental Housing Discount

The D.C. payable for rental housing development will be reduced based on the number of bedrooms in each unit as follows:

- Three or more bedrooms – 25% reduction;
- Two bedrooms – 20% reduction; and
- All other bedroom quantities – 15% reduction.

1.3.2.10 Maximum Interest Rate for Instalments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications

No maximum interest rate was previously prescribed, which allowed municipalities to choose the interest rate to impose. As per Bill 23, the maximum interest rate is set at the average prime rate plus 1%. This maximum interest rate provision would apply to



all instalment payments and eligible site plan and zoning by-law amendment applications occurring after November 28, 2022.

1.3.2.11 Requirement to Allocate Funds Received

Annually, beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water services, wastewater services, and services related to a highway. Other services may be prescribed by the regulation.

1.3.3 Helping Homebuyers, Protecting Tenants Act, 2023

The *Helping Homebuyers, Protecting Tenants Act* (Bill 97) received Royal Assent on June 8, 2023. This bill extends the mandatory exemption from payment of D.C.s for additional residential units in new residential buildings or in existing houses to all lands versus just urban lands.

1.3.4 Affordable Homes and Good Jobs Act, 2023

The exemption for affordable residential units was included in the *More Homes Built Faster Act* (Bill 23), enacted by the Province on November 28, 2022. Under this legislation, affordable residential units were defined within subsection 4.1 of the D.C.A. and exemptions for D.C.s were provided in respect of this definition. While the legislation was enacted in November 2022, the ability for municipalities to implement the exemptions required the Minister of Municipal Affairs and Housing to publish an “Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin.” This bulletin would inform the average market rent and purchase price to be used in determining which developments qualify as affordable residential units. As of the time of writing, this bulletin had not been published by the Minister.

Bill 134 received Royal Assent on December 4, 2023 and provides for a modification to the affordable residential unit definition by:

- Introducing an income-based test for affordable rent and purchase price; and
- Increasing the threshold for the market test of affordable rent and purchase price.

This change provides the exemption based on the lesser of the two measures. Moreover, the rules in subsection 4.1 of the D.C.A. are unchanged with respect to:



- The tenant and purchaser transacting the affordable unit being at arm’s length;
- The intent of maintaining the affordable residential unit definition for a 25-year period, requiring an agreement with the municipality (which may be registered on title); and
- Exemptions for attainable residential units and associated rules (requiring further regulations).

The following table provides a comparison of the definitions provided through Bill 23 and those provided through Bill 134 (underlining added for emphasis).

Item	Bill 23 Definition	Bill 134 Definition (Current D.C.A. Definition)
Affordable residential unit rent (subsection 4.1 (2), para. 1)	The rent is no greater than <u>80 per cent of the average market rent</u> , as determined in accordance with subsection (5).	The rent is no greater than <u>the lesser of</u> , i. the <u>income-based affordable rent</u> for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (5), and ii. the <u>average market rent</u> identified for the residential unit set out in the Affordable Residential Units bulletin.
Average market rent/rent based on income (subsection 4.1 (5)) for the purposes of subsection 4.1 (2), para. 1	The <u>average market rent for the year in which the residential unit is occupied by a tenant</u> , as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin.”	The Minister of Municipal Affairs and Housing shall, (a) determine the <u>income of a household</u> that, in the Minister’s opinion, is <u>at the 60th percentile of gross annual incomes for renter households in the applicable local municipality</u> ; and (b) identify the <u>rent</u> that, in the Minister’s opinion, is <u>equal to 30 per cent of the income of the</u>



Item	Bill 23 Definition	Bill 134 Definition (Current D.C.A. Definition)
Affordable residential unit ownership (subsection 4.1 (3), para. 1)	The price of the residential unit is no greater than <u>80 per cent of the average purchase price</u> , as determined in accordance with subsection (6).	<p><u>household</u> referred to in clause (a).</p> <p>The price of the residential unit is no greater than <u>the lesser of</u>,</p> <ul style="list-style-type: none"> i. <u>the income-based affordable purchase price</u> for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (6), and ii. <u>90 per cent of the average purchase price</u> identified for the residential unit set out in the Affordable Residential Units bulletin.
Average market purchase price/purchase price based on income (subsection 4.1 (6)) for the purposes of subsection 4.1 (3), para. 1	The <u>average purchase price for the year in which the residential unit is sold</u> , as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin,” as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.	The Minister of Municipal Affairs and Housing shall, <ul style="list-style-type: none"> (a) determine the <u>income of a household</u> that, in the Minister’s opinion, is at the <u>60th percentile of gross annual incomes for households in the applicable local municipality</u>; and (b) identify the <u>purchase price</u> that, in the Minister’s opinion, <u>would result in annual accommodation costs equal to 30 per cent of the income of the household</u> referred to in clause (a)



1.3.5 Cutting Red Tape to Build More Homes Act, 2024 (Bill 185)

On April 10, 2024, the Ontario Legislature released proposed changes to the D.C.A. which proposes the following changes:

- The removal of the Mandatory Phase-in for D.C. by-laws passed after Bill 185 comes into effect;
- A reduction to the D.C. rate freeze timelines for developments proceeding through site plan and zoning by-law amendment applications under the Planning Act. Charges are currently held at rates in place on the date the application is made until building permit issuance, provided the building permit is issued within two (2) years of the approval of the application. This time period is proposed to be reduced to 18 months under Bill 185 (note that the two (2) year timeline will still apply to applications received prior to Bill 185 receiving Royal Assent);
- Inclusion of growth-related studies, including the D.C. background study, as a D.C.-eligible costs;
- Provide a provision of the D.C. by-law specifying the date the by-law expires or to amend the provision to extend the expiry date;
- To allow minor amendments related to the imposition of studies, removal of the mandatory phase-in, and extension of by-law expiry dates (subject to the 10-year limitations provided in the D.C.A.) to be undertaken for by-laws passed after November 28, 2022 and before Bill 185 takes effect; and
- To Modernize public notice requirements.

As this legislation has not been enacted at the time of writing this D.C. Background Study, the proposed changes have not been reflected in the D.C. calculations or draft by-laws contained herein.



Chapter 2

City of Oshawa's Current D.C. Policy



2. City of Oshawa Current D.C. Policy

2.1 Schedule of Charges

The City adopted by-law number 60-2019 on July 1, 2019, which provides for City-wide D.C.s to be imposed in the City. The City then amended by-law 60-2019 in via by-laws 33-2021, 121-2021, and 46-2022. The following sections review the current D.C. policies within by-law 60-2019, as amended.

2.2 Services Covered

The following services are covered under By-law 60-2019, as amended:

- Transportation;
- Fire Protection;
- Parks, Recreation and Trails;
- Library Services;
- Administration (Development Related Studies);
- Watercourse Improvements;
- Parking; and
- Waste Diversion.

Note: With the changes from the More Homes Built Faster Act, 2022 (Bill 23), administration studies (Administration (Development Related Studies) referred to above) are no longer defined as an eligible D.C. cost and have therefore been excluded from the D.C. calculations for 2024. Furthermore, parking is no longer an eligible service under the D.C.A. Therefore, the City no longer recovers for parking services.

2.3 Timing of D.C. Calculation and Payment

The by-law indicates that D.C.s are payable at the time of the first action or approval with respect to:

- The passing of a zoning by-law or an amendment thereto;
- The approval of a minor variance;



- A conveyance of land to which a by-law passed under Subsection 50(7) of the Planning Act;
- The approval of a plan of subdivision;
- A consent;
- The approval under the Condominium Act; or
- The issuance of a building permit.

2.4 Indexing

D.C.s within the by-law are adjusted semi-annually on January 1 and July 1 each year, without amendment to the By-law, in accordance with the Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.

2.5 Redevelopment Credits

Where development involves the demolition and replacement of a building or structure on the same site, or the conversion from one principal use to another, the developer shall be allowed a redevelopment credit. A credit will apply for the demolition of buildings or structures that have been in existence for a minimum of five years and where the demolition permit issued is within the 120-month period (10 years) preceding the issuance of a building permit. The issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official must occur not later than twenty-four months after the issuance of the building permit. Redevelopment credits are also given for the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years.

The credit is calculated by applying the ‘applicable charge’ to the floor area and units being demolished or converted. No credit will be provided for the demolition of a school or place of worship where the demolition permit is issued on or after July 1, 2019.

2.6 Exemptions

The following non-statutory exemptions are provided under By-law 60-2019 (as amended):



- Lands wholly within that part of Oshawa partially known as the Downtown Urban Growth Centre;
- Lands designated under federal law as land reserved for the exclusive use of aboriginal peoples;
- New Industrial building or structure or the enlargement of an existing Industrial building or structure;
- Temporary building or structure;
- Agricultural building or structure;
- Apartment Dwelling Unit or a Townhouse Dwelling other than a Street Townhouse Building on lands within the Trent University land area;
- Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within the Downtown Shoulder Area;
- Apartment Dwelling Unit or a Townhouse Dwelling other than a Street Townhouse Building on the 1569 Simcoe Street North property, provided building permits are issued for the units within three years of the in-force date of this by-law;
- Lands used solely for the purposes of a non-profit institution defined as:
 - Non-Profit Institution;
 - Hospital;
 - Nursing Home;
- That part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.

It is noted that statutory exemptions resulting from D.C.A. amendments as noted in Chapter 1, must also be witness by the City even though they may not be currently reflected in the existing by-law.

2.7 Current Development Charges

The current D.C.s for residential development for the City are shown in Table 2-1, as per By-law 60-2019, as amended.



Table 2-1
City of Oshawa
Current Schedule of Development Charges
As of January 1, 2024

Service	Residential						Non-Residential	
	Single & Semi Detached	Duplex (for two units)	Multiples	Apartments with >= 2 Bedrooms	Apartments with < 2 Bedrooms	Lodging House (per unit)	Industrial (per sq.m. of Gross Floor Area)	Commercial/ Institutional (per sq.m. of Gross Floor Area)
Services Related to a Highway	19,690	24,786	15,861	12,392	7,607	6,836	61.59	162.12
Fire Protection Services	849	1,069	686	534	328	296	2.62	7.00
Parks and Recreation Services	13,032	16,406	10,500	8,202	5,036	4,524	6.09	6.09
Library Services	555	700	449	350	214	194	0.26	0.26
Waste Diversion	25	31	19	15	10.00	8.00	0.09	0.20
Stormwater Drainage and Control Services	1,389	1,749	1,119	874	538	482	6.06	6.67
Growth-Related Studies	51	61	45	31	20.00	17.00	0.09	0.22
Total	35,591	44,802	28,679	22,398	13,753	12,357	76.80	182.56



Chapter 3

Anticipated Development in the City of Oshawa



3. Anticipated Development in the City of Oshawa

3.1 Requirement of the Act

The growth forecast contained in this chapter (with supplemental tables in Appendix A) provides for the anticipated development for which the City will be required to provide services over a 10-year (mid-2024 to mid-2034) and longer-term (mid-2024 to mid-2051) time horizon.

Chapter 3 provides the methodology for calculating a D.C. as per the D.C.A. Figure 4-1 presents this methodology graphically. It is noted in the first box of the schematic that in order to determine the D.C. that may be imposed, it is a requirement of subsection 5 (1) of the D.C.A. that “the anticipated amount, type and location of development, for which development charges can be imposed, must be estimated.”

3.2 Basis of Population, Household and Non-Residential Gross Floor Area Forecast

The D.C. growth forecast has been derived by Watson. The growth forecast provided herein builds on growth assumptions established in Envision Durham, the Durham Region Official Plan (adopted by Regional Council May 17, 2024). In addition to this source, the following information sources were consulted:

- City of Oshawa Official Plan (Office Consolidation December 2024);
- Durham Region Growth Management Strategy – Phase 2 Area Municipal Growth Allocations and Land Needs (Final Report October 17, 2024);
- 2006, 2011, and 2016 population, household, and employment Census data;
- 2021 population and household Census data;
- Historical residential and non-residential building permit data over the 2014 to 2024 period;
- Residential supply opportunities as provided by the City of Oshawa; and
- Discussions with City staff regarding anticipated residential and non-residential development in the City of Oshawa.

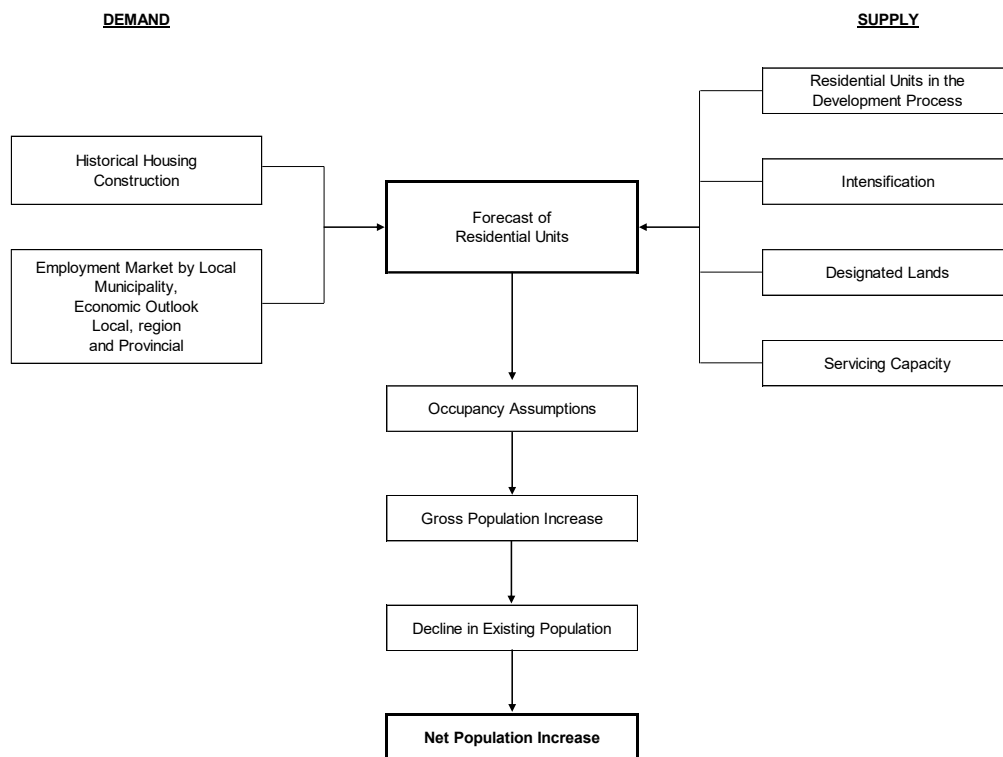


3.3 Summary of Growth Forecast

A detailed analysis of the residential and non-residential growth forecasts is provided in Appendix A and the methodology employed is illustrated in Figure 3-1. The discussion provided herein summarizes the anticipated growth for the City and describes the basis for the forecast. The results of the residential growth forecast analysis are summarized in Table 2-1 below, and Schedule 1 in Appendix A.

As identified in Table 2-1 and Appendix A, Schedule 1, the permanent population in Oshawa is anticipated to reach approximately 223,200 by mid-2034 and 287,700 by mid-2051, resulting in an increase of approximately 36,900 and 101,400 persons, respectively.¹

Figure 3-1
Population and Household Forecast Model



¹ The population figures used in the calculation of the 2024 D.C. and C.B.C. exclude the net Census undercount, which is estimated at approximately 3.8%



**Table 3-1
City of Oshawa
Residential Growth Forecast Summary**

	Year	Population (Including Census Undercount) ^[1]	Excluding Census Undercount			Housing Units						Person Per Unit (P.P.U.): Total Population/ Total Households
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi- Detached	Multiple Dwellings ^[2]	Apartments ^[3]	Other	Total Households	Equivalent Institutional Households	
Historical	Mid 2006	146,950	141,590	1,870	139,720	34,705	7,705	12,375	145	54,930	1,700	2.578
	Mid 2011	155,270	149,607	1,932	147,675	38,101	8,190	12,383	123	58,797	1,756	2.544
	Mid 2016	165,490	159,458	1,828	157,630	40,085	9,075	13,285	150	62,595	1,662	2.547
	Mid 2021	182,020	175,383	1,373	174,010	42,330	10,095	14,065	150	66,640	1,248	2.632
Forecast	Mid 2024	193,310	186,256	1,460	184,796	43,519	11,426	16,554	150	71,649	1,327	2.600
	Mid 2034	231,630	223,184	1,824	221,360	50,077	17,400	18,392	150	86,019	1,658	2.595
	Mid 2051	298,540	287,651	2,483	285,168	58,262	29,391	25,165	150	112,968	2,257	2.546
Incremental	Mid 2006 - Mid 2011	8,320	8,017	62	7,955	3,396	485	8	-22	3,867	56	
	Mid 2011 - Mid 2016	10,220	9,851	-104	9,955	1,984	885	902	27	3,798	-94	
	Mid 2016 - Mid 2021	16,530	15,925	-455	16,380	2,245	1,020	780	0	4,045	-414	
	Mid 2021 - Mid 2024	11,290	10,873	87	10,786	1,189	1,331	2,489	0	5,009	79	
	Mid 2024 - Mid 2034	38,320	36,928	364	36,564	6,558	5,974	1,838	0	14,370	331	
	Mid 2024 - Mid 2051	105,230	101,395	1,023	100,372	14,743	17,965	8,611	0	41,319	930	

Source: Envision Durham, the Durham Region Official Plan (adopted by Regional Council May 17, 2023) derived by Watson & Associates Economists Ltd., 2024.

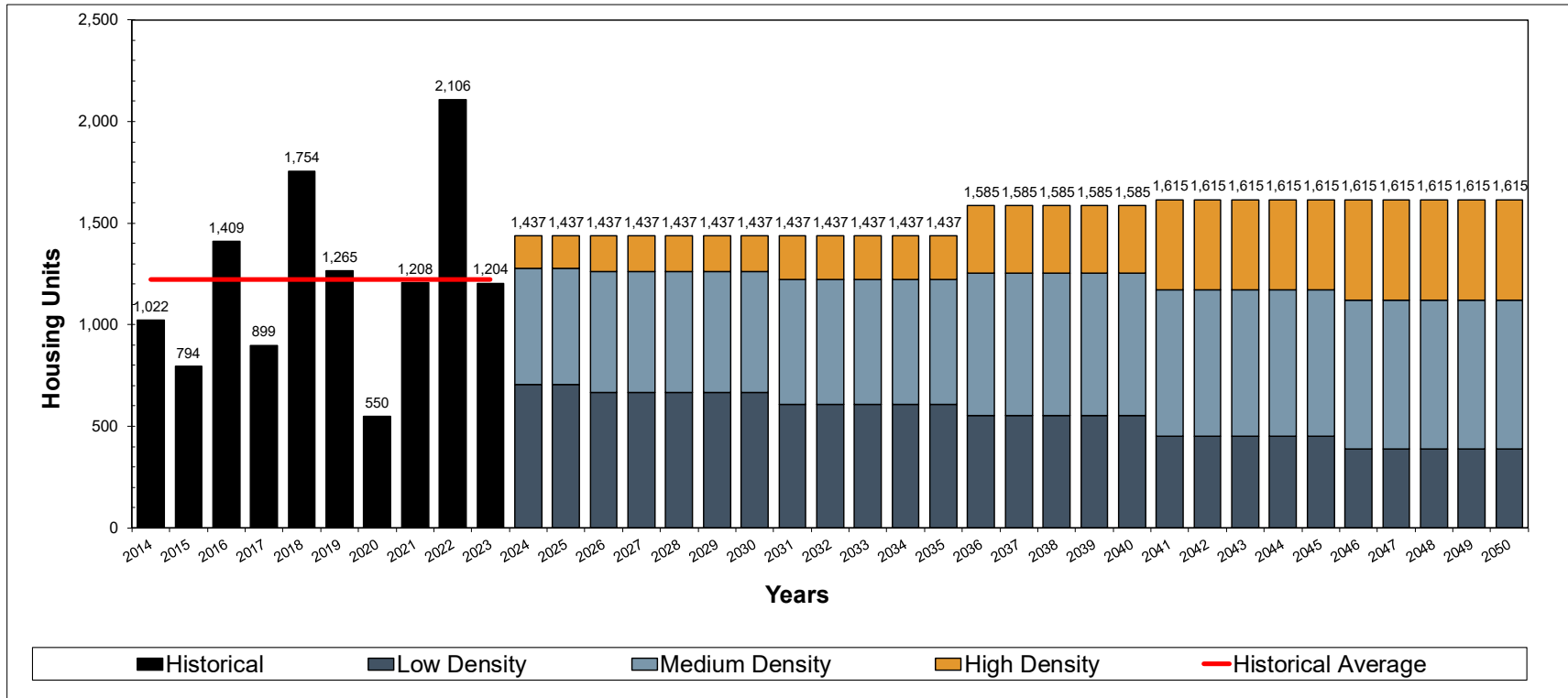
[1] Census undercount estimated at approximately 3.8%. Note: Population including the undercount has been rounded.

[2] Includes townhouses and apartments in duplexes.

[3] Includes bachelor, 1-bedroom and 2-bedroom+ apartments.



Figure 3-2
City of Oshawa
Annual Housing Forecast¹



Source: Historical housing activity from 2014 and 2015 from Statistics Canada. Permits after 2015 are from the City of Oshawa.

¹ Growth forecast represents calendar year.



Provided below is a summary of the key assumptions and findings regarding the City of Oshawa D.C. growth forecast:

1. Unit Mix (Appendix A - Schedules 1, 2, 6, and 7)

- The housing unit mix for the City was derived from the Durham Region Growth Management Strategy – Phase 2 Area Municipal Growth Allocations and Land Needs (Final Report October 17, 2024), a detailed review of historical development activity (as per Schedule 7), as well as active residential development applications and discussions with City staff regarding anticipated development trends for Oshawa (Schedule 6).
- Based on the above indicators, the 2024 to 2034 household growth forecast for the City is comprised of a unit mix of 36% low-density units (single-detached and semi-detached), 43% medium-density (multiples except for apartments), and 21% high-density (accessory units, bachelor, 1-bedroom, and 2+ bedroom apartments) units.

2. Planning Period

- Short- and longer-term time horizons are required for the D.C. process. The D.C.A. limits the planning horizon for transit services to a 10-year planning horizon. All other services can utilize a longer planning period if the municipality has identified the growth-related capital infrastructure needs associated with the longer-term growth planning period.

3. Population in New Housing Units (Appendix A - Schedules 3, 4 and 5)

- The number of permanent housing units to be occupied by mid-2051 in the City of Oshawa over the forecast period is presented in Figure 3-2. Over the mid-2024 to mid-2051 forecast period, the City is anticipated to average approximately 1,530 new housing units per year.



- Institutional population ^[1] is anticipated to increase by approximately 1,020 people between mid-2024 to mid-2051.
- Population in new units is derived from Schedules 3, 4 and 5, which incorporate historical development activity, anticipated units (see unit mix discussion) and average persons per unit (P.P.U.) by dwelling type for new units.
- Schedule 8 summarizes the average P.P.U. assumed for new housing units by age and type of dwelling based on Statistics Canada 2021 custom Census data for the City of Oshawa. The total calculated P.P.U. for all density types has been adjusted accordingly to account for the P.P.U. trends which have been recently experienced in both new and older units. Forecast 25-year average P.P.U.s by dwelling type are as follows:
 - Low density: 3.407
 - Medium density: 2.544
 - High density²: 1.796

4. Existing Units and Population Change (Appendix A - Schedules 3, 4 and 5)

- Existing households for mid-2024 are based on the 2021 Census households, plus estimated residential units constructed between mid-2021 to the beginning of the growth period, assuming a minimum six-month lag between construction and occupancy (see Schedule 3).
- The change in average occupancy levels for existing housing units is calculated in Schedules 3, 4, and 5³. The forecast population change in existing households over the 2024 to 2051 forecast period is forecast to decline by approximately 11,000.

5. Employment (Appendix A – Schedules 10a and 10b)

^[1] Institutional population largely includes special care facilities such as nursing home or residences for senior citizens. A P.P.U. of 1.100 depicts 1-bedroom and 2-or-more-bedroom units in collective households.

² Includes accessory units, bachelor, 1-bedroom and 2-or-more-bedroom apartments.

³ Change in occupancy levels for existing households occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.



- The employment projections provided herein are largely based on the Durham Region Growth Management Strategy – Phase 2 Area Municipal Growth Allocations and Land Needs (Final Report October 17, 2024).
- 2016 employment data ^{1,2} (place of work) for the City of Oshawa is outlined in Schedule 10a. The 2016 employment base is comprised of the following sectors:
 - 105 primary (0%);
 - 3,820 work at home employment (7%);
 - 10,220 industrial (20%);
 - 20,670 commercial/population-related (40%); and
 - 17,340 institutional (33%).
- The 2016 employment by usual place of work, including work at home, is 52,155. An additional 9,980 employees have been identified for the City of Oshawa in 2016 that have no fixed place of work (N.F.P.O.W.).³
- Total employment, including work at home and N.F.P.O.W. for the City of Oshawa is anticipated to reach approximately 82,500 by mid-2034 and 107,300 by mid-2051. This represents an employment increase of approximately 12,780 and 37,570, respectively.
- Schedule 10b, Appendix A, summarizes the employment forecast, excluding work-at-home employment and N.F.P.O.W. employment, which is the basis for the D.C. employment forecast. The impact on municipal services from work-at-home employees has already been included in the population forecast. The need for municipal services related to N.F.P.O.W. employees has largely been included in the employment forecast by usual place of work (i.e., employment and gross floor area generated from N.F.P.O.W. construction employment).

¹ 2016 employment is based on Statistics Canada 2016 Place of Work Employment dataset by Watson & Associates Economists Ltd.

² Statistics Canada 2021 Census place of work employment data has been reviewed. The 2021 Census employment results have not been utilized due to a significant increase in work at home employment captured due to Census enumeration occurring during the provincial COVID-19 lockdown from April 1, 2021 to June 14, 2021.

³ No fixed place of work is defined by Statistics Canada as "persons who do not go from home to the same workplace location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."



Furthermore, since these employees have no fixed work address, they cannot be captured in the non-residential G.F.A. calculation. Accordingly, work-at-home and N.F.P.O.W. employees have been removed from the D.C.A. employment forecast and calculation.

- Total employment for the City of Oshawa (excluding work at home and N.F.P.O.W. employment) is anticipated to reach approximately 65,400 by mid-2034 and 85,900 by mid-2051. This represents an employment increase of approximately 10,630 for the 10-year forecast period and 31,100 for the longer-term period.^[1]

6. Non-Residential Sq.ft. Estimates (G.F.A.), Appendix A - Schedule 10b)

- Square footage estimates were calculated in Schedule 8b based on the following employee density assumptions:
 - 1,200 sq.ft. per employee for industrial;
 - 400 sq.ft. per employee for commercial/population-related; and
 - 625 sq.ft. per employee for institutional employment.
- The Town-wide incremental G.F.A. is anticipated to increase by 8.14 million sq.ft. over the 10-year forecast period and 23.3 million sq.ft. over the longer-term forecast period (mid-2024 to mid-2051).
- In terms of percentage growth, the mid-2024 to mid-2051 incremental G.F.A. forecast by sector is broken down as follows:
 - industrial - 64%;

commercial/population-related - 25%; and institutional - 11%.

^[1] G.F.A. and employment associated within special care institutional dwellings treated as residential, resulting in an institutional employment difference between Schedules 10a and 10b. Total employment growth in Schedule 10b (excluding work at home and N.F.P.O.W. employment) has been downwardly adjusted to account for institutional employment associated with special care facilities.



Chapter 4

The Approach to the Calculation of the Charge



4. The Approach to the Calculation of the Charge

4.1 Introduction

This chapter addresses the requirements of subsection 5 (1) of the D.C.A. with respect to the establishment of the need for service which underpins the D.C. calculation. These requirements are illustrated schematically in Figure 4-1.

4.2 Services Potentially Involved

Table 4-1 lists the full range of municipal services that are provided within municipalities and indicates the D.C. eligible service components included in the D.C. background study for the City.

A number of these services are not included in the list of eligible services provided in subsection 2 (4) of the D.C.A. as being ineligible for inclusion in D.C.s. These are shown as “ineligible” on Table 4-1B (as per the legend in Table 4-1A). Two ineligible costs defined in subsection 5 (3) of the D.C.A. are “computer equipment” and “rolling stock with an estimated useful life of (less than) seven years.” In addition, local roads are covered separately under subdivision agreements and related means (as are other local services). Services that are potentially eligible for inclusion in the City’s D.C. are indicated with a “Yes.”

4.3 Increase in the Need for Service

The D.C. calculation commences with an estimate of “the increase in the need for service attributable to the anticipated development,” for each service to be covered by the by-law. There must be some form of link or attribution between the anticipated development and the estimated increase in the need for service. While the need could conceivably be expressed generally in terms of units of capacity, subsection 5 (1) 3, which requires that City Council indicate that it intends to ensure that such an increase in need will be met, suggests that a project-specific expression of need would be most appropriate.



Figure 4-1

The Process of Calculating a Development Charge under the Act that must be followed

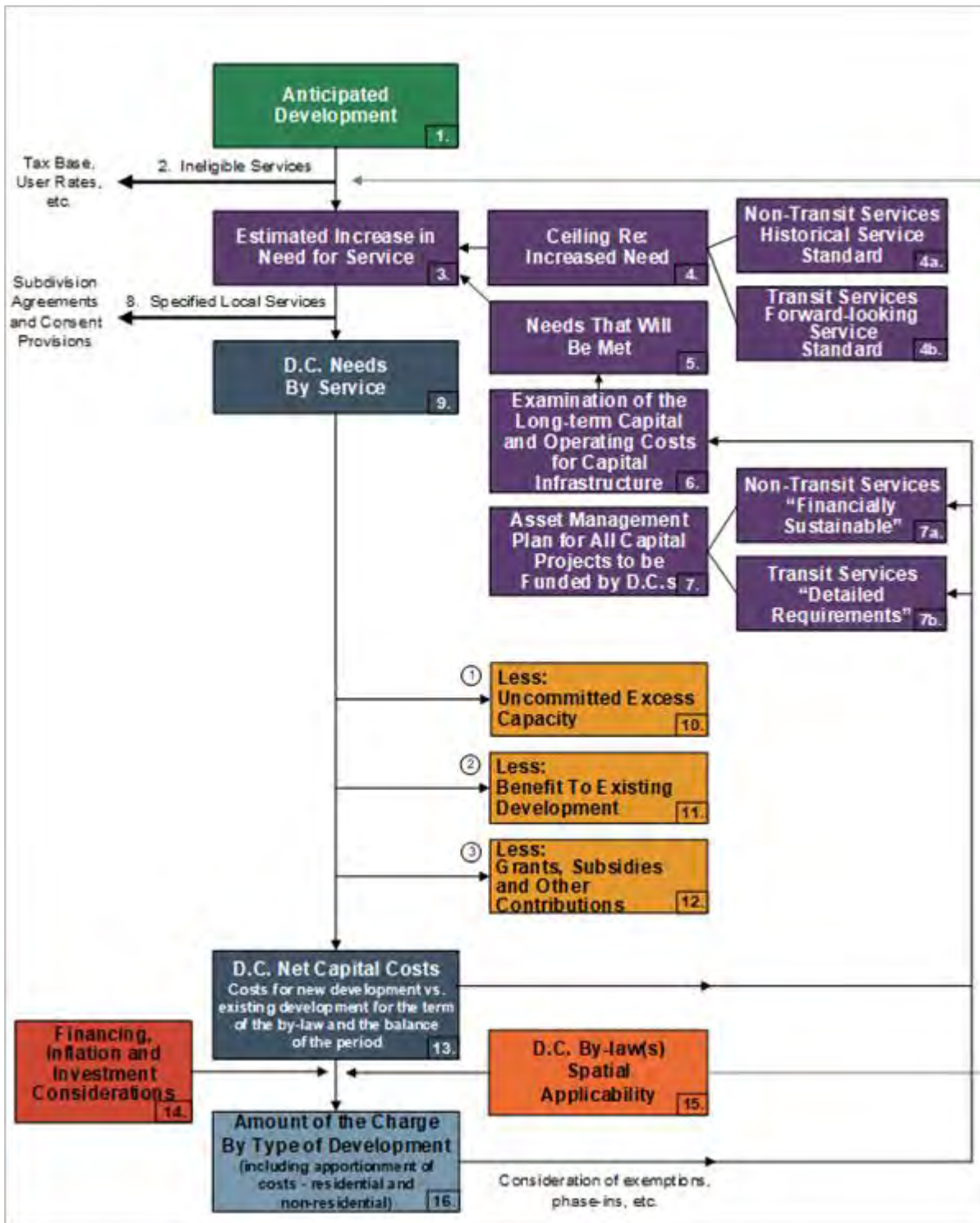




Table 4-1A
Categories of City Services to be Addressed as Part of the Calculation – Eligibility Legend

Eligibility for Inclusion in the D.C. Calculation	Description
Yes	City provides the service – service has been included in the D.C. calculation.
No	City provides the service – service has not been included in the D.C. calculation.
n/a	City does not provide the service.
Ineligible	Service is ineligible for inclusion in the D.C. calculation.

Table 4-1B
Categories of City Services to be Addressed as Part of the Calculation

Categories of City Services	Inclusion in the D.C. Calculation	Service Components
1. Water supply services, including distribution and treatment services	n/a	1.1 Treatment plants, Water Supply, and Storage Facilities
	n/a	1.2 Distribution systems
	n/a	1.3 Local systems
	n/a	1.4 Vehicles and equipment ¹
2. Wastewater services, including sewers and treatment services	n/a	2.1 Treatment plants
	n/a	2.2 Sewage trunks
	n/a	2.3 Local systems
	n/a	2.4 Vehicles and equipment ¹
3. Stormwater Drainage and Control Services	Yes	3.1 Main channels and drainage trunks
	Yes	3.2 Channel connections
	Yes	3.3 Retention/detention ponds

¹ with a 7+ year useful life



Categories of City Services	Inclusion in the D.C. Calculation	Service Components
4. Services Related to a Highway	Yes	4.1 Arterial roads
	Yes	4.2 Collector roads
	Yes	4.3 Bridges, Culverts and Roundabouts
	No	4.4 Local municipal roads
	Yes	4.5 Traffic signals
	Yes	4.6 Sidewalks and streetlights
	Yes	4.7 Active Transportation
	Yes	4.8 Works Yard
	Yes	4.9 Rolling stock ¹
5. Electrical Power Services	n/a	5.1 Electrical substations
	n/a	5.2 Electrical distribution system
	n/a	5.3 Electrical system rolling stock ¹
6. Transit Services	n/a	6.1 Transit vehicles ¹ & facilities
	n/a	6.2 Other transit infrastructure
7. Waste Diversion Services	Yes	7.1 Waste diversion facilities
	Yes	7.2 Waste diversion vehicles and equipment ¹
8. Policing Services	n/a	8.1 Police detachments
	n/a	8.2 Police rolling stock ¹
	n/a	8.3 Small equipment and gear
9. Fire Protection Services	Yes	9.1 Fire stations
	Yes	9.2 Fire Vehicles ¹
	Yes	9.3 Fire Equipment and gear
10. Ambulance Services	n/a	10.1 Ambulance station space
	n/a	10.2 Vehicles ¹
11. Services provided by a board within the meaning of the <i>Public Libraries Act</i>	Yes	11.1 Public library space (incl. furniture and equipment)
	Yes	11.2 Library vehicles ¹
	Yes	11.3 Library materials
12. Services Related to Long-Term Care	n/a	12.1 Long-Term Care space
	n/a	12.2 Vehicles ¹

¹ with a 7+ year useful life



Categories of City Services	Inclusion in the D.C. Calculation	Service Components
13. Parks and Recreation Services	Ineligible Yes Yes Yes Yes	13.1 Acquisition of land for parks, woodlots, and E.S.A.s 13.2 Development of municipal parks 13.3 Parks rolling stock ¹ and yards 13.4 Facilities, such as arenas, indoor pools, fitness facilities, community centres, etc. 13.5 Recreation vehicles and equipment ¹
14. Services Related to Public Health	n/a n/a	14.1 Public Health department space 14.2 Public Health department vehicles ¹
15. Child Care and Early Years Programs and Services within the meaning of Part VI of the <i>Child Care and Early Years Act, 2014</i> and any related services.	n/a n/a	15.1 Childcare space 15.2 Vehicles ¹
16. Services related to proceedings under the <i>Provincial Offences Act, including by-law enforcement services and municipally administered court services</i>	Yes Yes	16.1 P.O.A. space, including by-law enforcement and municipally administered court services 16.2 Vehicles ¹ & Equipment
17. Services Related to Emergency Preparedness	No No	17.1 Emergency Preparedness Space 17.2 Equipment
18. Services Related to Airports	Ineligible Ineligible	18.1 Airports 18.2 Other Airports
19. Provision of Headquarters for the General Administration of Municipalities and Area Municipal Boards	Ineligible Ineligible Ineligible	19.1 Office space 19.2 Office furniture 19.3 Computer equipment

¹ with a 7+ year useful life



Categories of City Services	Inclusion in the D.C. Calculation	Service Components
20. Other	Yes	20.1 Interest on money borrowed to pay for growth-related capital

4.4 Local Service Policy

Some of the need for services generated by additional development consists of local services related to a plan of subdivision. As such, they will be required as a condition of subdivision agreements or consent conditions. The City’s Local Service Policy is included in Appendix E.

4.5 Capital Forecast

Paragraph 7 of subsection 5 (1) of the D.C.A. requires that “the capital costs necessary to provide the increased services must be estimated.” The Act goes on to require two potential cost reductions and the regulation sets out the way in which such costs are to be presented. These requirements are outlined below.

These estimates involve capital costing of the increased services discussed above. This entails costing actual projects or the provision of service units, depending on how each service has been addressed.

The capital costs include:

- a. costs to acquire land or an interest therein (including a leasehold interest);
- b. costs to improve land;
- c. costs to acquire, lease, construct or improve buildings and structures;
- d. costs to acquire, lease or improve facilities, including rolling stock (with a useful life of 7 or more years), furniture and equipment (other than computer equipment), materials acquired for library circulation, reference, or information purposes; and
- e. interest on money borrowed to pay for the above-referenced costs.

In order for an increase in need for service to be included in the D.C. calculation, City Council must indicate “that it intends to ensure that such an increase in need will be



met” (subsection 5 (1) 3). This can be done if the increase in service forms part of a Council-approved Official Plan, capital forecast, or similar expression of the intention of Council (O. Reg. 82/98 section 3). The capital program contained herein reflects the City’s approved and proposed capital budgets and servicing/needs studies.

4.6 Treatment of Credits

Section 8, paragraph 5, of O. Reg. 82/98 indicates that a D.C. background study must set out “the estimated value of credits that are being carried forward relating to the service.” Subsection 17, paragraph 4, of the same regulation indicates that, “...the value of the credit cannot be recovered from future D.C.s,” if the credit pertains to an ineligible service. This implies that a credit for eligible services can be recovered from future D.C.s. As a result, this provision should be made in the calculation, in order to avoid a funding shortfall with respect to future service needs.

Currently, there are no outstanding credits to be included in the D.C. calculations.

4.7 Class of Services

Section 7 of the D.C.A. states that a D.C. by-law may provide for any D.C. eligible service or the capital costs with respect to those services. Further, a class may be composed of any number or combination of services and may include parts or portions of each D.C. eligible services. With respect to growth-related studies, section 7(3) of the D.C.A. states that:

“For greater certainty, a development charge by-law may provide for a class consisting of studies in respect of any service listed in subsection 2 (4) whose capital costs are described in paragraphs 5 and 6 of subsection 5 (3)”.

These provisions allow for services to be grouped together to create a class for the purposes of the D.C. by-law and D.C. reserve funds.

4.8 Eligible Debt and Committed Excess Capacity

Section 66 of the D.C.A., 1997 states that for the purposes of developing a D.C. by-law, a debt incurred with respect to an eligible service may be included as a capital cost, subject to any limitations or reductions in the Act. Similarly, s.18 of O. Reg. 82/98



indicates that debt with respect to an ineligible service may be included as a capital cost, subject to several restrictions.

In order for such costs to be eligible, two conditions must apply. First, they must have funded excess capacity which is able to meet service needs attributable to the anticipated development. Second, the excess capacity must be “committed,” that is, either before or at the time it was created, Council must have expressed a clear intention that it would be paid for by D.C.s or other similar charges. For example, this may have been done as part of previous D.C. processes.

Outstanding growth-related debt has been included in the D.C. calculations, where applicable.

4.9 Existing Reserve Funds

Section 35 of the D.C.A. states that:

“The money in a reserve fund established for a service may be spent only for capital costs determined under paragraphs 2 to 7 of subsection 5 (1).”

There is no explicit requirement under the D.C.A. calculation method set out in s. 5 (1) to net the outstanding reserve fund balance as part of making the D.C. calculation; however, section 35 does restrict the way in which the funds are used in future.

For services that are subject to a per-capita-based, service level “cap,” the reserve fund balance should be applied against the development-related costs for which the charge was imposed once the project is constructed (i.e., the needs of recent growth). This cost component is distinct from the development-related costs for the next 10-year period, which underlie the D.C. calculation herein.

The alternative would involve the City spending all reserve fund monies prior to renewing each by-law, which would not be a sound basis for capital budgeting. Thus, the City will use these reserve funds for the City’s cost share of applicable development-related projects, which are required but have not yet been undertaken, as a way of directing the funds to the benefit of the development which contributed them (rather than to future development, which will generate the need for additional facilities directly proportionate to future growth).



The City projected D.C. reserve fund balance, less outstanding commitments related to prior year capital approvals, by service as of December 31, 2023, is provided in Table 4-2.

Table 4-2
Projected Development Charge Reserve Fund Balances
As of December 31, 2023

Service	December 31, 2023 Closing Balance	Less Outstanding Commitments	December 31, 2023 Adjusted Closing Balance
Services Related to a Highway (Transportation)	\$66,989,860.34	\$24,270,596.00	\$42,719,264.34
Parking	\$53,829.42	\$53,829.42	\$0.00
Fire Protection Services	(\$2,970,723.13)	\$161,356.57	(\$3,132,079.70)
Parks and Recreation Services	\$30,162,890.58	\$519,104.34	\$29,643,786.24
Library Services	\$3,685,247.71	\$3,392.75	\$3,681,854.96
Provincial Offences Act including By-Law Enforcement	\$0.00	\$0.00	\$0.00
Waste Diversion	\$29,968.90	\$0.00	\$29,968.90
Stormwater Drainage and Control Services	\$6,272,458.83	\$2,397,773.00	\$3,874,685.83
Growth Studies	(\$261,349.09)	\$0.00	(\$261,349.09)
Total	\$103,962,183.56	\$27,406,052.08	\$76,556,131.48

Note: Amounts in brackets are deficient balances.

4.10 Deductions

The D.C.A. potentially requires that four deductions be made to the increase in the need for service. These relate to:

- the level of service ceiling;
- uncommitted excess capacity;
- benefit to existing development; and
- anticipated grants, subsidies, and other contributions.

The requirements behind each of these reductions are addressed below.

4.10.1 Reduction Require by Level of Service Ceiling

This is designed to ensure that the increase in need included in section 4.3 does “not include an increase that would result in the level of service [for the additional development increment] exceeding the average level of the service provided in the municipality over the 15-year period immediately preceding the preparation of the background study” (D.C.A., subsection 5 (1) 4). O. Reg. 82/98 (section 4) goes further



to indicate that “both the quantity and quality of a service shall be taken into account in determining the level of service and the average level of service.”

In many cases, this can be done by establishing a quantity measure in terms of units as floor area, land area, or road length per capita and a quality measure, in terms of the average cost of providing such units based on replacement costs, engineering standards, or recognized performance measurement systems, depending on circumstances. When the quantity and quality factors are multiplied together, they produce a measure of the level of service, which meets the requirements of the Act, i.e., cost per unit.

It is noted that for Water, Wastewater, and Stormwater Services, other legislation dictates the level of service to be provided for new infrastructure, therefore, a historic service standard calculation is not required.

The average service level calculation sheets for each service component in the D.C. calculation are set out in Appendix B.

4.10.2 Reduction for Uncommitted Excess Capacity

Paragraph 5 of subsection 5 (1) requires a deduction from the increase in the need for service attributable to the anticipated development that can be met using the City’s “excess capacity,” other than excess capacity which is “committed.”

“Excess capacity” is undefined, but in this case must be able to meet some or all of the increase in need for service, in order to potentially represent a deduction. The deduction of uncommitted excess capacity from the future increase in the need for service would normally occur as part of the conceptual planning and feasibility work associated with justifying and sizing new facilities, (e.g., if a road widening to accommodate increased traffic is not required because sufficient excess capacity is already available, then widening would not be included as an increase in need, in the first instance).

4.10.3 Reduction for Benefit to Existing Development

Section 5 (1) 6 of the D.C.A. provides that, “The increase in the need for service must be reduced by the extent to which an increase in service to meet the increased need



would benefit existing development.” The general guidelines used to consider benefit to existing development included:

- the repair or unexpanded replacement of existing assets that are in need of repair;
- an increase in average service level of quantity or quality (compare water as an example);
- the elimination of a chronic servicing problem not created by growth; and
- providing services where none previously existed (generally considered for water or wastewater services).

This step involves a further reduction in the need, by the extent to which such an increase in service would benefit existing development. The level of service cap in section 4.10.1 is related but is not the identical requirement. Sanitary, storm, and water trunks are highly localized to growth areas and can be more readily allocated in this regard than other services such as services related to a highway, which do not have a fixed service area.

Where existing development has an adequate service level which will not be tangibly increased by an increase in service, no benefit would appear to be involved. For example, where expanding existing library facilities simply replicates what existing residents are receiving, they receive limited (or no) benefit as a result. On the other hand, where a clear existing service problem is to be remedied, a deduction should be made accordingly.

In the case of services such as recreation facilities, community parks, libraries, etc., the service is typically provided on a City-wide system basis. For example, facilities of the same type may provide different services (i.e., leisure pool vs. competitive pool), different programs (i.e., hockey vs. figure skating), and different time availability for the same service (i.e., leisure skating available on Wednesdays in one arena and Thursdays in another). As a result, residents will travel to different facilities to access the services they want at the times they wish to use them, and facility location generally does not correlate directly with residence location. Even where it does, displacing users from an existing facility to a new facility frees up capacity for use by others and generally results in only a limited benefit to existing development. Further, where an increase in demand is not met for a number of years, a negative service impact to existing development is involved for a portion of the planning period.



4.10.4 Reduction for Anticipated Grants, Subsidies, and Other Contributions

This step involves reducing the capital costs necessary to provide the increased services by capital grants, subsidies, and other contributions (including direct developer contributions required due to the local service policy) made or anticipated by Council and in accordance with various rules such as the attribution between the share related to new vs. existing development. That is, some grants and contributions may not specifically be applicable to growth or where Council targets fundraising as a measure to offset impacts on taxes (O. Reg. 82/98, section 6).

4.11 Municipal-wide vs. Area-Specific

This step involves determining whether all of the subject costs are to be recovered on a uniform municipal-wide basis or whether some or all are to be recovered on an area-specific basis. Under the amended D.C.A., it is now mandatory to “consider” area-rating of services (providing charges for specific areas and services); however, it is not mandatory to implement area rating.

4.12 Allocation of Development

This step involves relating the costs involved to anticipated development for each period under consideration and using allocations between residential and non-residential development and between one type of development and another, to arrive at a schedule of charges.

4.13 Asset Management

The legislation now requires that a D.C. background study must include an asset management plan (subsection 10 (2) c.2). The asset management plan (A.M.P.) must deal with all assets that are proposed to be funded, in whole or in part, by D.C.s. The current regulations provide very extensive and specific requirements for the A.M.P. related to transit services (as noted in the subsequent subsection); however, they are silent with respect to how the A.M.P. is to be provided for all other services. As part of any A.M.P., the examination should be consistent with the municipality’s existing



assumptions, approaches, and policies on asset management planning. This examination has been included in Appendix F.

4.14 Mandatory Phase-in of a D.C.

For all D.C. by-laws passed after January 1, 2022, the charge must be phased-in relative to the maximum charge that could be imposed under the by-law. The phase-in for the first 5-years that the by-law is in force, is as follows:

- Year 1 - 80% of the maximum charge;
- Year 2 – 85% of the maximum charge;
- Year 3 – 90% of the maximum charge;
- Year 4 – 95% of the maximum charge; and
- Year 5 to expiry – 100% of the maximum charge.

Note that the phase-in is not part of the methodology required for calculating the charge, but a rule that has to be included in the by-laws which informs implementation. Further, based on the release of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, it is anticipated that the mandatory phase-in may be removed from the D.C.A. in 2024.

4.15 Mandatory Discount for Rental Housing Development

For all rental housing developments that are subject to D.C.s, where a by-law is passed after November 28, 2022, the charge is discounted for the rental housing development relative to the maximum charge that could be imposed under the by-law. The amount of the discount is dependant on the number of bedrooms in each unit, as follows:

1. Residential units intended for use as a rented residential premises with three (3) or more bedrooms – 25% discount.
2. Residential units intended for use as a rented residential premises with two (2) bedrooms – 20% discount.
3. Residential units intended for use as a rented residential premises not referred to 1 or 2 above – 15% discount.

Note that these discounts are not part of the methodology required for calculating the charge, but a rule that has to be included in the by-laws which informs implementation.



Chapter 5

D.C. Eligible Cost Analysis by Service



5. D.C. Eligible Cost Analysis by Service

5.1 Introduction

This chapter outlines the basis for calculating eligible costs for the D.C.s to be applied on a uniform basis for the defined service areas. In each case, the required calculation process set out in subsection 5 (1) paragraphs 2 to 7 in the D.C.A., and described in Chapter 4, was followed in determining D.C. eligible costs.

The service component is evaluated on two format sheets:

1. The service standards that provide the average historical 15-year level of service calculation (see Appendix B), which “caps” the D.C. amounts; and
2. The infrastructure cost calculation, which determines the potential D.C. recoverable cost.

The nature of the capital projects and timing identified in the Chapter reflect Council’s current intention. Over time, however, City projects and Council priorities may change; accordingly, Council’s intentions may be altered, and different capital projects (and timing) may be necessary to meet the need for services required by new growth.

5.2 Service Levels and 10-Year Capital Costs for City-wide D.C. Services Calculation

This section evaluates the development-related capital requirements for Fire Protection, Parks and Recreation, Library, Provincial Offences Act (P.O.A) including By-law Enforcement, and Waste Diversion Services over the 10-year forecast period (2024 to 2033).

5.2.1 Fire Protection Services

The City currently provides fire protection services through six (6) fire stations, along with additional facilities such as a temporary fire training tower, a portable washroom, training portable, and 2 C-Can Storage units. These amount to a total of 78,081 sq.ft. of facility area. The City also owns 45 vehicles as well as a total inventory of 1,937 small equipment and gear.



The facility spaces and additional assets provide an average level of service of approximately \$576 per capita over the past 15 year. In aggregate, the maximum D.C. eligible amount that can be included in the calculation of the charge for the services is approximately \$21.3 million.

Table 5-1 provides the associated 10-year capital program for Fire Protection Services. To support future growth, the gross cost of growth-related capital projects identified by the City is approximately \$60.58 million. In addition, the deficit in the Fire D.C. reserve fund of approximately \$3.13 million has been included related to growth-works undertaken and committed through prior year capital approvals. A deduction related to the post-period benefits for future growth of approximately \$28.87 million, has been made. Further, deductions related to the benefit to the existing community and grants, subsidies, and other contributions have been made, totalling approximately \$7.6 and \$6 million, respectively. As a result, \$21.27 million has been included in the calculation of the charge, of which is \$16.59 million (78%) had been apportioned to residential development and \$4.68 million (22%) has been apportioned to non-residential development, based on the relationship of incremental population and employment growth.

5.2.2 Parks and Recreation Services

The City currently provides a variety of parks and recreation-related assets to service the community. A summary of the inventory is provided below:

1. 1,318 acres of parkland including parks and parkettes (e.g., community, neighbourhood, regional, etc.), and open space;
2. 380 amenities that include items such as sport fields, baseball diamonds, skateboard parks, playgrounds, splashpads, and tennis courts, etc.;
3. 30,474 linear metres of trails and paths;
4. 914,137 sq.ft. of recreational building area that includes various recreation centres, pools, gymnasiums, etc.,
5. 51,156 sq.ft. of Parks Operations Facility space;
6. 127 vehicles and equipment related to Parks and Recreation Services, including pickup trucks, trailers, mowers, etc.

The total inventory of assets related to Parks and Recreation Services has provided an invested level of service of \$5,722 per capita over the past 15-years. The capital



program for the 10-year growth-related needs for the City is provided in table 5-2. The program includes the needs for additional parkland development, recreation facilities, trail development, and vehicles. It also includes the outstanding growth-related debt for the operation depot and Delpark Homes Centre. As such, the gross capital cost for all projects is \$308.83 million. A deduction of approximately \$34.4 million was made to recognize the post-period benefit of the capital works, and \$58.29 million was deducted as a result of the benefit to the existing community. Further, \$29.64 million in existing D.C. reserve funds has been deduction from the capital costs, resulting in net D.C. recoverable costs of approximately \$186.5 million. The D.C. recoverable cost has been apportioned to residential and non-developments, of \$177.17 million and \$9.32 million, respectively. As the predominant users of this service tend to be residents of the City, the growth-related costs have been allocated 95% to residential and 5% to non-residential development.

5.2.3 Library Services

The City currently owns and maintains four libraries, with a total of 95,085 sq.ft. of library space. The libraries house an inventory of approximately 341,200 library collection items, and two 2 vehicles. As such, the average level of service over the past 15 years was approximately \$564 per capita. Based on the application of this level of service to the incremental 10-year forecast growth, the City would be eligible to collect approximately \$20.84 million from D.C.s for the service over the forecast period.

The corresponding 10-year capital program is provided in Table 5-3. The capital projects include provisional items along with additional new and expansion of library branches. Specifically, the need for additional library facility space was identified in the City's Parks Recreation Library and Culture (P.R.L.C.) Facility Needs Assessment. As such, the gross capital cost estimate of all projects is approximately \$26.41 million. Deductions related to the benefit to the existing community of \$1.88 million have been made, net of the reserve fund adjustment of \$3.68 million, which have also been deducted. Therefore, the total D.C. recoverable cost included in the calculation is \$20.84 million, of which \$19.8 million and \$1.04 million, approximately, have been allocated to residential and non-residential development, respectively. Similar to Parks and Recreation Services, the growth-related cost-share has been apportioned 95% to residential and 5% to non-residential development as the predominant users of this service tend to be residents of the City.



5.2.4 Provincial Offences Act including By-law Enforcement Services

The City currently owns and maintains approximately 18,000 sq.ft. of facility space of P.O.A., including By-law Enforcement. This includes office and garage space along with the Oshawa Executive Airport. Additionally, there are 25 vehicles that are utilized to provide this service, including vans, SUVs, and pickup trucks. As such, the total inventory of assets over the past 15-years results in an invested level of service of approximately \$70 per capita. When applied to the 10-year forecast population, a maximum D.C. eligible cost of \$2.58 million is applicable.

As outlined in Table 5-4, the gross capital cost for capital projects for P.O.A. including By-law Enforcement is approximately \$1.1 million, which includes additional vehicles, expansions, and other necessary equipment required to accommodate growth over the forecast period. A benefit to existing deduction of \$307,100 was applied. Therefore, the total of \$778,200 in growth-related needs have been included in the calculation of the D.C. Of this D.C. recoverable amount, approximately \$607,000 (78%) is allocated to the residential development and approximately \$171,200 (22%) to the non-residential base on the incremental growth in population and employment over the 10-year forecast period.

5.2.5 Waste Diversion

The City is responsible for the collection of waste including materials diverted from landfills. The City's service level for waste diversion is comprised of a share of the Consolidated Operations Depot as well as a number of vehicles including those used for waste collection. The garbage packers have been utilized for diversion over the past 15-years at a range of 34% to 39%, with the balance of the vehicles related to landfill (which is ineligible for recovery through D.C.s). The City maintains 667 sq.ft. of facility space related to waste diversion and 9.12 vehicles and equipment. Therefore, the average level of service over the past 15 years is approximately \$23 per capita. Based on the application of this level of service to the incremental 10-year forecast growth, the City would be eligible to collect \$854,145 from D.C.s over the forecast period.

As shown in Table 5-5, the growth-related capital needs for this service include the acquisition of three (3) additional collection vehicles and the City's share of the land and construction costs related to the Northern Depot, providing a gross capital cost of approximately \$2.2 million. A deduction related to the post-period benefit of \$127,200 has been made. Other deductions of \$1.33 million have been made to recognize the



portion of these costs associated with landfill which is ineligible for recovery through D.C.s. Further, a deduction related to the benefit to the existing community of \$55,800 has also been made, net of the reserve fund adjustment of approximately \$30,000. As a result, a total D.C. recoverable cost of \$638,791 has been included in the calculation of the charge, with \$498,257 (78%) attributable to residential development and \$140,534 (22%) attributable to non-residential development, which is based on the incremental growth in population to employment for the 10-year forecast period.



Table 5-1
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Fire Protection Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2033	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 78%	Non-Residential Share 22%
1	Fire Training Facility	2028-2029	10,990,000	6,594,000		4,396,000	2,748,000		1,648,000	1,285,440	362,560
2	Fire Station #7	2027-2028	24,760,000	9,025,000		15,735,000	2,476,000		13,259,000	10,342,020	2,916,980
3	Pumper/Rescue & Equipment for Fire Station #7	2026-2028	1,425,000	-		1,425,000	143,000		1,282,000	999,960	282,040
4	Bunker Gear for additional Firefighters (20) Station #7	2026-2028	328,800			328,800	32,900		295,900	230,802	65,098
5	Fire Station #8	2034-2051	11,500,000	11,500,000		-	-		-	-	-
6	Pumper/Rescue for Fire Station #8	2034-2051	1,425,000	1,425,000		-	-		-	-	-
7	Bunker Gear for additional Firefighters (20) Satation	2034-2051	328,800	328,800		-	-		-	-	-
8	Two 8' x 40' C-Can (storage)	2024	21,000	-		21,000	-		21,000	16,380	4,620
9	NG911 Network Upgrade (Phase 1)	2024	1,119,325	-		1,119,325	16,200	1,100,000	3,125	2,438	688
10	NG911 Network Upgrade (Phase 2)	2024	3,695,000	-		3,695,000	644,000	2,926,000	125,000	97,500	27,500
11	NG911 Network Upgrade (Phase 3)	2024-2025	3,185,675	-		3,185,675	1,333,000	1,593,000	259,675	202,546	57,128
12	Fire Distpatch Expansion	2024	600,000	-		600,000	200,000	360,000	40,000	31,200	8,800
13	Additional Rescue for Intensification in Existing Area	2024	1,200,000	-		1,200,000	-		1,200,000	936,000	264,000
	Adjustments:										
14	Reserve Fund Adjustment		3,132,080	-		3,132,080	-		3,132,080	2,443,022	689,058
	Total		63,710,680	28,872,800	-	34,837,880	7,593,100	5,979,000	21,265,780	16,587,308	4,678,472



**Table 5-2
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Parks and Recreation Services**

Prj. No.	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 95%	Non-Residential Share 5%
	2024 to 2033										
1	New Community Centre in Northwoods Business Area	2026-2027	112,719,173	-		112,719,173	11,271,900		101,447,273	96,374,910	5,072,364
2	Northwoods - North Field Parkland Development and Amenities	2026-2027	26,984,000	-		26,984,000	-		26,984,000	25,634,800	1,349,200
3	Northwoods - South Field (Windfields Community Park) - Parkland Development and Amenities	2026-2027	15,557,000	-		15,557,000	-		15,557,000	14,779,150	777,850
4	Rotary Park Redevelopment	2024-2025	25,000,000	-		25,000,000	12,500,000		12,500,000	11,875,000	625,000
5	Kedron Part II Plan Community Park	2028-2029	11,717,000	-		11,717,000	585,900		11,131,100	10,574,545	556,555
6	Thornton Community Park Development (Rose Valley Community Park)	2024-2025	8,600,000	-		8,600,000	430,000		8,170,000	7,761,500	408,500
7	Downtown Park (Bond/Simcoe Urban Park)	2024-2025	3,568,000	-		3,568,000	356,800		3,211,200	3,050,640	160,560
8	Harbour Park Redevelopment	2034-2051	18,915,000	9,457,000		9,458,000	9,458,000		-	-	-
9	Fittings Subdivision Park	2027-2028	731,000	-		731,000	36,600		694,400	659,680	34,720
10	North Central Taunton Park	2027-2028	827,000	-		827,000	41,400		785,600	746,320	39,280
11	Kedron Part II Plan Neighbourhood Park 1	2027-2028	797,000	-		797,000	39,900		757,100	719,245	37,855
12	Kedron Part II Plan Neighbourhood Park 2	2025-2026	797,000	-		797,000	39,900		757,100	719,245	37,855
13	Simcoe and Elena Park	2025-2026	945,000	-		945,000	47,300		897,700	852,815	44,885
14	Kedron Part II Plan Parkette 1	2025-2026	457,000	-		457,000	22,900		434,100	412,395	21,705
15	Kedron Part II Plan Parkette 2	2027-2028	482,000	-		482,000	24,100		457,900	435,005	22,895
16	Kedron Part II Plan Parkette 3	2027-2028	457,000	-		457,000	22,900		434,100	412,395	21,705
17	Kedron Part II Plan Parkette 4	2024	350,000	-		350,000	17,500		332,500	315,875	16,625
18	Kedron Part II Plan Parkette 5	2025-2026	482,000	-		482,000	24,100		457,900	435,005	22,895
19	Kedron Part II Plan Parkette 6	2025-2026	482,000	-		482,000	24,100		457,900	435,005	22,895
20	Kedron Part II Plan Parkette 7	2027	407,000	-		407,000	20,400		386,600	367,270	19,330
21	Kedron Part II Plan Parkette 8	2027-2028	482,000	-		482,000	24,100		457,900	435,005	22,895
22	Kedron Part II Plan Parkette 9	2028-2029	457,000	-		457,000	22,900		434,100	412,395	21,705
23	Kedron Part II Plan Parkette 10	2027-2028	482,000	-		482,000	24,100		457,900	435,005	22,895
24	Second Marsh Redevelopment	2025-2033	6,500,000	-		6,500,000	4,875,000		1,625,000	1,543,750	81,250
25	Taunton Part II Plan - Link 1 (Esterbrook to Salmers/Arborwood); Link 3 (Esterbrook to Conlin incl. 1 underpass)	2024	2,712,000	-		2,712,000	271,200		2,440,800	2,318,760	122,040



Table 5-2 (continued)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Parks and Recreation Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 95%	Non-Residential Share 5%
	2024 to 2033										
26	Windfields Part II Plan - Link 5 (Conlin to Britannia east of Bridle)	2024-2025	1,650,000	-		1,650,000	165,000		1,485,000	1,410,750	74,250
27	Not in Part II Plan - Link 6 (between Ormond Dr. South and North) - 2.7km	2034-2051	870,000	783,000		87,000	87,000		-	-	-
28	Not in Part II Plan - Link 7 (Ormond Dr. To Ritson) - 1.4 km	2034-2051	290,000	261,000		29,000	29,000		-	-	-
29	Windfields Part II Plan - Link 12 (East-west link to Neigh Park 4 incl 1 Bridge)	2027-2028	639,000	-		639,000	63,900		575,100	546,345	28,755
30	Windfields Part II Plan - Link 13 (Britannia to Pipeline)	2024-2025	2,640,000	-		2,640,000	264,000		2,376,000	2,257,200	118,800
31	Windfields Part II Plan - Link 14 (Britannia to Hydro Corr. Incl. 1 Underpass)	2027-2028	556,000	-		556,000	55,600		500,400	475,380	25,020
32	Taunton Part II Plan - Link 15 (Legends to Conlin Rd.)	2029-2030	697,000	-		697,000	69,700		627,300	595,935	31,365
33	Windfields Part II Plan - Link 17 (Conlin to Britannia Incl. 1 Bridge & 1 Underpass)	2027-2028	1,162,000	-		1,162,000	116,200		1,045,800	993,510	52,290
34	Kedron Part II Plan - Link 18 (Conlin to Planning Area North Boundary at East Ritson)	2027-2028	581,000	-		581,000	58,100		522,900	496,755	26,145
35	Eastdale Part II Plan - Link 19 (Grandview to Townline Incl. 1 Bridge)	2027-2028	494,000	-		494,000	49,400		444,600	422,370	22,230
36	Pinecrest Part II Plan - Link 24 (East of Harmony Rd. and North of Beatrice St. to West of Grandview Rd. and South of Taunton)	2027-2028	511,000	-		511,000	51,100		459,900	436,905	22,995
37	Pinecrest Part II Plan - Link 25 (East of Wilson Rd. and North of Beatrice St. to West of Harmony Rd. and North of Beatrice St.)	2027-2028	558,000	-		558,000	55,800		502,200	477,090	25,110
38	Pinecrest Part II Plan - Link 26 (West of Harmony Rd. and North of Beatrice St. to West of Harmony Rd. and South of Taunton)	2028-2029	604,000	-		604,000	60,400		543,600	516,420	27,180
39	Eastdale Part II Plan - Link 27 (East of Harmony Rd. and North of Adelaide Ave. to East of Harmony Rd. and South of Roslin Rd.)	2028-2029	464,000	-		464,000	46,400		417,600	396,720	20,880



Table 5-2 (continued)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Parks and Recreation Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 95%	Non-Residential Share 5%
	2024 to 2033										
40	Eastdale Part II Plan - Link 28 (East of Harmony Rd. and North of Adelaide Ave. to Link 27)	2029-2030	139,000	-		139,000	13,900		125,100	118,845	6,255
41	Eastdale Part II Plan - Link 29 (East of Harmony Rd. and North of Rossland Rd. to Ridge Valley Park)	2029-2030	232,000	-		232,000	23,200		208,800	198,360	10,440
42	Eastdale Part II Plan - Link 30 (East of Grandview St. and North of Rossland Rd. to Link 19)	2030-2031	558,000	-		558,000	55,800		502,200	477,090	25,110
43	Eastdale Part II Plan - Link 31 (West of Grandview St. and North of Rossland Rd. to Ridge Valley Park)	2030-2031	279,000	-		279,000	27,900		251,100	238,545	12,555
44	Taunton Part II Plan - Link 32 (West of Grandview St. and North of Taunton Rd. to West of Grandview St. and South of	2031-2032	279,000	-		279,000	27,900		251,100	238,545	12,555
45	Taunton Part II Plan - Link 33 (West of Grandview St. and North of Coldstream to West of Grandview St. and Salmers Dr.)	2031-2032	46,000	-		46,000	4,600		41,400	39,330	2,070
46	Windfields Part II Plan - Link 34 (Link 11 to Link 10)	2030-2031	186,000	-		186,000	18,600		167,400	159,030	8,370
47	Link 36 (Farewell Park to Florell Park)	2031-2032	604,000	-		604,000	302,000		302,000	286,900	15,100
48	Link 37 (Florell Park to Colonel Sam Dr.)	2032-2033	5,924,000	-		5,924,000	2,962,000		2,962,000	2,813,900	148,100
49	Link 38 - Colonel Sam Dr. to South of Hwy. 401	2032-2033	837,000	-		837,000	418,500		418,500	397,575	20,925
50	Link 39 - West of Harmony Rd at Easton Park to Harmony Creek Trail	2033	279,000	-		279,000	139,500		139,500	132,525	6,975
51	Link 40 - West of Harmony Rd. and North of Rossland Rd. to East of Attersley and North of Rossland Rd.	2033	33,000	-		33,000	16,500		16,500	15,675	825
52	Link 41 - East of Harmony Rd. to Wilson Rd. South and Taunton Rd.	2033	46,000	-		46,000	23,000		23,000	21,850	1,150
53	Link 42 - West of Ritson Rd. and North of Britannia Ave. to Link 59	2033	116,000	-		116,000	58,000		58,000	55,100	2,900



Table 5-2 (continued)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Parks and Recreation Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2033	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 95%	Non-Residential Share 5%
54	Link 43 - Beatrice Rd. to South of Taunton Rd.	2033	56,000	-		56,000	28,000		28,000	26,600	1,400
55	Link 44 - Beatrice Rd. and West of Wilson Rd. to South of Taunton Rd.	2034-2051	741,000	370,500		370,500	370,500		-	-	-
56	Link 45 - South of Taunton and West of Wilson to South of Whitehall Park	2034-2051	638,000	319,000		319,000	319,000		-	-	-
57	Link 46 - Goodman Park to West end of Annapolis Ave.	2034-2051	928,000	464,000		464,000	464,000		-	-	-
58	Link 47 - Prestwick Park to South of Taunton Rd. and East of Thornton Rd.	2034-2051	2,860,000	1,430,000		1,430,000	1,430,000		-	-	-
59	Link 48 - North of Adelaide and East of Park Rd. to Alexandra St.	2034-2051	1,137,500	568,700		568,800	568,800		-	-	-
60	Link 49 - East / West Link South of Airport	2034-2051	870,000	435,000		435,000	435,000		-	-	-
61	Not in Part II Plan - Link 50 - West of Ritson Rd and South of Winchester Rd. to Link 13	2034-2051	429,000	214,500		214,500	214,500		-	-	-
62	Link 51 - North of Taunton Rd and South of Simcoe St. to Conlin Rd.	2034-2051	1,820,000	910,000		910,000	910,000		-	-	-
63	Link 52 - Link 51 to Link 7	2034-2051	1,335,000	667,500		667,500	667,500		-	-	-
64	Link 53 - Glovers Rd. to South of Camp Samac	2034-2051	3,640,000	1,820,000		1,820,000	1,820,000		-	-	-
65	Link 54 - North of Ormond Dr, to South of Conlin Rd.	2034-2051	1,040,000	520,000		520,000	520,000		-	-	-
66	Link 55 - South of Conlin Rd. and East of Ritson Rd. to Wilson Rd. and South of Conlin	2034-2051	580,000	290,000		290,000	290,000		-	-	-
67	Link 56 - South of Conlin Rd. and East of Ritson Rd. to Quail Run Dr.	2034-2051	174,000	87,000		87,000	87,000		-	-	-
68	Link 57 - North of Greenhill Ave. and West of Harmony Rd. to Quail Run Dr.	2034-2051	174,000	87,000		87,000	87,000		-	-	-
69	Link 58 - Link 18 to Link 59	2034-2051	754,000	377,000		377,000	377,000		-	-	-
70	Link 59 - From Thornton Rd. to Townline Rd.	2034-2051	4,120,000	2,060,000		2,060,000	2,060,000		-	-	-
71	Link 60 - North of Winchester Rd. and West of Grandview St. to Link 59	2034-2051	174,000	87,000		87,000	87,000		-	-	-
72	Link 61 - West of Townline Rd. and South of Winchester Rd. to Link 59	2028-2029	279,000	-		279,000	139,500		139,500	132,525	6,975



Table 5-2 (continued)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Parks and Recreation Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 95%	Non-Residential Share 5%
	2024 to 2033										
73	Link 62 - West of Winchester Rd. and North of Link 59 to South of Columbus Rd.	2034-2051	1,690,000	845,000		845,000	845,000		-	-	-
74	Link 63 - East of Thornton Rd. and South of Columbus Rd. to North of Howden Rd.	2034-2051	2,089,000	1,044,500		1,044,500	1,044,500		-	-	-
75	Large Grass Mower	2028-2030	189,000	-		189,000	9,500		179,500	170,525	8,975
76	Forestry Bucket Truck 37 foot	2028-2030	225,000	-		225,000	11,300		213,700	203,015	10,685
77	Tractor with plow and salter for trails	2026	300,000	-		300,000	-		300,000	285,000	15,000
78	Horticulture Pickup	2026	100,000	-		100,000	-		100,000	95,000	5,000
79	Tractor with plow and salter for trails	2030	300,000	-		300,000	-		300,000	285,000	15,000
80	Northern Depot (land and construction)	2027-2028	17,761,000	11,292,500		6,468,500	-		6,468,500	6,145,075	323,425
	Outstanding Growth-Related Debt &										
81	Consolidated Operations Depot Outstanding	2024-2033	1,238,172	-		1,238,172	61,900		1,176,272	1,117,459	58,814
82	Consolidated Operations Depot Outstanding	2024-2033	140,874	-		140,874	7,000		133,874	127,180	6,694
83	Unfunded Delpark Homes Centre Debt	2024-2027	816,722	-		816,722	-		816,722	775,886	40,836
84	Unfunded Delpark Homes Centre Debt Interest - Discounted	2024-2027	50,931	-		50,931	-		50,931	48,385	2,547
	Adjustments:										
85	Reserve Fund Adjustment			-			29,643,786		(29,643,786)	(28,161,597)	(1,482,189)
	Total		308,831,373	34,390,200	-	274,441,173	87,941,786	-	186,499,387	177,174,418	9,324,969



Table 5-3
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Library Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2033	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 95%	Non-Residential Share 5%
1	Addition to Collections System Wide	2024	141,400	-		141,400	7,100		134,300	127,585	6,715
2	New Branch	2026-2027	15,906,000	-		15,906,000	1,759,700		14,146,300	13,438,985	707,315
3	Addition to Collections System Wide	2025-2033	860,000	-		860,000	43,000		817,000	776,150	40,850
4	New Branch Technology & Furniture	2025-2033	675,000	-		675,000	74,700		600,300	570,285	30,015
5	Library Lending Machines	2025-2033	150,000	-		150,000	-		150,000	142,500	7,500
6	New Branch Opening Day Collection	2025-2033	500,000	-		500,000	-		500,000	475,000	25,000
7	Expansion of Library branches	2025-2033	8,019,000	-		8,019,000	-		8,019,000	7,618,050	400,950
8	Library branch expansion Technology & Furniture	2025-2033	157,500	-		157,500	-		157,500	149,625	7,875
	Adjustments:										
9	Reserve Fund Adjustment						3,681,855		(3,681,855)	(3,497,762)	(184,093)
	Total		26,408,900	-	-	26,408,900	5,566,355	-	20,842,545	19,800,418	1,042,127



Table 5-4
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Provincial Offences Act Including By-law Enforcement

Prj. No.	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
	2024 to 2033								78%	22%	
1	Compact Cars & Midsize Cars- Class 00 (4)	2024-2026	260,000	-		260,000	-		260,000	202,800	57,200
2	Compact Cars & Midsize Cars- Class 00 (5)	2027-2031	325,000	-		325,000	-		325,000	253,500	71,500
3	Expansion of Space at Airport	2025	71,300	-		71,300	-		71,300	55,614	15,686
4	By-Law Enforcement Vehicle Equipment (Cameras)	2025	100,000	-		100,000	83,000		17,000	13,260	3,740
5	Hand Held Radios	2025-2031	50,000	-		50,000	-		50,000	39,000	11,000
6	Hand Held Printers	2025-2031	9,000	-		9,000	-		9,000	7,020	1,980
7	Automated Speed Enforcement Cameras (9)	2024-2033	270,000	-		270,000	224,100		45,900	35,802	10,098
	Total		1,085,300	-	-	1,085,300	307,100	-	778,200	606,996	171,204

Table 5-5
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Waste Diversion Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
	2024 to 2033								78%	22%	
1	Collection Vehicle	2026-2030	557,000	-	339,770	217,230	27,900		189,330	147,677	41,653
2	Collection Vehicle	2030	557,000	-	339,770	217,230	27,900		189,330	147,677	41,653
3	Collection Vehicle	2033	557,000	-	339,770	217,230	-		217,230	169,439	47,791
4	Northern Depot (land and construction)	2027-2028	513,000	127,200	312,930	72,870	-		72,870	56,839	16,031
	Adjustments:										
5	Reserve Fund Adjustment						29,969		(29,969)	(23,376)	(6,593)
	Total		2,184,000	127,200	1,332,240	724,560	85,769	-	638,791	498,257	140,534



5.3 Service Levels and 27-Year (2024-2051) Capital Costs for City-wide D.C. Services Calculation

This section evaluates the development-related capital requirements for Services Related to a Highway and Stormwater Services within the 27-year forecast period (2024 to 2051). It should be noted that Stormwater Services infrastructure cost calculation is not limited by a historical level of service as indicated earlier in section 4.10.1.

5.3.1 Services Related to a Highway

The City provides Services Related to a Highway through various service components that are listed below:

- 823 km of roadways, sidewalks, and multi-use paths;
- 53 arterial and collector bridges and culverts;
- 3,103 streetlights and traffic signals;
- 80,479 sq.ft. in public works space;
- 152 vehicles and equipment.

The total inventory of assets over the past 15 years results in an invested level of service of \$10,944 per capita. When applied to the forecast population and employment growth to 2051, a maximum D.C. eligible cost of approximately \$1.11 billion.

The capital needs provided for in the calculation of the charge include:

- new road construction,
- road widenings
- intersection improvements;
- arterial road resurfacing;
- sidewalks on Regional roads and multi-use paths;
- traffic control and accessible pedestrian signals;
- streetlights on Regional roads;
- unfunded growth-related capital costs for the Consolidated Operations Depot;
- share of new Northern Depot; and
- additional road maintenance vehicles.



Table 5-6 provides the 27-year capital program for Services Related to a Highway. A gross capital cost of approximately \$1.01 billion over the 2024-2051 forecast period was identified. Deductions related to the benefit to the existing development and additional grants, subsidies and other contributions for new development were applied of approximately \$100.03 million and \$7.2 million, respectively. Further, the uncommitted D.C. reserve fund balance of \$42.72 million, approximately, has been deducted. As a result, the total D.C. recoverable cost included in the calculation of the charge is \$797.81 million, of which \$614.32 million (77%) and \$183.5 million (23%) is allocated to residential and non-residential development, respectively. The allocations are based on the incremental growth in population to employment for the 27-year forecast period.

5.3.2 Stormwater Services

The capital program for watercourse improvements (i.e., stormwater services) includes various projects that include improvements to the City's creeks and channels along with provisional items for watercourse erosion control work and watercourse expansion/upsizing needs.

The capital needs have been applied to the 2024 to 2051 forecast period. The gross capital cost for all projects is \$123.66 million. The calculation of share attributable to development during the 2024-2051 period takes into consideration the impact of future development in relation to the needs of existing development within each respective sub-watershed and ranges from 0% to 95% with the majority of the projects assigned a benefit to existing development of 15%. Therefore, deductions for the benefit to the existing community has been made for \$42.16 million along with an adjustment to the reserve fund of \$3.87 million. Further, a deduction of \$6.91 million to recognize the developer's responsibility consistent with the local service policy, has also been made. As such, the total D.C. recoverable share is \$70.71 million, which has been allocated between residential, and non-residential commercial/institutional, and non-residential industrial development. The allocations to the benefitting development have been made based on anticipated flow contribution by land use and is variable on a project-by-project basis.



**Table 5-6
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
for Services Related to a Highway**

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Location	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 77%	Non-Residential Share 23%
Roads:											
1	(DANTONBURY) BRITANNIA AVE W	West Limit to Thornton Rd N	2024-2028	3,806,000	-	3,806,000	-	-	3,806,000	2,930,620	875,380
2	(KEDRON) GRANDVIEW ST N	50M N Of Britannia Ave to (Kedron) ARTC3	2024-2028	8,095,000	-	8,095,000	-	-	8,095,000	6,233,150	1,861,850
3	(KEDRON) GRANDVIEW ST N	(Kedron) ARTC3 to Winchester Rd E	2034-2051	8,238,000	-	8,238,000	-	-	8,238,000	6,343,260	1,894,740
4	(KEDRON) TOWNLIN RD N	280M North Of Conlin Rd E to Britannia Ave	2024-2028	8,077,000	-	8,077,000	-	-	8,077,000	6,219,290	1,857,710
5	(KEDRON) TOWNLIN RD N	Britannia Ave to Winchester Rd E	2034-2051	13,494,000	-	13,494,000	-	-	13,494,000	10,390,380	3,103,620
6	(KEDRON) WILSON RD N	Conlin Rd E to (Kedron) ARTC3	2024-2028	11,788,000	-	11,788,000	1,067,600	-	10,720,400	8,254,708	2,465,692
7	(NORTHWOOD) STEVENSON RD N	Taunton Rd W to (Northwood) Mid-Block Arterial	2029-2033	15,534,000	8,699,000	6,835,000	621,400	-	6,213,600	4,784,472	1,429,128
8	(PINECREST) BEATRICE ST E	Harmony Rd N to Ridgemount Blvd	2034-2051	10,636,000	-	10,636,000	-	-	10,636,000	8,189,720	2,446,280
9	(WINDFIELDS) BRITANNIA AVE W	Thornton Rd N to Windfields Farm Dr	2024-2028	17,621,000	-	17,621,000	-	-	17,621,000	13,568,170	4,052,830
10	AIRPORT BLVD	Keith Ross Dr to Taunton Rd W	2024-2028	1,132,000	-	1,132,000	-	-	1,132,000	871,640	260,360
11	ALBERT ST	At CPR to 20M S Of Fisher ST	2024-2028	18,693,000	-	18,693,000	3,851,200	6,750,000	8,091,800	6,230,686	1,861,114
12	COLUMBUS RD	At Oshawa Creek & At Harmony Creek to Various Locations East of Simcoe St. N. & Mary St. N.	2034-2051	15,892,000	-	15,892,000	-	-	15,892,000	12,236,840	3,655,160
13	COLUMBUS RD E	At Oshawa Creek to 23M E OF RITSON RD N	2024-2028	28,119,000	-	28,119,000	1,222,700	-	26,896,300	20,710,151	6,186,149
14	COLUMBUS RD E	SIMCOE ST N to GRASS GROVE LANE	2029-2033	13,642,000	-	13,642,000	1,001,700	28,500	12,611,800	9,711,086	2,900,714
15	COLUMBUS RD E	At Oshawa Creek to 113M E Of Wilson Rd N	2034-2051	17,633,000	-	17,633,000	2,033,600	-	15,599,400	12,011,538	3,587,862
16	COLUMBUS RD W	AT OSHAWA CREEK to 207M W OF SIMCOE ST N	2029-2033	14,435,000	-	14,435,000	1,321,500	-	13,113,500	10,097,395	3,016,105
17	COLUMBUS RD W	AT OSHAWA CREEK to 207M W OF SIMCOE ST N	2034-2051	18,002,000	-	18,002,000	1,644,600	-	16,357,400	12,595,198	3,762,202
18	CONLIN RD E	AT HARMONY CREEK to 187M W OF TOWNLIN RD N & 60M E OF COPPERMINE ST	2024-2028	67,919,000	-	67,919,000	6,791,900	-	61,127,100	47,067,867	14,059,233
19	AT CONLIN RD E	80M E of Wilson Rd N	2024-2028	12,227,000	-	12,227,000	1,222,700	-	11,004,300	8,473,311	2,530,989
20	HOWDEN RD E	AT OSHAWA CREEK - 422M E OF RITSON RD N	2034-2051	21,158,000	-	21,158,000	2,769,200	-	18,388,800	14,159,376	4,229,424
21	HOWDEN RD W	At Oshawa Creek - 817M E of Thornton Rd N	2034-2051	13,823,000	-	13,823,000	1,009,200	-	12,813,800	9,866,626	2,947,174
22	AT RITSON RD N	872M N of Columbus Rd E	2034-2051	2,192,000	-	2,192,000	-	-	2,192,000	1,687,840	504,160
23	AT RITSON RD N	AT OSHAWA CREEK - Various Locations	2034-2051	88,934,000	-	88,934,000	5,997,800	-	82,936,200	63,860,874	19,075,326
24	THORNTON RD N	AT OSHAWA CREEK - Various Locations	2024-2028	45,153,000	-	45,153,000	2,838,200	-	42,314,800	32,582,396	9,732,404
25	THORNTON RD N	At Various Locations	2029-2033	316,000	-	316,000	-	-	316,000	243,320	72,680
26	THORNTON RD N	(NORTHERN) ARTC6 - COLUMBUS RD W	2034-2051	819,400	-	819,400	-	-	819,400	630,938	188,462
27	THORNTON RD N	At Various Locations	2034-2051	41,527,000	-	41,527,000	4,833,500	-	36,693,500	28,253,995	8,439,505
28	BEATRICE ST E	At Harmony Creek - 84M E Of Simcoe St N	2034-2051	48,618,000	-	48,618,000	2,181,300	-	46,436,700	35,756,259	10,680,441
29	BEATRICE ST W	Various Locations	2052	41,793,000	41,793,000	-	-	-	-	-	-
30	BRIDLE2	At Various Locations	2029-2033	13,482,000	-	13,482,000	-	-	13,482,000	10,381,140	3,100,860
30	BRIDLE3	At Various Locations	2029-2033	17,843,000	-	17,843,000	-	-	17,843,000	13,739,110	4,103,890
30	JOHN ST EULALIE AVE CONNECTION	John St E to Eulalie Ave	2024-2028	3,333,000	-	3,333,000	-	-	3,333,000	2,566,410	766,590
31	KING/BOND CORRIDOR	CITY WIDE	2024-2028	1,271,000	-	1,271,000	-	-	1,271,000	978,670	292,330
32	KING/BOND CORRIDOR	CITY WIDE	2029-2033	12,500,000	-	12,500,000	6,250,000	-	6,250,000	4,812,500	1,437,500
33	MARY ST N	Various Locations	2029-2033	2,977,000	-	2,977,000	272,200	-	2,704,800	2,082,696	622,104
34	RAGLAN RD E	Simcoe St N - Townline Rd N	2034-2051	17,088,000	-	17,088,000	2,563,200	-	14,524,800	11,184,096	3,340,704
35	SIMCOE ST S	SOUTH LIMIT to HARBOUR RD	2029-2033	19,962,000	-	19,962,000	1,923,200	-	18,038,800	13,889,876	4,148,924
36	STEVENSON RD N	Various Locations	2029-2033	5,324,000	-	5,324,000	-	-	5,324,000	4,099,880	1,224,520
37	STEVENSON RD N	STEVENSON RD N to AIRPORT BLVD	2034-2051	11,051,000	-	11,051,000	-	-	11,051,000	8,509,270	2,541,730
38	SURVEY EQUIPMENT UPGRADES	City Wide	2024-2028	50,000	-	50,000	2,500	-	47,500	36,575	10,925



Table 5-6 (continued)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
for Services Related to a Highway

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Location	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 77%	Non-Residential Share 23%
39	INTENSIFICATION TRANSPORTATION INFRASTRUCTURE	City Wide	2024-2028	750,000	-	750,000	375,000	-	375,000	288,750	86,250
40	TOWN2	AT BRITL1 & AT TOWNLINE RD N	2024-2028	700,000	-	700,000	-	-	700,000	539,000	161,000
41	TOWNLINE RD N	Various Locations	2024-2028	2,186,000	-	2,186,000	197,900	-	1,988,100	1,530,837	457,263
42	TOWNLINE RD N	Various Locations	2034-2051	17,590,000	15,303,300	2,286,700	351,800	-	1,934,900	1,489,873	445,027
43	TOWNLINE RD S	CHERRYDOWN DR to 90m S OF OLIVE AVE	2029-2033	36,606,000	-	36,606,000	63,900	-	36,542,100	28,137,417	8,404,683
44	WILSON RD N	(KEDRON) ARTC3 to WINCHESTER RD E	2034-2051	5,625,000	-	5,625,000	509,400	-	5,115,600	3,939,012	1,176,588
45	WILSON RD N	TAUNTON RD E to CONLIN RD E	2034-2051	15,632,000	-	15,632,000	1,415,700	-	14,216,300	10,946,551	3,269,749
46	WILSON RD S	Various Locations	2029-2033	6,378,000	-	6,378,000	667,000	-	5,711,000	4,397,470	1,313,530
47	WINCHESTER RD E	GRANDVIEW ST N to TOWNLINE RD N	2034-2051	1,866,000	-	1,866,000	279,900	-	1,586,100	1,221,297	364,803
48	Arterial Road Resurfacing	Various	2024-2028	8,355,000	-	8,355,000	6,266,300	-	2,088,700	1,608,299	480,401
49	Arterial Road Resurfacing	Various	2029-2033	8,355,000	-	8,355,000	6,266,300	-	2,088,700	1,608,299	480,401
50	Arterial Road Resurfacing	Various	2034-2051	14,203,000	-	14,203,000	10,652,300	-	3,550,700	2,734,039	816,661
51	COL4	AT WINCHESTER RD W	2024-2028	10,342,000	-	10,342,000	879,100	427,500	9,035,400	6,957,258	2,078,142
52	DREW ST	TORONTO AVE to FIRST AVE/MCNAUGHTON	2024-2028	1,251,000	-	1,251,000	153,700	-	1,097,300	844,921	252,379
53	FIRST AVE	SIMCOE ST S to DREW ST/MCNAUGHTON AVE	2024-2028	4,246,000	-	4,246,000	521,700	-	3,724,300	2,867,711	856,589
54	MCNAUGHTON AVE	DREW ST/FIRST AVE to RITSON RD S	2024-2028	1,486,000	-	1,486,000	182,600	-	1,303,400	1,003,618	299,782
	Active Transportation: Sidewalks and Multi-use on City Roads:										
55	LAVAL DR	THORNTON RD S to STEVENSON RD S	2029-2033	415,000	-	415,000	41,500	-	373,500	287,595	85,905
56	ACTIVE TRANSPORTATION NETWORK CONNECTIVITY	CITY WIDE - VARIOUS LOCATIONS	2024-2028	5,000,000	-	5,000,000	-	-	5,000,000	3,850,000	1,150,000
	Active Transportation: Sidewalks and Multi-use Paths on Regional Roads:										
57	(EASTDALE) ROSSLAND RD E	GRANDVIEW ST N to TOWNLINE RD N	2024-2028	1,453,000	-	1,453,000	-	-	1,453,000	1,118,810	334,190
58	(KEDRON) HARMONY RD N	CONLIN RD E to WINCHESTER RD E and CONLIN RD E to 343M N OF CONLIN RD E	2024-2028	450,000	-	450,000	-	-	450,000	346,500	103,500
59	ACTIVE TRANSPORTATION CONNECTIVITY (MTO)	CITY WIDE - VARIOUS LOCATIONS	2024-2028	12,250,000	-	12,250,000	6,125,000	-	6,125,000	4,716,250	1,408,750
60	ADELAIDE AVE W	OSHAWA/WHITBY BOUNDARY - THORNTON RD N	2024-2028	273,000	-	273,000	-	-	273,000	210,210	62,790
61	BLOOR ST E	Various Locations	2024-2028	1,333,000	-	1,333,000	-	-	1,333,000	1,026,410	306,590
62	BLOOR ST W	Various Locations	2024-2028	966,000	-	966,000	-	-	966,000	743,820	222,180
63	BLR1	50M N OF BRITANNIA AVE - (KEDRON) ARTC3	2024-2028	778,000	-	778,000	-	-	778,000	599,060	178,940
64	CHAMPLAIN AVE	Various Locations	2029-2033	1,300,000	-	1,300,000	-	-	1,300,000	1,001,000	299,000
65	GIBB ST	Various Locations	2024-2028	1,513,000	-	1,513,000	-	-	1,513,000	1,165,010	347,990
66	GIBB ST E	SIMCOE ST S to RITSON RD S	2024-2028	701,000	-	701,000	-	-	701,000	539,770	161,230
67	HARMONY RD N	CONLIN RD E to BRITANNIA AVE E and 1131 M N OF WINCHESTER RD E to COLUMBUS RD E	2024-2028	666,000	-	666,000	-	-	666,000	512,820	153,180
68	OLIVE AVE	DREW ST to RITSON RD S	2024-2028	85,100	-	85,100	-	-	85,100	65,527	19,573
69	RITSON RD N	Various Locations	2034-2051	1,698,000	-	1,698,000	-	-	1,698,000	1,307,460	390,540
70	ROSSLAND RD E	Various Locations	2024-2028	2,353,000	-	2,353,000	-	-	2,353,000	1,811,810	541,190
71	ROSSLAND RD W	Various Locations	2024-2028	966,000	-	966,000	-	-	966,000	743,820	222,180
72	SIMCOE ST N	Various Locations	2034-2051	3,117,000	-	3,117,000	-	-	3,117,000	2,400,090	716,910
73	TAUNTON RD E	Various Locations	2024-2028	1,751,000	-	1,751,000	-	-	1,751,000	1,348,270	402,730
74	TAUNTON RD W	WEST CITY LIMITS to THORNTON RD N and SOMERVILLE ST to SIMCOE ST N	2024-2028	369,000	-	369,000	-	-	369,000	284,130	84,870



Table 5-6 (continued)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
for Services Related to a Highway

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Location	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 77%	Non-Residential Share 23%
75	THORNTON RD N	DRYDEN BLVD to TAUNTON RD W	2024-2028	336,000	-	336,000	-	-	336,000	258,720	77,280
76	THORNTON RD S	CHAMPLAIN AVE to KING ST W	2024-2028	1,150,000	-	1,150,000	-	-	1,150,000	885,500	264,500
77	TOWNLIN RD N	Various Locations	2024-2028	1,916,000	-	1,916,000	-	-	1,916,000	1,475,320	440,680
78	TOWNLIN RD S	OLIVE AVE to KING ST E	2029-2033	327,000	-	327,000	-	-	327,000	251,790	75,210
79	WILSON RD N	Various Locations	2029-2033	806,000	-	806,000	-	-	806,000	620,620	185,380
	Programs:										
80	GEODETC CONTROL SURVEY MONUMENTS	City Wide	2024-2028	207,800	-	207,800	-	-	207,800	160,006	47,794
81	GEODETC CONTROL SURVEY MONUMENTS	City Wide	2029-2033	166,200	-	166,200	-	-	166,200	127,974	38,226
82	GEODETC CONTROL SURVEY MONUMENTS	City Wide	2034-2051	706,500	-	706,500	-	-	706,500	544,005	162,495
83	City Wide - Misc Land	City Wide	2024-2033	2,500,000	-	2,500,000	-	-	2,500,000	1,925,000	575,000
84	City Wide - Misc Land	City Wide	2034-2051	4,250,000	-	4,250,000	-	-	4,250,000	3,272,500	977,500
85	City Wide - Misc Design & Engineering costs	City Wide	2024-2033	800,000	-	800,000	-	-	800,000	616,000	184,000
86	City Wide - Misc Design & Engineering costs	City Wide	2034-2051	1,360,000	-	1,360,000	-	-	1,360,000	1,047,200	312,800
87	Neighbourhood Traffic Management Projects	City Wide	2024-2033	500,000	-	500,000	50,000	-	450,000	346,500	103,500
88	Neighbourhood Traffic Management Projects	City Wide	2034-2051	850,000	-	850,000	85,000	-	765,000	589,050	175,950
	Traffic Signals:										
89	Accessible Pedestrian Signals	King/Gibbons	2024	85,000	-	85,000	4,300	-	80,700	62,139	18,561
90	New Traffic Control Signals	Grandview St N & Ridgemount Blvd	2029	250,000	-	250,000	12,500	-	237,500	182,875	54,625
91	New Traffic Control Signals	Laval Dr & Smartcentres	2027	250,000	-	250,000	12,500	-	237,500	182,875	54,625
92	New Traffic Control Signals	Hillcroft & Mary St N	2026	250,000	-	250,000	12,500	-	237,500	182,875	54,625
93	Accessible Pedestrian Signals	Bond & Claymore	2024	100,000	-	100,000	5,000	-	95,000	73,150	21,850
94	New Traffic Control Signals	Coldstream Dr & Townline Rd N	2025	250,000	-	250,000	12,500	-	237,500	182,875	54,625
95	New Traffic Control Signals	Laval Drive & Fox St	2028	250,000	-	250,000	12,500	-	237,500	182,875	54,625
96	New PXD Pedestrian Signal	TBD - multiyear	2024-2032	362,500	-	362,500	18,100	-	344,400	265,188	79,212
97	Control&Warning Signals Conlin	Conlin Rd W & Stevenson Rd N	2031-2035	250,000	-	250,000	12,500	-	237,500	182,875	54,625
98	New Intersection Pedestrian Signals Traffic Control Signals	Conlin Rd E & Riverton St/Verne Bowen Street	2024	225,000	-	225,000	11,300	-	213,700	164,549	49,151
99	Traffic Signal Uninterruptible Power Supply	TBD - multiyear (2024-2033)	2024-2033	600,000	-	600,000	30,000	-	570,000	438,900	131,100
100	Accessible Pedestrian Signals	TBD - multiyear	2024-2033	1,233,000	-	1,233,000	61,700	-	1,171,300	901,901	269,399
101	Accessible Pedestrian Signals	TBD - multiyear (2034-2051)	2034-2051	1,700,000	-	1,700,000	85,000	-	1,615,000	1,243,550	371,450
102	New PXD Pedestrian Signal	TBD - multiyear (2034-2051)	2034-2051	616,300	-	616,300	30,800	-	585,500	450,835	134,665
103	New Traffic Control Signals	TBD - multiyear (2034-2051)	2034-2051	1,416,700	-	1,416,700	70,800	-	1,345,900	1,036,343	309,557
	Streetlights on Regional Roads:										
104	Gibb St - Streetlighting Upgrades	East of Stevenson Rd to Simcoe St S	2024	987,000	-	987,000	148,100	-	838,900	645,953	192,947
105	Ritson Rd N - Streetlighting Upgrades	Taunton to Conlin	2025	1,186,000	-	1,186,000	177,900	-	1,008,100	776,237	231,863
106	Rossland Rd E - Streetlighting Upgrades	Ritson to Harmony Rd	2026	990,000	-	990,000	148,500	-	841,500	647,955	193,545
107	Stevenson Rd	330M S of Gibb St to Bond St W	2026	744,000	-	744,000	111,600	-	632,400	486,948	145,452
108	Bloor St W	West city limits to west of Stevenson Rd S	2025-2030	1,191,400	-	1,191,400	178,700	-	1,012,700	779,779	232,921
109	Adelaide Ave W	West city limits to Thornton Rd N	2025	261,000	-	261,000	39,200	-	221,800	170,786	51,014
110	Harmony Rd N	Conlin Rd E to Winchester Rd E	2033	1,346,000	-	1,346,000	201,900	-	1,144,100	880,957	263,143



Table 5-6 (continued)
City of Oshawa
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Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Location	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 77%	Non-Residential Share 23%
111	Champlain Ave	Whitby/Oshawa Boundary to Thornton Rd S	2025	215,000	-	215,000	32,300	-	182,700	140,679	42,021
112	Ritson Rd N	Maine St to Winchester Rd E	2031	1,138,000	-	1,138,000	170,700	-	967,300	744,821	222,479
113	Thornton Rd - Streetlighting	Champlain Ave to King St	2027	1,116,000	-	1,116,000	167,400	-	948,600	730,422	218,178
114	Stevenson Rd - Streetlighting Upgrades	Bond St to Rossland Rd	2027	1,156,000	-	1,156,000	173,400	-	982,600	756,602	225,998
115	Bloor St E - Streetlighting Upgrade	Harmony Rd to Townline Rd	2025	1,044,000	-	1,044,000	156,600	-	887,400	683,298	204,102
116	Rossland Rd E - Streetlighting	Harmony Rd to Townline Rd	2029	978,000	-	978,000	146,700	-	831,300	640,101	191,199
117	Gibb St/Olive Ave	Simcoe St S to Ritson Rd S	2025	522,000	-	522,000	78,300	-	443,700	341,649	102,051
118	Bloor St E	Ritson Rd S to Farewell St	2031	735,000	-	735,000	110,300	-	624,700	481,019	143,681
119	Wilson Rd N	Rossland Rd to Taunton Rd	2031-2035	1,813,000	-	1,813,000	-	-	1,813,000	1,396,010	416,990
120	Townline Rd N	King St E to Conlin Rd	2025-2030	3,519,300	-	3,519,300	-	-	3,519,300	2,709,861	809,439
121	Townline Rd S	King St E to Olive Ave	2031-2035	728,700	-	728,700	-	-	728,700	561,099	167,601
122	Simcoe St N	Taunton Rd W to 307m north of Glovers Rd	2036-2051	641,600	-	641,600	-	-	641,600	494,032	147,568
123	Harmony Rd N	Conlin Rd E to Winchester Rd E	2025-2030	1,981,800	-	1,981,800	-	-	1,981,800	1,525,986	455,814
124	Stevenson Rd N	Gibb St to Rossland Rd W	2031-2035	2,532,800	-	2,532,800	-	-	2,532,800	1,950,256	582,544
125	Winchester Road East	Simcoe St N to Townline Rd N	2031-2035	4,354,700	-	4,354,700	-	-	4,354,700	3,353,119	1,001,581
126	Winchester Road West	Thornton Rd N to Simcoe St N	2031-2035	1,421,900	-	1,421,900	-	-	1,421,900	1,094,863	327,037
127	Thornton Rd S	Champlain Rd to King St W	2025-2030	1,724,100	-	1,724,100	-	-	1,724,100	1,327,557	396,543
128	Thornton Rd S	Dryden Blvd to Taunton Rd W	2025-2030	728,700	-	728,700	-	-	728,700	561,099	167,601
129	Ritson Rd N	Ormond Dr to Conlin Rd W	2036-2051	1,466,400	-	1,466,400	-	-	1,466,400	1,129,128	337,272
130	Wilson Rd N	Bloor St E to Olive Ave	2031-2035	844,300	-	844,300	-	-	844,300	650,111	194,189
131	Rossland Rd W	West City Limits to Somerville St	2025-2030	2,221,800	-	2,221,800	-	-	2,221,800	1,710,786	511,014
132	Rossland Rd E	Ritson Rd N to Grandview St N	2025-2030	1,733,000	-	1,733,000	-	-	1,733,000	1,334,410	398,590
133	Taunton Rd E	Simcoe St N to Townline Rd N	2025-2030	3,643,700	-	3,643,700	-	-	3,643,700	2,805,649	838,051
134	Taunton Rd W	Somerville St to Simcoe St N	2025-2030	319,900	-	319,900	-	-	319,900	246,323	73,577
135	Phillip Murray Ave	Stevenson Rd S to Park Rd S	2025-2030	737,600	-	737,600	-	-	737,600	567,952	169,648
136	Park Rd S	Phillip Murray Ave to Fenelon Cres	2025-2030	311,000	-	311,000	-	-	311,000	239,470	71,530
137	Wentworth St W	Boundary Rd to Stevenson Rd S	2025-2030	1,066,500	-	1,066,500	-	-	1,066,500	821,205	245,295
	Facilities:										
138	Northern Depot (land and construction)		2027-2028	46,705,000	-	46,705,000	11,008,000	-	35,697,000	27,486,690	8,210,310
	Vehicles & Equipment:										
139	1/2 Ton Pickup		2024	100,000	-	100,000	-	-	100,000	77,000	23,000
140	1/2 Ton Pickup		2029	100,000	-	100,000	-	-	100,000	77,000	23,000
141	3/4 Ton Pickup		2025	120,000	-	120,000	-	-	120,000	92,400	27,600
142	1 Ton Pickup		2025	125,000	-	125,000	-	-	125,000	96,250	28,750
143	1 Ton Pickup		2029	125,000	-	125,000	-	-	125,000	96,250	28,750
144	Vactor Truck		2034	700,000	-	700,000	-	-	700,000	539,000	161,000
145	Road Sweeper		2026	600,000	-	600,000	-	-	600,000	462,000	138,000
146	Tandum Plow		2026	659,000	-	659,000	-	-	659,000	507,430	151,570
147	Tandum Plow		2031	659,000	-	659,000	-	-	659,000	507,430	151,570
148	Sidewalk Plow		2028	190,000	-	190,000	-	-	190,000	146,300	43,700
149	1/2 Ton Pickup		2031	100,000	-	100,000	-	-	100,000	77,000	23,000



Table 5-6 (continued)
City of Oshawa
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for Services Related to a Highway

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Location	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 77%	Non-Residential Share 23%
150	1/2 Ton Pickup		2036	100,000	-	100,000	-	-	100,000	77,000	23,000
151	3/4 Ton Pickup		2031	120,000	-	120,000	-	-	120,000	92,400	27,600
152	3/4 Ton Pickup		2036	120,000	-	120,000	-	-	120,000	92,400	27,600
153	3/4 Ton Pickup		2041	120,000	-	120,000	-	-	120,000	92,400	27,600
154	1 Ton Pickup		2032	125,000	-	125,000	-	-	125,000	96,250	28,750
155	1 Ton Pickup		2037	125,000	-	125,000	-	-	125,000	96,250	28,750
156	1 Ton Pickup		2043	125,000	-	125,000	-	-	125,000	96,250	28,750
157	Large Excavator		2038	425,000	-	425,000	-	-	425,000	327,250	97,750
158	Road Sweeper		2037	600,000	-	600,000	-	-	600,000	462,000	138,000
159	Sidewalk Plow		2031	190,000	-	190,000	-	-	190,000	146,300	43,700
160	Sidewalk Plow		2038	190,000	-	190,000	-	-	190,000	146,300	43,700
161	Sidewalk Plow		2045	190,000	-	190,000	-	-	190,000	146,300	43,700
162	Single axle plow		2033	450,000	-	450,000	-	-	450,000	346,500	103,500
163	Single axle plow		2038	450,000	-	450,000	-	-	450,000	346,500	103,500
164	Tandem Plow		2043	659,000	-	659,000	-	-	659,000	507,430	151,570
165	Tandem Plow		2048	659,000	-	659,000	-	-	659,000	507,430	151,570
166	Loader		2035	350,000	-	350,000	-	-	350,000	269,500	80,500
167	Loader		2045	350,000	-	350,000	-	-	350,000	269,500	80,500
	Outstanding Growth-Related Debt and Adjustments:										
168	Consolidated Operations Depot Outstanding D.C. Recoverable Share (Outstanding Debt Principal)		2024-2033	1,539,497	-	1,539,497	77,000	-	1,462,497	1,126,123	336,374
169	Consolidated Operations Depot Outstanding D.C. Recoverable Share (Outstanding Debt Interest - Discounted)		2024-2033	175,158	-	175,158	8,800	-	166,358	128,095	38,262
170	Reserve Fund Adjustment			-			42,719,264	-	(42,719,264)	(32,893,834)	(9,825,431)
	Total			1,013,565,355	65,795,300	947,770,055	142,749,964	7,206,000	797,814,091	614,316,850	183,497,241



**Table 5-7
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Stormwater Drainage Services**

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost			
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share varies	Commercial/Institutional Share varies	Industrial Share varies
1	BOND ST W BRIDGE - 90M W OF MCMILLAN DR to 100M W OF MCMILLAN DR	2024-2028	5,020,000	-	-	5,020,000	2,510,000	-	2,510,000	1,932,700	346,380	230,920
2	COLUMBUS II WATERCOURSE PROJECTS - VARIOUS	2034-2051	5,693,000	-	-	5,693,000	854,000	-	4,839,000	3,629,250	725,850	483,900
3	CONSORTIUM WATERCOURSE BANK STABILIZATION - VARIOUS	2024-2028	20,000	-	-	20,000	3,000	-	17,000	12,750	2,550	1,700
4	CONSORTIUM WATERCOURSE BANK STABILIZATION - VARIOUS	2029-2033	20,000	-	-	20,000	3,000	-	17,000	12,750	2,550	1,700
5	CONSORTIUM WATERCOURSE BANK STABILIZATION - VARIOUS	2034-2051	20,000	-	-	20,000	3,000	-	17,000	12,750	2,550	1,700
6	GOODMAN CREEK WATERCOURSE IMPROVEMENT - ROSSLAND RD W to BERMUDA AVE	2034-2051	265,700	-	-	265,700	39,900	-	225,800	45,160	11,290	169,350
7	GOODMAN CREEK Preliminary Design - ADELAIDE AVE W to TAUNTON RD W	2034-2051	1,644,900	-	-	1,644,900	246,700	-	1,398,200	279,640	69,910	1,048,650
8	GOODMAN CREEK Preliminary Design	2034-2051	816,000	-	-	816,000	122,400	-	693,600	138,720	34,680	520,200
9	GOODMAN CREEK WATERCOURSE IMPROVEMENT - PARK RD S to NASSAU ST	2034-2051	163,900	-	-	163,900	24,600	-	139,300	27,860	6,965	104,475
10	HARMONY B3 EAST Preliminary Design - COLDSTREAM DR to CONLIN RD E	2034-2051	1,483,800	-	-	1,483,800	222,600	-	1,261,200	1,198,140	63,060	-
11	HARMONY B5 Preliminary Design - KING ST E to GRANDVIEW ST N	2034-2051	250,000	-	-	250,000	37,500	-	212,500	201,875	10,625	-
12	HARMONY B5 CONSTRUCTION - KING ST E to GRANDVIEW ST N	2034-2051	833,500	-	-	833,500	125,000	-	708,500	673,075	35,425	-
13	HARMONY CREEK - BR 2 WATERCOURSE IMPROVEMENT DESIGN - HILLCROFT ST to ROSSLAND RD E DESIGN	2034-2051	250,000	-	-	250,000	37,500	37,500	175,000	166,250	8,750	-
14	HARMONY CREEK - BR 2 WATERCOURSE IMPROVEMENT - HILLCROFT ST to ROSSLAND RD E	2034-2051	819,400	-	-	819,400	122,900	122,900	573,600	544,920	28,680	-
15	HARMONY CREEK B2 DIVERSION - ROSSLAND ROAD E to BEATRICE ST E	2034-2051	1,266,500	-	-	1,266,500	190,000	-	1,076,500	1,022,675	53,825	-
16	HARMONY CREEK BR 3 WATERCOURSE IMPROVEMENT - HARMONY CREEK BRANCH 1 CONFLUENCE to ADELAIDE AVE E	2034-2051	371,100	-	-	371,100	55,700	-	315,400	299,630	15,770	-
17	HARMONY CREEK BR 3 WATERCOURSE IMPROVEMENT DESIGN HARMONY CREEK BRANCH 1 CONFLUENCE to ADELAIDE AVE E	2034-2051	250,000	-	-	250,000	37,500	-	212,500	201,875	10,625	-
18	HARMONY CREEK BRANCH 1 - BOND ST E to WILSON RD N	2034-2051	416,900	-	-	416,900	62,500	-	354,400	336,680	17,720	-
19	HARMONY CREEK BRANCH 1 WATERCOURSE IMPROVEMENT - CENTRAL PARK BLVD N to RITSON RD N	2034-2051	486,100	-	-	486,100	72,900	-	413,200	392,540	20,660	-
20	HARMONY CREEK BRANCH 2 DIVERSION - ROSSLAND RD E to 300M N OF ROSSLAND RD E	2034-2051	204,500	-	-	204,500	30,700	-	173,800	165,110	8,690	-
21	HARMONY CREEK BRANCH 2 WATERCOURSE IMPROVEMENT - 300M N OF ROSSLAND RD E to WILSON RD N	2034-2051	297,900	-	-	297,900	44,700	-	253,200	240,540	12,660	-



Table 5-7 (Cont'd)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Stormwater Drainage Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost			
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share varies	Commercial/ Institutional Share varies	Industrial Share varies
22	HARMONY CREEK BRANCH 5 - HARMONY CREEK BRANCH 1 to KING ST E	2034-2051	491,100	-	-	491,100	73,700	-	417,400	396,530	20,870	-
23	KEDRON WATERCOURSE PROJECTS - VARIOUS	2034-2051	5,338,000	-	-	5,338,000	800,700	-	4,537,300	3,402,975	680,595	453,730
24	KING ST W BRIDGE - AT OSHAWA CREEK to 67M W OF MCMILLAN DR	2024-2028	7,615,000	-	-	7,615,000	3,807,500	-	3,807,500	2,855,625	571,125	380,750
25	OSHAWA CREEK - MAIN BR WATERCOURSE IMPROVEMENT - THOMAS ST to 200M N OF THOMAS ST	2034-2051	153,400	-	-	153,400	23,000	-	130,400	97,800	19,560	13,040
26	OSHAWA CREEK - MAIN BR WATERCOURSE IMPROVEMENT - 200M N OF THOMAS ST to WENTWORTH ST W	2034-2051	212,700	-	-	212,700	31,900	-	180,800	135,600	27,120	18,080
27	OSHAWA CREEK - MAIN BR WATERCOURSE IMPROVEMENT - HWY 401 to CPR RAILWAY	2034-2051	479,300	-	-	479,300	71,900	-	407,400	305,550	61,110	40,740
28	OSHAWA CREEK BRANCH 1 - HARBOUR EAST OF SIMCOE ST S to HARBOUR EAST OF SIMCOE ST S	2034-2051	333,400	-	-	333,400	50,000	-	283,400	212,550	42,510	28,340
29	OSHAWA CREEK MAIN BRANCH - BOND ST W to 120M N OF BOND ST W	2034-2051	90,300	-	-	90,300	13,500	-	76,800	57,600	11,520	7,680
30	OSHAWA CREEK MAIN BRANCH - BOND ST W to 70M S OF KING ST W	2034-2051	130,800	-	-	130,800	19,600	-	111,200	83,400	16,680	11,120
31	RAIL STRUCTURE EXPANSION - 420M S OF GIBB ST	2024-2028	15,892,000	-	-	15,892,000	7,946,000	-	7,946,000	5,959,500	1,191,900	794,600
32	RAIL STRUCTURE EXPANSION CP - 390M E OF SIMCOE ST S	2024-2028	8,735,000	-	-	8,735,000	873,500	-	7,861,500	5,896,125	1,179,225	786,150
33	RAIL STRUCTURE EXPANSION Metrolinx - 390M E OF SIMCOE ST S	2024-2028	14,700,000	-	-	14,700,000	1,470,000	6,750,000	6,480,000	4,860,000	972,000	648,000
34	ROSSLAND RD W BRIDGE - 132M W OF WAVERLY ST N to 140M W OF WAVERLY ST N	2024-2028	4,268,900	-	-	4,268,900	2,134,500	-	2,134,400	1,600,800	320,160	213,440
35	STORMWATER IMPROVEMENTS - SITE 1 AT STORM OUTFALL 37 - GIBB ST to JOHN ST W	2024-2028	2,625,000	-	-	2,625,000	1,312,500	-	1,312,500	984,375	196,875	131,250
36	STORMWATER IMPROVEMENTS - SITE 2 AT STORM OUTFALL 301 - GIBB ST to JOHN ST W	2024-2028	400,000	-	-	400,000	200,000	-	200,000	150,000	30,000	20,000
37	STORMWATER IMPROVEMENTS - SITE 3 AT STORM OUTFALL 286 - GIBB ST to JOHN ST W	2024-2028	915,000	-	-	915,000	457,500	-	457,500	343,125	68,625	45,750
38	INTENSIFICATION STORMWATER INFRASTRUCTURE - VARIOUS	2024-2028	250,000	-	-	250,000	125,000	-	125,000	93,750	18,750	12,500
39	TAUNTON RD BRIDGE - 145M E OF THORNTON RD N to 150M E OF THORNTON RD N	2024-2028	3,733,000	-	-	3,733,000	1,866,500	-	1,866,500	1,399,875	279,975	186,650
40	HARMONY CREEK BRANCH 4 DESIGN - BRANCH 3 CONFLUENCE to TOWNLINE ROAD	2034-2051	250,000	-	-	250,000	37,500	-	212,500	201,875	10,625	-
41	HARMONY CREEK BRANCH 4 - BRANCH 3 CONFLUENCE to TOWNLINE ROAD	2034-2051	2,118,200	-	-	2,118,200	317,700	-	1,800,500	1,710,475	90,025	-
42	HARMONY CREEK BRANCH 3 DESIGN - BRANCHES 2 & 3 CONFLUENCE to HARMONY ROAD NORTH	2034-2051	250,000	-	-	250,000	37,500	-	212,500	201,875	10,625	-
43	HARMONY CREEK BRANCH 3 - BRANCHES 2 & 3 CONFLUENCE to HARMONY ROAD NORTH	2034-2051	605,100	-	-	605,100	90,800	-	514,300	488,585	25,715	-
44	HARMONY CREEK BRANCH 2 - THE 2ND WILSON ROAD NORTH CULVERT to BEATRICE STREET EAST	2024-2028	353,400	-	-	353,400	53,000	-	300,400	285,380	15,020	-



Table 5-7 (Cont'd)
City of Oshawa
Infrastructure Costs Included in the Development Charge Calculation
For Stormwater Drainage Services

Prj. No.	Increased Service Needs Attributable to Anticipated Development 2024 to 2051	Timing (year)	Gross Capital Cost Estimate (2024\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost			
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share varies	Commercial/ Institutional Share varies	Industrial Share varies
45	HARMONY BRANCH 1 DESIGN - MARICA AVENUE to OSHAWA BLVD. NORTH	2034-2051	250,000	-	-	250,000	37,500	-	212,500	201,875	10,625	-
46	HARMONY BRANCH 1 - MARICA AVENUE to OSHAWA BLVD. NORTH	2034-2051	333,400	-	-	333,400	50,000	-	283,400	269,230	14,170	-
47	GOODMAN CREEK Preliminary Design - Adelaide Ave W to Taunton Rd W	2034-2051	12,500,000	-	-	12,500,000	6,250,000	-	6,250,000	1,250,000	312,500	4,687,500
48	GOODMAN CREEK Preliminary Design	2034-2051	12,500,000	-	-	12,500,000	6,250,000	-	6,250,000	1,250,000	312,500	4,687,500
49	Provision for Watercourse Erosion Control Works Required due to Growth	2034-2051	4,515,000	-	-	4,515,000	2,910,400	-	1,604,600	1,059,036	176,506	369,058
50	Provision for Watercourse Structure Expansion/Upsizing to Accommodate additional Flow Demands due to Growth	2034-2051	3,026,000	-	-	3,026,000	-	-	3,026,000	1,997,160	332,860	695,980
	Reserve Fund Adjustment		-	-	-	-	3,874,686	-	(3,874,686)	(2,557,293)	(426,215)	(891,178)
	Total		123,657,200	-	-	123,657,200	46,032,486	6,910,400	70,714,314	46,728,268	8,082,771	15,903,275



Chapter 6

D.C. Calculation



6. D.C. Calculation

Tables 6-1 and 6-2 calculate the proposed D.C.s to be imposed for City-wide services on development area over the 27-year forecast period (2024-2051) and the 10-year forecast period (2024-2033), respectively. The D.C. eligible costs for each service were determined in Chapter 5 for all City-wide services, based on their associated proposed capital programs.

The calculation for residential development is generated on a per capita basis and is based upon five (5) forms of housing types (singles and semi-detached dwellings, other multiples, bachelor and 1-bedroom apartments, 2+ bedrooms apartments, and lodging units). The non-residential D.C. has been calculated on an industrial and non-industrial basis and presented on both a per sq.ft. and per sq.m. of G.F.A. basis.

For the residential calculations, the total cost is divided by the “gross” (new resident) population to determine the per capita amount. The residential D.C. recoverable capital cost calculations set out in Chapter 5 are based on the net anticipated population increase (the forecast new unit population less the anticipated decline in existing units). The cost per capita is then multiplied by the average occupancy of the new units (Appendix A, Schedule 5) to calculate the charges in Tables 6-1 to 6-2, inclusive.

Table 6-3 presents a summary of the calculated schedule of D.C.s for all services across the residential and non-residential development types. Table 6-4 summarizes the gross capital expenditures and sources of revenue for works anticipated to be undertaken during the 10-year life of the by-laws.



Table 6-1
City of Oshawa
City-Wide D.C. Calculation for the 27-year Forecast Period (2024-2051)

SERVICE	2024\$ D.C.-Eligible Cost		2024\$ D.C.-Eligible Cost		2024\$ D.C.-Eligible Cost		2024\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	per sq.ft.	Industrial	Non-Industrial	Industrial per sq. ft.	Non-Industrial per sq. ft.
	\$	\$	\$	\$	\$	\$	\$	\$
1. <u>Services Related to a Highway</u>								
1.1 Roads and Related, Public Works facilities, vehicles & equipment	614,317,675	183,497,487	18,617	7.87	73,398,995	110,098,492	4.92	13.13
2. <u>Stormwater Drainage and Control Services</u>								
2.1 Channels, drainage and ponds	46,728,268	23,986,046	1,416	1.03	15,903,275	8,082,771	1.07	0.96
TOTAL	\$661,045,943	\$207,483,533	\$20,033	\$8.90	\$89,302,270	\$118,181,263	\$5.99	\$14.09
D.C.-Eligible Capital Cost	\$661,045,943	\$207,483,533			89,302,270	\$118,181,263		
27-Year Gross Population/GFA Growth (sq.ft.)	112,421	23,306,100			14,917,400	8,388,700		
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$5,880.09	\$8.90			\$5.99	\$14.09		
By Residential Unit Type	P.P.U.							
Single and Semi-Detached Dwelling	3.407	\$20,033						
Other Multiples	2.544	\$14,959						
Apartments - 2 Bedrooms +	2.142	\$12,595						
Apartments - Bachelor and 1 Bedroom	1.345	\$7,909						
Special Care/Special Dwelling Units	1.100	\$6,468						



Table 6-2
City of Oshawa
City-Wide D.C. Calculation for the 10-year Forecast Period (2024-2033)

SERVICE	2024\$ D.C.-Eligible Cost		2024\$ D.C.-Eligible Cost		2024\$ D.C.-Eligible Cost		2024\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	per sq.ft.	Industrial	Non-Industrial	Industrial per sq. ft.	Non-Industrial per sq. ft.
3. <u>Fire Protection Services</u>	\$	\$	\$	\$	\$	\$	\$	\$
3.1 Fire facilities, vehicles & equipment	16,587,308	4,678,472	1,372	0.57	1,964,958	2,713,514	0.37	0.97
4. <u>Parks and Recreation Services</u>								
4.1 Park development, amenities, trails, recreation facilities, vehicles & equipment	177,174,418	9,324,969	14,649	1.15	3,916,487	5,408,482	0.73	1.95
5. <u>Library Services</u>								
5.1 Library facilities, materials and vehicles	19,800,418	1,042,127	1,637	0.13	437,693	604,434	0.08	0.22
6. <u>Provincial Offences Act including By-Law Enforcement</u>								
6.1 Facilities, vehicles and equipment	606,996	171,204	50	0.02	71,906	99,298	0.01	0.04
7. <u>Waste Diversion</u>								
7.1 Waste diversion facilities, vehicles, equipment and other	498,257	140,534	41	0.02	59,024	81,510	0.01	0.03
TOTAL	\$214,667,397	\$15,357,306	\$17,749	\$1.89	\$6,450,068	\$8,907,238	\$1.20	\$3.21
D.C.-Eligible Capital Cost	\$214,667,397	\$15,357,306			6,450,068	\$8,907,238		
10-Year Gross Population/GFA Growth (sq.ft.)	41,206	8,144,300			5,370,800	2,773,500		
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$5,209.62	\$1.89			\$1.20	\$3.21		
By Residential Unit Type	P.P.U.							
Single and Semi-Detached Dwelling	3.407	\$17,749						
Other Multiples	2.544	\$13,253						
Apartments - 2 Bedrooms +	2.142	\$11,159						
Apartments - Bachelor and 1 Bedroom	1.345	\$7,007						
Special Care/Special Dwelling Units	1.100	\$5,731						



Table 6-3
City of Oshawa
Calculated Schedule of Development Charges by Service

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Services:									
Services Related to a Highway	18,617	13,901	11,705	7,350	6,011	4.92	52.96	13.13	141.33
Fire Protection Services	1,372	1,024	862	541	443	0.37	3.98	0.97	10.49
Parks and Recreation Services	14,649	10,938	9,210	5,783	4,730	0.73	7.86	1.95	20.99
Library Services	1,637	1,222	1,029	646	529	0.08	0.86	0.22	2.37
Provincial Offences Act including By-Law Enforcement	50	37	31	20	16	0.01	0.11	0.04	0.43
Stormwater Drainage and Control Services	1,416	1,057	890	559	457	1.07	11.52	0.96	10.33
Waste Diversion	41	31	26	16	13	0.01	0.11	0.03	0.32
Total City-Wide Services	\$37,782	\$28,210	\$23,753	\$14,915	\$12,199	\$7.19	\$77.39	\$17.30	\$186.27



Table 6-4
City of Oshawa
Gross Expenditure and Sources of Revenue Summary for Costs
to be Incurred over the 10-Year Life of the By-laws

Service	Total Gross Cost	Sources of Financing						
		Tax Base or Other Non-D.C. Source			Post D.C. Period Benefit	D.C. Reserve Fund		
		Other Deductions	Benefit to Existing	Other Funding		Residential	Non-Residential	
1. Services Related to a Highway								
1.1 Roads and Related, Public Works facilities, vehicles & equipment	550,505,400	0	106,138,564	7,206,000	8,699,000	329,915,613	98,546,222	
2. Stormwater Drainage and Control Services								
2.1 Channels, drainage and ponds	64,547,300	0	26,636,686	6,750,000	0	23,829,462	7,331,152	
3. Fire Protection Services								
3.1 Fire facilities, vehicles & equipment	47,324,800	0	7,593,100	5,979,000	15,619,000	14,144,286	3,989,414	
4. Parks and Recreation Services								
4.1 Park development, amenities, trails, recreation facilities, vehicles & equipment	261,316,173	0	65,702,086	0	11,292,500	175,105,508	9,216,079	
5. Library Services								
5.1 Library facilities, materials and vehicles	26,408,900	0	5,566,355	0	0	19,800,418	1,042,127	
6. Provincial Offences Act including By-Law Enforcement								
6.1 Facilities, vehicles and equipment	1,085,300	0	307,100	0	0	606,996	171,204	
7. Waste Diversion								
7.1 Waste diversion facilities, vehicles, equipment and other	2,184,000	1,332,240	85,769	0	127,200	498,257	140,534	
Total Expenditures & Revenues	\$953,371,873	\$1,332,240	\$212,029,660	\$19,935,000	\$35,737,700	\$563,900,540	\$120,436,733	



Chapter 7

D.C. Policy Recommendations and D.C. By-law Rules



7. D.C. Policy Recommendations and D.C. By-law Rules

7.1 Introduction

This chapter outlines the D.C. policy recommendations and by-law rules.

Subsection 5 (1) 9 of the D.C.A. states that rules must be developed:

“to determine if a development charge is payable in any particular case and to determine the amount of the charge, subject to the limitations set out in subsection 6.”

Paragraph 10 of the section goes on to state that the rules may provide for exemptions, phasing in and/or indexing of D.C.s.

Subsection 5 (6) establishes the following restrictions on the rules:

- the total of all D.C.s that would be imposed on anticipated development must not exceed the capital costs determined under subsection 5 (1) 2-7 for all services involved;
- if the rules expressly identify a type of development, they must not provide for it to pay D.C.s that exceed the capital costs that arise from the increase in the need for service for that type of development; however, this requirement does not relate to any particular development; and
- if the rules provide for a type of development to have a lower D.C. than is allowed, the rules for determining D.C.s may not provide for any resulting shortfall to be made up via other development.

With respect to “the rules,” section 6 states that a D.C. by-law must expressly address the matters referred to above re subsection 5 (1) paragraphs 9 and 10, as well as how the rules apply to the redevelopment of land.

The rules provided give consideration for the recent amendments to the D.C.A. as summarized in Chapter 1. However, these policies are provided for Council’s consideration and may be refined prior to adoption of the by-law.



7.2 D.C. By-law Structure

It is recommended that:

- The City uses a uniform City-wide D.C. calculation for all services considered herein; and
- The City uses individual D.C. by-laws for each eligible service to be recovered through D.C.s.

7.3 D.C. By-law Rules

The following sets out the recommended rules governing the calculation, payment, and collection of D.C.s in accordance with subsection 6 of the D.C.A.

It is recommended that the following provides the basis for the D.C.s:

7.3.1 *Payment in any Particular Case*

In accordance with the D.C.A., s.2(2), a D.C. be calculated, payable and collected where the development requires one or more of the following:

- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;
- (f) the approval of a description under section 9 of the *Condominium Act*, 1998; or
- (g) the issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.

7.3.2 *Determination of the Amount of the Charge*

The following convention be adopted:



1. Costs allocated to residential uses will be assigned to different types of residential units based on the average occupancy for each housing type constructed during the previous decade. Costs allocated to non-residential uses will be assigned based on the amount of square feet of G.F.A. constructed for eligible uses (i.e., primary, industrial, commercial, and institutional).
2. Costs allocated to residential and non-residential uses are based upon a number of conventions, as may be suited to each municipal circumstance, as follows:
 - For Fire Protection Services, P.O.A. including By-law Enforcement, Waste Diversion, a 78% residential and 22% non-residential attribution has been made, over the City-wide 10-Year forecast period;
 - Library and Parks and Recreation Services, 95% residential attribution and 5% non-residential attribution over the City-wide 10-year forecast period;
 - For Stormwater, the allocation is variable on a project-by-project basis based on anticipated flow contribution by land use. The non-residential share has been further subdivided into commercial/Institutional and industrial shares using the same approach, over the City-wide 27-Year forecast period; and
 - Services Related to a Highway, a 77% residential and 23% non-residential attribution has been made, to recognize the residential and non-residential sector uses over the City-wide 27-Year forecast period.

7.3.3 Application to Redevelopment of Land (Demolition and Conversion)

Where, as a result of the redevelopment of land, a building or structure existing on the same land within five years prior to the date of payment of D.C.s in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the D.C.s otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

1. the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable; and/or



2. the gross floor area of the building demolished/converted multiplied by the current non-residential development charge in place at the time the development charge is payable.

The demolition/conversion credit is allowed only if the land was improved by occupied structures, and if the demolition permit related to the site was issued less than 60 months (5 years) prior to the issuance of a building permit.

7.3.4 Exemptions

Statutory exemptions include the following:

- Partial exemption for industrial building additions of up to and including 50% of the existing G.F.A. (defined in O. Reg. 82/98, section 1) of the building; for industrial building additions that exceed 50% of the existing G.F.A., only the portion of the addition in excess of 50%, is subject to D.C.s (subsection 4 (3) of the D.C.A.);
- Full exemption for buildings or structures owned by and used for the purposes of any municipality, local board, or Board of Education;
- Full exemption for additional residential development in existing buildings: development that results only in the enlargement of an existing dwelling unit, or that results only in the creation of up to two additional dwelling units (based on prescribed limits set out in section 2 of O. Reg. 82/98);
- Full exemption for additional residential development in new dwellings: development that includes the creation of up to two additional dwelling units (based on prescribed limits set out in section 2 of O. Reg. 82/98); and
- Full exemption for a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario;
- Full exemption for affordable units, attainable units, (once proclaimed);
- Full exemption for affordable inclusionary zoning units, and non-profit housing developments; and
- Partial exemption through a discount for rental housing units based on bedroom size as prescribed (i.e., three or more bedrooms - 25% discount, two bedrooms - 20% discount, and all others - 15% discount).



Non-statutory (discretionary exemptions) include the following:

- D.C.s shall not be imposed on the development of an agricultural building or structure;
- Lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre;
- New Industrial building or structure or the enlargement of an existing Industrial building or structure;
- Temporary building or structure;
- Apartment Dwelling Unit or a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area;
- Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within the Shoulder Area of the Downtown Oshawa Urban Growth Centre;
- Lands used solely for the purposes of a non-profit institution defined as:
 - Non-Profit Institution;
 - Hospital;
 - Long-term Care Home;
- That part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.

7.3.5 Mandatory Phasing In

As required by the *More Homes Built Faster Act*, the calculated D.C. will be phased-in over a five-year period as follows:

- Year 1 - 80% of the maximum charge;
- Year 2 - 85% of the maximum charge;
- Year 3 - 90% of the maximum charge;
- Year 4 - 95% of the maximum charge; and
- Year 5 to expiry - 100% of the maximum charge.



7.3.6 Timing of Collection

The D.C.s for all services and classes are payable upon issuance of a building permit for each dwelling unit, building, or structure, subject to early or late payment agreements entered into by the City and an owner under s. 27 of the D.C.A.

Rental housing and institutional developments will pay D.C.s in six equal annual payments commencing at occupancy. Moreover, the D.C. amount for all developments occurring within two (2) years of a Site Plan or Zoning By-law Amendment planning approval (for applications submitted after January 1, 2020), shall be determined based on the D.C. in effect on the day of the applicable Site Plan or Zoning By-law Amendment application.

Installment payments and payments determined at the time of Site Plan or Zoning By-law Amendment application are subject to annual interest charges. The maximum interest rate the City can impose is the average prime rate plus 1%.

7.3.7 Indexing

Indexing of the D.C.s shall be implemented on a mandatory basis annually commencing on January 1st and July 1st, in accordance with the Statistics Canada Quarterly, Non-Residential Building Construction Price Index, as may be amended from time to time, for the most recent year-over-year period.

7.3.8 D.C. Spatial Applicability

The D.C.A. historically has provided the opportunity for a municipality to impose municipal-wide charges or area specific charges. Sections 2(7) and 2(8) of the D.C.A. provide that a D.C. by-law may apply to the entire municipality or only part of it and more than one D.C. by-law may apply to the same area. The D.C.A. now require municipalities to consider the application of municipal-wide and area-specific D.C.s. s.10(2) (c.1) requires Council to consider the use of more than one D.C. by-law to reflect different needs from services in different areas. Most municipalities in Ontario have established uniform, municipal-wide D.C.s. When area-specific charges are used, it is generally to underpin master servicing and front-end financing arrangements for more localized capital costs.



The rationale for maintaining a municipal-wide D.C. approach is based, in part, on the following:

1. All City services, except for water and wastewater, require that the average 15-year service standard be calculated. This average service standard multiplied by growth in the City, establishes an upper ceiling on the amount of funds that can be collected from all developing landowners. Section 4 (4) of O. Reg. 82/98 provides that “if a development charge by-law applies to a part of the municipality, the level of service and average level of service cannot exceed that which would be determined if the by-law applied to the whole municipality.” Put in layman terms, the average service standard multiplied by the growth within the specific area would establish an area-specific ceiling which would significantly reduce the total revenue recoverable for the City hence potentially resulting in D.C. revenue shortfalls and impacts on property taxes.
2. City-wide D.C.s ensures a consistent approach to financing the entire cost associated with growth-related capital projects. For example, user rates and property taxes are required to finance the share of growth-related capital projects not recoverable by D.C.s and all associated operating costs. Therefore, the use of area specific D.C.s results in a share of growth-related capital costs being recovered from a specific area, with the remaining capital costs of the projects (i.e., non-D.C. recoverable share) and the associated operating costs with those new assets being recovered from uniform user rates and property taxes, applied to the entire Municipality.
3. Expanding on item 1, attempting to impose an area charge potentially causes equity issues in transitioning from a City-wide approach to an area-specific approach. For example, if all services were now built (and funded) within Area A (which is 75% built out) and this was funded with some revenues from Areas B and C, moving to an area-rating approach would see Area A contribute no funds to the costs of services in Areas B and C. The D.C.s would be lower in Area A (as all services are now funded) and higher in Areas B and C. As well, funding shortfalls may then potentially encourage the municipality to provide less services to Areas B and C due to reduced revenue.



4. Services are generally available across the City, used often by all residents and are not restricted to one specific geographic area. The use of a City-wide D.C. approach reflects these system-wide benefits of service and more closely aligns with the funding principles of service provision (e.g., uniform municipal-wide property tax rates, etc.).

Based on the foregoing and discussions with City staff, there is no apparent justification for the establishment of area-specific D.C.s at this time. The recommendation is to apply City-wide D.C.s for all services.

7.4 Other D.C. By-law Provisions

It is recommended that:

7.4.1 *Categories of Services for Reserve Fund and Credit Purposes*

It is recommended that the City's D.C. collections be contributed into seven (7) separate reserve funds, including:

- Services Related to a Highway;
- Fire Protection Services;
- Parks and Recreation Services;
- Library Services;
- P.O.A. Services, including By-law Enforcement;
- Stormwater Services; and
- Waste Diversion.

In addition, the existing D.C. reserve fund balance for Growth studies is currently in a deficit based on funding ongoing studies, including the D.C. study itself. As the D.C.A. currently does not allow for the recovery of growth studies in new by-laws, the deficit amount can not be recovered currently from future growth. It is noted however, that Bill 185 proposes to allow municipalities to continue to collect for growth-related studies, and if enacted, the City could include these costs through an amendment to this study.



7.4.2 By-law In-force Date

The by-law will come into force on the date of by-law passage, or a later date as determined by Council.

7.4.3 Minimum Interest Rate Paid on Refunds and Charged for Inter-Reserve Fund Borrowing

The minimum interest rate is the Bank of Canada rate on the day on which the by-laws come into force (as per s.11 of O. Reg. 82/98).

7.5 Other Recommendations

It is recommended that Council:

“Whenever appropriate, request that grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development or new development, as applicable;”

“Adopt the assumptions contained herein as an ‘anticipation’ with respect to capital grants, subsidies, and other contributions;”

“Adopt the D.C. approach to calculate the charges on a uniform City-wide basis for all services”

“Approve the capital project listing set out in Chapter 5 of the D.C. Background Study dated April 25, 2024, subject to further annual review during the capital budget process;”

“Approve the D.C. Background Study dated April 25, 2024, as amended (if applicable);”

“Determine that no further public meeting is required;” and

“Approve the D.C. By-laws as set out in Appendices G through M.”



Chapter 8

By-law Implementation



8. By-law Implementation

8.1 Public Consultation Process

8.1.1 Introduction

This chapter addresses the mandatory, formal public consultation process (section 8.1.2), as well as the optional, informal consultation process (section 8.1.3). The latter is designed to seek the co-operation and participation of those involved, in order to produce the most suitable policy. Section 8.2 addresses the anticipated impact of the D.C. on development from a generic viewpoint.

8.1.2 Public Meeting of Council

Section 12 of the D.C.A. indicates that before passing a D.C. by-law, Council must hold at least one public meeting, giving at least 20 clear days' notice thereof, in accordance with the Regulation. Council must also ensure that the proposed by-law and background report are made available to the public at least two weeks prior to the (first) meeting.

Any person who attends such a meeting may make representations related to the proposed by-law.

If a proposed by-law is changed following such a meeting, Council must determine whether a further meeting (under this section) is necessary (i.e., if the proposed by-law which is proposed for adoption has been changed in any respect, Council should formally consider whether an additional public meeting is required, incorporating this determination as part of the final by-law or associated resolution. It is noted that Council's decision, once made, is final and not subject to review by a Court or the Ontario Land Tribunal (OLT) (formerly the Local Planning Appeal Tribunal (LPAT)).

8.1.3 Other Consultation Activity

There are three broad groupings of the public who are generally the most concerned with municipal D.C. policy:

1. The first grouping is the residential development community, consisting of land developers and builders, who are typically responsible for generating the majority



of the D.C. revenues. Others, such as realtors, are directly impacted by D.C. policy. They are, therefore, potentially interested in all aspects of the charge, particularly the quantum by unit type, projects to be funded by the D.C. and the timing thereof, and municipal policy with respect to development agreements, D.C. credits and front-ending requirements.

2. The second public grouping embraces the public at large and includes taxpayer coalition groups and others interested in public policy.
3. The third grouping is the industrial/commercial/institutional/primary development sector, consisting of land developers and major owners or organizations with significant construction plans, such as hotels, entertainment complexes, shopping centres, offices, industrial buildings, institutional buildings, and buildings on agricultural lands. Also involved are organizations such as Industry Associations, the Chamber of Commerce, the Board of Trade, and the Economic Development Agencies, who are all potentially interested in City D.C. policy. Their primary concern is frequently with the quantum of the charge, gross floor area exclusions such as basements, mechanical or indoor parking areas, or exemptions and phase-in or capping provisions in order to moderate the impact.

8.1.4 Anticipated Impact of the Charge on Development

The establishment of sound D.C. policy often requires the achievement of an acceptable balance between two competing realities. The first is that high non-residential D.C.s can, to some degree, represent a barrier to increased economic activity and sustained industrial/commercial growth, particularly for capital intensive uses. Also, in many cases, increased residential D.C.s can ultimately be expected to be recovered via housing prices and can impact project feasibility in some cases (e.g., rental apartments).

On the other hand, D.C.s or other municipal capital funding sources need to be obtained in order to help ensure that the necessary infrastructure and amenities are installed. The timely installation of such works is a key initiative in providing adequate service levels and in facilitating strong economic growth, investment, and wealth generation.



8.2 Implementation Requirements

8.2.1 Introduction

Once the City has calculated the charge, prepared the complete background study, carried out the public process and passed a new by-law, the emphasis shifts to implementation matters. These include notices, potential appeals and complaints, credits, front-ending agreements, subdivision agreement conditions and finally the collection of revenues and funding of projects.

The sections that follow present an overview of the requirements in each case.

8.2.2 Notice of Passage

In accordance with section 13 of the D.C.A., when a D.C. by-law is passed, the City Clerk shall give written notice of the passing and of the last day for appealing the by-law (the day that is 40 days after the day it was passed). Such notice must be given no later than 20 days after the day the by-law is passed (i.e., as of the day of newspaper publication or the mailing of the notice).

Section 10 of O. Reg. 82/98 further defines the notice requirements which are summarized as follows:

- notice may be given by publication in a newspaper which is (in the Clerk's opinion) of sufficient circulation to give the public reasonable notice, or by personal service, fax, or mail to every owner of land in the area to which the by-law relates;
- subsection 10 (4) lists the persons/organizations who must be given notice; and
- subsection 10 (5) lists the eight items that the notice must cover.

8.2.3 By-law Pamphlet

In addition to the “notice” information, the City must prepare a “pamphlet” explaining each D.C. by-law in force, setting out:

- a description of the general purpose of the D.C.s;
- the "rules" for determining if a charge is payable in a particular case and for determining the amount of the charge;



- the services to which the D.C.s relate; and
- a description of the general purpose of the Treasurer's statement and where it may be received by the public.

Where a by-law is not appealed to the OLT, the pamphlet must be readied within 60 days after the by-law comes into force. Later dates apply to appealed by-laws.

The City must give one copy of the most recent pamphlet without charge, to any person who requests one.

8.2.4 Appeals

Sections 13 to 19 of the D.C.A. set out the requirements relative to making and processing a D.C. by-law appeal and OLT hearing in response to an appeal. Any person or organization may appeal a D.C. by-law to the OLT by filing a notice of appeal with the City Clerk, setting out the objection to the by-law and the reasons supporting the objection. This must be done by the last day for appealing the by-law, which is 40 days after the by-law is passed.

The City is conducting a public consultation process in order to address the issues that come forward as part of that process, thereby avoiding or reducing the need for an appeal to be made.

8.2.5 Complaints

A person required to pay a D.C., or his agent, may complain to the City Council imposing the charge that:

- the amount of the charge was incorrectly determined;
- the reduction to be used against the D.C. was incorrectly determined; or
- there was an error in the application of the D.C.

Sections 20 to 25 of the D.C.A. set out the requirements that exist, including the fact that a complaint may not be made later than 90 days after a D.C. (or any part of it) is payable. A complainant may appeal the decision of City Council to the OLT



8.2.6 Credits

Sections 38 to 41 of the D.C.A. set out a number of credit requirements, which apply where a municipality agrees to allow a person to perform work in the future that relates to a service in the D.C. by-law.

These credits would be used to reduce the amount of D.C.s to be paid. The value of the credit is limited to the reasonable cost of the work which does not exceed the average level of service. The credit applies only to the service to which the work relates unless the City agrees to expand the credit to other services for which a D.C. is payable.

8.2.7 Front-Ending Agreements

The City and one or more landowners may enter into a front-ending agreement that provides for the costs of a project that will benefit an area in the City to which the D.C. by-law applies. Such an agreement can provide for the costs to be borne by one or more parties to the agreement who are, in turn, reimbursed in future by persons who develop land defined in the agreement.

Part III of the D.C.A. (sections 44 to 58) addresses front-ending agreements and removes some of the obstacles to their use which were contained in the Development Charges Act, 1989. Accordingly, the City assesses whether this mechanism is appropriate for its use, as part of funding projects prior to City funds being available.

8.2.8 Severance and Subdivision Agreement Conditions

Section 59 of the D.C.A. prevents a municipality from imposing directly or indirectly, a charge related to development or a requirement to construct a service related to development, by way of a condition or agreement under section 51 or section 53 of the Planning Act, except for:

- "local services, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under section 51 of the Planning Act;" and
- "local services to be installed or paid for by the owner as a condition of approval under section 53 of the Planning Act."



It is also noted that subsection 59 (4) of the D.C.A. requires that the municipal approval authority for a draft plan of subdivision under subsection 51 (31) of the Planning Act, use its power to impose conditions to ensure that the first purchaser of newly subdivided land is informed of all the D.C.s related to the development, at the time the land is transferred.

In this regard, if the municipality in question is a commenting agency, in order to comply with subsection 59 (4) of the D.C.A. it would need to provide to the approval authority information regarding the applicable municipal D.C.s related to the site.

If the City is an approval authority for the purposes of section 51 of the *Planning Act*, it would be responsible to ensure that it collects information from all entities that can impose a D.C.

The most effective way to ensure that purchasers are aware of this condition would be to require it as a provision in a registered subdivision agreement, so that any purchaser of the property would be aware of the charges at the time the title was searched prior to closing a transaction conveying the lands.



Appendices



Appendix A

Background Information on Residential and Non- Residential Growth Forecast



Schedule 1 City of Oshawa Residential Growth Forecast Summary

	Year	Population (Including Census Undercount) ^[1]	Excluding Census Undercount			Housing Units					Person Per Unit (P.P.U.): Total Population/ Total Households	
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi- Detached	Multiple Dwellings ^[2]	Apartments ^[3]	Other	Total Households		Equivalent Institutional Households
Historical	Mid 2006	146,950	141,590	1,870	139,720	34,705	7,705	12,375	145	54,930	1,700	2.578
	Mid 2011	155,270	149,607	1,932	147,675	38,101	8,190	12,383	123	58,797	1,756	2.544
	Mid 2016	165,490	159,458	1,828	157,630	40,085	9,075	13,285	150	62,595	1,662	2.547
	Mid 2021	182,020	175,383	1,373	174,010	42,330	10,095	14,065	150	66,640	1,248	2.632
Forecast	Mid 2024	193,310	186,256	1,460	184,796	43,519	11,426	16,554	150	71,649	1,327	2.600
	Mid 2034	231,630	223,184	1,824	221,360	50,077	17,400	18,392	150	86,019	1,658	2.595
	Mid 2051	298,540	287,651	2,483	285,168	58,262	29,391	25,165	150	112,968	2,257	2.546
Incremental	Mid 2006 - Mid 2011	8,320	8,017	62	7,955	3,396	485	8	-22	3,867	56	
	Mid 2011 - Mid 2016	10,220	9,851	-104	9,955	1,984	885	902	27	3,798	-94	
	Mid 2016 - Mid 2021	16,530	15,925	-455	16,380	2,245	1,020	780	0	4,045	-414	
	Mid 2021 - Mid 2024	11,290	10,873	87	10,786	1,189	1,331	2,489	0	5,009	79	
	Mid 2024 - Mid 2034	38,320	36,928	364	36,564	6,558	5,974	1,838	0	14,370	331	
	Mid 2024 - Mid 2051	105,230	101,395	1,023	100,372	14,743	17,965	8,611	0	41,319	930	

Source: Envision Durham, the Durham Region Official Plan (adopted by Regional Council May 17, 2023) derived by Watson & Associates Economists Ltd., 2024.

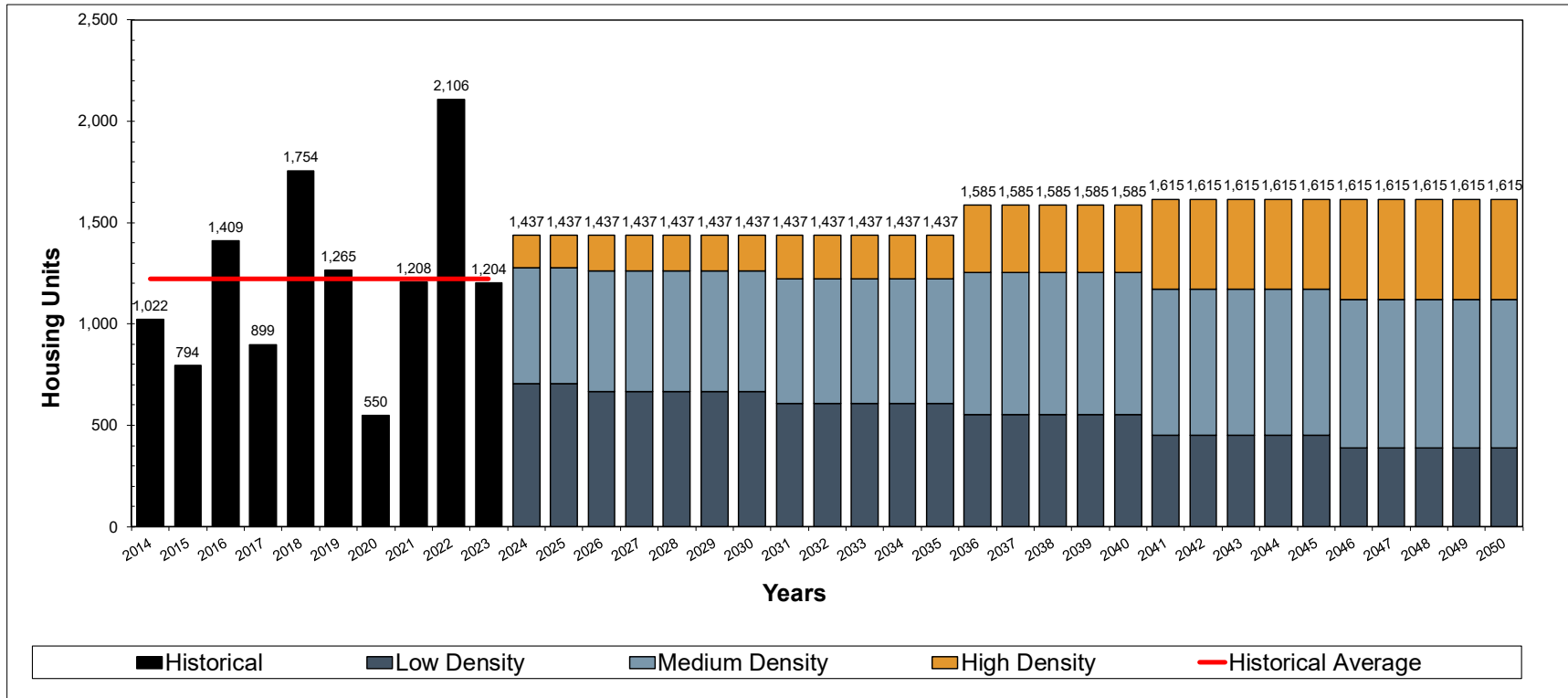
[1] Census undercount estimated at approximately 3.8%. Note: Population including the undercount has been rounded.

[2] Includes townhouses and apartments in duplexes.

[3] Includes bachelor, 1-bedroom and 2-bedroom+ apartments.



Figure A-1
City of Oshawa
Annual Housing Forecast [1]



Source: Historical housing activity from 2014 and 2015 from Statistics Canada. Permits after 2015 are from the City of Oshawa.

[1] Growth forecast represents calendar year.



Schedule 2
City of Oshawa
Estimate of the Anticipated Amount, Type and Location of
Residential Development for Which Development Charges can be Imposed.

Development Location	Timing	Single & Semi-Detached	Multiples ^[1]	Apartments ^[2]	Total Residential Units	Gross Population In New Units	Existing Unit Population Change	Net Population Increase, Excluding Institutional	Institutional Population	Net Population Including Institutional
City of Oshawa	2024 - 2034	6,558	5,974	1,838	14,370	40,842	(4,278)	36,564	364	36,928
	2024 - 2051	14,743	17,965	8,611	41,319	111,398	(11,026)	100,372	1,023	101,395

Source: Envision Durham, the Durham Region Official Plan (adopted by Regional Council May 17, 2023) derived by Watson & Associates Economists Ltd., 2024.

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes accessory apartments, bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



Schedule 3
City of Oshawa
Current Year Growth Forecast
Mid 2021 to Mid 2024

		Population
Mid 2021 Population		175,383
Occupants of New Housing Units, Mid 2021 to Mid 2024	<i>Units (2)</i>	5,009
	<i>multiplied by P.P.U. (3)</i>	2.302
	<i>gross population increase</i>	11,529
		11,529
Occupants of New Equivalent Institutional Units, Mid 2021 to Mid 2024	<i>Units</i>	79
	<i>multiplied by P.P.U. (3)</i>	1.100
	<i>gross population increase</i>	86
		86
Decline in Housing Unit Occupancy, Mid 2021 to Mid 2024	<i>Units (4)</i>	66,640
	<i>multiplied by P.P.U. decline rate (5)</i>	-0.011
	<i>total decline in population</i>	-742
		-742
Population Estimate to Mid 2024		186,256
<i>Net Population Increase, Mid 2021 to Mid 2024</i>		<i>10,873</i>

- (1) 2021 population based on Statistics Canada Census unadjusted for Census undercount.
 (2) Estimated residential units constructed, Mid-2021 to the beginning of the growth period assuming a six-month lag between construction and occupancy.
 (3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit ¹ (P.P.U.)	% Distribution of Estimated Units ²	Weighted Persons Per Unit Average
<i>Singles & Semi Detached</i>	3.681	24%	0.874
<i>Multiples (6)</i>	2.194	27%	0.583
<i>Apartments (7)</i>	1.700	50%	0.845
Total		100%	2.302

¹ Based on 2021 Census custom database

² Based on Building permit/completion activity

- (4) 2021 households taken from Statistics Canada Census.
 (5) Decline occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.
 (6) Includes townhouses and apartments in duplexes.
 (7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.
 Note: Numbers may not add to totals due to rounding.



Schedule 4
City of Oshawa
Ten Year Growth Forecast
Mid 2024 to Mid 2034

		Population
Mid 2024 Population		186,256
Occupants of New Housing Units, Mid 2024 to Mid 2034	<i>Units (2)</i>	14,370
	<i>multiplied by P.P.U. (3)</i>	2.842
	<i>gross population increase</i>	40,842
		40,842
Occupants of New Equivalent Institutional Units, Mid 2024 to Mid 2034	<i>Units</i>	331
	<i>multiplied by P.P.U. (3)</i>	1.100
	<i>gross population increase</i>	364
		364
Decline in Housing Unit Occupancy, Mid 2024 to Mid 2034	<i>Units (4)</i>	71,649
	<i>multiplied by P.P.U. decline rate (5)</i>	-0.060
	<i>total decline in population</i>	-4,278
		-4,278
Population Estimate to Mid 2034		223,184
<i>Net Population Increase, Mid 2024 to Mid 2034</i>		36,928

(1) Mid 2024 Population based on:

$$2021 \text{ Population } (175,383) + \text{Mid 2021 to Mid 2024 estimated housing units to beginning of forecast period } (5,009 \times 2.302 = 11,529) + (79 \times 1.1 = 86) + (66,640 \times -0.011 = -742) = 186,256$$

(2) Based upon forecast building permits/completions assuming a lag between construction and occupancy.

(3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit ¹ (P.P.U.)	% Distribution of Estimated Units ²	Weighted Persons Per Unit Average
<i>Singles & Semi Detached</i>	3.407	46%	1.555
<i>Multiples (6)</i>	2.544	42%	1.058
<i>Apartments (7)</i>	1.796	13%	0.230
<i>one bedroom or less</i>	1.345		
<i>two bedrooms or more</i>	2.142		
Total		100%	2.842

¹ Persons per unit based on adjusted Statistics Canada Custom 2021 Census database.

² Forecast unit mix based upon historical trends and housing units in the development process.

(4) Mid 2024 households based upon 2021 Census (66,640 units) + Mid 2021 to Mid 2024 unit estimate (5,009 units) = 71,649 units.

(5) Decline occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



Schedule 5
City of Oshawa
Longer-Term Growth Forecast
Mid 2024 to Mid 2051

		Population
Mid 2024 Population		186,256
Occupants of New Housing Units, Mid 2024 to Mid 2051	<i>Units (2)</i>	41,319
	<i>multiplied by P.P.U. (3)</i>	2,696
	<i>gross population increase</i>	111,398
Occupants of New Equivalent Institutional Units, Mid 2024 to Mid 2051	<i>Units</i>	930
	<i>multiplied by P.P.U. (3)</i>	1,100
	<i>gross population increase</i>	1,023
Decline in Housing Unit Occupancy, Mid 2024 to Mid 2051	<i>Units (4)</i>	41,319
	<i>multiplied by P.P.U. decline rate (5)</i>	-0.267
	<i>total decline in population</i>	-11,026
Population Estimate to Mid 2051		287,651
<i>Net Population Increase, Mid 2024 to Mid 2051</i>		<i>101,395</i>

(1) Mid 2024 Population based on:

2016 Population (175,383) + Mid 2021 to Mid 2024 estimated housing units to beginning of forecast period (5,009 x = 11,775) + (66,640 x - 0.0135 = -902) = 186,256

(2) Based upon forecast building permits/completions assuming a lag between construction and occupancy.

(3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit ¹ (P.P.U.)	% Distribution of Estimated Units ²	Weighted Persons Per Unit Average
<i>Singles & Semi Detached</i>	3.407	36%	1.216
<i>Multiples (6)</i>	2.544	43%	1.106
<i>Apartments (7)</i>	1.796	21%	0.374
<i>one bedroom or less</i>	1.345		
<i>two bedrooms or more</i>	2.142		
Total		100%	2.696

¹ Persons per unit based on Statistics Canada Custom 2021 Census database.

² Forecast unit mix based upon historical trends and housing units in the development process.

(4) Mid 2024 households based upon 2021 Census (66,640 units) + Mid 2021 to Mid 2024 unit estimate (5,009 units) = 71,649 units.

(5) Decline occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



Schedule 6
City of Oshawa
Units in the Development Approvals Process as of Year-End 2023

Stage of Development	Density Type			
	Singles & Semi-Detached	Multiples ¹	Apartments ²	Total
Registered Not Built	151	469	4,436	5,056
<i>% Breakdown</i>	<i>3%</i>	<i>9%</i>	<i>88%</i>	<i>100%</i>
Draft Plans Approved	2,055	1,715	2,357	6,127
<i>% Breakdown</i>	<i>34%</i>	<i>28%</i>	<i>38%</i>	<i>100%</i>
Application Under Review	712	2,510	24,597	27,819
<i>% Breakdown</i>	<i>3%</i>	<i>9%</i>	<i>88%</i>	<i>100%</i>
Total	2,918	4,694	31,390	39,002
<i>% Breakdown</i>	<i>7%</i>	<i>12%</i>	<i>80%</i>	<i>100%</i>

Note: 'Application Under Review' includes Site Plans, OPAs, and ZBAs without a development status provided.

Source: City of Oshawa Planning Department, as of February 2024.

¹ Includes townhomes and apartments in duplexes.

² Includes bachelor, 1 bedroom and 2 bedroom+ apartments.



Schedule 7
City of Oshawa
Historical Residential Building Permits
Years 2014 to 2023

Year	Residential Building Permits			
	Singles & Semi Detached	Multiples ^[1]	Apartments ^[2]	Total
2014	436	150	208	794
2015	759	177	473	1,409
2016	630	267	2	899
2017	627	624	503	1,754
2018	352	174	739	1,265
Sub-total	2,804	1,392	1,925	6,121
Average (2014 - 2018)	561	278	385	1,224
% Breakdown	45.8%	22.7%	31.4%	100.0%
2019	241	87	222	550
2020	149	314	745	1,208
2021	451	591	657	1,699
2022	517	570	1,019	2,106
2023	221	170	813	1,204
Sub-total	1,579	1,732	3,456	6,767
Average (2019 - 2023)	316	346	691	1,353
% Breakdown	23.3%	25.6%	51.1%	100.0%
2014 - 2023				
Total	4,383	3,124	5,381	12,888
Average	438	312	538	1,289
% Breakdown	34.0%	24.2%	41.8%	100.0%

Source: Historical housing activity from 2014 and 2015 from Statistics Canada. Permits after 2015 are from the City of Oshawa.

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes bachelor, 1 bedroom and 2 bedroom+ apartments.



Schedule 8a
City of Oshawa
Persons Per Unit by Age and Type of Dwelling
(2021 Census)

Age of Dwelling	Singles and Semi-Detached						25 Year Average Adjusted
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total	
1-5	-	2.938	2.800	3.682	5.147	3.681	
6-10	-	-	2.095	3.681	5.242	3.807	
11-15	-	-	2.323	3.379	4.747	3.503	
16-20	-	-	2.143	3.295	4.964	3.385	
20-25	-	-	2.026	2.972	4.227	3.015	3.407
25-35	-	-	1.471	2.828	4.000	2.867	
35+	-	1.581	1.957	2.651	3.991	2.627	
Total	1.762	1.911	2.007	2.894	4.371	2.900	

Age of Dwelling	Multiples ^[1]						25 Year Average Adjusted
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total	
1-5	1.190	1.178	1.862	2.938	-	2.194	
6-10	-	1.300	2.000	2.849	-	2.337	
11-15	-	-	1.810	2.761	-	2.469	
16-20	-	-	-	2.857	-	2.877	
20-25	-	-	2.048	3.288	-	2.720	2.544
25-35	-	-	2.308	3.074	-	2.769	
35+	-	1.324	2.014	2.810	3.628	2.530	
Total	1.235	1.320	2.008	2.851	3.797	2.516	

Age of Dwelling	Apartments ^[2]						25 Year Average Adjusted
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total	
1-5	1.294	1.326	1.848	2.857	-	1.700	
6-10	-	1.158	2.028	-	-	1.707	
11-15	-	1.235	2.222	-	-	1.707	
16-20	-	1.188	2.375	-	-	1.974	
20-25	-	1.333	2.487	-	-	2.297	1.796
25-35	-	1.220	2.000	3.533	-	1.896	
35+	0.889	1.228	1.971	2.748	-	1.811	
Total	1.111	1.233	1.992	2.824	3.800	1.822	

Age of Dwelling	All Density Types					
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total
1-5	1.350	1.524	2.134	3.536	5.179	3.059
6-10	-	1.256	2.014	3.599	5.103	3.417
11-15	-	1.440	2.157	3.302	4.691	3.269
16-20	-	1.500	2.154	3.251	5.034	3.258
20-25	-	1.457	2.247	3.015	4.217	2.882
25-35	-	1.463	1.972	2.901	3.833	2.567
35+	1.184	1.265	1.979	2.680	3.900	2.406
Total	1.366	1.308	2.004	2.881	4.280	2.611

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes bachelor, 1 bedroom and 2 bedroom+ apartments.

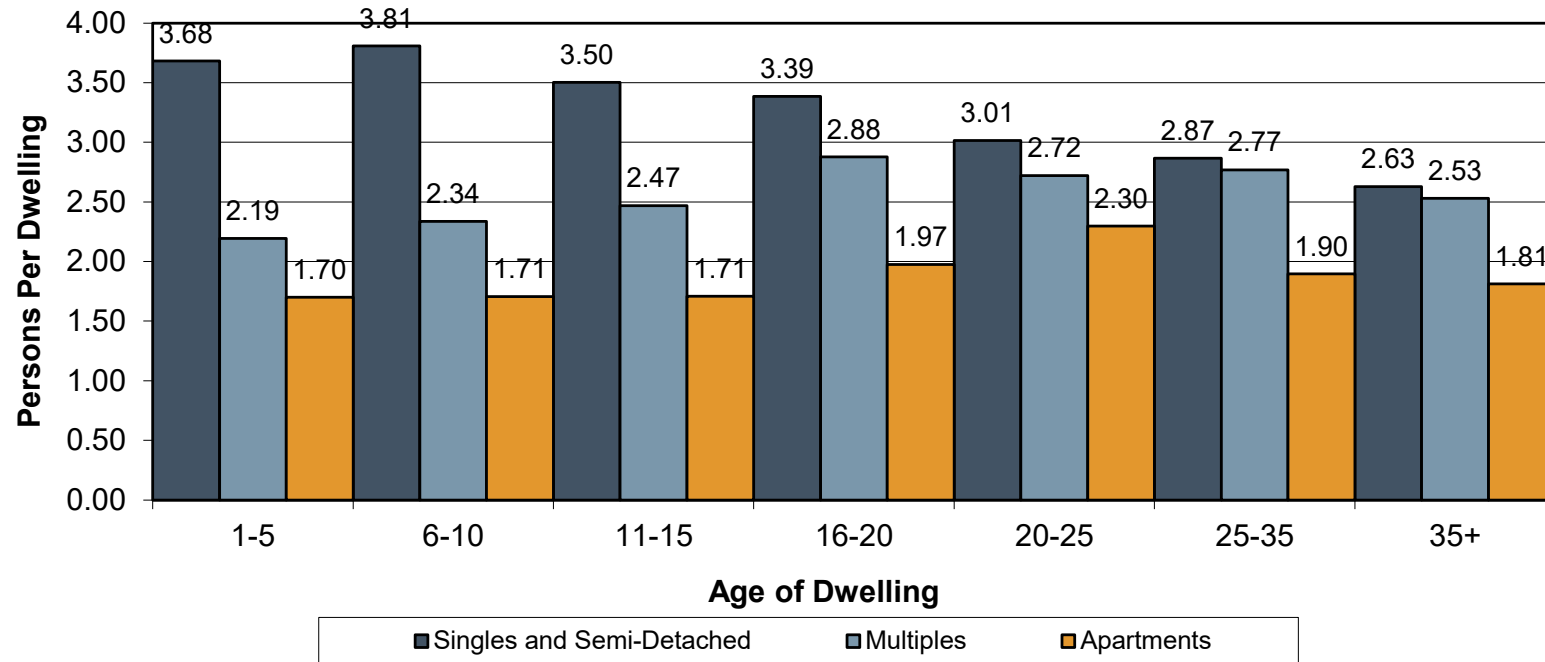
^[3] Adjusted based on historical trends.

Note: Does not include Statistics Canada data classified as 'Other'

P.P.U. Not calculated for samples less than or equal to 50 dwelling units, and does not include institutional population.



Schedule 9
City of Oshawa
Person Per Unit Structural Type and Age of Dwelling
(2021 Census)





Schedule 10a
City of Oshawa
Employment Forecast, 2024 to 2051

Period	Population	Activity Rate								Employment								Employment
		Primary	Work at Home	Industrial	Commercial/Population Related	Institutional	Total	N.F.P.O.W. ^[1]	Total Including N.F.P.O.W.	Primary	Work at Home	Industrial	Commercial/Population Related	Institutional	Total	N.F.P.O.W. ^[1]	Total Employment (Including N.F.P.O.W.)	Total (Excluding Work at Home and N.F.P.O.W.)
Mid 2011	149,607	0.001	0.020	0.090	0.133	0.121	0.364	0.062	0.426	85	2,980	13,448	19,908	18,090	54,510	9,264	63,774	51,530
Mid 2016	159,458	0.001	0.024	0.064	0.130	0.109	0.327	0.063	0.390	105	3,820	10,223	20,668	17,340	52,155	9,980	62,135	48,335
Mid 2024	186,256	0.001	0.028	0.054	0.139	0.100	0.323	0.052	0.374	205	5,292	10,020	25,951	18,638	60,105	9,610	69,715	54,813
Mid 2034	223,184	0.001	0.029	0.065	0.138	0.090	0.322	0.047	0.370	205	6,398	14,496	30,693	20,175	71,966	10,531	82,497	65,568
Mid 2051	287,651	0.001	0.030	0.078	0.141	0.081	0.330	0.043	0.373	205	8,582	22,451	40,517	23,173	94,928	12,352	107,280	86,346
Incremental Change																		
Mid 2011 - Mid 2016	9,851	0.0001	0.0040	-0.0258	-0.0035	-0.0122	-0.0373	0.0007	-0.0366	20	840	-3,225	760	-750	-2,355	716	-1,639	-3,195
Mid 2016 - Mid 2024	26,798	0.0004	0.0045	-0.0103	0.0097	-0.0087	-0.0044	-0.0110	-0.0154	100	1,472	-203	5,283	1,298	7,950	-370	7,580	6,478
Mid 2024 - Mid 2034	36,928	-0.0002	0.0003	0.0112	-0.0018	-0.0097	-0.0003	-0.0044	-0.0047	0	1,106	4,476	4,742	1,536	11,861	921	12,782	10,754
Mid 2024 - Mid 2051	101,395	-0.0004	0.0014	0.0243	0.0015	-0.0195	0.0073	-0.0087	-0.0013	0	3,290	12,431	14,566	4,535	34,823	2,742	37,565	31,532
Annual Average																		
Mid 2011 - Mid 2016	1,970	0.0000	0.0008	-0.0052	-0.0007	-0.0024	-0.0075	0.0001	-0.0073	4	168	-645	152	-150	-471	143	-328	-639
Mid 2016 - Mid 2024	3,350	0.00006	0.00056	-0.00129	0.00121	-0.00108	-0.00055	-0.00137	-0.00192	12	184	-25	660	162	994	-46	948	810
Mid 2024 - Mid 2034	3,693	-0.00002	0.00003	0.00112	-0.00018	-0.00097	-0.00003	-0.00044	-0.00047	0	111	448	474	154	1,186	92	1,278	1,075
Mid 2024 - Mid 2051	3,380	-0.00001	0.00005	0.00090	0.00006	-0.00072	0.00027	-0.00032	-0.00005	0	122	460	539	168	1,290	102	1,391	1,168

¹ Statistics Canada defines no fixed place of work (N.F.P.O.W.) employees as "persons who do not go from home to the same work place location at the beginning of each shift". Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc.

Note: Statistics Canada 2021 Census place of work employment data has been reviewed. The 2021 Census employment results have not been utilized due to a significant increase in work at home employment captured due to Census enumeration occurring during the provincial COVID-19 lockdown from April 1, 2021 to June 14, 2021.

Source: Envision Durham, the Durham Region Official Plan (adopted by Regional Council May 17, 2023) derived by Watson & Associates Economists Ltd., 2024.



Schedule 10b
City of Oshawa
Employment and Gross Floor Area (G.F.A.) Forecast, 2024 to 2051

Period	Population	Employment				Gross Floor Area in Square Feet (Estimated) ^[1]			
		Industrial	Commercial/ Population Related	Institutional ^[2]	Total	Industrial	Commercial/ Population Related	Institutional ^[2]	Total
Mid 2011	149,607	13,448	19,908	18,090	51,530				
Mid 2016	159,458	10,223	20,668	17,340	48,335				
Mid 2024	186,256	10,020	25,951	18,597	54,772				
Mid 2034	223,184	14,496	30,693	20,005	65,398				
Mid 2051	287,651	22,451	40,517	22,696	85,869				
Incremental Change									
Mid 2011 - Mid 2016	9,851	-3,225	760	-750	-3,195				
Mid 2016 - Mid 2024	26,798	-203	5,283	1,257	6,437				
Mid 2024 - Mid 2034	36,928	4,476	4,742	1,407	10,625	5,370,800	1,896,900	876,600	8,144,300
Mid 2024 - Mid 2051	101,395	12,431	14,566	4,099	31,096	14,917,400	5,826,500	2,562,200	23,306,100
Annual Average									
Mid 2011 - Mid 2016	1,970	-645	152	-150	-639				
Mid 2016 - Mid 2024	3,350	-25	660	157	805				
Mid 2024 - Mid 2034	3,693	448	474	141	1,063	537,080	189,690	87,660	814,430
Mid 2024 - Mid 2051	3,755	460	539	152	1,152	552,496	215,796	94,896	863,189

Source: Envision Durham, the Durham Region Official Plan (adopted by Regional Council May 17, 2023) derived by Watson & Associates Economists Ltd., 2024.

^[1] Square Foot Per Employee Assumptions

Industrial	1,200
Commercial/ Population Related	400
Institutional	625

^[2] Forecast institutional employment and gross floor area has been adjusted downward to account for employment associated with special care units.

Note: Numbers may not add to totals due to rounding.



Appendix B

Level of Service



Schedule B-1
City of Oshawa
Summary of the Level of Service Ceiling by Services Considered

SUMMARY OF SERVICE STANDARDS AS PER DEVELOPMENT CHARGES ACT, 1997, AS AMENDED							
Service Category	Sub-Component	15 Year Average Service Standard					Maximum Ceiling LOS
		Cost (per capita)	Quantity (per capita)		Quality (per capita)		
Service Related to a Highway	Services Related to a Highway - Roads	\$7,396.20	0.0048	km of Roadways, Sidewalks, and Multi-Use Paths	1,540,875	per km	749,937,699
	Services Related to a Highway - Bridges and Culverts	\$2,067.53	0.0003	Number of Structures	6,891,767	per item	209,637,204
	Services Related to a Highway - Traffic Signals & Streetlights	\$955.33	0.0192	No. of Traffic Signals & Streetlights, and Intersections	49,757	per signal	96,865,685
	Services Related to a Highway - Facilities	\$376.60	0.5633	sq.ft. of building area	669	per sq.ft.	38,185,357
	Services Related to a Highway - Vehicles & Equipment	\$148.77	0.0009	No. of vehicles and equipment	165,300	per vehicle	15,084,534
Fire Protection	Fire Protection Services - Facilities	\$420.26	0.4309	sq.ft. of building area	975	per sq.ft.	15,519,361
	Fire Protection Services - Vehicles & Equipment	\$128.24	0.0002	No. of vehicles	641,200	per vehicle	4,735,647
	Fire Protection Services - Small Equipment and Gear	\$27.85	0.0100	No. of equipment and gear	2,785	per item	1,028,445
Parks & Recreation	Parkland Development	\$769.03	0.0077	Acres of Parkland	99,874	per acre	28,398,740
	Parkland Amenities	\$814.35	0.0021	No. of parkland amenities	387,786	per amenity	30,072,317
	Parkland Trails	\$267.86	0.1661	Linear Metres of Paths and Trails	1,613	per linear m	9,891,534
	Recreation Facilities	\$4,440.47	5.6394	sq.ft. of building area	787	per sq.ft.	163,977,676
	Park Operations Facilities	\$112.62	0.2346	sq.ft. of building area	480	per sq.ft.	4,158,831
	Parks & Recreation Vehicles and Equipment	\$86.84	0.0007	No. of vehicles and equipment	124,057	per vehicle	3,206,828
Library	Library Services - Facilities	\$476.41	0.5899	sq.ft. of building area	808	per sq.ft.	17,592,868
	Library Services - Collection Materials	\$87.50	2.5507	No. of library collection items	34	per collection item	3,231,200
	Library Services - Vehicles	\$0.52	0.0124	No. of vehicles and equipment	41,935	per vehicle	19,203
Provincial Offences Act including By-law Enforcement	Provincial Offences Act including By-law Enforcement - Facilities	\$61.64	0.0844	sq.ft. of building area	730	per sq.ft.	2,276,242
	Provincial Offences Act including By-law Enforcement - Vehicles & Equipment	\$8.31	0.0001	No. of Vehicles and Equipment	83,100	per vehicle	306,872
Waste Diversion	Waste Diversion - Facilities	\$5.87	0.0090	sq.ft. of building area	652	per sq.ft.	216,767
	Waste Diversion - Vehicles & Equipment	\$17.26	0.0000	No. of vehicles and equipment	420,976	per vehicle	637,377



Schedule B-2 City of Oshawa Services Related to a Highway – Roads and Related

Service: Services Related to a Highway - Roads
Unit Measure: km of Roadways, Sidewalks, and Multi-Use Paths

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/km)
Arterials A/B	15	15	15	15	15	15	16	16	16	16	16	16	16	17	17	\$13,360,000
Arterials C	24	24	25	25	27	27	28	29	30	30	31	32	32	33	33	\$11,810,000
Rurals	37	37	37	37	37	38	38	38	38	38	34	34	36	36	36	\$7,210,000
Sidewalks & Multi-Use Paths (km)	631	646	663	673	677	687	689	690	698	698	705	714	717	719	737	\$554,500
Total	707	722	740	750	756	767	771	773	782	782	786	796	801	805	823	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0048	0.0049	0.0049	0.0050	0.0050	0.0050	0.0049	0.0048	0.0048	0.0047	0.0046	0.0046	0.0046	0.0045	0.0045

15 Year Average	2009 to 2023
Quantity Standard	0.0048
Quality Standard	\$1,540,875
Service Standard	\$7,396

D.C. Amount (before deductions)	27 Year
Forecast Population	101,395
\$ per Capita	\$7,396
Eligible Amount	\$749,937,699



Schedule B-3 City of Oshawa Services Related to a Highway – Bridges and Culverts

Service: Services Related to a Highway - Bridges and Culverts
Unit Measure: Number of Structures

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/item)
Bridges (Arterial A/B)	8	8	9	9	10	11	11	11	11	11	13	13	13	13	13	\$15,892,000
Bridges (Arterial C)	7	7	7	7	7	7	7	7	7	7	6	6	6	6	6	\$12,880,000
Bridges (Collectors)	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	\$9,870,000
Culverts (Arterial A/B)	12	12	12	12	12	13	13	13	13	13	13	13	13	13	13	\$2,192,000
Culverts (Arterial C)	6	6	6	7	7	7	9	10	10	10	10	10	10	10	10	\$1,850,000
Culverts (Collectors)	7	7	7	7	7	8	8	8	9	9	9	9	9	9	9	\$1,500,000
Total	42	42	43	44	45	48	50	51	52	52	53	53	53	53	53	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003

15 Year Average	2009 to 2023
Quantity Standard	0.0003
Quality Standard	\$6,891,767
Service Standard	\$2,068

D.C. Amount (before deductions)	27 Year
Forecast Population	101,395
\$ per Capita	\$2,068
Eligible Amount	\$209,637,204



Schedule B-4 City of Oshawa Services Related to a Highway – Traffic Signals and Streetlights

Service: Services Related to a Highway - Traffic Signals & Streetlights
Unit Measure: No. of Traffic Signals & Streetlights, and Intersections

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/item)
Streetlights	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	3,045	\$12,000
Arterials A/B Roundabout Intersection (items)	-	-	-	-	-	1	1	1	1	1	1	1	1	1	1	\$5,808,800
Arterials C Roundabout Intersection (items)	1	1	1	1	1	1	1	3	5	5	5	5	5	5	6	\$4,822,400
Regional Intersection (Items)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	\$5,808,800
Traffic Control Signals (City only)	29	31	31	31	31	33	34	34	34	34	35	35	36	36	36	\$374,700
Total	3,090	3,092	3,092	3,092	3,092	3,095	3,096	3,098	3,100	3,100	3,101	3,101	3,102	3,102	3,103	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0210	0.0209	0.0207	0.0205	0.0203	0.0201	0.0198	0.0194	0.0191	0.0185	0.0182	0.0180	0.0177	0.0173	0.0169

15 Year Average	2009 to 2023
Quantity Standard	0.0192
Quality Standard	\$49,757
Service Standard	\$955

D.C. Amount (before deductions)	27 Year
Forecast Population	101,395
\$ per Capita	\$955
Eligible Amount	\$96,865,685



Schedule B-5 City of Oshawa Services Related to a Highway - Public Works Facilities

Class of Service: Services Related to a Highway - Facilities
Unit Measure: sq.ft. of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
North Depot - offices/garages/sand	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	14,700	\$332	\$1,085
Conant St. East Facility - Traffic Dep/Purchasing	11,500	11,500	11,500	11,500	11,500	11,500	-	-	-	-	-	-	-	-	-	\$508	\$771
Ritson Rd. Depot	53,300	53,300	53,300	53,300	53,300	53,300	53,300	53,300	-	-	-	-	-	-	-	\$332	\$577
Farewell - Road Portion Only	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	8,100	\$575	\$845
Consolidated Operations Depot - Office	-	-	-	-	-	-	10,466	10,466	10,466	10,466	10,466	10,466	10,466	10,466	10,466	\$474	\$734
Consolidated Operations Depot - Garage	-	-	-	-	-	-	6,244	6,244	6,244	6,244	6,244	6,244	6,244	6,244	6,244	\$408	\$660
Consolidated Operations Depot - Heated Inventory Storage	-	-	-	-	-	-	9,518	9,518	9,518	9,518	9,518	9,518	9,518	9,518	9,518	\$408	\$660
Consolidated Operations Depot - Salt Building	-	-	-	-	-	-	15,494	15,494	15,494	15,494	15,494	15,494	15,494	15,494	15,494	\$200	\$431
Consolidated Operations Depot - Covered Storage Building	-	-	-	-	-	-	15,957	15,957	15,957	15,957	15,957	15,957	15,957	15,957	15,957	\$66	\$284
Total	87,600	87,600	87,600	87,600	87,600	87,600	133,779	133,779	80,479	80,479	80,479	80,479	80,479	80,479	80,479		

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.5945	0.5914	0.5855	0.5810	0.5751	0.5677	0.8567	0.8390	0.4946	0.4803	0.4713	0.4664	0.4589	0.4490	0.4376

15 Year Average	2009 to 2023
Quantity Standard	0.5633
Quality Standard	\$669
Service Standard	\$377

D.C. Amount (before deductions)	27 Year
Forecast Population	101,395
\$ per Capita	\$377
Eligible Amount	\$38,185,357



Schedule B-6 City of Oshawa Services Related to a Highway - Public Works Vehicles & Equipment

Class of Service: Services Related to a Highway - Vehicles & Equipment
Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/Vehicle)
Compact SUV/Crossover	1	1	1	1	1	1	-	-	-	-	1	1	1	1	1	\$58,000
1/2 Ton Pickup	-	-	-	-	-	6	6	6	6	7	7	7	7	7	7	\$100,000
3/4 - 1 ton Pickup	8	8	10	10	10	10	10	4	4	4	5	6	5	4	3	\$120,000
Compact Van	1	1	1	1	1	1	1	1	1	1	-	-	-	-	-	\$57,000
1/2 Ton Pickup Compact	10	10	7	6	6	1	1	1	1	1	-	-	-	-	-	\$58,000
Dump Stake Hoist Trucks (4600-4900K)	5	5	5	5	6	6	6	12	14	13	14	12	12	12	12	\$125,000
Dump Trucks (12000-13500K)	2	2	2	1	1	-	-	-	-	-	-	1	1	1	2	\$375,000
Dump Trucks (13600K)	20	20	20	16	16	16	16	13	13	13	13	13	13	13	13	\$450,000
Dump Trucks (16100-22000)	3	3	3	3	3	3	3	3	3	3	3	3	5	5	5	\$659,000
Special Purpose Light Trucks	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$165,000
Utility Truck	1	1	1	1	1	1	1	1	1	2	1	1	1	1	1	\$500,000
Small Salt Sanders	1	1	4	4	4	4	4	4	4	4	-	-	-	-	-	\$12,000
Catchbasin Cleaner	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$700,000
Street Flusher	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$300,000
Snow Blowers Large	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	\$190,000
Street Sweepers	3	2	2	2	2	2	2	2	2	2	2	2	2	2	4	\$600,000
Sidewalk Plows	9	9	9	10	10	11	11	11	11	12	12	15	14	15	14	\$190,000
Rollers 1-3 Ton	3	3	3	3	3	3	3	3	3	3	2	2	2	2	1	\$37,000
Sidewalk Sweepers	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$280,000
Roads Graders over 130 HP	6	6	5	4	3	3	3	3	3	3	3	3	3	3	3	\$525,000
Fork Lift Truck	-	-	-	-	-	-	-	2	2	2	2	2	2	2	2	\$108,000
Back Hoe 3/4 Yard	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$425,000
Back Hoe 3/8 Yard	-	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$210,000
Tractors and Attachments	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	\$200,000
Front End Loaders AWD	4	4	4	3	3	3	3	3	3	3	3	3	3	4	4	\$502,000
Skid Steer Loader	1	1	1	1	1	1	1	1	1	-	-	-	-	-	-	\$142,000
Litter Vacuum	-	-	-	1	1	1	1	1	1	2	2	2	2	2	2	\$130,000
Water Pumps 1-3"	5	5	5	5	5	5	5	5	5	3	3	3	3	3	3	\$5,200
Stream Generators	3	3	3	3	3	3	3	3	3	2	2	2	2	2	2	\$58,000
Arrowboard Warning Devices	1	2	2	2	2	2	2	6	6	6	6	6	6	6	6	\$29,000
Portable Air Compressors	3	3	3	3	3	2	2	2	2	2	4	3	3	3	3	\$60,000
Line Marking Machines	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3	\$16,000
Concrete Grinders	3	3	3	3	3	3	3	2	2	1	3	3	3	3	3	\$6,000
Portable Electrical Generator	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	\$4,800
Trailers	9	10	10	10	9	9	9	8	7	10	10	9	8	11	8	\$18,000
Asphalt Trailer	1	1	1	1	1	1	1	1	1	1	2	2	2	3	2	\$30,000
Asphalt Recycler	1	1	1	1	1	1	1	1	1	1	1	1	1	1	-	\$75,000
Sewer Cleaner	1	1	1	1	1	1	1	1	1	1	-	-	-	-	-	\$180,000
Power Scythes	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	\$1,900
Equipment Power Washer	1	1	1	1	1	1	1	1	1	1	3	2	2	2	2	\$27,000
Concrete Saws - Small	3	3	3	3	3	3	3	3	3	3	3	3	5	6	6	\$3,000



Schedule B-6 (continued)
City of Oshawa
Services Related to a Highway - Public Works Facilities

Class of Service: Services Related to a Highway - Vehicles & Equipment
Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/Vehicle)
Concrete Saw - Large	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$30,000
Breakers - Tampers Air	14	12	6	6	6	6	6	6	6	6	6	6	5	5	5	\$3,000
Chainsaw	3	3	3	4	4	4	4	4	4	3	4	4	4	4	6	\$1,300
Tamper - Gas	9	9	9	9	9	9	10	10	10	10	10	10	9	9	9	\$4,500
Tar Kettles	1	1	1	1	1	1	1	1	1	1	1	1	-	-	-	\$7,500
EV Charging Stations - COD	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	\$42,000
Total	155	155	149	144	143	143	143	144	145	145	147	148	146	155	152	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0011	0.0010	0.0010	0.0010	0.0009	0.0009	0.0009	0.0009	0.0009	0.0009	0.0009	0.0009	0.0008	0.0009	0.0008

15 Year Average		2009 to 2023
Quantity Standard		0.0009
Quality Standard		\$165,300
Service Standard		\$149

D.C. Amount (before deductions)		27 Year
Forecast Population		101,395
\$ per Capita		\$149
Eligible Amount		\$15,084,534



Schedule B-7 City of Oshawa Fire Protection Services - Facilities

Service: Fire Protection Services - Facilities
Unit Measure: sq.ft. of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
Firehall #1 - 199 Adelaide Ave W	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	\$637	\$969
Firehall #2 - 1111 Simcoe St S	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	\$637	\$980
Firehall #3 - 50 Beatrice St E	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	\$637	\$980
Firehall #4 - 50 Harmony Rd N	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	\$637	\$967
Firehall #5 - 1550 Harmony Rd N	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	17,890	\$637	\$980
Firehall #6 - 2339 Simcoe St N	-	-	-	-	-	-	-	10,675	10,675	10,675	10,675	10,675	10,675	10,675	10,675	\$637	\$980
Fire Training Tower - Temporary - 1000 Stevenson Rd N	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,016	\$682	\$1,733
Training Portable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	800	\$52	\$208
Portable Washroom	-	-	-	-	-	-	-	-	-	-	-	-	-	-	60	\$509	\$629
2 C-Can Storage Units (8 x40 ft each)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	640	\$16	\$138
Total	63,890	63,890	63,890	63,890	63,890	63,890	63,890	74,565	74,565	74,565	74,565	74,565	74,565	74,565	78,081		

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.4336	0.4313	0.4271	0.4237	0.4194	0.4140	0.4091	0.4676	0.4583	0.4450	0.4367	0.4321	0.4252	0.4160	0.4246

15 Year Average	2009 to 2023
Quantity Standard	0.4309
Quality Standard	\$975
Service Standard	\$420

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$420
Eligible Amount	\$15,519,361



Schedule B-8
City of Oshawa
Fire Protection Services – Vehicles and Equipment

Unit Measure: No. of vehicles

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/Vehicle)
Pumper	8	8	8	8	8	8	8	8	8	9	9	9	9	9	10	\$1,124,000
Tanker	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$674,000
Rescue 21	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$1,200,000
Aerial	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	\$2,320,000
Aerial Platform	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	\$2,610,000
Hazmat Trailer	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$60,000
3/4 ton pick-up	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$110,000
Command Vehicle	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$179,800
Car	9	9	9	9	9	10	10	10	10	10	13	13	14	15	17	\$65,000
Pick-up Truck	4	4	4	4	4	5	5	5	5	5	4	4	4	4	4	\$90,000
1/2 ton Pick-up Truck	4	4	4	4	4	5	5	5	5	5	4	4	4	4	4	\$90,000
Rescue 25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	\$906,000
Total	33	33	33	33	33	36	36	36	36	37	38	38	40	41	45	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002

15 Year Average	2009 to 2023
Quantity Standard	0.0002
Quality Standard	\$641,200
Service Standard	\$128

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$128
Eligible Amount	\$4,735,647



Schedule B-9 City of Oshawa Fire Protection Services – Small Equipment and Gear

Service: Fire Protection Services - Small Equipment and Gear
Unit Measure: No. of equipment and gear

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/item)
Bunker Gear	323	325	326	323	324	324	308	299	295	294	345	345	345	355	395	\$3,300
Portable Radios	120	120	120	120	120	73	73	73	73	73	87	87	87	87	119	\$10,000
Mobile Radios	21	21	21	21	21	14	14	14	14	14	18	18	18	18	18	\$9,900
Helmets	167	167	167	167	167	167	167	167	167	185	185	185	185	186	191	\$500
Boots	167	167	167	167	167	167	167	167	167	185	185	185	185	186	191	\$800
Gloves	167	167	167	167	167	167	167	167	167	185	185	185	185	186	191	\$160
Balaclavas	167	167	167	167	167	167	167	167	167	185	185	185	185	186	191	\$180
Hurst E-Draulic Extrication Tools	-	-	-	-	6	6	6	6	6	6	6	6	6	6	7	\$66,900
Thermal Imaging Cameras	8	8	8	8	8	8	8	8	8	8	8	8	8	8	9	\$6,800
SCBA Harnesses	87	87	87	87	87	87	87	87	87	87	87	87	87	87	87	\$10,700
SCBA Bottles	215	215	215	215	215	215	215	215	215	215	215	215	215	215	215	\$1,700
SCBA Masks	97	97	97	97	97	97	97	97	97	170	170	170	170	175	198	\$500
MSA HCN Detectors	-	-	-	-	6	6	6	6	6	6	6	6	6	6	7	\$1,000
MSA 4 Gas Detectors	-	-	-	-	9	9	9	9	9	9	9	9	9	9	10	\$1,700
MSA 5 Gas Detectors	-	-	-	-	-	-	-	-	-	-	-	-	1	1	1	\$6,000
Cascade Compressor System	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	\$44,000
Commercial Extractors	2	2	2	2	2	2	2	2	2	2	2	2	2	4	4	\$35,000
Blow Hard Fans	-	-	-	-	-	-	-	-	-	-	5	5	6	6	7	\$7,700
Vetter Bag and System	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	\$9,000
Bunker Gear Dryers	2	2	2	2	2	2	2	2	2	2	2	2	2	4	4	\$8,400
Total	1,551	1,553	1,554	1,551	1,573	1,519	1,503	1,494	1,562	1,634	1,708	1,708	1,718	1,753	1,937	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0105	0.0105	0.0104	0.0103	0.0103	0.0098	0.0096	0.0094	0.0096	0.0098	0.0100	0.0099	0.0098	0.0098	0.0105

15 Year Average		2009 to 2023
Quantity Standard		0.0100
Quality Standard		\$2,785
Service Standard		\$28

D.C. Amount (before deductions)		10 Year
Forecast Population		36,928
\$ per Capita		\$28
Eligible Amount		\$1,028,445



Schedule B-10
City of Oshawa
Parks and Recreation Services – Parkland Development

Service: Parkland Development
Unit Measure: Acres of Parkland

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/Acre)
Neighbourhood	329	330	332	343	343	352	352	362	363	363	363	363	369	369	369	\$106,000
Community	178	188	188	212	212	212	212	212	212	212	212	212	212	229	263	\$125,000
City	61	61	61	61	61	61	61	61	61	61	61	61	61	61	61	\$155,000
Regional - Active Use	95	95	95	95	95	95	95	95	95	95	95	95	95	95	95	\$155,000
Regional - Passive Use	199	199	199	199	199	199	199	199	199	199	199	199	199	199	199	\$95,000
Parkette	5	5	5	5	5	5	5	5	5	5	5	5	5	6	6	\$254,000
Second Marsh	309	309	309	309	309	309	309	309	309	309	309	309	309	309	309	\$50,000
Open Space - Woodlot (Highgate Park)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	\$1,122
Open Space - Central Valley Natural Park	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	\$49,000
Total	1,192	1,203	1,205	1,240	1,240	1,249	1,249	1,259	1,260	1,260	1,260	1,260	1,266	1,284	1,318	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0081	0.0081	0.0081	0.0082	0.0081	0.0081	0.0080	0.0079	0.0077	0.0075	0.0074	0.0073	0.0072	0.0072	0.0072

15 Year Average	2009 to 2023
Quantity Standard	0.0077
Quality Standard	\$99,874
Service Standard	\$769

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$769
Eligible Amount	\$28,398,740



Schedule B-11
City of Oshawa
Parks and Recreation Services – Parkland Amenities

Service: Parkland Amenities
Unit Measure: No. of parkland amenities

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/item)
Splashpad - Major	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	\$824,000
Splashpad - Minor	1	2	2	4	4	4	4	4	4	4	4	4	5	5	6	\$360,000
Cooling Stations	3	3	3	3	3	3	3	4	4	4	4	4	4	4	4	\$148,000
Sports Fields - lit artificial turf	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	\$6,954,000
Sports Fields - multi-use, lit	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	\$862,000
Sports Fields - multi-use, unlit	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	\$340,000
Sports Fields - 11v11 - irrigation	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	\$661,000
Sports Fields - 11v11 - lit	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	\$1,220,000
Sports Fields - 11v11 - unlit	21	21	21	22	22	23	23	24	24	24	24	24	24	24	24	\$635,000
Sports Fields - 5v5 to 9v9 - unlit	23	23	23	23	23	23	23	24	24	24	24	24	25	25	26	\$201,000
Softball Diamonds - lit	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	\$948,000
Softball Diamonds - unlit	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	\$371,000
Slo-pitch Diamonds	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	\$165,000
Hardball Diamonds - lit - Kinsmen	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$1,294,000
Hardball Diamonds - lit	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	\$1,294,000
Hardball Diamonds - unlit	4	4	4	5	5	5	5	5	5	5	5	5	5	5	5	\$371,000
Tennis Courts - lit		4	4	4	4	4	4	6	6	6	6	6	6	11	11	\$523,000
Tennis Courts - unlit	2	2	2	2	2	2	2	2	2	2	2	2	2	4	4	\$376,000
Pickleball Courts	4	4	4	4	4	4	4	4	4	4	4	4	4	8	8	\$365,000
Multi-Use Courts - Alexandra/Stone St	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	\$237,000
Cricket Pitch - unlit													1	1	1	\$3,050,000
Basketball Courts - full, plexipave surface coating	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$106,000
Basketball Courts - full	6	7	7	7	7	7	7	7	7	7	7	7	8	8	9	\$73,000
Basketball Courts - half	6	6	6	8	8	10	10	10	11	12	12	12	13	13	13	\$38,000
Basketball Single Hoops	3	3	3	3	3	3	3	3	4	5	5	5	5	5	5	\$30,000
Skateboard Parks	1	2	2	3	3	3	3	3	3	3	3	3	3	3	3	\$989,000
Bike Parks - RVP (existing)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$275,000
Bike Parks - RVP (new addition)	-	-	-	-	-	-	-	-	-	-	-	-	1	1	1	\$647,000
Playgrounds - EWF	68	71	77	84	84	89	91	96	100	100	100	100	107	110	112	\$407,000
Playgrounds - rubber safety surface	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$714,000
Shade Structures	60	61	61	63	63	64	64	66	66	66	66	66	66	66	66	\$137,000
Bocce Court - Radio Park	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	\$462,000
Butterfly/Pollinator Garden	-	-	-	1	1	1	1	1	1	1	1	1	1	1	2	\$99,000



Schedule B-11 (continued)
City of Oshawa
Parks and Recreation Services – Parkland Amenities

Service: Parkland Amenities
Unit Measure: No. of parkland amenities

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/item)
Lawn Bowling Court - lit	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$2,638,000
Off-Leash Dog Park	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	\$297,000
Total	279	291	297	314	314	323	328	338	344	345	345	345	364	373	380	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0019	0.0020	0.0020	0.0021	0.0021	0.0021	0.0021	0.0021	0.0021	0.0021	0.0020	0.0020	0.0021	0.0021	0.0021

15 Year Average	2009 to 2023
Quantity Standard	0.0021
Quality Standard	\$387,786
Service Standard	\$814

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$814
Eligible Amount	\$30,072,317



Schedule B-12
City of Oshawa
Parks and Recreation Services – Parkland Trails

Service: Parkland Trails
Unit Measure: Linear Metres of Paths and Trails

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/ Linear Metre)
Harmony Creek	4,630	4,630	4,630	4,630	5,430	5,856	5,856	5,856	5,856	5,856	5,856	5,856	5,856	5,856	6,556	\$2,489
Oshawa Creek	7,580	7,580	7,580	7,680	7,680	8,281	8,281	8,281	8,281	8,281	8,281	9,984	9,984	9,984	10,815	\$822
Waterfront Trail	4,260	7,459	7,459	7,459	7,459	7,459	7,459	7,459	7,459	7,459	7,459	7,459	7,459	7,459	7,459	\$822
Michael Starr Trail	4,870	4,870	4,870	4,870	4,870	4,939	4,939	4,939	4,939	4,939	4,939	4,939	4,939	4,939	4,939	\$822
Pedestrian Bridges	458	458	458	458	458	703	703	703	703	703	703	703	703	703	705	\$20,300
Total	21,798	24,997	24,997	25,097	25,897	27,238	27,238	27,238	27,238	27,238	27,238	28,941	28,941	28,941	30,474	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.1479	0.1688	0.1671	0.1664	0.1700	0.1765	0.1744	0.1708	0.1674	0.1626	0.1595	0.1677	0.1650	0.1615	0.1657

15 Year Average	2009 to 2023
Quantity Standard	0.1661
Quality Standard	\$1,613
Service Standard	\$268

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$268
Eligible Amount	\$9,891,534



Schedule B-13 City of Oshawa Parks and Recreation Services – Recreation Facilities

Service: Recreation Facilities
Unit Measure: sq.ft. of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
Donevan Arena/Pool	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	51,773	\$547	\$813
Harman Park Arena	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	\$353	\$502
Children's Arena	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	\$473	\$644
Civic Recreation Complex	132,978	132,978	211,474	211,474	211,474	211,474	211,474	211,474	211,474	211,474	211,474	211,474	211,474	211,474	211,474	\$387	\$709
Northview Community Centre	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	23,866	\$626	\$947
Bandshell/Music Centre(Memorial Park)	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	\$946	\$1,253
Columbus Community Hall	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	3,270	\$1,020	\$1,574
Jubilee Pavilion	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	\$417	\$460
Cordova Community Centre	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	\$662	\$941
Washrooms/changerooms/storage/field house	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	14,892	\$135	\$149
Neighbourhood Assoc. Community Centres	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	62,420	\$641	\$918
Delpark Homes Centre (excludes Library)	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	190,901	\$584	\$854
South Oshawa Community Centre	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	\$735	\$1,021
South Oshawa Gymnasium	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	\$735	\$810
Tribute Communities Centre - 50% of total	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	\$854	\$1,152
Arts Resource Centre (excludes theatre)	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	3,021	\$542	\$808
Rotary Pool and Change House	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	-	\$1,550	\$1,835
Lake Vista Splash Pad Storage building	1,200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$767	\$1,056
Camp Samac Pool	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	\$157	\$173
Campus Ice Centre (86% of floor area)	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	70,520	\$421	\$464
Mary St. Public School Gymnasium	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800	\$735	\$810
Total	843,441	842,241	920,737	920,737	920,737	920,737	920,737	920,737	920,737	920,737	920,737	920,737	920,737	920,737	914,137		

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	5.7236	5.6858	6.1544	6.1065	6.0448	5.9666	5.8962	5.7742	5.6588	5.4955	5.3921	5.3356	5.2499	5.1370	4.9707

15 Year Average	
Quantity Standard	5.6394
Quality Standard	\$787
Service Standard	\$4,440

D.C. Amount (before deductions)	
Forecast Population	36,928
\$ per Capita	\$4,440
Eligible Amount	\$163,977,676



Schedule B-14
City of Oshawa
Parks and Recreation Services – Parks Operations Facilities

Service: Park Operations Facilities
Unit Measure: sq.ft. of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
Farewell - Parks share only	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	20,036	\$144	\$369
Consolidated Operations Depot - Office	-	-	-	-	-	-	9,344	9,344	9,344	9,344	9,344	9,344	9,344	9,344	9,344	\$474	\$734
Consolidated Operations Depot - Heated Inventory Storage	-	-	-	-	-	-	9,518	9,518	9,518	9,518	9,518	9,518	9,518	9,518	9,518	\$408	\$660
Consolidated Operations Depot - Salt Building	-	-	-	-	-	-	1,722	1,722	1,722	1,722	1,722	1,722	1,722	1,722	1,722	\$200	\$431
Consolidated Operations Depot - Covered Stoage	-	-	-	-	-	-	5,319	5,319	5,319	5,319	5,319	5,319	5,319	5,319	5,319	\$66	\$284
Consolidated Operations Depot - Garage	-	-	-	-	-	-	5,217	5,217	5,217	5,217	5,217	5,217	5,217	5,217	5,217	\$408	\$660
Total	20,036	20,036	20,036	20,036	20,036	20,036	51,156	51,156	51,156	51,156	51,156	51,156	51,156	51,156	51,156		
Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906		
Per Capita Standard	0.1360	0.1353	0.1339	0.1329	0.1315	0.1298	0.3276	0.3208	0.3144	0.3053	0.2996	0.2964	0.2917	0.2854	0.2782		

15 Year Average	2009 to 2023
Quantity Standard	0.2346
Quality Standard	\$480
Service Standard	\$113

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$113
Eligible Amount	\$4,158,831



Schedule B-15
City of Oshawa
Parks and Recreation Services – Parks and Recreation Vehicles & Equipment

Service: Parks & Recreation Vehicles and Equipment
 Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/Vehicle)
Sub Compact	2	2	1	-	-	-	-	-	-	-	-	-	-	-	-	\$75,000
Compact SUV/Crossover	-	-	-	-	1	1	1	1	2	2	2	2	2	2	2	\$58,000
1/2 Ton Pickup	1	1	1	1	1	1	1	1	1	3	4	5	5	5	5	\$100,000
3/4 - 1 ton Pickup	12	12	12	12	12	12	12	12	7	7	6	8	7	6	6	\$120,000
Compact Van	2	2	2	2	2	2	2	1	1	1	-	-	-	-	-	\$57,000
1/2 1 ton Van	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	\$67,000
1/2 Ton Pickup Compact	7	7	7	8	8	8	8	7	8	8	9	9	9	7	7	\$58,000
Dump Stake Hoist Trucks (4600-4900K)	7	7	7	7	7	7	7	11	10	9	8	5	5	5	5	\$125,000
Dump Trucks (12000-13500K)	1	1	1	1	1	1	1	1	1	2	2	6	8	8	8	\$375,000
Dump Trucks (13600K)	-	-	-	1	1	1	1	1	1	1	1	-	-	-	-	\$450,000
Special Purpose Light Trucks	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	\$135,000
Utility Truck	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	\$450,000
Small Salt Sanders	2	2	2	2	2	2	2	2	2	2	-	-	-	-	-	\$12,000
Lawn Seeder	4	4	4	4	4	4	4	4	4	5	5	7	5	5	6	\$45,000
Aerial Lifts	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$465,000
Wood Chipper	2	2	2	2	2	2	2	2	2	3	3	3	3	2	2	\$165,000
Soil Shredder	1	1	1	1	1	-	-	-	-	-	-	-	-	-	-	\$15,000
Turf Sweeper	2	2	2	2	2	2	2	2	2	2	3	3	3	3	2	\$52,000
Utility Work Machine	-	-	-	1	1	1	1	1	1	1	1	1	1	1	1	\$133,000
Back Hoe 3/8 Yard	2	1	2	2	2	2	2	2	2	2	2	2	2	2	2	\$210,000
Tractors and Attachments	12	11	11	10	10	10	10	10	10	10	10	9	9	9	9	\$200,000
Tractor with Gang Mower	4	4	4	4	4	4	4	4	4	4	4	4	4	4	5	\$200,000
Front End Loaders AWD	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$502,000
Skid Steer Loader	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$142,000
Wheeled Tractors 13-20 HP	6	6	6	7	7	8	8	8	8	8	7	7	6	6	6	\$97,000
Ice Resurfacers	9	7	7	7	7	7	7	7	7	7	7	7	9	7	7	\$210,000
Wheeled Utility Vehicle	4	4	4	5	5	5	5	5	5	5	7	8	8	8	8	\$45,000
Stump Cutter	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$101,000
Litter Vacuum	2	2	2	1	1	1	1	1	1	-	-	-	-	-	-	\$115,000
Water Pumps 1-3"	1	1	1	1	1	1	1	1	1	-	-	-	-	-	-	\$5,200
Portable Air Compressors	1	1	1	1	1	1	1	1	1	1	2	1	1	1	1	\$60,000
Tandem Dump Trailer	1	1	1	1	1	1	1	1	1	1	1	1	-	-	-	\$24,000
Trailers	7	7	7	7	7	7	7	7	8	9	7	7	8	8	8	\$18,000
Chemical Sprayers	8	8	8	8	8	8	8	8	8	8	7	7	7	9	9	\$22,000
Rotary Mowers	9	9	9	8	8	8	8	8	8	8	10	7	10	10	12	\$37,000
Portable Welder	1	1	1	1	1	1	1	1	1	1	1	1	1	1	-	\$45,000
EV Charging Stations - Delpark	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	\$44,600



Schedule B-15 (continued)
 City of Oshawa
 Parks and Recreation Services – Parks and Recreation Vehicles & Equipment

Service: Parks & Recreation Vehicles and Equipment
 Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/Vehicle)
EV Charging Stations - Civic	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	\$46,800
EV Charging Stations - South Oshawa	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	\$43,500
Total	120	116	116	117	118	118	118	115	118	121	120	121	123	125	127	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0008	0.0008	0.0008	0.0008	0.0008	0.0008	0.0008	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007

15 Year Average		2009 to 2023
Quantity Standard		0.0007
Quality Standard		\$124,057
Service Standard		\$87

D.C. Amount (before deductions)		10 Year
Forecast Population		36,928
\$ per Capita		\$87
Eligible Amount		\$3,206,828



Schedule B-16 City of Oshawa Library Services –Library Facilities

Service: Library Services - Facilities
Unit Measure: sq.ft. of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
Northview Branch	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	12,800	\$590	\$898
Jess Hann Branch	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	\$584	\$916
McLaughlin Library	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	\$605	\$761
Delpark Homes Centre Branch	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	9,785	\$584	\$916
Total	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085	95,085		

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.6452	0.6419	0.6356	0.6306	0.6242	0.6162	0.6089	0.5963	0.5844	0.5675	0.5568	0.5510	0.5422	0.5305	0.5170

15 Year Average	2009 to 2023
Quantity Standard	0.5899
Quality Standard	\$808
Service Standard	\$476

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$476
Eligible Amount	\$17,592,868



Schedule B-17 City of Oshawa Library Services –Library Collection Materials

Service: Library Services - Collection Materials
Unit Measure: No. of library collection items

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/item)
Hardcover books	295,923	309,728	319,266	311,412	310,018	312,168	301,812	307,549	271,296	258,001	246,405	246,150	235,930	232,433	223,795	\$35
Paperbacks	32,858	34,414	35,474	34,600	36,599	32,895	37,365	32,498	22,685	23,188	21,426	21,412	19,129	18,846	21,766	\$11
Periodical Titles	863	857	828	753	773	762	748	661	444	434	430	436	432	351	329	\$80
DVD & BluRay	16,501	19,118	22,800	27,248	31,335	36,196	43,613	51,313	52,954	52,986	58,655	59,851	46,141	57,820	47,982	\$36
Audiobooks (Books on CD)	-	-	-	-	-	8,254	8,443	9,392	8,456	8,413	7,856	7,524	7,215	6,671	6,980	\$56
Special Collections - digital format	-	-	-	-	-	5,299	5,616	6,981	4,067	2,442	2,442	2,938	3,049	3,049	3,210	\$20
Special Collections - original format	-	-	-	-	-	6,552	6,600	7,380	3,903	11,371	17,500	17,571	16,521	16,521	17,699	\$20
Kits	-	-	-	-	-	-	-	-	2,124	1,945	1,145	1,146	1,177	1,186	1,217	\$16
eAudio Books (Overdrive/CloudLibrary)	-	-	1,314	3,361	3,865	2,096	2,579	1,816	6,369	6,887	6,887	5,840	3,409	3,045	3,273	\$38
eBooks (Overdrive/CloudLibrary)	-	-	12,814	13,509	13,162	16,279	20,101	21,004	24,945	26,616	26,616	27,373	21,864	12,196	12,086	\$26
eMagazines (Zinio/Flipster)	-	-	-	-	-	41	25	47	61	55	79	49	43	50	25	\$555
Video Games	565	804	882	1,037	1,192	1,991	2,515	2,865	2,850	2,821	1,177	1,492	1,782	2,058	2,318	\$73
Databases	-	29	29	20	20	18	23	20	24	26	17	17	17	17	18	\$2,552
Maker/Coding/VR technology	-	-	-	-	-	-	-	32	74	119	122	122	122	147	131	\$160
3D printers	-	-	-	-	-	-	-	1	5	5	5	5	7	7	8	\$2,304
Public Access Computers	-	84	84	83	83	89	89	100	121	120	120	86	79	84	67	\$1,100
eReaders	-	-	-	42	42	30	-	22	20	-	-	-	-	-	-	\$200
Lending laptops/tablets	-	15	15	-	-	10	64	19	33	38	23	8	8	-	-	\$200
Connect Kits (Tablet & hotspot)	-	-	-	-	-	-	-	-	-	-	-	-	20	24	17	\$578
WiFi hotspots	-	-	-	-	-	-	-	-	-	10	20	30	29	41	35	\$112
Realia (Be Fit Kits, Passes, sports equipment)	-	-	-	-	-	-	-	-	10	80	79	72	93	156	219	\$102
Download and Streaming Services	-	-	-	-	-	-	-	-	-	-	3	3	-	3	4	\$116,564
eLearning Digital Resources	-	-	-	-	-	-	-	-	3	4	4	4	4	4	5	\$11,460
Book Lending Kiosk	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	\$48,000
Compact Disks	21,686	25,928	28,162	26,452	20,701	21,880	23,290	23,979	23,271	15,832	13,520	12,324	11,235	-	-	\$32
CD-ROMS	70	76	76	55	-	-	-	-	-	-	-	-	-	-	-	\$39
Books on Tapes/Kits	11,533	11,415	11,452	10,548	10,976	-	-	-	-	-	-	-	-	-	-	\$91
Total	379,999	402,468	433,196	429,120	428,766	444,560	452,883	465,679	423,715	411,393	404,531	404,453	368,306	354,709	341,185	\$0

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	2.5787	2.7170	2.8956	2.8460	2.8149	2.8809	2.9002	2.9204	2.6041	2.4554	2.3690	2.3438	2.1000	1.9790	1.8552

15 Year Average	
Quantity Standard	2.5507
Quality Standard	\$34
Service Standard	\$88

D.C. Amount (before deductions)	
Forecast Population	36,928
\$ per Capita	\$88
Eligible Amount	\$3,231,200



Schedule B-18 City of Oshawa Library Services –Library Vehicles

Service: Library Services - Vehicles
Unit Measure: No. of vehicles

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/item)
Delivery van	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$42,000
Outreach van	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	\$42,000
Total	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard (per 1,000)	0.01360	0.01350	0.01340	0.01330	0.01310	0.01300	0.01280	0.01250	0.01230	0.01190	0.01170	0.01160	0.01140	0.01120	0.01090

15 Year Average	2009 to 2023
Quantity Standard	0.0124
Quality Standard (per 1,000)	\$41,935
Service Standard	\$1

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$1
Eligible Amount	\$19,203



Schedule B-19
City of Oshawa
P.O.A. Including By-law Enforcement Services – Facilities

Service: Provincial Offences Act including By-law Enforcement - Facilities
Unit Measure: sq.ft. of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
Consolidated Operations Depot - Office	-	-	-	-	-	-	16,072	16,072	16,072	16,072	16,072	16,072	16,072	16,072	16,072	\$474	\$734
Consolidated Operations Depot - Garage	-	-	-	-	-	-	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	1,027	\$408	\$660
44 Simcoe St.	-	-	5,724	5,724	5,724	5,724	5,724	5,724	5,724	5,724	5,724	-	-	-	-	\$474	\$734
Mary St. Office Space	1,150	1,150	-	-	-	-	-	-	-	-	-	-	-	-	-	\$496	\$758
Oshawa Executive Airport	-	-	-	-	-	-	-	-	-	-	-	-	900	900	900	\$496	\$674
Total	1,150	1,150	5,724	5,724	5,724	5,724	22,823	22,823	22,823	22,823	22,823	17,099	17,999	17,999	17,999		

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0078	0.0078	0.0383	0.0380	0.0376	0.0371	0.1462	0.1431	0.1403	0.1362	0.1337	0.0991	0.1026	0.1004	0.0979

15 Year Average	2009 to 2023
Quantity Standard	0.0844
Quality Standard	\$730
Service Standard	\$62

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$62
Eligible Amount	\$2,276,242



Schedule B-20
City of Oshawa
P.O.A. Including By-law Enforcement Services – Vehicles and Equipment

Service: Provincial Offences Act including By-law Enforcement - Vehicles & Equipment
Unit Measure: No. of Vehicles and Equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)
Compact Cars & Midsize Cars	10	10	12	13	13	13	13	13	15	15	15	17	14	14	14	\$75,000
Compact SUV/Crossover (Electric)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$65,000
Compact SUV/Crossover (Gas)	2	2	2	2	2	2	2	2	2	-	-	-	-	-	-	\$58,000
Compact Van	2	2	2	2	2	1	-	-	-	-	-	-	-	-	-	\$67,000
1500 - 4500kg 1/2- 1 Ton Van	-	-	2	2	2	3	3	3	4	4	4	6	4	4	4	\$57,000
1/2 Ton Pickup Compact	-	-	-	-	-	-	-	-	-	-	1	1	1	1	1	\$58,000
Wheeled Utility Vehicle	-	-	-	-	-	-	-	-	-	-	1	1	1	1	1	\$45,000
Total	14	14	18	19	19	19	18	18	21	19	21	25	20	20	25	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001

15 Year Average	2009 to 2023
Quantity Standard	0.0001
Quality Standard	\$83,100
Service Standard	\$8

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$8
Eligible Amount	\$306,872



Schedule B-21 City of Oshawa Waste Diversion – Facilities

Service: Waste Diversion - Facilities
Unit Measure: sq.ft. of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Bld'g Value (\$/sq.ft.)	2024 Value/sq.ft. with land, site works,
Consolidated Operations Depot - Office	-	-	-	-	-	-	292	292	292	292	292	292	292	292	292	\$474	\$650
Consolidated Operations Depot - Garage	-	-	-	-	-	-	375	375	375	375	375	375	375	375	375	\$408	\$660
Wilson Road South (Units 5, 6, 7 and 8)	2,500	2,500	2,500	2,500	2,500	2,500	-	-	-	-	-	-	-	-	-	\$474	\$650
Total	2,500	2,500	2,500	2,500	2,500	2,500	667	667	667	667	667	667	667	667	667		

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.0170	0.0169	0.0167	0.0166	0.0164	0.0162	0.0043	0.0042	0.0041	0.0040	0.0039	0.0039	0.0038	0.0037	0.0036

15 Year Average		2009 to 2023
Quantity Standard		0.0090
Quality Standard		\$652
Service Standard		\$5.87

D.C. Amount (before deductions)		10 Year
Forecast Population		36,928
\$ per Capita		\$6
Eligible Amount		\$216,767



Schedule B-22 City of Oshawa Waste Diversion – Vehicles & Equipment

Service: Waste Diversion - Vehicles & Equipment
Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Value (\$/Vehicle)
Compact SUV/Crossover	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	-	-	-	-	-	-	-	\$58,000
1/2 Ton Pickup	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	-	-	-	-	-	\$100,000
1/2 Ton Pickup Compact	-	-	-	-	-	-	-	-	-	1.00	1.00	1.00	1.00	1.00	1.00	\$58,000
Dump Stake Hoist Trucks (4600-4900K)	-	-	-	-	-	-	-	1.00	-	1.00	1.00	1.00	1.00	1.00	1.00	\$127,000
Garbage Packers*	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	3.50	5.18	4.69	5.12	5.12	\$580,000
Leased Vehicles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2.00	\$487,000
Total	6.25	6.25	6.25	6.25	6.25	6.25	6.25	7.25	5.25	7.25	5.50	7.18	6.69	7.12	9.12	

Population	147,362	148,130	149,607	150,781	152,320	154,315	156,158	159,458	162,708	167,544	170,758	172,565	175,383	179,238	183,906
Per Capita Standard	0.000042	0.000042	0.000042	0.000041	0.000041	0.000041	0.000040	0.000045	0.000032	0.000043	0.000032	0.000042	0.000038	0.000040	0.000050

15 Year Average	2009 to 2023
Quantity Standard	0.0000
Quality Standard	\$420,976
Service Standard	\$17

D.C. Amount (before deductions)	10 Year
Forecast Population	36,928
\$ per Capita	\$17
Eligible Amount	\$637,377



Appendix C

Long-Term Capital and Operating Cost Examination



Appendix C: Long-Term Capital and Operating Cost Examination

As a requirement of the D.C.A. under subsection 10 (2) (c), an analysis must be undertaken to assess the long-term capital and operating cost impacts for the capital infrastructure projects identified within the D.C. background study. As part of this analysis, it was deemed necessary to isolate the incremental operating expenditures directly associated with these capital projects, factor in cost savings attributable to economies of scale or cost sharing where applicable and prorate the cost on a per unit basis (i.e., sq.ft. of building space, per vehicle, etc.). This was undertaken through a review of the City's approved 2022 Financial Information Return (F.I.R.).

In addition to the operational impacts, over time the initial capital projects will require replacement. This replacement of capital is often referred to as lifecycle cost. By definition, lifecycle costs are all the costs that are incurred during the life of a physical asset, from the time its acquisition is first considered, to the time it is taken out of service for disposal or redeployment. Lifecycle costs were estimated by dividing the growth-related costs by the average useful life. The useful life assumptions used for each asset class are provided in Table C-1.

Table C-1
Average Useful Life by Asset Class

Asset	Lifecycle Cost Average Useful Life
Stormwater Infrastructure	40 to 80
Facilities	50
Services Related to a Highway	20 to 40
Parkland Development	20
Vehicles	15
Small Equipment & Gear	10
Library Materials	10



Table C-1 depicts the annual operating impact resulting from the proposed gross capital projects at the time they are all in place. It is important to note that, while Municipal program expenditures will increase with growth in population, the costs associated with the new infrastructure (i.e., facilities) would be delayed until the time these works are in place.

Table C-2
Operating and Capital Expenditure Impacts for Future Capital Expenditures

SERVICE	GROSS COST LESS BENEFIT TO EXISTING	ANNUAL LIFECYCLE EXPENDITURES	ANNUAL OPERATING EXPENDITURES	TOTAL ANNUAL EXPENDITURES
1. Services Related to a Highway				
1.1 Roads and Related, Public Works facilities, vehicles & equipment	870,815,391	35,892,422	14,748,481	50,640,903
2. Stormwater Drainage and Control Services				
2.1 Channels, drainage and ponds	77,624,714	1,291,774	1,371,307	2,663,081
3. Fire Protection Services				
3.1 Fire facilities, vehicles & equipment	56,117,580	1,436,186	7,785,722	9,221,908
4. Parks and Recreation Services				
4.1 Park development, amenities, trails, recreation facilities, vehicles & equipment	220,889,587	7,309,120	8,013,989	15,323,109
5. Library Services				
5.1 Library facilities, materials and vehicles	20,842,545	679,216	1,835,228	2,514,444
6. Provincial Offences Act including By-Law Enforcement				
6.1 Facilities, vehicles and equipment	778,200	102,412	1,770,996	1,873,408
7. Waste Diversion				
7.1 Waste diversion facilities, vehicles, equipment and other	2,098,231	117,940	1,138,363	1,256,303
Total	1,249,166,248	46,829,069	36,664,085	83,493,155



Appendix D

D.C. Reserve Fund Policy



Appendix D: D.C. Reserve Fund Policy

D.1 Legislative Requirements

The *Development Charges Act, 1997*, as amended (D.C.A.) requires development charge (D.C.) collections (and associated interest) to be placed in separate reserve funds. Sections 33 through 36 of the D.C.A. provide the following regarding reserve fund establishment and use:

- A municipality shall establish a reserve fund for each service to which the D.C. by-law relates; subsection 7 (1), however, allows services to be grouped into categories of services for reserve fund (and credit) purposes and for classes of services to be established.
- The municipality shall pay each D.C. it collects into a reserve fund or funds to which the charge relates.
- The money in a reserve fund shall be spent only for the "capital costs" determined through the legislated calculation process (as per subsection 5 (1) 2 to 8).
- Money may be borrowed from the fund but must be paid back with interest (O. Reg. 82/98, subsection 11 (1) defines this as Bank of Canada rate either on the day the by-law comes into force or, if specified in the by-law, the first business day of each quarter).
- D.C. reserve funds may not be consolidated with other municipal reserve funds for investment purposes and may only be used as an interim financing source for capital undertakings for which D.C.s may be spent (section 37).

Annually, the Treasurer of the municipality is required to provide Council with a financial statement related to the D.C. by-law(s) and reserve funds. This statement must be made available to the public and may be requested to be forwarded to the Minister of Municipal Affairs and Housing.

Subsection 43 (2) and O. Reg. 82/98 prescribe the information that must be included in the Treasurer's statement, as follows:

- opening balance;
- closing balance;



- description of each service and/or service category for which the reserve fund was established (including a list of services within a service category);
- transactions for the year (e.g., collections, draws) including each asset's capital costs to be funded from the D.C. reserve fund and the manner for funding the capital costs not funded under the D.C. by-law (i.e., non-D.C. recoverable cost share and post-period D.C. recoverable cost share);
- for projects financed by D.C.s, the amount spent on the project from the D.C. reserve fund and the amount and source of any other monies spent on the project;
- amounts borrowed, purpose of the borrowing, and interest accrued during previous year;
- amount and source of money used by the municipality to repay municipal obligations to the D.C. reserve fund;
- list of credits by service or service category (outstanding at the beginning of the year, given in the year, and outstanding at the end of the year by the holder);
- for credits granted under section 14 of the previous D.C.A., a schedule identifying the value of credits recognized by the municipality, the service to which it applies, and the source of funding used to finance the credit; and
- a statement as to compliance with subsection 59 (1) of the D.C.A., whereby the municipality shall not impose, directly or indirectly, a charge related to a development or a requirement to construct a service related to development, except as permitted by the D.C.A. or another Act.

Recent changes arising from Bill 109 (*More Homes for Everyone Act, 2022*) provide that the Council shall make the statement available to the public by posting the statement on the website or, if there is no such website, in the municipal office. In addition, Bill 109 introduced the following requirements which shall be included in the treasurer's statement.

- For each service for which a development charge is collected during the year
 - whether, as of the end of the year, the municipality expects to incur the amount of capital costs that were estimated, in the relevant development charge background study, to be incurred during the term of the applicable development charge by-law, and
 - if the answer to the above is no, the amount the municipality now expects to incur and a statement as to why this amount is expected.



- For any service for which a development charge was collected during the year but in respect of which no money from a reserve fund was spent during the year, a statement as to why there was no spending during the year.

Based upon the above, Appendix D-1 and Attachments 1 through 3 (Appendix D-2 through D-4), set out the format for which annual reporting to Council should be provided.

D.2 D.C. Reserve Fund Application

Section 35 of the D.C.A. states that:

“The money in a reserve fund established for a service may be spent only for capital costs determined under paragraphs 2 to 7 of subsection 5(1).”

This provision clearly establishes that reserve funds collected for a specific service are only to be used for that service, or to be used as a source of interim financing of capital undertakings for which a D.C. may be spent.



Appendix D-1 Annual Treasurer's Statement of Development Charge Reserve Funds

Description	Services to which the Development Charge Relates							Total
	Services Related to a Highway	Stormwater Drainage and Control Services	Fire Protection Services	Parks and Recreation Services	Library Services	Provincial Offences Act including By-Law Enforcement	Waste Diversion	
Opening Balance, January 1, _____								0
<u>Plus:</u>								
Development Charge Collections								0
Accrued Interest								0
Repayment of Monies Borrowed from Fund and Associated Interest ¹								0
Sub-Total	0	0	0	0	0	0	0	0
<u>Less:</u>								
Amount Transferred to Capital (or Other) Funds ²								0
Amounts Refunded								0
Amounts Loaned to Other D.C. Service Category for Interim Financing								0
Credits ³								0
Sub-Total	0	0	0	0	0	0	0	0
Closing Balance, December 31, _____	0	0	0	0	0	0	0	0

¹ Source of funds used to repay the D.C. reserve fund

² See Attachment 1 for details

³ See Attachment 2 for details

The Municipality is compliant with s.s. 59.1 (1) of the *Development Charges Act*, whereby charges are not directly or indirectly imposed on development nor has a requirement to construct a service related to development been imposed, except as permitted by the *Development Charges Act* or another Act.



Appendix D-2 Amount Transferred to Capital (or Other) Funds - Capital Fund Transactions

Capital Fund Transactions	Gross Capital Cost	D.C. Recoverable Cost Share					Non-D.C. Recoverable Cost Share				
		D.C. Forecast Period		Post D.C. Forecast Period			Other Reserve/Reserve Fund Draws	Tax Supported Operating Fund Contributions	Rate Supported Operating Fund Contributions	Debt Financing	Grants, Subsidies Other Contributions
		D.C. Reserve Fund Draw	D.C. Debt Financing	Grants, Subsidies Other Contributions	Post-Period Benefit/Capacity Interim Financing	Grants, Subsidies Other Contributions					
<u>Services Related to a Highway</u>											
Capital Cost A											
Capital Cost B											
Capital Cost C											
Sub-Total - Services Related to Highways	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<u>Fire Protection Services</u>											
Capital Cost D											
Capital Cost E											
Capital Cost F											
Sub-Total - Fire Protection Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<u>Parks and Recreation Services</u>											
Capital Cost G											
Capital Cost H											
Capital Cost I											
Sub-Total - Parks and Recreation Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0



Appendix D-3
Amount Transferred to Operating (or Other) Funds - Operating Fund Transactions

Operating Fund Transactions	Annual Debt Repayment Amount	D.C. Reserve Fund Draw		Post D.C. Forecast Period			Non-D.C. Recoverable Cost Share		
		Principal	Interest	Principal	Interest	Source	Principal	Interest	Source
Services Related to a Highway									
Capital Cost J									
Capita Cost K									
Capital Cost L									
Sub-Total - Services Related to a Highway	\$0	\$0	\$0	\$0	\$0		\$0	\$0	
Fire Protection Services									
Capital Cost M									
Capita Cost N									
Capital Cost O									
Sub-Total - Fire Protection Services	\$0	\$0	\$0	\$0	\$0		\$0	\$0	
Parks and Recreation Services									
Capital Cost P									
Capita Cost Q									
Capital Cost R									
Sub-Total - Parks and Recreation Services	\$0	\$0	\$0	\$0	\$0		\$0	\$0	



Appendix D-4
Statement of Credit Holder Transactions

Credit Holder	Applicable D.C. Reserve Fund	Credit Balance Outstanding Beginning of Year _____	Additional Credits Granted During Year	Credits Used by Holder During Year	Credit Balance Outstanding End of Year _____
Credit Holder A					
Credit Holder B					
Credit Holder C					
Credit Holder D					
Credit Holder E					
Credit Holder F					



Appendix D-5
Statement of Reserve Fund Balance Allocations

Service:	Services Related to a Highway
Balance in Reserve Fund at Beginning of Year:	
60% of Balance to be Allocated (at a minimum):	

Projects to Which Funds Will be Allocated

Project Description	Project Number	Total Growth-related Capital Cost Remaining to be Funded	Share of Growth-related Cost Allocated to Date	Share of Growth-related Cost Allocated - Current Year
Total		\$0	\$0	\$0



Appendix D-6
Description of the Service for which each Development Charge Reserve Fund was Established

Service/Class of Service	Description
Services Related to a Highway	The fund is used for growth-related projects for roads, bridges, structures, active transportation, streetlights, sidewalks, and other related road infrastructure
Fire Protection Services	The fund is used for growth-related projects supporting fire protection services, including facilities, vehicles, equipment, and gear
Parks and Recreation Services	The fund is used for growth-related projects related to parkland development, parkland amenities, recreational trails, parkland buildings, recreation facilities, and parks & recreation vehicles and equipment
Library Services	The fund is used for growth-related projects including library facilities, furniture, shelving, collection materials, vehicles, and other related library infrastructure
Provincial Offences Act including By-Law Enforcement	The fund is used for growth-related projects including facilities, vehicles, and equipment
Stormwater Drainage and Control Services	The fund is used for growth-related projects for stormwater management facilities, erosion control, storm drainage, and other stormwater related infrastructure
Waste Diversion	The fund is used for growth-related projects for, facilities, vehicles, equipment, and other waste diversion infrastructure



Appendix E

Local Service Policy



Appendix E: Local Service Policy

Introduction

This policy sets out the City of Oshawa's general guidelines on determining growth-related engineering infrastructure and parkland development that may be eligible for funding, in whole or in part, by development charges (D.C.) versus costs that are considered as a local service, to be emplaced separately by landowners, pursuant to a development agreement.

The Development Charges Act, 1997 (D.C.A.) governs what constitutes eligible services for D.C. funding, and which services are considered ineligible. In the development of a new subdivision or site plan, certain elements that are considered D.C. eligible services may be cost-shared with the developer(s), creditable, or reimbursable if the developer is doing the work on behalf of the City. There are also elements of the developer works that are considered to be local services, which are the infrastructure or component thereof required to facilitate a development, and are therefore, deemed to provide local rather than City-wide growth benefits. Section 59 of the D.C.A. considers local services to be a direct developer responsibility, which means that the capital costs shall be borne entirely by the developer(s), with no credit or reimbursement from the City.

These guidelines are developed in connection with Section 59 of the D.C.A. and Section 51 and 53 of the Planning Act.

The following policy guidelines are general principles by which staff will be guided in considering development applications. However, each application will be considered, in the context of these policy guidelines, as subsection 59(2) of the D.C.A., and the relationship between any existing and proposed development in the surrounding area as well as the location and type of services required and their relationship to the proposed development and to existing and proposed development in the area. Local services are not included in the development charge calculation.

Services Related to a Highway

A highway and services related to a highway are intended for the transportation of people and goods via many different modes including, but not limited to passenger automobiles, commercial vehicles, transit vehicles, bicycles, and pedestrians. The highway shall consist of all land and associated infrastructure built to support (or



service) this movement of people and goods regardless of the mode of transportation employed, thereby achieving a complete street. A complete street is the concept whereby a highway is planned, designed, operated, and maintained to enable pedestrians, cyclists, public transit users and motorists to safely and comfortably be moved, thereby allowing for the efficient movement of persons and goods.

The associated infrastructure to achieve this concept shall include, but is not limited to: road pavement structure and curbs; grade separation/bridge structures (for any vehicles, railways and/or pedestrians); grading, drainage and retaining wall features; culvert structures; storm water drainage systems; utilities; traffic control systems; signage; gateway features; street furniture; active transportation facilities (e.g. sidewalks, bike lanes, multi-use trails which interconnect the transportation network, etc.); transit lanes & lay-bys; roadway illumination systems; boulevard and median surfaces (e.g. sod & topsoil, paving, etc.); street trees and landscaping; parking lanes & lay-bys; (excluding on-street parking in the downtown) and driveway entrances; noise attenuation systems; railings and safety barriers.

1. Roads

- Local and Collector Roads Internal to Development, inclusive of all land and associated infrastructure – direct developer responsibility under s.59 of the D.C.A. as a local service.
- Oversizing of Arterial Type ‘C’ Roads Internal to Development, in excess of an 11 m pavement width, not required for the specific development (i.e., required for future development external to a specific development or the area to which a specific development relates) - included in D.C. calculation to the extent permitted under s.5(1) of the D.C.A.
- Arterial Type “C” Roads External to Development, inclusive of all land and associated infrastructure – if needed to support a specific development or required to link with the area to which the plan relates, direct developer responsibility under s.59 of the D.C.A.;
- Arterial Type “C” Roads External to Development, inclusive of all land and associated infrastructure – if not needed to support a specific development or required to link with the area to which the plan relates, include in the D.C. calculation to the extent permitted under s.5(1) of the D.C.A.;
- Arterial Type “A” and Type “B” Roads: Included as part of road costing funded through D.C.A., s.5(1).



2. Sidewalks

- Sidewalks internal to development - developer responsibility.
- Sidewalks external and abutting developments to be a developer responsibility including upgrades, expansion and/or realignment as required through the development agreement to the City's standard; otherwise included in the D.C.
- Sidewalks external and not abutting developments - Included as costing funded through D.C.A., s.5(1)., with the exception of transition sections, up to a maximum of 25m in length beyond the abutting development, to connect new sidewalks to existing sidewalks.

3. Bridges and Culverts

- Culverts and Bridges on local and collector roads within developments to be a developer responsibility.
- Oversizing of Culverts and Bridges on Arterial Type "C" roads Internal to Development, in excess of an 11 m pavement width, not required for the specific development (i.e., required for future development external to a specific development or the area to which a specific development relates) - included in D.C. calculation to the extent permitted under s.5(1) of the D.C.A.
- Culverts and Bridges on arterial roads external to developments - Included as part of costing funded through the D.C.A., s.5(1).

Watercourse Improvements

Developers are required to pay for any erosion protection work to adjacent lands they are developing, where erosion works are necessary to protect the development. This work will be determined on a site basis and is over and above any work for which watercourse development charges are collected.

Providing stormwater management ponds and other facilities required by the development including all associated features such as landscaping and fencing shall be direct developer responsibilities as a local service.

Storm Sewer systems and drainage works that are required, related to, or within the area needed to support the development, either internal or external to the area to which the plan relates: Direct developer responsibility under s. 59 of the D.C.A. as a local service.



Parkland Development

With respect to parkland dedications, developer responsibilities include preparation of a concept plan and overall grading plan, grading, topsoil, sodding, fencing, and sub-surface drainage.

Parkland Development for City Parks, Community Parks, Regional Parks, Neighbourhood Parks, Parkettes and Open Space: responsibility to provide up to base condition is a direct developer responsibility as a local service provision under s. 59 of the D.C.A. including, but not limited to, the following:

- Clearing and grubbing.
- Topsoil Stripping and stockpiling, (Topsoil or any fill or soils shall not be stockpiled on parkland without the approval of the City.).
- Parkland shall be free of any contaminated soil or subsoil.
- Servicing - Water, Hydro, Stormwater, Sanitary, Electrical, Fibre/ phone, catch basins, meter, and meter boxes to the entrance of the park as per City's requirements.
- Rough grading (pre-grading) and the supply of topsoil to the required depth as per City requirements.
- Parkland shall not be mined for engineering fill and replaced with fill or topsoil.
- Parkland shall be conveyed free and clear of all encumbrances.
- When parkland parcels cannot be developed in a timely manner, they shall be graded to ensure positive drainage and seeded to minimize erosion and dust.
- Temporary fencing may also be required where there is no permanent fence to prevent illegal dumping.
- Temporary Park sign advising future residents that the site is a future park.
- Perimeter fencing of parkland to the City standard located on the public property side of the property line adjacent land uses (residential, industrial, commercial) as required by the City is a direct developer responsibility as a local service under s. 59 of the D.C.A.
- Required heritage features within the park as set out within the Planning approval conditions.

All other parkland development to be included in D.C. over a base condition that will be required to be provided by the developing landowner prior to parkland dedication, including, but not limited to, program facilities, amenities, furniture, and recreation trails.



Parkland Development for Parkettes, developer responsibility built fully to City standards with agreed upon reimbursement based on the negotiated timelines to be included in development agreements (to be funded through D.C.'s).



Appendix F

Asset Management Plan



Appendix F: Asset Management Plan

The recent changes to the Development Charges Act, 1997, as amended (D.C.A.) (new subsection 10 (2) (c.2)) require that the background study must include an asset management plan (A.M.P.) related to new infrastructure. Section 10 (3) of the D.C.A. provides:

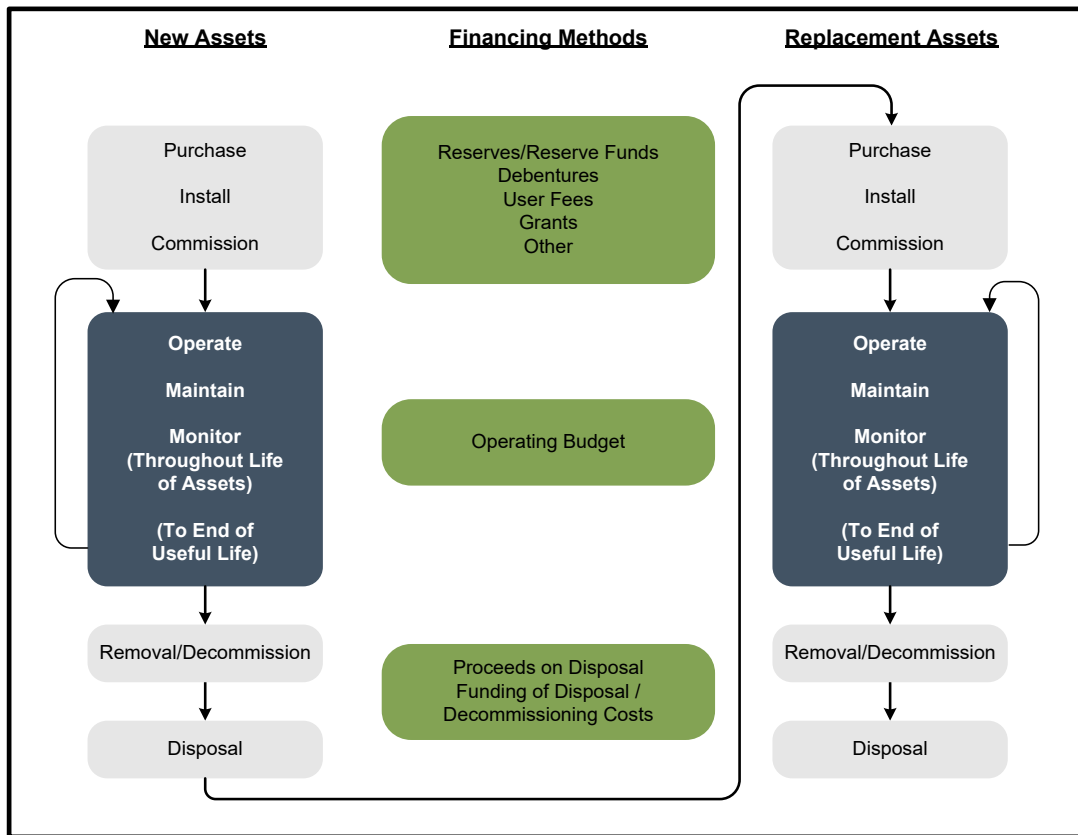
“The asset management plan shall,

- (a) deal with all assets whose capital costs are proposed to be funded under the development charge by-law;
- (b) demonstrate that all the assets mentioned in clause (a) are financially sustainable over their full life cycle;
- (c) contain any other information that is prescribed; and
- (d) be prepared in the prescribed manner.”

In regard to the above, section 8 of the regulations was amended to include subsections (2), (3), and (4) which set out specific detailed requirements for transit (only). For all services except transit, there are no prescribed requirements at this time, thus requiring the municipality to define the approach to include in the background study.

At a broad level, the A.M.P. provides for the long-term investment in an asset over its entire useful life along with the funding. The schematic below identifies the costs for an asset through its entire lifecycle. For growth-related works, the majority of capital costs will be funded by the development charge (D.C.). Non-growth-related expenditures will then be funded from non-D.C. revenues as noted below. During the useful life of the asset, there will be minor maintenance costs to extend the life of the asset along with additional program-related expenditures to provide the full services to the residents. At the end of the life of the asset, it will be replaced by non-D.C. financing sources.

It should be noted that with the recent passing of the Infrastructure for Jobs and Prosperity Act (I.J.P.A.) municipalities are now required to complete A.M.P.s, based on certain criteria, which are to be completed by 2021 for core municipal services and 2024 for all other services. The amendments to the D.C.A. do not require municipalities to complete these A.M.P.s (required under I.J.P.A.) for the D.C. background study, rather the D.C.A. requires that the D.C. background study include information to show the assets to be funded by the D.C. are sustainable over their full lifecycle.



In 2012, the Province developed Building Together: Guide for municipal asset management plans which outlines the key elements for an A.M.P., as follows:

State of local infrastructure: asset types, quantities, age, condition, financial accounting valuation and replacement cost valuation.

Desired levels of service: defines levels of service through performance measures and discusses any external trends or issues that may affect expected levels of service or the municipality’s ability to meet them (for example, new accessibility standards, climate change impacts).

Asset management strategy: the asset management strategy is the set of planned actions that will seek to generate the desired levels of service in a sustainable way, while managing risk, at the lowest lifecycle cost.

Financing strategy: having a financial plan is critical for putting an A.M.P. into action. By having a strong financial plan, municipalities can also demonstrate that they have made a concerted effort to integrate the A.M.P. with financial planning and municipal budgeting and are making full use of all available infrastructure financing tools.



Commensurate with the above, the City's prepared an A.M.P. in 2021 for its existing core infrastructure assets; however, it did not take into account future growth-related assets. As a result, the asset management requirement for the D.C. must be undertaken in the absence of this information.

In recognition to the schematic above, the following table (presented in 2024\$) has been developed to provide the annualized expenditures and revenues associated with new growth. Note that the D.C.A. does not require an analysis of the non-D.C. capital needs or their associated operating costs so these are omitted from the table below. As well, as all capital costs included in the D.C. eligible capital costs are not included in the City's A.M.P., the present infrastructure gap and associated funding plan have not been considered at this time. Hence the following does not represent a fiscal impact assessment (including future tax/rate increases) but provides insight into the potential affordability of the new assets:

1. The non-D.C. recoverable portion of the projects that will require financing from municipal financial resources (i.e., rates, fees, etc.). This amount has been presented on an annual debt charge amount based on 20-year financing.
2. Lifecycle costs for the 2024 D.C. capital works have been presented based on a sinking fund basis. The assets have been considered over their estimated useful lives.
3. Incremental operating costs for the D.C. services (only) have been included.
4. The resultant total annualized expenditures are approximately \$89.26 million.
5. Consideration was given to the potential new tax and user fee revenue which will be generated as a result of new growth. These revenues will be available to assist in financing the expenditures above. The new operating revenues are \$97.01 million.
6. In consideration of the above, the capital plan is deemed to be financially sustainable.



Table F-1
City of Oshawa
Asset Management – Future Expenditures and Associated Revenues
2024\$

	2034 (Total)
Expenditures (Annualized)	
Annual Debt Payment on Non-Growth Related Capital ¹	\$5,125,202
Annual Debt Payment on Post Period Capital ²	\$640,088
Annual Lifecycle	\$46,829,112
Incremental Operating Costs (for D.C. Services)	\$36,664,085
Total Expenditures	\$89,258,487
Revenue (Annualized)	
Total Existing Revenue ⁴	\$235,253,938
Incremental Tax and Non-Tax Revenue (User Fees, Fines, Licences, etc.)	\$97,012,305
Total Revenues	\$332,266,243

¹ Non-Growth Related component of Projects

² Interim Debt Financing for Post Period Benefit

³ All infrastructure costs included in Area Specific by-laws have been

⁴ As per Sch. 10 of FIR



Appendix G

Proposed D.C. By-law – Services Related to Highway



THE CORPORATION OF THE CITY OF OSHAWA

BY-LAW NUMBER 2024-___

BEING A BY-LAW to establish development charges for the Corporation of the City of Oshawa Services Related to a Highway

WHEREAS the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City, or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and

WHEREAS at its meeting on May 24, 2024, Council directed that a public meeting pursuant to s. 12 of the Act be held; and

WHEREAS The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98; and



WHEREAS a public meeting pursuant to s. 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

NOW THEREFORE the Council of the Corporation of the City of Oshawa hereby enacts as follows:

1. INTERPRETATION

1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:

- a) “Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,
- b) “Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
- c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
- d) “Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- e) “Agricultural” is in reference to use, means land, buildings or structures used, designed, or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;



- f) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;
- g) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- h) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- i) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- j) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- k) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study, or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom, or porch;
- l) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- m) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- n) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- o) "City" means The Corporation of the City of Oshawa;
- p) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and



parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;

- q) “Commercial” is in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for a non-residential use other than an Agricultural use or an Industrial use;
- r) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- s) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- t) “Development” means:
 - i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By-law;
 - ii. the redevelopment of land; or
 - iii. the redevelopment, expansion, extension, or alteration, or any two or more of them, of a use, building or structure;
- u) “Development Charge” means a charge imposed by this By-law;
- v) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;



- w) “Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;
- x) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- y) “Gross Floor Area” means:
- i. for a Residential Development, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of Party Walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
 - ii. for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions
- but does not include
- (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or



- (G) areas used for parking or loading, whether in the main building or an Accessory building.
- z) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;
- aa) “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
- bb) “Hospital” has the same meaning as the term, “hospital” defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;
- cc) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- dd) “Industrial” is in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for or in connection with,
- a) manufacturing, producing, processing, storing, or distributing something,
 - b) research or development in connection with manufacturing, producing, or processing something,
 - c) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,



- d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- ee) “Institutional development” means development of a building or structure intended for use:
 - a. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
 - c. by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017;
 - 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;
- ff) “Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;



- gg) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- hh) “Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
- ii) “Lodging House” means a building or part of a building, containing Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.
- jj) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- kk) “Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ll) “Lot” means a parcel of land which is
- i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- mm) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff,



and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- nn) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35.
- oo) “Non-profit Institution” means
- i. a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii. a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii. a “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;
- pp) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for other than a Residential use.
- qq) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a



business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

- rr) "Oshawa" means the geographical area under the jurisdiction of the City;
- ss) "Other Multiple Dwellings" means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;
- tt) "Owner" means the legal or equitable owner of land;
- uu) "Party Wall" means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- vv) "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- ww) "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13;
- xx) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;



- yy) “Rental housing” is for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- zz) “Residential” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- aaa) “Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- bbb) “Retirement Residence Unit” means a unit within a Retirement Residence;
- ccc) “Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- ddd) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- eee) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- fff) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;



- ggg) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.
- hhh) “Temporary” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for a period not exceeding three (3) years; and
- iii) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside other than a Stacked Townhouse.
- jjj) “Triplex” means a building containing 3 Apartment Dwelling Units.
- 1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.
- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.
- 2. APPLICATION OF BY-LAW RULES**
- 2.1 Development Charges shall be payable in the amounts set out in this by-law where:
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule “A” to this By law.



- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- a. the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - b. the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - c. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - d. the approval of a plan of subdivision under section 51 of the Planning Act;
 - e. a consent under section 53 of the Planning Act;
 - f. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g. the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- a. an enlargement to an existing dwelling unit;
 - b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
 - c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;



- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:



- i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

2.5 Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

2.6 No Development Charge shall be imposed with respect to any Development:

- a. by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board, or a Board of Education;
- b. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- c. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Home;
- d. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- e. respecting a Temporary building or structure;
- f. respecting an Agricultural building or structure;
- g. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;



- h. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law; or
 - i. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law.
- 2.7 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to this By-law shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings, or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed-use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.



- 3.2 Notwithstanding section 3.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings, or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed-use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B” shall be adjusted semi- annually on January 1 and July 1 each year, by the prescribed Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By- law, then the Development Charge will nonetheless be payable in respect of such Development.



4. Credits and Prepayments

4.1 Notwithstanding any other provision of this By-law, where a Development involves

- a. the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the sixty (60) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development; or
- b. the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- c. in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- d. in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious Organizations’ Lands Act, R.S.O. 1990, c. R.23 or on



account of being Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.
- 4.3 Notwithstanding section 3.6 of this By-law, where, in respect of a Development,
- a. all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.6 of this By-law; and
 - b. an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:
- a. the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
 - b. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
 - c. this credit shall not operate to reduce a Development Charge to less than zero, and



- d. no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- a. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- b. this credit shall not operate to reduce a Development Charge to less than zero,
- c. no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- d. the credit contemplated under this section 4.4 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

5. Front Ending Agreements

- 5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.
- 6.2 This By-law shall come into force and take effect on July 1, 2024.



6.3 This By-law may be cited as the “Development Charges By-law”.

6.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor Carter

Municipal Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

1. Services Related to a Highway



SCHEDULE "B" TO BY-LAW SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Service:									
Services Related to a Highway	18,617	13,901	11,705	7,350	6,011	4.92	52.96	13.13	141.33
Total City-Wide Service	\$18,617	\$13,901	\$11,705	\$7,350	\$6,011	\$4.92	\$52.96	\$13.13	\$141.33



SCHEDULE “C” TO BY-LAW
Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections the Development Charges Act.
4. Subject to rule 3, the amount in Schedule “B”, must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The amount to apply must reflect any such indexing.
5. The amount in Schedule “B” does not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the amount in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B”



(adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.

8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
 - 12.1 Notwithstanding rule 12, development charges for rental housing and institutional developments are due and payable in 6 installments

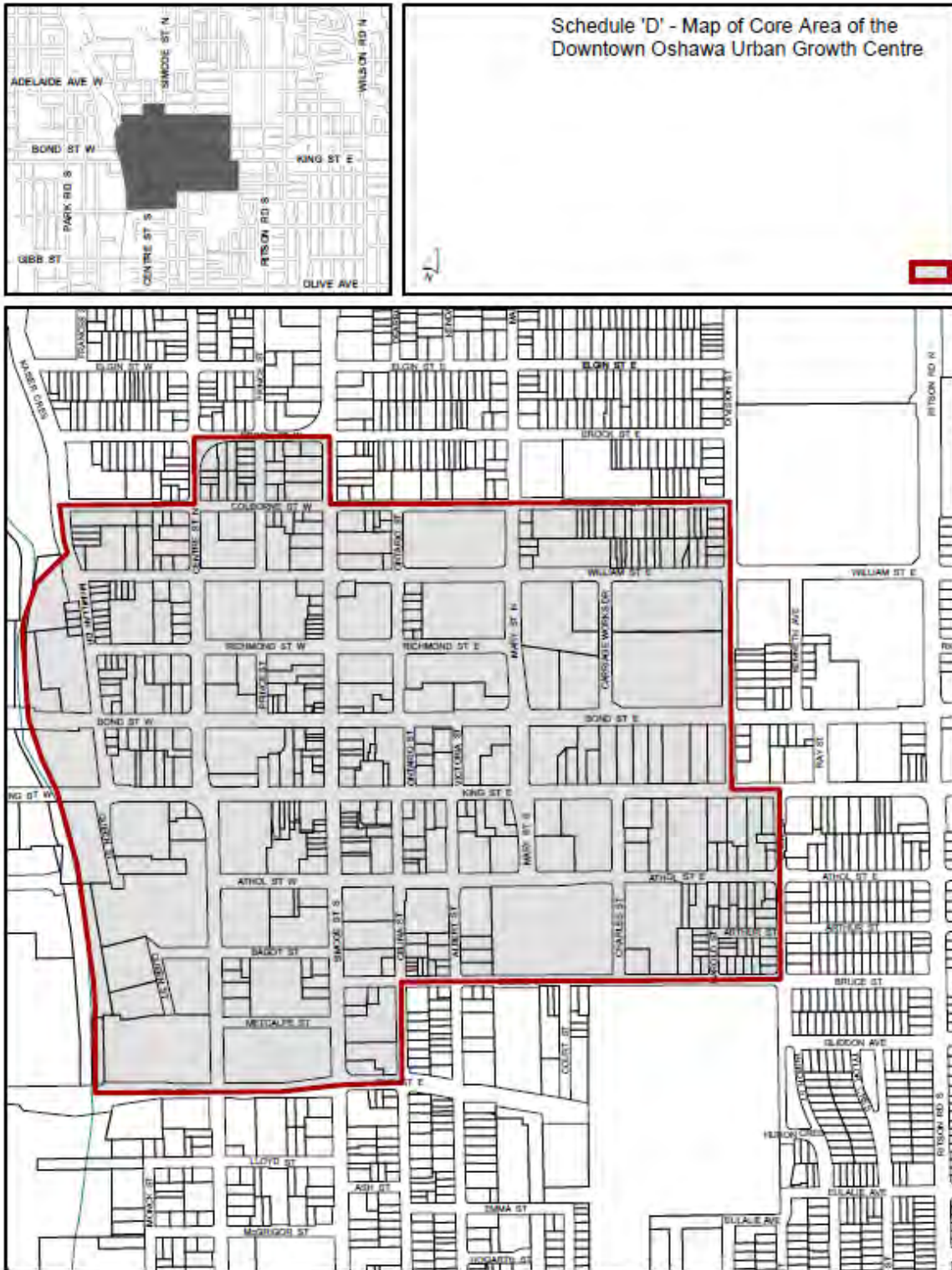


commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham, and by any Board of Education.
15. Where a complaint results in a refund or when the City has determined that a refund is due, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarterly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as prescribed in the Development Charges Act, as amended from time to time.

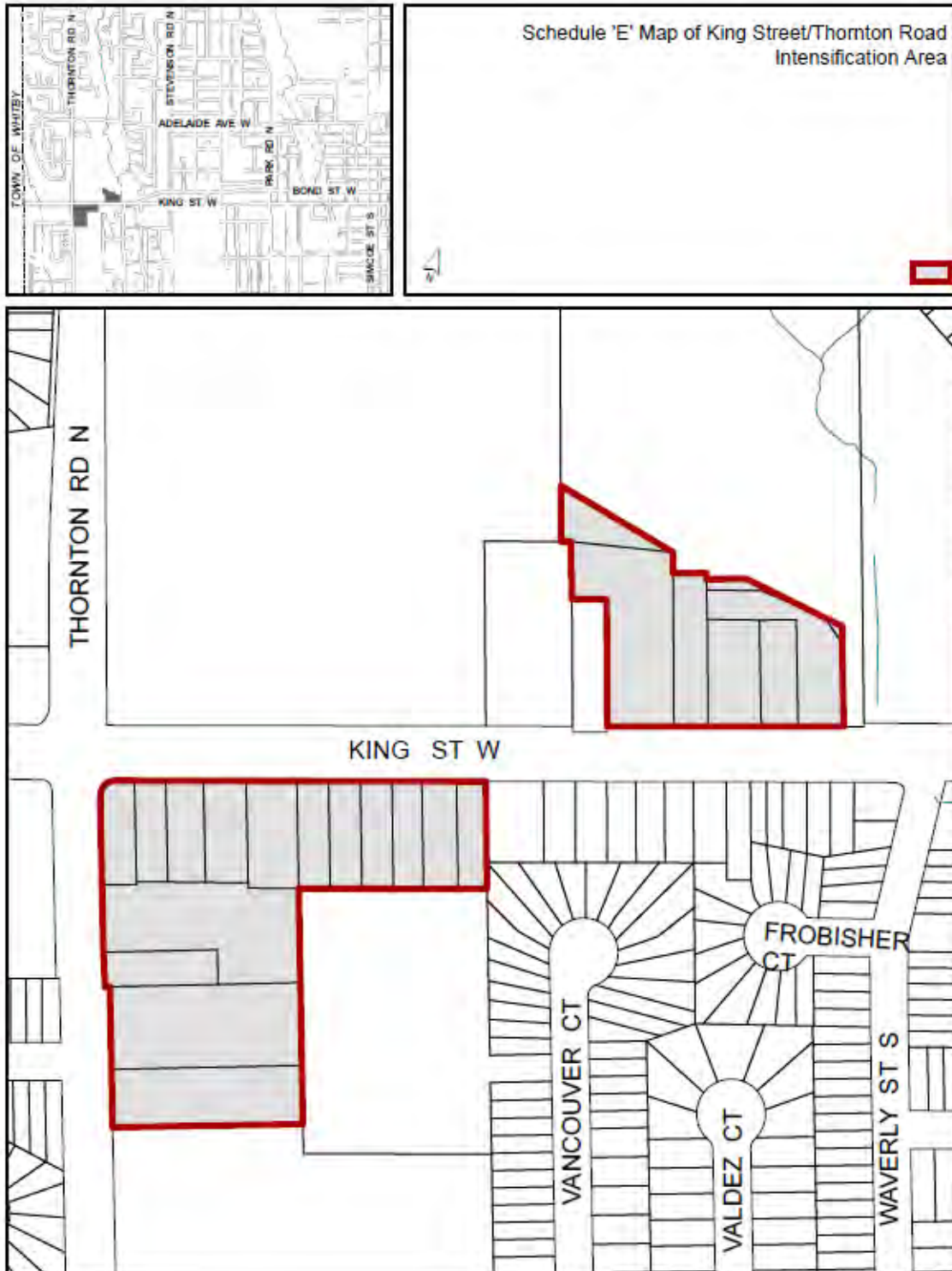


SCHEDULE "D" TO BY-LAW Map of Core Area of the Downtown Oshawa Urban Growth Centre





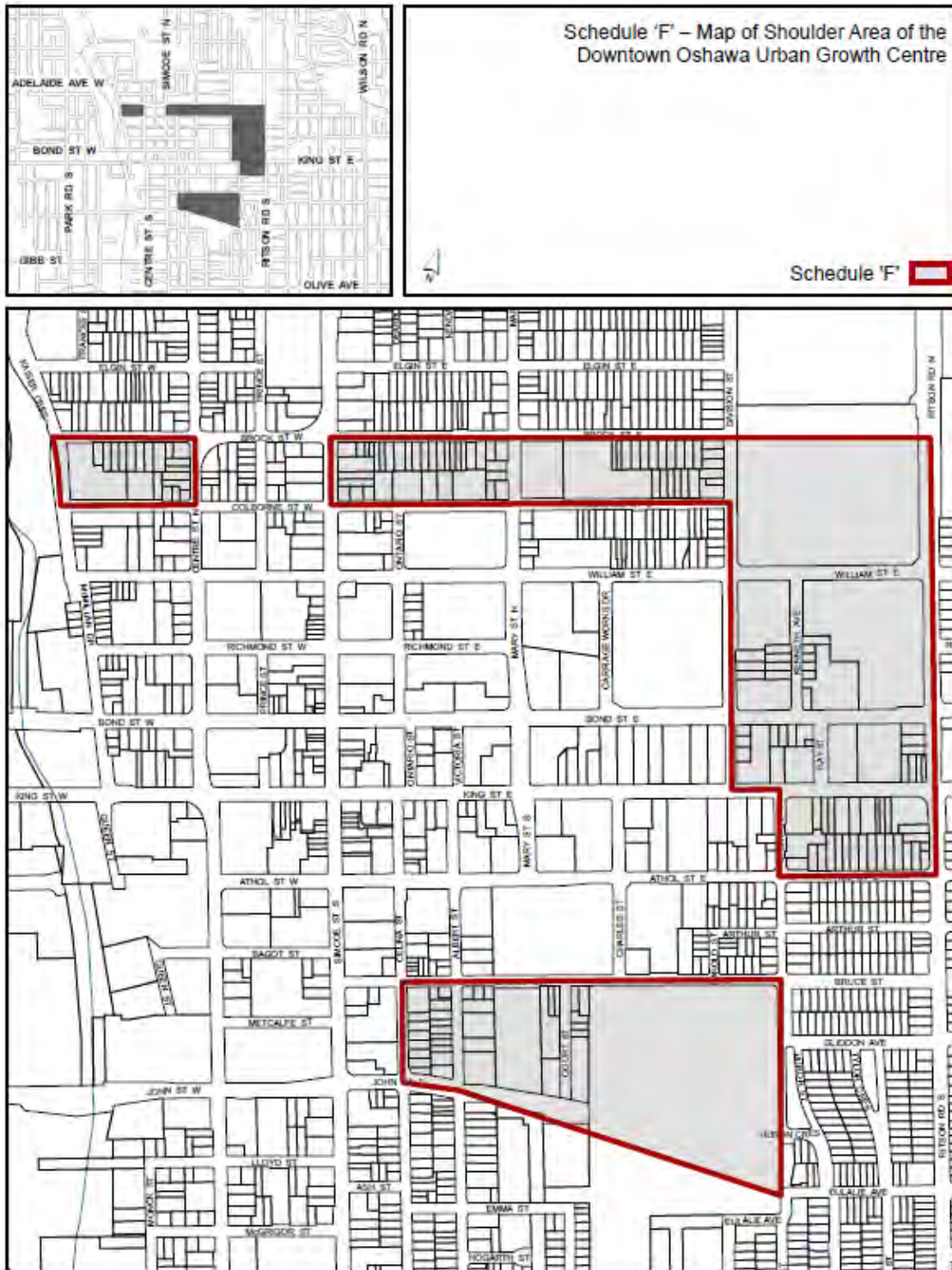
SCHEDULE "E" TO BY-LAW Map of King Street/Thornton Road Intensification Area





SCHEDULE "F" TO BY-LAW

Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre





Appendix H

Proposed By-law – Fire Protection Services



THE CORPORATION OF THE CITY OF OSHAWA

BY-LAW NUMBER 2024-___

BEING A BY-LAW to establish development charges for the Corporation of the City of Oshawa Fire Protection Services

WHEREAS the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City, or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and

WHEREAS at its meeting on May 24, 2024, Council directed that a public meeting pursuant to s. 12 of the Act be held; and

WHEREAS The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98; and



WHEREAS a public meeting pursuant to s. 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

NOW THEREFORE the Council of the Corporation of the City of Oshawa hereby enacts as follows:

1. INTERPRETATION

1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:

- a) “Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,
- b) “Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
- c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
- d) “Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- e) “Agricultural” is in reference to use, means land, buildings or structures used, designed, or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;



- f) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;
- g) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- h) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- i) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- j) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- k) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study, or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom, or porch;
- l) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- m) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- n) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- o) "City" means The Corporation of the City of Oshawa;
- p) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and



parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;

- q) “Commercial” is in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for a non-residential use other than an Agricultural use or an Industrial use;
- r) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- s) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- t) “Development” means:
 - i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By-law;
 - ii. the redevelopment of land; or
 - iii. the redevelopment, expansion, extension, or alteration, or any two or more of them, of a use, building or structure;
- u) “Development Charge” means a charge imposed by this By-law;
- v) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;



- w) “Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;
- x) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- y) “Gross Floor Area” means:
- i. for a Residential Development, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of Party Walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
 - ii. for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions
- but does not include
- (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or



- (G) areas used for parking or loading, whether in the main building or an Accessory building.
- z) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;
- aa) “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
- bb) “Hospital” has the same meaning as the term, “hospital” defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;
- cc) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- dd) “Industrial” is in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for or in connection with,
- e) manufacturing, producing, processing, storing, or distributing something,
 - f) research or development in connection with manufacturing, producing, or processing something,
 - g) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,



- h) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- ee) “Institutional development” means development of a building or structure intended for use:
 - a. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
 - c. by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017;
 - 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;
- ff) “Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;



- gg) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- hh) “Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
- ii) “Lodging House” means a building or part of a building, containing Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.
- jj) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- kk) “Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ll) “Lot” means a parcel of land which is
- i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- mm) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff,



and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- nn) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35.
- oo) “Non-profit Institution” means
- i. a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii. a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii. a “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;
- pp) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for other than a Residential use.
- qq) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a



business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

- rr) “Oshawa” means the geographical area under the jurisdiction of the City;
- ss) “Other Multiple Dwellings” means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;
- tt) “Owner” means the legal or equitable owner of land;
- uu) “Party Wall” means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- vv) "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- ww) “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13;
- xx) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;



- yy) “Rental housing” is for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- zz) “Residential” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- aaa) “Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- bbb) “Retirement Residence Unit” means a unit within a Retirement Residence;
- ccc) “Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- ddd) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- eee) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- fff) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;



- ggg) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.
- hhh) “Temporary” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for a period not exceeding three (3) years; and
- iii) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside other than a Stacked Townhouse.
- jjj) “Triplex” means a building containing 3 Apartment Dwelling Units.
- 1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.
- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.
- 2. APPLICATION OF BY-LAW RULES**
- 2.1 Development Charges shall be payable in the amounts set out in this by-law where:
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule “A” to this By law.



- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- a. the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - b. the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - c. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - d. the approval of a plan of subdivision under section 51 of the Planning Act;
 - e. a consent under section 53 of the Planning Act;
 - f. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g. the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- a. an enlargement to an existing dwelling unit;
 - b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
 - c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;



- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:



- i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

2.5 Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

2.6 No Development Charge shall be imposed with respect to any Development:

- a. by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board, or a Board of Education;
- b. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- c. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Home;
- d. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- e. respecting a Temporary building or structure;
- f. respecting an Agricultural building or structure;
- g. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;



- h. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law; or
 - i. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law.
- 2.7 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to this By-law shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings, or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed-use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.



- 3.2 Notwithstanding section 3.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings, or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed-use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B” shall be adjusted semi- annually on January 1 and July 1 each year, by the prescribed Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By- law, then the Development Charge will nonetheless be payable in respect of such Development.



4. Credits and Prepayments

4.1 Notwithstanding any other provision of this By-law, where a Development involves

- a. the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the sixty (60) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development; or
- b. the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- c. in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- d. in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

- 4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious Organizations’ Lands Act, R.S.O.



1990, c. R.23 or on account of being Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.
- 4.3 Notwithstanding section 3.6 of this By-law, where, in respect of a Development,
- a. all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.6 of this By-law; and
 - b. an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:
- a. the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
 - b. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
 - c. this credit shall not operate to reduce a Development Charge to less than zero, and



- d. no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- a. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- b. this credit shall not operate to reduce a Development Charge to less than zero,
- c. no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- d. the credit contemplated under this section 4.4 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

5. Front Ending Agreements

- 5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.
- 6.2 This By-law shall come into force and take effect on July 1, 2024.



6.3 This By-law may be cited as the “Development Charges By-law”.

6.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor Carter

Municipal Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

1. Fire Protection Services



SCHEDULE "B" TO BY-LAW SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Service:									
Fire Protection Services	1,372	1,024	862	541	443	0.37	3.98	0.97	10.49
Total City-Wide Service	\$1,372	\$1,024	\$862	\$541	\$443	\$0.37	\$3.98	\$0.97	\$10.49



SCHEDULE “C” TO BY-LAW
Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections the Development Charges Act.
4. Subject to rule 3, the amount in Schedule “B”, must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The amount to apply must reflect any such indexing.
5. The amount in Schedule “B” does not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the amount in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B”



(adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.

8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
 - 12.1 Notwithstanding rule 12, development charges for rental housing and institutional developments are due and payable in 6 installments

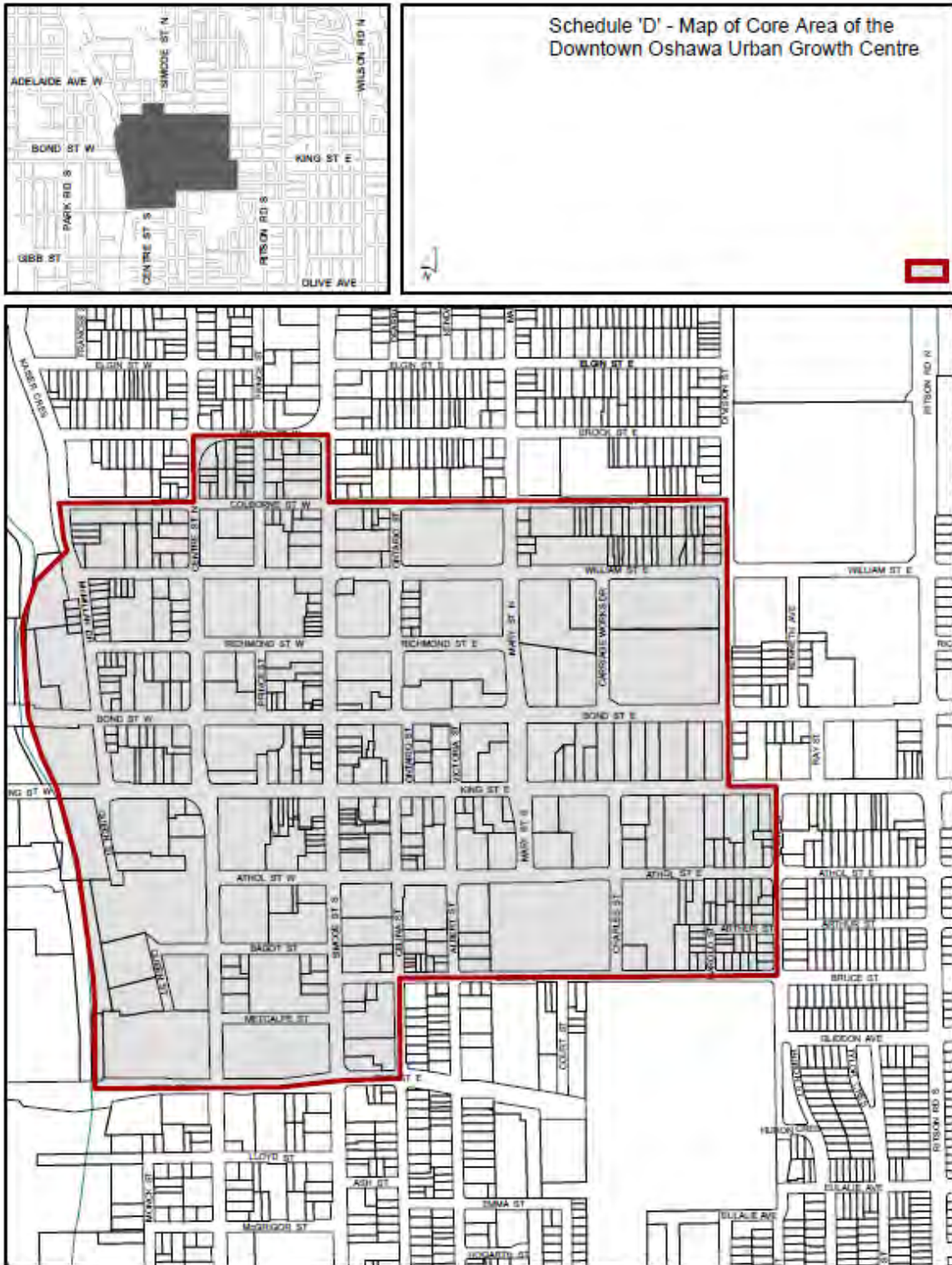


commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham, and by any Board of Education.
15. Where a complaint results in a refund or when the City has determined that a refund is due, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarterly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as prescribed in the Development Charges Act, as amended from time to time.



SCHEDULE "D" TO BY-LAW Map of Core Area of the Downtown Oshawa Urban Growth Centre





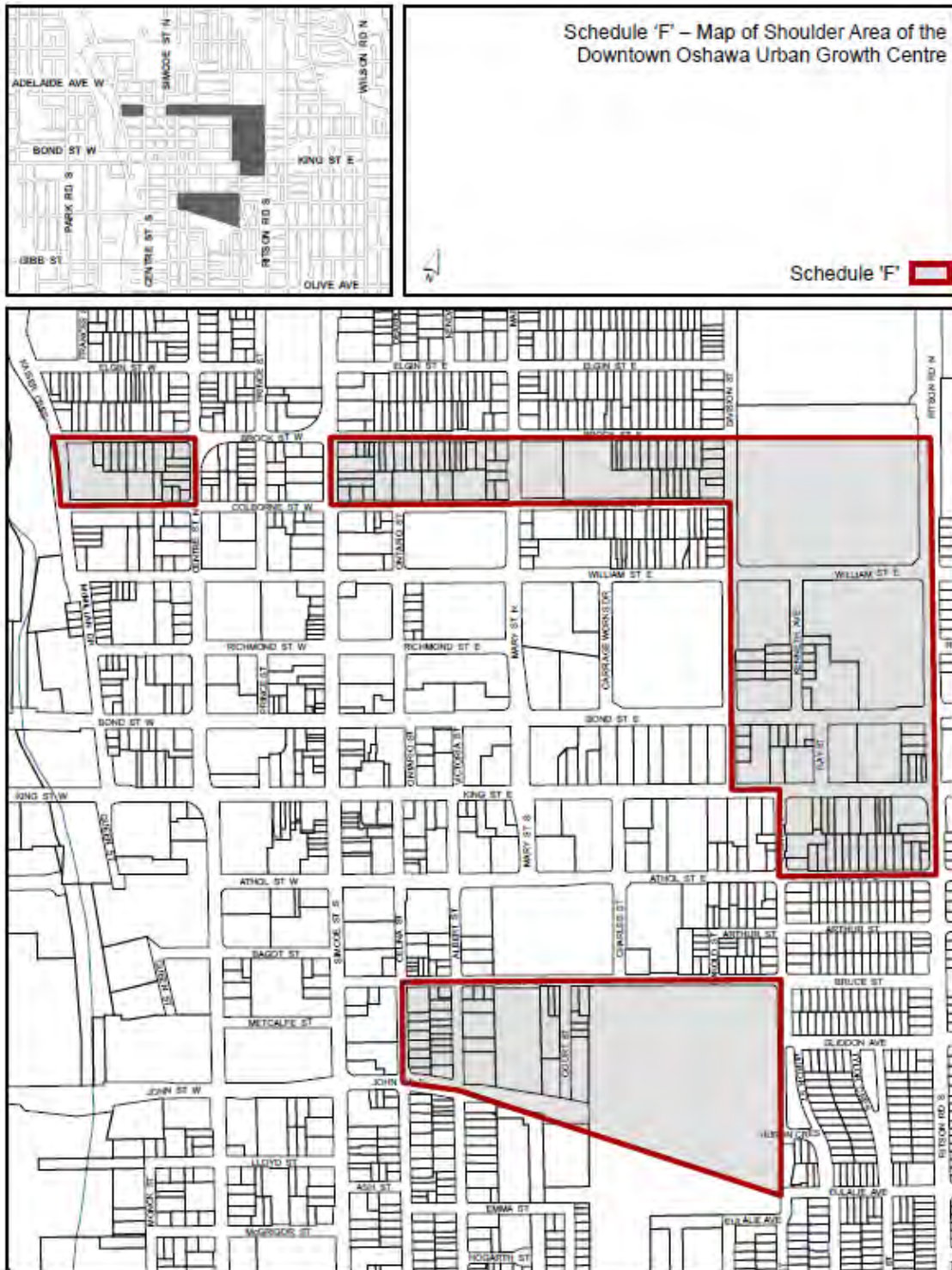
SCHEDULE "E" TO BY-LAW Map of King Street/Thornton Road Intensification Area





SCHEDULE "F" TO BY-LAW

Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre





Appendix I

Proposed D.C. By-law: Parks and Recreation Services



THE CORPORATION OF THE CITY OF OSHAWA

BY-LAW NUMBER 2024-___

BEING A BY-LAW to establish development charges for the Corporation of the City of Oshawa Parks and Recreation Services

WHEREAS the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City, or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and

WHEREAS at its meeting on May 24, 2024, Council directed that a public meeting pursuant to s. 12 of the Act be held; and

WHEREAS The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98; and



WHEREAS a public meeting pursuant to s. 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

NOW THEREFORE the Council of the Corporation of the City of Oshawa hereby enacts as follows:

1. INTERPRETATION

1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:

- a) “Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,
- b) “Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
- c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
- d) “Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- e) “Agricultural” is in reference to use, means land, buildings or structures used, designed, or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;



- f) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;
- g) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- h) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- i) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- j) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- k) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study, or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom, or porch;
- l) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- m) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- n) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- o) "City" means The Corporation of the City of Oshawa;
- p) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and



parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;

- q) “Commercial” is in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for a non-residential use other than an Agricultural use or an Industrial use;
- r) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- s) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- t) “Development” means:
 - i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By-law;
 - ii. the redevelopment of land; or
 - iii. the redevelopment, expansion, extension, or alteration, or any two or more of them, of a use, building or structure;
- u) “Development Charge” means a charge imposed by this By-law;
- v) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;



- w) “Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;
- x) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- y) “Gross Floor Area” means:
- i. for a Residential Development, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of Party Walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
 - ii. for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions
- but does not include
- (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or



- (G) areas used for parking or loading, whether in the main building or an Accessory building.

- z) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;

- aa) “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

- bb) “Hospital” has the same meaning as the term, “hospital” defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;

- cc) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;

- dd) “Industrial” is in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for or in connection with,
 - a) manufacturing, producing, processing, storing, or distributing something,

 - b) research or development in connection with manufacturing, producing, or processing something,

 - c) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,



- d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- ee) “Institutional development” means development of a building or structure intended for use:
 - a. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
 - c. by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017;
 - 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;
- ff) “Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;



- gg) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- hh) “Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
- ii) “Lodging House” means a building or part of a building, containing Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.
- jj) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- kk) “Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ll) “Lot” means a parcel of land which is
- i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- mm) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff,



and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- nn) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35.
- oo) “Non-profit Institution” means
- i. a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii. a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii. a “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;
- pp) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for other than a Residential use.
- qq) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a



business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

- rr) "Oshawa" means the geographical area under the jurisdiction of the City;
- ss) "Other Multiple Dwellings" means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;
- tt) "Owner" means the legal or equitable owner of land;
- uu) "Party Wall" means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- vv) "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- ww) "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13;
- xx) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;



- yy) “Rental housing” is for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- zz) “Residential” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- aaa) “Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- bbb) “Retirement Residence Unit” means a unit within a Retirement Residence;
- ccc) “Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- ddd) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- eee) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- fff) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;



- ggg) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.
- hhh) “Temporary” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for a period not exceeding three (3) years; and
- iii) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside other than a Stacked Townhouse.
- jjj) “Triplex” means a building containing 3 Apartment Dwelling Units.
- 1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.
- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.
- 2. APPLICATION OF BY-LAW RULES**
- 2.1 Development Charges shall be payable in the amounts set out in this by-law where:
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule “A” to this By law.



- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- a. the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - b. the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - c. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - d. the approval of a plan of subdivision under section 51 of the Planning Act;
 - e. a consent under section 53 of the Planning Act;
 - f. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g. the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- a. an enlargement to an existing dwelling unit;
 - b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
 - c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;



- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:



- i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

2.5 Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

2.6 No Development Charge shall be imposed with respect to any Development:

- a. by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board, or a Board of Education;
- b. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- c. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Home;
- d. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- e. respecting a Temporary building or structure;
- f. respecting an Agricultural building or structure;
- g. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;



- h. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law; or
 - i. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law.
- 2.7 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to this By-law shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings, or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed-use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.



- 3.2 Notwithstanding section 3.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings, or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed-use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B” shall be adjusted semi- annually on January 1 and July 1 each year, by the prescribed Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By- law, then the Development Charge will nonetheless be payable in respect of such Development.



4. Credits and Prepayments

4.1 Notwithstanding any other provision of this By-law, where a Development involves

- a. the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the sixty (60) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development; or
- b. the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- c. in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- d. in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

- 4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious Organizations’ Lands Act, R.S.O.



1990, c. R.23 or on account of being Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.
- 4.3 Notwithstanding section 3.6 of this By-law, where, in respect of a Development,
- a. all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.6 of this By-law; and
 - b. an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:
- a. the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
 - b. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
 - c. this credit shall not operate to reduce a Development Charge to less than zero, and



- d. no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- a. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- b. this credit shall not operate to reduce a Development Charge to less than zero,
- c. no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- d. the credit contemplated under this section 4.4 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

5. Front Ending Agreements

- 5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.
- 6.2 This By-law shall come into force and take effect on July 1, 2024.



6.3 This By-law may be cited as the “Development Charges By-law”.

6.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor Carter

Municipal Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

1. Parks and Recreation Services



SCHEDULE "B" TO BY-LAW SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Service:									
Parks and Recreation Services	14,649	10,938	9,210	5,783	4,730	0.73	7.86	1.95	20.99
Total City-Wide Service	\$14,649	\$10,938	\$9,210	\$5,783	\$4,730	\$0.73	\$7.86	\$1.95	\$31.48



SCHEDULE “C” TO BY-LAW
Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections the Development Charges Act.
4. Subject to rule 3, the amount in Schedule “B”, must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The amount to apply must reflect any such indexing.
5. The amount in Schedule “B” does not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the amount in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B”



(adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.

8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
 - 12.1 Notwithstanding rule 12, development charges for rental housing and institutional developments are due and payable in 6 installments

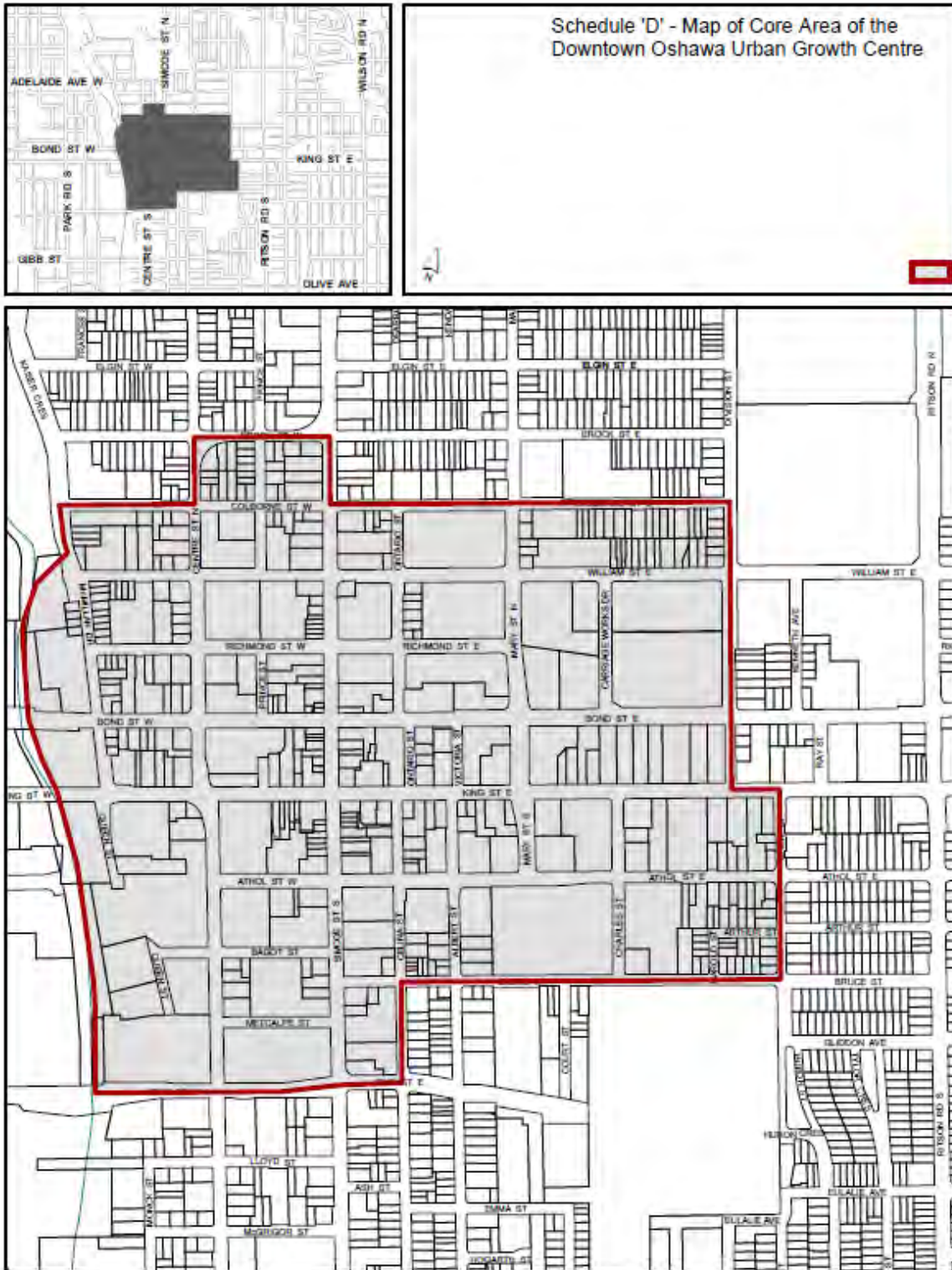


commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham, and by any Board of Education.
15. Where a complaint results in a refund or when the City has determined that a refund is due, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarterly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as prescribed in the Development Charges Act, as amended from time to time.



SCHEDULE "D" TO BY-LAW Map of Core Area of the Downtown Oshawa Urban Growth Centre





SCHEDULE "E" TO BY-LAW Map of King Street/Thornton Road Intensification Area





Appendix J

Proposed D.C. By-law – Library Services



THE CORPORATION OF THE CITY OF OSHAWA

BY-LAW NUMBER 2024-___

BEING A BY-LAW to establish development charges for the Corporation of the City of Oshawa Library Services

WHEREAS the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City, or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and

WHEREAS at its meeting on May 24, 2024, Council directed that a public meeting pursuant to s. 12 of the Act be held; and

WHEREAS The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98; and



WHEREAS a public meeting pursuant to s. 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

NOW THEREFORE the Council of the Corporation of the City of Oshawa hereby enacts as follows:

1. INTERPRETATION

1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:

- a) “Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,
- b) “Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
- c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
- d) “Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- e) “Agricultural” is in reference to use, means land, buildings or structures used, designed, or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;



- f) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;
- g) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- h) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- i) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- j) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- k) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study, or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom, or porch;
- l) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- m) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- n) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- o) "City" means The Corporation of the City of Oshawa;
- p) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and



parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;

- q) “Commercial” is in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for a non-residential use other than an Agricultural use or an Industrial use;
- r) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- s) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- t) “Development” means:
 - i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By-law;
 - ii. the redevelopment of land; or
 - iii. the redevelopment, expansion, extension, or alteration, or any two or more of them, of a use, building or structure;
- u) “Development Charge” means a charge imposed by this By-law;
- v) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;



- w) “Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;
- x) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- y) “Gross Floor Area” means:
- i. for a Residential Development, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of Party Walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
 - ii. for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions
- but does not include
- (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or



- (G) areas used for parking or loading, whether in the main building or an Accessory building.
- z) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;
- aa) “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
- bb) “Hospital” has the same meaning as the term, “hospital” defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;
- cc) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- dd) “Industrial” is in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for or in connection with,
- a) manufacturing, producing, processing, storing, or distributing something,
 - b) research or development in connection with manufacturing, producing, or processing something,
 - c) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,



- d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- ee) “Institutional development” means development of a building or structure intended for use:
 - a. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
 - c. by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017;
 - 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;
- ff) “Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;



- gg) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- hh) “Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
- ii) “Lodging House” means a building or part of a building, containing Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.
- jj) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- kk) “Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ll) “Lot” means a parcel of land which is
- i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- mm) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff,



and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- nn) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35.
- oo) “Non-profit Institution” means
- i. a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii. a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii. a “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;
- pp) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for other than a Residential use.
- qq) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a



business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

- rr) "Oshawa" means the geographical area under the jurisdiction of the City;
- ss) "Other Multiple Dwellings" means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;
- tt) "Owner" means the legal or equitable owner of land;
- uu) "Party Wall" means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- vv) "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- ww) "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13;
- xx) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;



- yy) “Rental housing” is for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- zz) “Residential” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- aaa) “Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- bbb) “Retirement Residence Unit” means a unit within a Retirement Residence;
- ccc) “Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- ddd) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- eee) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- fff) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;



- ggg) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.
- hhh) “Temporary” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for a period not exceeding three (3) years; and
- iii) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside other than a Stacked Townhouse.
- jjj) “Triplex” means a building containing 3 Apartment Dwelling Units.
- 1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.
- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.
- 2. APPLICATION OF BY-LAW RULES**
- 2.1 Development Charges shall be payable in the amounts set out in this by-law where:
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule “A” to this By law.



- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- a. the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - b. the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - c. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - d. the approval of a plan of subdivision under section 51 of the Planning Act;
 - e. a consent under section 53 of the Planning Act;
 - f. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g. the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- a. an enlargement to an existing dwelling unit;
 - b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
 - c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;



- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:



- i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

2.5 Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

2.6 No Development Charge shall be imposed with respect to any Development:

- a. by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board, or a Board of Education;
- b. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- c. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Home;
- d. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- e. respecting a Temporary building or structure;
- f. respecting an Agricultural building or structure;
- g. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;



- h. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law; or
 - i. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law.
- 2.7 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to this By-law shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings, or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed-use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.



- 3.2 Notwithstanding section 3.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings, or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed-use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B” shall be adjusted semi- annually on January 1 and July 1 each year, by the prescribed Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By- law, then the Development Charge will nonetheless be payable in respect of such Development.



4. Credits and Prepayments

4.1 Notwithstanding any other provision of this By-law, where a Development involves

- a. the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the sixty (60) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development; or
- b. the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- c. in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- d. in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

- 4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious Organizations’ Lands Act, R.S.O.



1990, c. R.23 or on account of being Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.
- 4.3 Notwithstanding section 3.6 of this By-law, where, in respect of a Development,
- a. all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.6 of this By-law; and
 - b. an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:
- a. the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
 - b. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
 - c. this credit shall not operate to reduce a Development Charge to less than zero, and



- d. no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- a. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- b. this credit shall not operate to reduce a Development Charge to less than zero,
- c. no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- d. the credit contemplated under this section 4.4 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

5. Front Ending Agreements

- 5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.
- 6.2 This By-law shall come into force and take effect on July 1, 2024.



6.3 This By-law may be cited as the “Development Charges By-law”.

6.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor Carter

Municipal Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

1. Library Services



SCHEDULE "B" TO BY-LAW SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Service:									
Library Services	1,637	1,222	1,029	646	529	0.08	0.86	0.22	2.37
Total City-Wide Service	\$1,637	\$1,222	\$1,029	\$646	\$529	\$0.08	\$0.86	\$0.22	\$33.85



SCHEDULE “C” TO BY-LAW
Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections the Development Charges Act.
4. Subject to rule 3, the amount in Schedule “B”, must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The amount to apply must reflect any such indexing.
5. The amount in Schedule “B” does not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the amount in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B”



(adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.

8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
 - 12.1 Notwithstanding rule 12, development charges for rental housing and institutional developments are due and payable in 6 installments



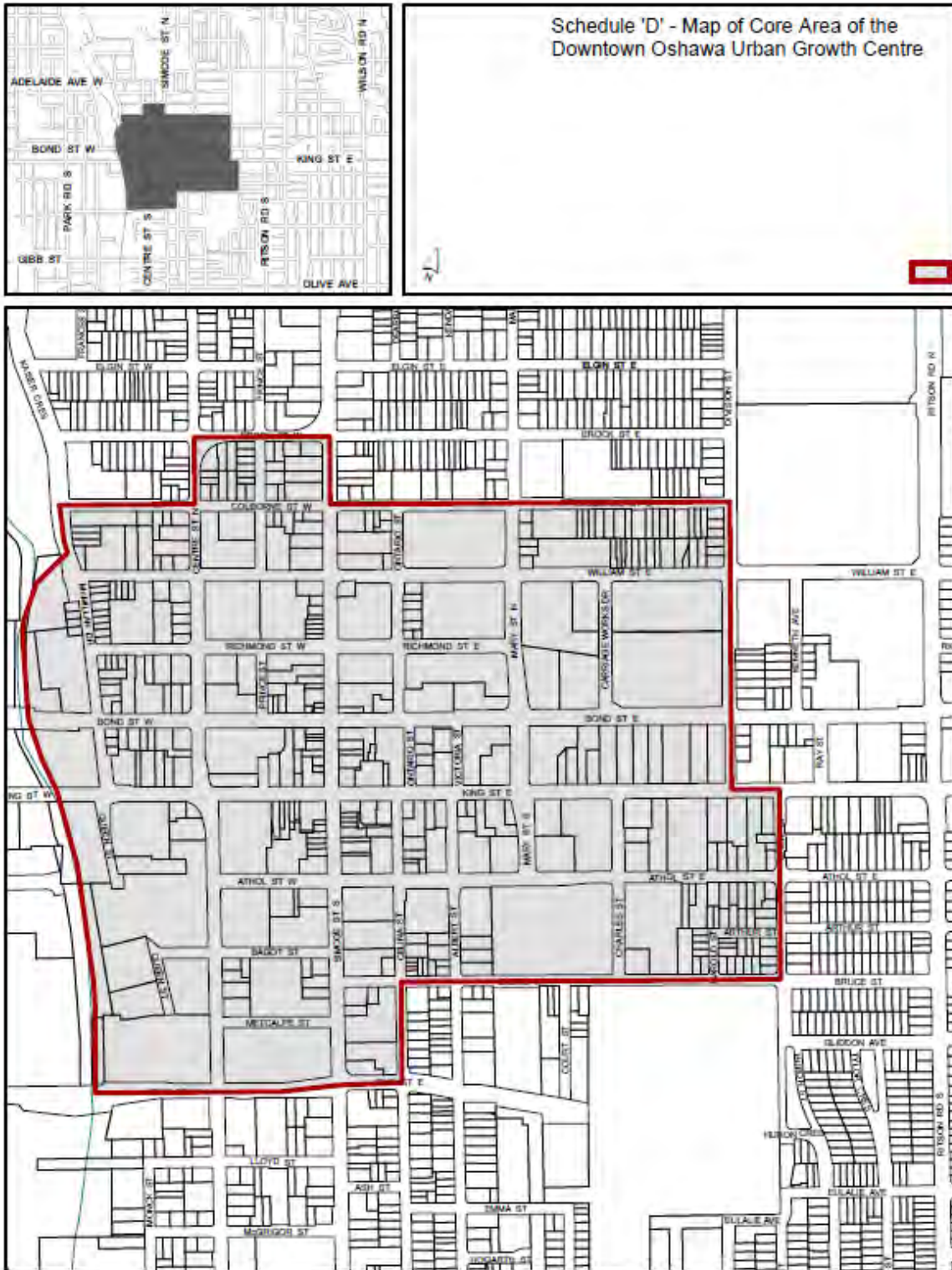
commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham, and by any Board of Education.
15. Where a complaint results in a refund or when the City has determined that a refund is due, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarterly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as prescribed in the Development Charges Act, as amended from time to time.



SCHEDULE "D" TO BY-LAW

Map of Core Area of the Downtown Oshawa Urban Growth Centre





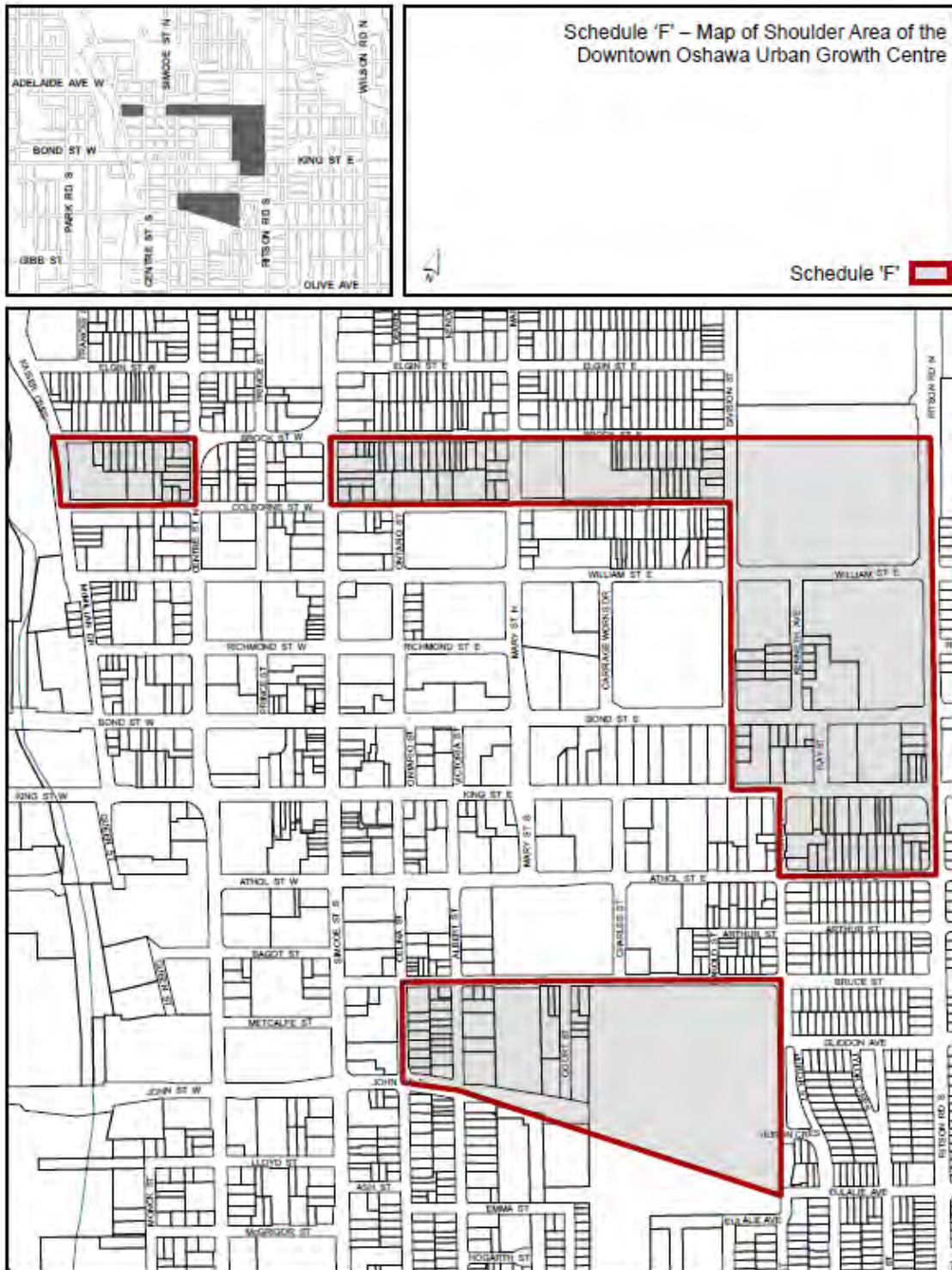
SCHEDULE "E" TO BY-LAW
Map of King Street/Thornton Road Intensification Area





SCHEDULE "F" TO BY-LAW

Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre





Appendix K

Proposed D.C. By-law – P.O.A. Including By-law Enforcement Services



THE CORPORATION OF THE CITY OF OSHAWA

BY-LAW NUMBER 2024-____

BEING A BY-LAW to establish development charges for the Corporation of the City of Oshawa Provincial Offences Act Including By-law Enforcement

WHEREAS the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City, or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and

WHEREAS at its meeting on May 24, 2024, Council directed that a public meeting pursuant to s. 12 of the Act be held; and

WHEREAS The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98; and



WHEREAS a public meeting pursuant to s. 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

NOW THEREFORE the Council of the Corporation of the City of Oshawa hereby enacts as follows:

1. INTERPRETATION

1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:

- a) “Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,
- b) “Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
- c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
- d) “Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- e) “Agricultural” is in reference to use, means land, buildings or structures used, designed, or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;



- f) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;
- g) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- h) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- i) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- j) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- k) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study, or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom, or porch;
- l) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- m) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- n) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- o) "City" means The Corporation of the City of Oshawa;
- p) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and



parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;

- q) “Commercial” is in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for a non-residential use other than an Agricultural use or an Industrial use;
- r) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- s) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- t) “Development” means:
 - i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By-law;
 - ii. the redevelopment of land; or
 - iii. the redevelopment, expansion, extension, or alteration, or any two or more of them, of a use, building or structure;
- u) “Development Charge” means a charge imposed by this By-law;
- v) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;



- w) “Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;
- x) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- y) “Gross Floor Area” means:
- i. for a Residential Development, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of Party Walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
 - ii. for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions
- but does not include
- (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or



- (G) areas used for parking or loading, whether in the main building or an Accessory building.
- z) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;
- aa) “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
- bb) “Hospital” has the same meaning as the term, “hospital” defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;
- cc) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- dd) “Industrial” is in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for or in connection with,
- a) manufacturing, producing, processing, storing, or distributing something,
- b) research or development in connection with manufacturing, producing, or processing something,
- c) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,



- d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- ee) “Institutional development” means development of a building or structure intended for use:
 - a. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
 - c. by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017;
 - 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;
- ff) “Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;



- gg) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- hh) “Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
- ii) “Lodging House” means a building or part of a building, containing Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.
- jj) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- kk) “Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ll) “Lot” means a parcel of land which is
- i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- mm) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff,



and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- nn) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35.
- oo) “Non-profit Institution” means
- i. a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii. a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii. a “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;
- pp) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for other than a Residential use.
- qq) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a



business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

- rr) "Oshawa" means the geographical area under the jurisdiction of the City;
- ss) "Other Multiple Dwellings" means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;
- tt) "Owner" means the legal or equitable owner of land;
- uu) "Party Wall" means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- vv) "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- ww) "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13;
- xx) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;



- yy) “Rental housing” is for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- zz) “Residential” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- aaa) “Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- bbb) “Retirement Residence Unit” means a unit within a Retirement Residence;
- ccc) “Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- ddd) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- eee) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- fff) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;



- ggg) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.
- hhh) “Temporary” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for a period not exceeding three (3) years; and
- iii) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside other than a Stacked Townhouse.
- jjj) “Triplex” means a building containing 3 Apartment Dwelling Units.
- 1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.
- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.
- 2. APPLICATION OF BY-LAW RULES**
- 2.1 Development Charges shall be payable in the amounts set out in this by-law where:
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule “A” to this By law.



- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- a. the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - b. the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - c. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - d. the approval of a plan of subdivision under section 51 of the Planning Act;
 - e. a consent under section 53 of the Planning Act;
 - f. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g. the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- a. an enlargement to an existing dwelling unit;
 - b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
 - c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;



- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:



- i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

2.5 Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

2.6 No Development Charge shall be imposed with respect to any Development:

- a. by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board, or a Board of Education;
- b. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- c. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Home;
- d. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- e. respecting a Temporary building or structure;
- f. respecting an Agricultural building or structure;
- g. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;



- h. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law; or
 - i. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law.
- 2.7 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to this By-law shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings, or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed-use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.



- 3.2 Notwithstanding section 3.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings, or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed-use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B” shall be adjusted semi- annually on January 1 and July 1 each year, by the prescribed Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By- law, then the Development Charge will nonetheless be payable in respect of such Development.



4. Credits and Prepayments

4.1 Notwithstanding any other provision of this By-law, where a Development involves

- a. the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the sixty (60) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development; or
- b. the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- c. in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- d. in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

- 4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious



Organizations' Lands Act, R.S.O. 1990, c. R.23 or on account of being Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.
- 4.3 Notwithstanding section 3.6 of this By-law, where, in respect of a Development,
- a. all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.6 of this By-law; and
 - b. an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:
- a. the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
 - b. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,



- c. this credit shall not operate to reduce a Development Charge to less than zero, and
- d. no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- a. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- b. this credit shall not operate to reduce a Development Charge to less than zero,
- c. no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- d. the credit contemplated under this section 4.4 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

5. Front Ending Agreements

- 5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.



6.2 This By-law shall come into force and take effect on July 1, 2024.

6.3 This By-law may be cited as the “Development Charges By-law”.

6.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor Carter

Municipal Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

1. Provincial Offences Act Including By-law Enforcement



SCHEDULE "B" TO BY-LAW SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Service:									
Provincial Offences Act including By-Law Enforcement	50	37	31	20	16	0.01	0.11	0.04	0.43
Total City-Wide Service	\$50	\$37	\$31	\$20	\$16	\$0.01	\$0.11	\$0.04	\$0.43



SCHEDULE “C” TO BY-LAW
Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections the Development Charges Act.
4. Subject to rule 3, the amount in Schedule “B”, must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The amount to apply must reflect any such indexing.
5. The amount in Schedule “B” does not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the amount in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B”



(adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.

8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
 - 12.1 Notwithstanding rule 12, development charges for rental housing and institutional developments are due and payable in 6 installments



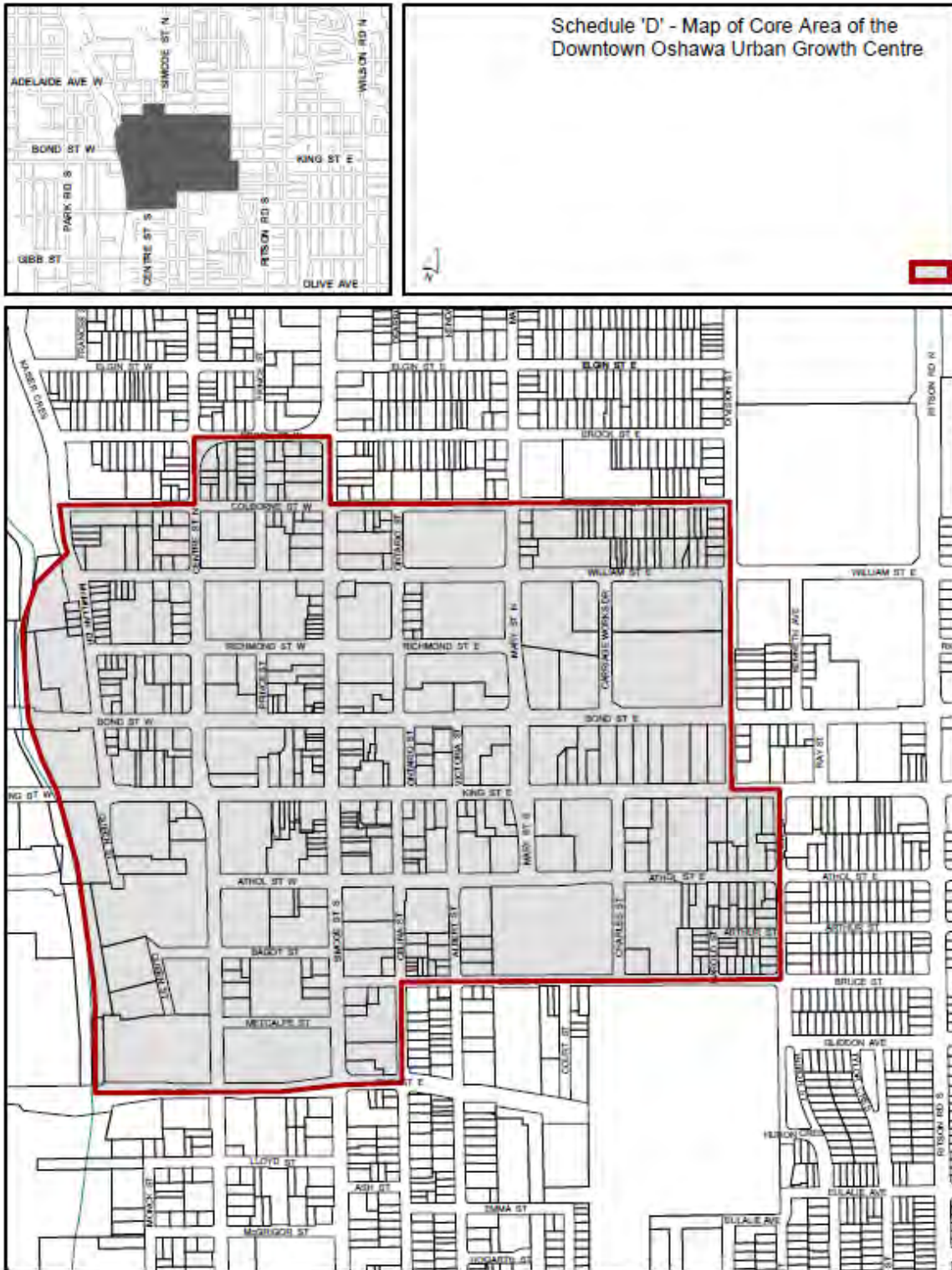
commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham, and by any Board of Education.
15. Where a complaint results in a refund or when the City has determined that a refund is due, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarterly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as prescribed in the Development Charges Act, as amended from time to time.



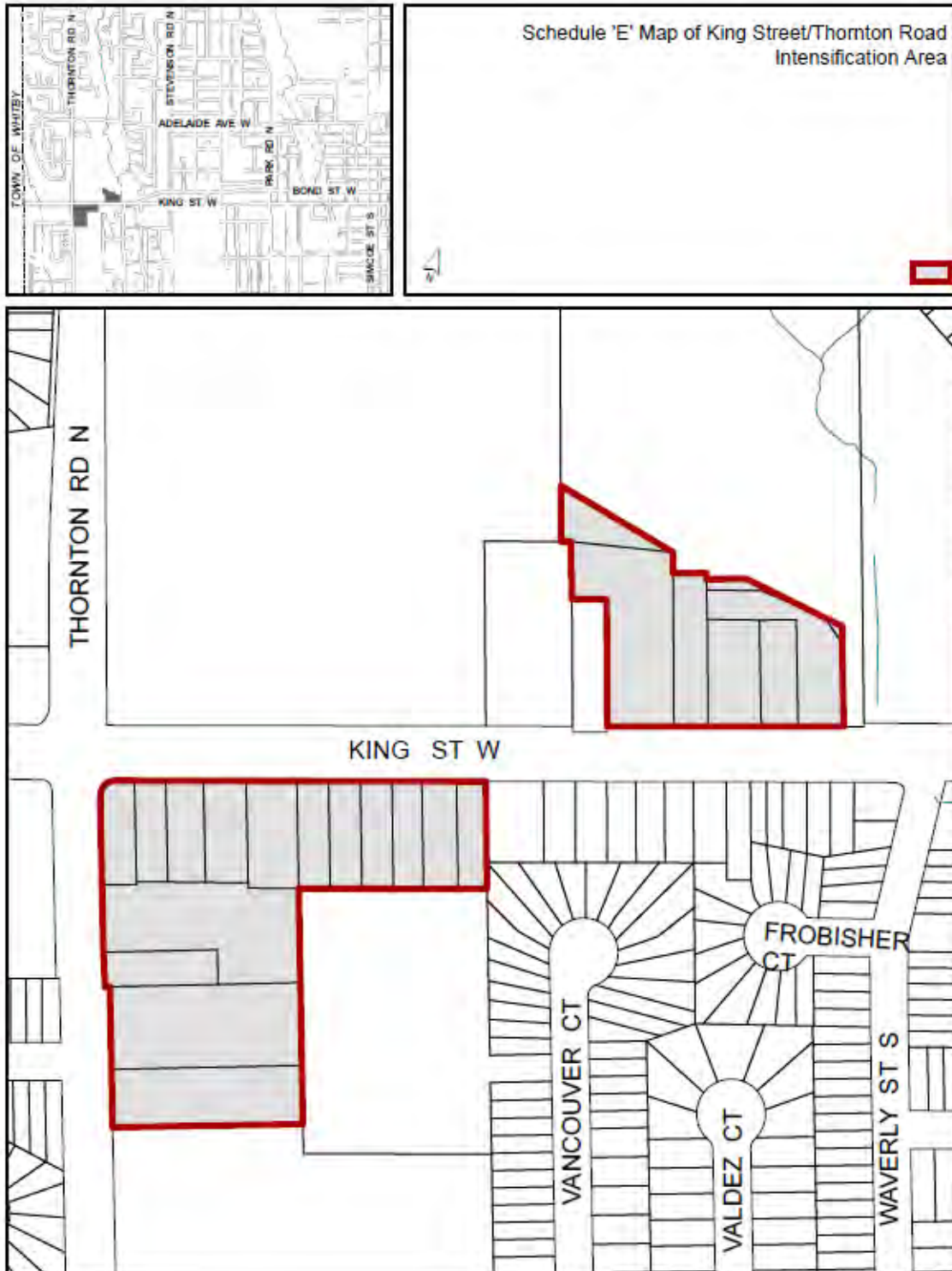
SCHEDULE "D" TO BY-LAW

Map of Core Area of the Downtown Oshawa Urban Growth Centre



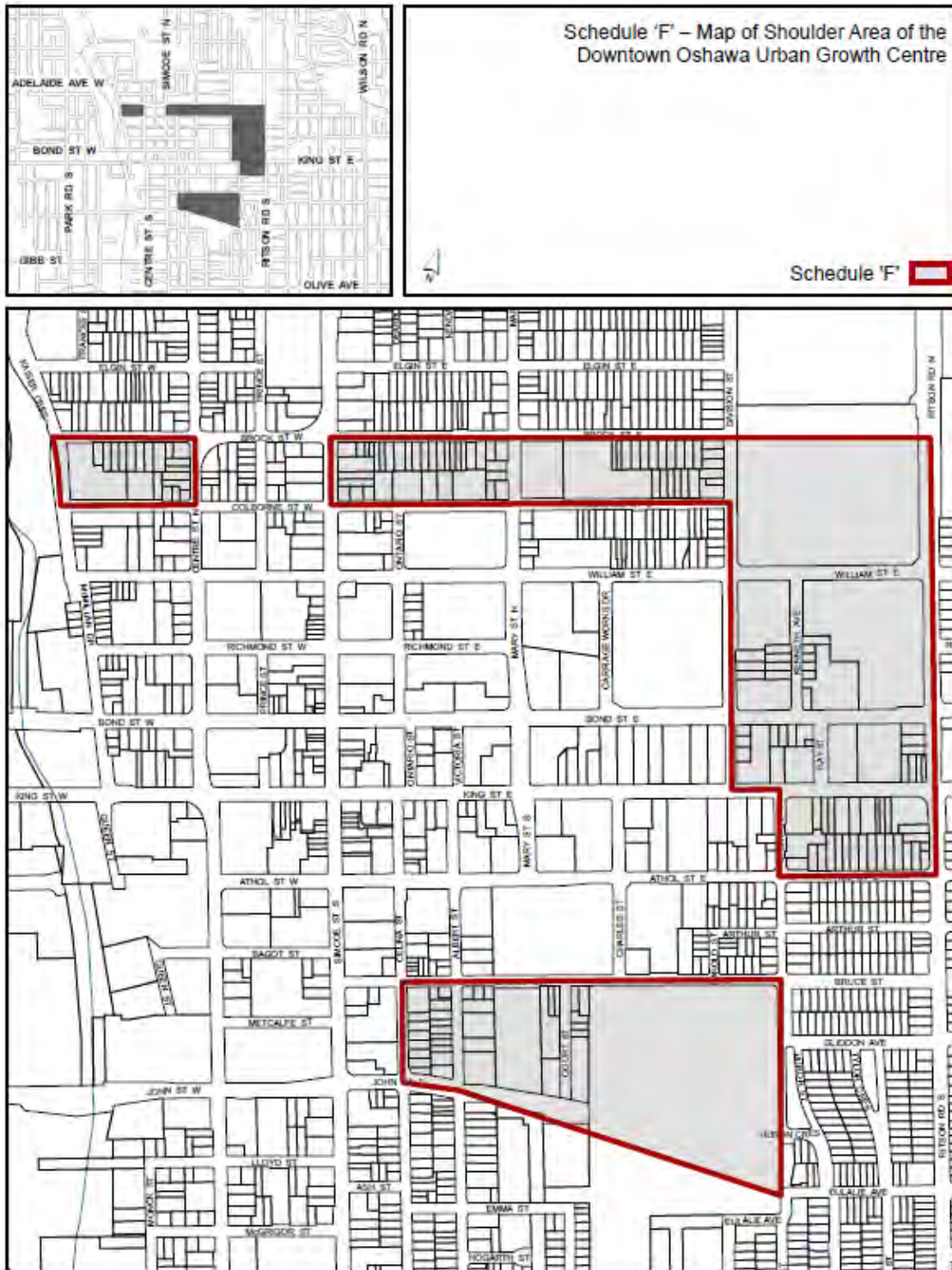


SCHEDULE "E" TO BY-LAW Map of King Street/Thornton Road Intensification Area





SCHEDULE "F" TO BY-LAW Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre





Appendix L

Proposed D.C. By-law – Stormwater Services



THE CORPORATION OF THE CITY OF OSHAWA

BY-LAW NUMBER 2024-___

BEING A BY-LAW to establish development charges for the Corporation of the City of Oshawa Stormwater Services

WHEREAS the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City, or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and

WHEREAS at its meeting on May 24, 2024, Council directed that a public meeting pursuant to s. 12 of the Act be held; and

WHEREAS The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98; and



WHEREAS a public meeting pursuant to s. 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

NOW THEREFORE the Council of the Corporation of the City of Oshawa hereby enacts as follows:

1. INTERPRETATION

1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:

- a) “Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,
- b) “Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
- c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
- d) “Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- e) “Agricultural” is in reference to use, means land, buildings or structures used, designed, or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;



- f) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;
- g) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- h) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- i) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- j) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- k) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study, or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom, or porch;
- l) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- m) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- n) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- o) "City" means The Corporation of the City of Oshawa;
- p) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and



parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;

- q) “Commercial” is in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for a non-residential use other than an Agricultural use or an Industrial use;
- r) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- s) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- t) “Development” means:
 - i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By-law;
 - ii. the redevelopment of land; or
 - iii. the redevelopment, expansion, extension, or alteration, or any two or more of them, of a use, building or structure;
- u) “Development Charge” means a charge imposed by this By-law;
- v) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;



- w) “Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;
- x) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- y) “Gross Floor Area” means:
- i. for a Residential Development, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of Party Walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
 - ii. for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions
- but does not include
- (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or



- (G) areas used for parking or loading, whether in the main building or an Accessory building.
- z) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;
- aa) “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
- bb) “Hospital” has the same meaning as the term, “hospital” defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;
- cc) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- dd) “Industrial” is in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for or in connection with,
- a) manufacturing, producing, processing, storing, or distributing something,
- b) research or development in connection with manufacturing, producing, or processing something,
- c) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,



- d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- ee) “Institutional development” means development of a building or structure intended for use:
 - a. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
 - c. by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017;
 - 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;
- ff) “Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;



- gg) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- hh) “Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
- ii) “Lodging House” means a building or part of a building, containing Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.
- jj) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- kk) “Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ll) “Lot” means a parcel of land which is
- i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- mm) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff,



and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- nn) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35.
- oo) “Non-profit Institution” means
- i. a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii. a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii. a “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;
- pp) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for other than a Residential use.
- qq) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a



business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

- rr) “Oshawa” means the geographical area under the jurisdiction of the City;
- ss) “Other Multiple Dwellings” means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;
- tt) “Owner” means the legal or equitable owner of land;
- uu) “Party Wall” means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- vv) "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- ww) “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13;
- xx) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;



- yy) “Rental housing” is for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- zz) “Residential” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- aaa) “Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- bbb) “Retirement Residence Unit” means a unit within a Retirement Residence;
- ccc) “Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- ddd) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- eee) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- fff) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;



- ggg) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.
- hhh) “Temporary” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for a period not exceeding three (3) years; and
- iii) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside other than a Stacked Townhouse.
- jjj) “Triplex” means a building containing 3 Apartment Dwelling Units.
- 1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.
- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.
- 2. APPLICATION OF BY-LAW RULES**
- 2.1 Development Charges shall be payable in the amounts set out in this by-law where:
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule “A” to this By law.



- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- a. the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - b. the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - c. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - d. the approval of a plan of subdivision under section 51 of the Planning Act;
 - e. a consent under section 53 of the Planning Act;
 - f. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g. the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- a. an enlargement to an existing dwelling unit;
 - b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
 - c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;



- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:



- i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

2.5 Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

2.6 No Development Charge shall be imposed with respect to any Development:

- a. by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board, or a Board of Education;
- b. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- c. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Home;
- d. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- e. respecting a Temporary building or structure;
- f. respecting an Agricultural building or structure;
- g. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;



- h. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law; or
 - i. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law.
- 2.7 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to this By-law shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings, or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed-use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.



- 3.2 Notwithstanding section 3.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings, or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed-use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B” shall be adjusted semi- annually on January 1 and July 1 each year, by the prescribed Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By- law, then the Development Charge will nonetheless be payable in respect of such Development.



4. Credits and Prepayments

4.1 Notwithstanding any other provision of this By-law, where a Development involves

- a. the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the sixty (60) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development; or
- b. the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- c. in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- d. in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

- 4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious



Organizations' Lands Act, R.S.O. 1990, c. R.23 or on account of being Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.
- 4.3 Notwithstanding section 3.6 of this By-law, where, in respect of a Development,
- a. all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.6 of this By-law; and
 - b. an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:
- a. the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
 - b. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,



- c. this credit shall not operate to reduce a Development Charge to less than zero, and
- d. no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- a. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- b. this credit shall not operate to reduce a Development Charge to less than zero,
- c. no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- d. the credit contemplated under this section 4.4 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

5. Front Ending Agreements

- 5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.



6.2 This By-law shall come into force and take effect on July 1, 2024.

6.3 This By-law may be cited as the “Development Charges By-law”.

6.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor Carter

Municipal Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

1. Stormwater Services



SCHEDULE "B" TO BY-LAW SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Service:									
Stormwater Drainage and Control Services	1,416	1,057	890	559	457	1.07	11.52	0.96	10.33
Total City-Wide Service	\$1,416	\$1,057	\$890	\$559	\$457	\$1.07	\$11.52	\$0.96	\$10.33



SCHEDULE “C” TO BY-LAW
Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections the Development Charges Act.
4. Subject to rule 3, the amount in Schedule “B”, must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The amount to apply must reflect any such indexing.
5. The amount in Schedule “B” does not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the amount in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B”



(adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.

8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
 - 12.1 Notwithstanding rule 12, development charges for rental housing and institutional developments are due and payable in 6 installments



commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham, and by any Board of Education.
15. Where a complaint results in a refund or when the City has determined that a refund is due, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarterly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as prescribed in the Development Charges Act, as amended from time to time.



SCHEDULE "D" TO BY-LAW

Map of Core Area of the Downtown Oshawa Urban Growth Centre





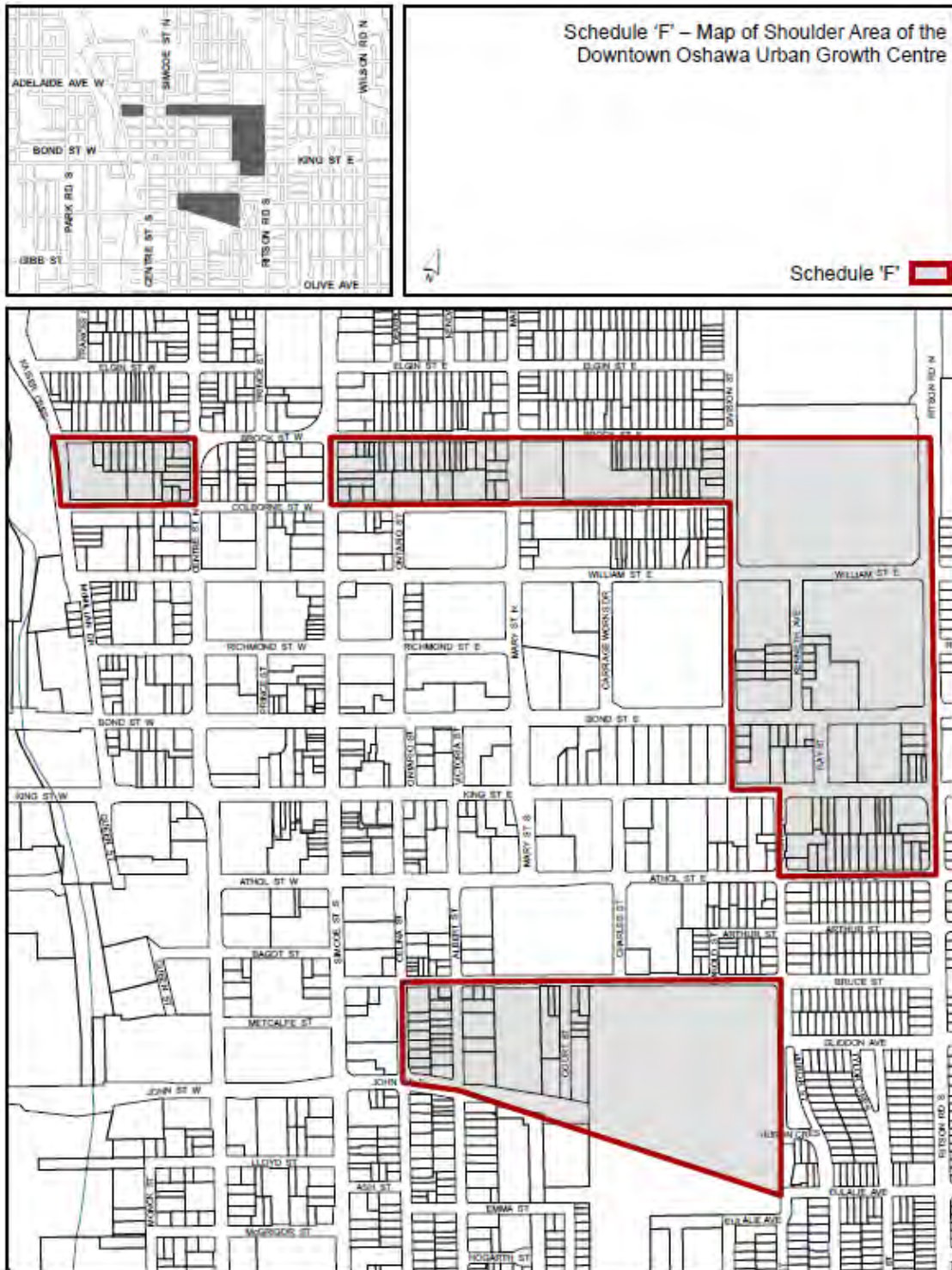
SCHEDULE "E" TO BY-LAW Map of King Street/Thornton Road Intensification Area





SCHEDULE "F" TO BY-LAW

Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre





Appendix M

Proposed D.C. By-law – Waste Diversion Services



THE CORPORATION OF THE CITY OF OSHAWA

BY-LAW NUMBER 2024-___

BEING A BY-LAW to establish development charges for the Corporation of the City of Oshawa Waste Diversion Services

WHEREAS the Corporation of the City of Oshawa currently has and will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Corporation of the City of Oshawa; and

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the “Act”) authorizes the Council of a municipality to pass by laws for the imposition of development charges against land; and

WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City, or its taxpayers and that new development contributes no more than the net capital cost attributable to providing the historic level of services and meeting the requirements of s. 5(1) of the Act; and

WHEREAS the City has undertaken a study of, among other matters, the matters set out in s. 10 of the Act and s. 8 of O. Reg. 82/98, including services, service levels, expected development, development related facilities and the costs thereof; and

WHEREAS at its meeting on May 24, 2024, Council directed that a public meeting pursuant to s. 12 of the Act be held; and

WHEREAS The “City of Oshawa 2024 Development Charge Background Study” dated April 25, 2024 prepared by Watson and Associates Economists Ltd. and the proposed development charge by-law were posted to the City’s website at least sixty days prior to the passage of the development charges bylaw, made available to the public at least two weeks prior to the public meeting and Council gave at least twenty days’ notice to the public in accordance with s. 12 of O. Reg. 82/98; and



WHEREAS a public meeting pursuant to s. 12 of the Act was held on May 24, 2024, and Council heard and received comments and representations from all persons who requested to be heard.

NOW THEREFORE the Council of the Corporation of the City of Oshawa hereby enacts as follows:

1. INTERPRETATION

1.1 In this By law, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section:

- a) “Accessory” means a building, structure, or use which is commonly incidental, subordinate, or secondary and exclusively devoted to the main building or structure, or the main, principal, or primary use. It is located on the same lot as the main building or structure, or the main, principal, or primary use,
- b) “Accessory Residential Building” shall mean a detached building not used for human habitation except in the case of a building accessory to a single detached dwelling, semi-detached dwelling, semi-detached building, duplex, or street townhouse dwelling that contains a lawful accessory apartment, that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and is exclusively devoted to a principal use, building or structure;
- c) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27;
- d) “Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- e) “Agricultural” is in reference to use, means land, buildings or structures used, designed, or intended to be used solely for an “agricultural operation” as that term is defined in section 1 of the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;



- f) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse dwelling;
- g) "Apartment Dwelling Unit" means any Dwelling Unit which is not a Single Detached Dwelling, a Semi-Detached Dwelling, a Dwelling Unit within a Townhouse, or either of the two Dwelling Units comprising a Duplex and includes a Stacked Townhouse unit;
- h) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- i) "Back-to-Back Townhouse" means each of two Townhouses that shares a common rear wall with the other for at least 50% of its width;
- j) "Bed and Breakfast Establishment" means a Single Detached Dwelling in which not more than three (3) Bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a Hotel or a Lodging House;
- k) "Bedroom" means a habitable room used or capable of use for sleeping accommodation, including a den, study, or other similar area, but excluding a living room, dining room, kitchen, family room, utility room, recreational room, bathroom, sunroom, or porch;
- l) "Board of Education" has the same meaning as the term "board" defined in the Education Act;
- m) "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23;
- n) "By-law" means this By-law, including its recitals and schedules and all future amendments including successor By-laws;
- o) "City" means The Corporation of the City of Oshawa;
- p) "Capital Levy" means a City fee or charge levied or required to be paid prior to November 22, 1991 as a result of development approval, including land division, for arterial and collector roads, recreation and



parks facilities and watercourse improvements, but excluding payments collected by the City in consideration of “best efforts” clauses or other agreements to collect and remit monies in partial or full payment for front-ending the payment for the installation of City services or facilities;

- q) “Commercial” is in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for a non-residential use other than an Agricultural use or an Industrial use;
- r) “Correctional Group Home” means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity;
- s) “Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel;
- t) “Development” means:
 - i. any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 2.3 of this By-law;
 - ii. the redevelopment of land; or
 - iii. the redevelopment, expansion, extension, or alteration, or any two or more of them, of a use, building or structure;
- u) “Development Charge” means a charge imposed by this By-law;
- v) “Duplex” means the whole of a building, which was not originally constructed as a Single Detached Dwelling, that consists of two Dwelling Units, one of which has at least 50% of its Gross Floor Area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway;



- w) “Dwelling Unit” means unit consisting of one or more rooms, which contains toilet and cooking facilities, and which is designed for use as a single housekeeping establishment. Notwithstanding the foregoing, a suite with a bedroom and bathroom but not a kitchen within a Long-Term Care Facility or Retirement home shall be considered a Dwelling Unit for purposes of calculating density;
- x) “Education Act” means the Education Act, R.S.O. 1990, c. E.2;
- y) “Gross Floor Area” means:
- i. for a Residential Development, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of Party Walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
 - ii. for a Non-Residential Development, the total floor area of all floors, whether above or below grade, measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of Party Walls and, without limitation, includes
 - (A) cellars
 - (B) basements
 - (C) corridors
 - (D) lobbies
 - (E) half-storeys
 - (F) mezzanines and
 - (G) areas occupied by interior walls or partitions
- but does not include
- (A) elevator shafts
 - (B) stairwells
 - (C) roof areas
 - (D) crawl spaces
 - (E) indoor refuse storage or collection areas
 - (F) mechanical or electrical rooms or



- (G) areas used for parking or loading, whether in the main building or an Accessory building.
- z) “Group Home” means a Dwelling Unit housing three (3) to ten (10) persons, exclusive of staff, who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial statutes;
- aa) “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
- bb) “Hospital” has the same meaning as the term, “hospital” defined in section 1 of the Public Hospitals Act, R.S.O. 1990, c. P.40;
- cc) “Hotel” means a building or part of a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House;
- dd) “Industrial” is in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for or in connection with,
- a) manufacturing, producing, processing, storing, or distributing something,
- b) research or development in connection with manufacturing, producing, or processing something,
- c) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,



- d) office or administrative purposes, if they are,
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- ee) “Institutional development” means development of a building or structure intended for use:
 - a. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11;
 - c. by any institution of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017;
 - 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;
- ff) “Live-work Unit” means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;



- gg) “Local Board” has the same meaning as the term, “local board”, defined in the Act;
- hh) “Local Services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
- ii) “Lodging House” means a building or part of a building, containing Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Long-term Care Home, or a Retirement Residence.
- jj) “Lodging Unit” means one or more rooms within a building used or designed to be used for sleeping accommodations, each of which may contain cooking or washroom facilities, but not both.
- kk) “Long-term Care Home” means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ll) “Lot” means a parcel of land which is
- i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- mm) “Medical Clinic” means that a building or part of a building in which no less than one thousand four hundred and eighty-six square metres (1,486 m²) of Gross Floor Area is used by physicians, surgeons, dentists, drugless practitioners or any other health care professionals, their staff,



and their patients, for the purpose of consultation, diagnosis or treatment of humans and may include medical laboratories or an ancillary pharmacy;

- nn) “Non-profit housing development”, for the purposes of rule 12.2 in Schedule “C”, means development of a building or structure intended for use as residential premises by:
- i. a corporation without share capital to which the Corporations Act, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35.
- oo) “Non-profit Institution” means
- i. a “registered charity” as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - ii. a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or
 - iii. a “place of worship” that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31;
- pp) “Non-Residential” in reference to use, means land, buildings or structures of any kind whatsoever used, designed, or intended to be used for other than a Residential use.
- qq) “Office” means a building or part of a building in which one or more persons are employed in the management, direction and conducting of a



business, agency, brokerage or a labour or fraternal organization or in which professionally qualified persons and their staff provide services to clients or patients but does not include any part of a building in which goods, wares, merchandise, foodstuffs or farm produce or other substances, articles or things are displayed, stored, or offered for wholesale or retail sale or rental;

- rr) "Oshawa" means the geographical area under the jurisdiction of the City;
- ss) "Other Multiple Dwellings" means all residential dwellings other than a Single-detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, and Lodging Unit, and includes the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;
- tt) "Owner" means the legal or equitable owner of land;
- uu) "Party Wall" means a wall jointly owned and used by two parties under an easement agreement or by right in law and erected at or upon a line separating two parcels of land each of which may be lawfully transferred or conveyed in accordance with the provisions of the Planning Act;
- vv) "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or other institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- ww) "Planning Act" means the Planning Act, R.S.O. 1990, c. P.13;
- xx) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;



- yy) “Rental housing” is for the purposes of rule 12.1 in Schedule “C”, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- zz) “Residential” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for one or more individuals as living accommodations or combined live/work accommodations;
- aaa) “Retirement Residence” means a residential building or the residential portion of a mixed-use building which provides accommodation for persons of retirement age, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full culinary facilities and a separate entrance from a common hall;
- bbb) “Retirement Residence Unit” means a unit within a Retirement Residence;
- ccc) “Rowhouse Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- ddd) “Semi-Detached Dwelling” means a Residential building originally constructed so as to consist entirely of two Dwelling Units, attached by vertical walls, each having a separate entrance from the exterior;
- eee) “Single Detached Dwelling” means a Residential building which is separate and detached from other buildings or structures and which contains only a Dwelling Unit but does not include a mobile home;
- fff) “Stacked Townhouse” means each of two (2) Townhouses that is attached horizontally to the other Townhouse, two (2) or more Townhouses high;



- ggg) “Street Townhouse Building” means a Townhouse for which each Dwelling Unit within the Townhouse abuts and has its own driveway access to an improved street.
- hhh) “Temporary” in reference to use, means land, buildings, or structures of any kind whatsoever or any portion thereof, used, designed, or intended to be used for a period not exceeding three (3) years; and
- iii) “Townhouse” means a building divided vertically into at least three Dwelling Units, attached by common walls at least six metres (6.0m) in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside other than a Stacked Townhouse.
- jjj) “Triplex” means a building containing 3 Apartment Dwelling Units.
- 1.2 The captions, article and sections names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender and number required by the context.
- 1.3 If any section, subsection, paragraph, clause, sub-clause, item or any of the words contained in this By-law are held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.
- 1.4 Each reference to Provincial legislation in this By-law is a reference to the most current version of that Provincial legislation and, in every case, includes all applicable amendments to the legislation, including successor legislation.
- 2. APPLICATION OF BY-LAW RULES**
- 2.1 Development Charges shall be payable in the amounts set out in this by-law where:
- 2.2 All Development in Oshawa, unless expressly excluded or exempted in this By-law, is deemed to increase the need for the service set out in Schedule “A” to this By law.



- 2.3 Subject to the provisions of this By-law, Development Charges shall be imposed against all Development which requires any of the following:
- a. the passing of a zoning by-law, or an amendment to a zoning by-law under section 34 of the Planning Act;
 - b. the approval of a minor variance under section 45 of the Planning Act which involves a change in use, intensification of use or expansion of use;
 - c. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - d. the approval of a plan of subdivision under section 51 of the Planning Act;
 - e. a consent under section 53 of the Planning Act;
 - f. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g. the issuing of a permit under the Building Code Act in relation to a building or structure.
- 2.4 No Development Charge shall be imposed where the only effect of an action mentioned in section 2.3 of this By-law is to permit the
- a. an enlargement to an existing dwelling unit;
 - b. A second residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached dwelling, semi-detached dwelling or rowhouse dwelling cumulatively contain no more than one residential unit;
 - c. A third residential unit in an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;



- d. One residential unit in a building or structure ancillary to an existing detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the existing detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- e. A second residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling cumulatively will contain no more than one residential unit;
- f. A third residential unit in a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units;
- g. One residential unit in a building or structure ancillary to a new detached dwelling, semi-detached dwelling, or rowhouse dwelling on a parcel of land, if the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains no more than two residential units and no other building or structure ancillary to the new detached dwelling, semi-detached dwelling, or rowhouse dwelling contains any residential units; or
- h. In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.
- i. Notwithstanding the above, Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing or proposed new single detached dwelling unit
- j. Notwithstanding the above, Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:



- i. in the case of a semi-detached or rowhouse dwelling, the gross floor area of the existing or proposed new dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

2.5 Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- a. Three or more bedrooms – 25% reduction;
- b. Two bedrooms – 20% reduction; and
- c. All other bedroom quantities – 15% reduction.

2.6 No Development Charge shall be imposed with respect to any Development:

- a. by, on behalf of, or on lands owned by and used for the purposes of a municipality, a Local Board, or a Board of Education;
- b. on lands wholly within that part of Oshawa partially known as the Core Area of the Downtown Oshawa Urban Growth Centre and as depicted in Schedule “D” to this By-law;
- c. on that part of lands used solely for the purposes of
 - i. a Non-Profit Institution;
 - ii. a Hospital; or
 - iii. a Long-term Home;
- d. respecting a new Industrial building or structure or the enlargement of an existing Industrial building or structure;
- e. respecting a Temporary building or structure;
- f. respecting an Agricultural building or structure;
- g. respecting an Apartment Dwelling Unit on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law;



- h. respecting a Townhouse Dwelling other than a Street Townhouse Building on lands within that part of King Street/Thornton Road Intensification Area shown as the shaded portion on the maps in Schedule “E” to this By-law; or
 - i. respecting an Apartment Dwelling Unit or a Townhouse Dwelling Unit, except back-to-back Townhouses, on lands within that part of the Shoulder Area of the Downtown Oshawa Urban Growth Centre as shown as the shaded portion of the map in Schedule “F” to this By-law.
- 2.7 The Development Charge imposed with respect to that part of a building used solely for the purposes of a Medical Clinic shall be equal to 50% of the Commercial Development Charge.
- 2.8 No more than one Development Charge for each service designated in Schedule “A” to this By-law shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in section 2.3 of this By-law are required before the lands, buildings, or structures can be developed for a single Development. However, nothing in this section prevents the imposition of a Development Charge in respect of subsequent Development.
- 2.9 This By-law does not limit the City’s ability to require, as a condition or in an agreement pursuant to sections 50, 51 or 53 of the Planning Act, local services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the Owner, or local services to be installed or paid for by the Owner as a condition of approval under section 53 of the Planning Act.

3. Rules for Calculation and Collection of Development Charges

- 3.1 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Residential uses of lands, buildings, or structures, including Residential uses Accessory to a Non-Residential use and, in the case of a mixed-use building or structure, according to the type of Residential use, and calculated with respect to each of the services according to the type of Residential use.



- 3.2 Notwithstanding section 3.1, residential Duplex and Triplex buildings developed on lands within that part of Oshawa, where zoning permits a Single Detached Dwelling, will be subject to the charge for a single detached dwelling unit.
- 3.3 The development charges imposed on a Retirement Residence unit shall be payable at the rate applicable to an apartment of one bedroom or smaller.
- 3.4 The Development Charges set out in Schedule “B” to this By-law shall be imposed on Non-Residential uses of lands, buildings, or structures and, in the case of a mixed used building or structure, on the Non-Residential uses in the mixed-use building or structure, calculated with respect to each of the services according to the Gross Floor Area of the Non-Residential use.
- 3.5 Schedule “C” to this By-law prescribes the rules for determining whether a Development Charge is payable in any particular case and for determining the amount of the Development Charge.
- 3.6 Non-Residential Development Charges shall be adjusted on the 1st day of January, 2020, and then semi-annually on January 1 and July 1 each year, commencing the 1st day of January, 2021, by the Statistics Canada Quarterly “Capital Expenditure Price Statistics (cat. 62-007-X)”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
 - 3.6.1 Residential Development Charges found in Schedule “B” shall be adjusted semi- annually on January 1 and July 1 each year, by the prescribed Statistics Canada Quarterly “Capital Expenditure Price Statistics”, published each year or such other equivalent publication or as otherwise prescribed by regulation pursuant to the Act.
- 3.7 Development Charges shall be payable by cash or by certified cheque in Canadian funds.
- 3.8 If a Development does not require a building permit pursuant to the Building Code Act but does require one or more of the other actions described in section 2.3 of this By- law, then the Development Charge will nonetheless be payable in respect of such Development.



4. Credits and Prepayments

4.1 Notwithstanding any other provision of this By-law, where a Development involves

- a. the demolition of buildings or structures that have been in existence for a minimum of five (5) years pursuant to a demolition permit issued pursuant to the Building Code Act within the sixty (60) month period preceding the issuance of a building permit pursuant to the Building Code Act respecting the Development; or
- b. the conversion of all or part of a building or structure that has been in existence for a minimum of five (5) years from one principal use to another principal use on the same land

the Development Charge otherwise payable with respect to such Development shall be reduced by the following amounts:

- c. in the case of a Residential building or structure, or the Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the number representing the type of Dwelling Units that have been or will be demolished or converted to another principal use; and
- d. in the case of a Non-Residential building or structure, or the Non-Residential uses in a mixed-use building or structure, an amount calculated by multiplying the applicable Development Charge set out in Schedules “B” to this By-law by the Gross Floor Area that has been or will be demolished or converted to another principal use

provided that such amounts shall not exceed, in total, the amount of the Development Charge otherwise payable with respect to such Development.

- 4.1.1 Notwithstanding any other provision of this By-law, where a demolition permit for a building or structure is issued on or after July 1, 2019, no credit will be given for the demolition if the building or structure was exempt from the payment of development charges on account of being Development on that part of lands used solely for the purposes of a “religious organization” as defined in subsection 1(1) of the Religious Organizations’ Lands Act, R.S.O. 1990, c. R.23 or on account of being



Development by, on behalf of, or on lands owned by and used for the purposes of a Board of Education.

- 4.2 For the purpose of section 4.1(a) of this By-law, the issuance of the demolition permit and the actual demolition to the satisfaction of the Chief Building Official may post date the issuance of the building permit by no more than twenty-four (24) months.
- 4.3 Notwithstanding section 3.6 of this By-law, where, in respect of a Development,
- a. all requirements for the issuance of a building permit under subsection 8(2) of the Building Code Act have been satisfied before the date of an adjustment of Development Charges pursuant to section 3.6 of this By-law; and
 - b. an amount equal to the Development Charge in effect as at the date of payment has been paid before the date of the particular adjustment of Development Charges contemplated by paragraph (a) of this section 4.3

the applicable Development Charge is the amount contemplated by paragraph (b) of this section 4.3.

- 4.4 Where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge is payable under this By-law as a result of Development on that same Lot, a credit will be provided against the Development Charge to the current Owner of that Lot upon that Owner making a written request to the City's Chief Building Official subject to the following:
- a. the amount of the credit shall be limited to the amount of the Capital Levy paid for services that are being funded under this By-law,
 - b. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
 - c. this credit shall not operate to reduce a Development Charge to less than zero, and



- d. no credit shall be given for any interest on or indexing of the Capital Levy paid;

however, notwithstanding subsections (a) through (d) hereof, where, as demonstrated to the satisfaction of the Chief Building Official, a Capital Levy was paid to the City in respect of a development approval on a Lot and a Development Charge in relation to a Single Detached Dwelling is payable under this By-law as a result of Development on that same Lot, no Development Charge shall be payable subject to the following:

- a. no credit for payment of a Capital Levy was previously provided to any person in respect of any Development on that same Lot, whether heretofore or hereafter occurring,
- b. this credit shall not operate to reduce a Development Charge to less than zero,
- c. no credit shall be given for any interest on or indexing of the Capital Levy paid, and
- d. the credit contemplated under this section 4.4 shall only be applied to the first sixteen (16) Lots that comply with the criteria prescribed by this section 4.4.

5. Front Ending Agreements

- 5.1 The City may enter into front-ending agreements with Owners in accordance with the provisions of the Act.

6. Miscellaneous

- 6.1 All complaints pursuant to section 20 of the Act or section 257.85 of the Education Act, R.S.O. 1990, c. E.2 shall be heard by City Council sitting in Committee of the Whole. The City Council shall conduct hearings in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and other applicable law.
- 6.2 This By-law shall come into force and take effect on July 1, 2024.



6.3 This By-law may be cited as the “Development Charges By-law”.

6.4 By-law 60-2019 is hereby repealed on July 1, 2024.

By-law passed this twenty-fourth day of June, 2024.

Mayor Carter

Municipal Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

1. Waste Diversion Services



SCHEDULE "B" TO BY-LAW SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					Non-Residential			
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Industrial (per sq.ft. of Total Floor Area)	Industrial (per sq.m. of Total Floor Area)	Non-Industrial (per sq.ft. of Total Floor Area)	Non-Industrial (per sq.m. of Total Floor Area)
City-Wide Service:									
Waste Diversion	41	31	26	16	13	0.01	0.11	0.03	0.32
Total City-Wide Service	\$41	\$31	\$26	\$16	\$13	\$0.01	\$0.11	\$0.03	\$0.32



SCHEDULE “C” TO BY-LAW
Rules for Application of the Development Charges By-law

1. Where a Development is proposed which requires any of the actions set out in section 2.3 of this By-law, the rules in this Schedule shall be applied to determine the application of this By-law. These rules apply to all Development.
2. The Development must be reviewed to determine whether it is exempt in whole or in part pursuant to one or more provisions of this By-law.
 - 2.1 Notwithstanding rule 2, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest.
3. The Development must be reviewed to determine whether it qualifies for the phasing of Development Charges in accordance with sections the Development Charges Act.
4. Subject to rule 3, the amount in Schedule “B”, must be examined to determine the effect of any indexing which has occurred pursuant to section 3.6 of this By-law. The amount to apply must reflect any such indexing.
5. The amount in Schedule “B” does not need to be adjusted in accordance with paragraph 5 (1) 6 of the Act because the Study has taken those considerations into account in determining the amount in Schedule “B”.
6. The Development must be classified as Residential, Non-Residential, or mixed-use Development.
7. For Residential Development, the total number and type of Dwelling Units set out in Schedule “B” must be determined. The rates as shown in Schedule “B”



(adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the number of Dwelling Units contemplated by the Development to determine the total amount of Residential Development Charges payable.

8. For Non-Residential Development, the Gross Floor Area of the Development must be determined. The rates as shown in Schedule “B” (adjusted, if applicable, in accordance with rules 3 or 4) are then applied to the Gross Floor Area contemplated by the Development to determine the total amount of Non-Residential Development Charges payable.
9. For mixed Residential and Non-Residential Development, Development Charges are determined by applying each of rules 7 and 8 to each part of the Development comprising, respectively, Residential Development and Non-Residential Development.
10. The Development must be examined to determine whether any credits contemplated by article 4 of this By-law. If so, such credits are applied against the total Development Charges payable pursuant to rules 7, 8 or 9, as applicable.
11. Subject to the provisions of the Act, the City may enter into an agreement to permit an Owner to perform work that relates to a service to which this By-law relates. In such circumstances, the City shall give the Owner a credit toward the Development Charge subject to the provisions of the Act.
12. A Development Charge shall be paid on or before the date that a building permit is issued pursuant to the Building Code Act in relation to a building or structure on land to which a Development Charge applies. No building permit shall be issued until the Development Charge is paid. Where the Development Charge is payable pursuant to section 3.8 of this By-law, the Development Charge must be paid prior to the completion of the applicable action, or actions referenced in section 2.3 of this By-law. For this purpose, the date of completion of the approvals contemplated by paragraphs 2.3(d) and 2.3(f) of this By-law shall be the date on which all agreements imposed as a condition to an approval pursuant to subsection 51(26) of the Planning Act have been duly executed by all parties to such agreements.
 - 12.1 Notwithstanding rule 12, development charges for rental housing and institutional developments are due and payable in 6 installments commencing

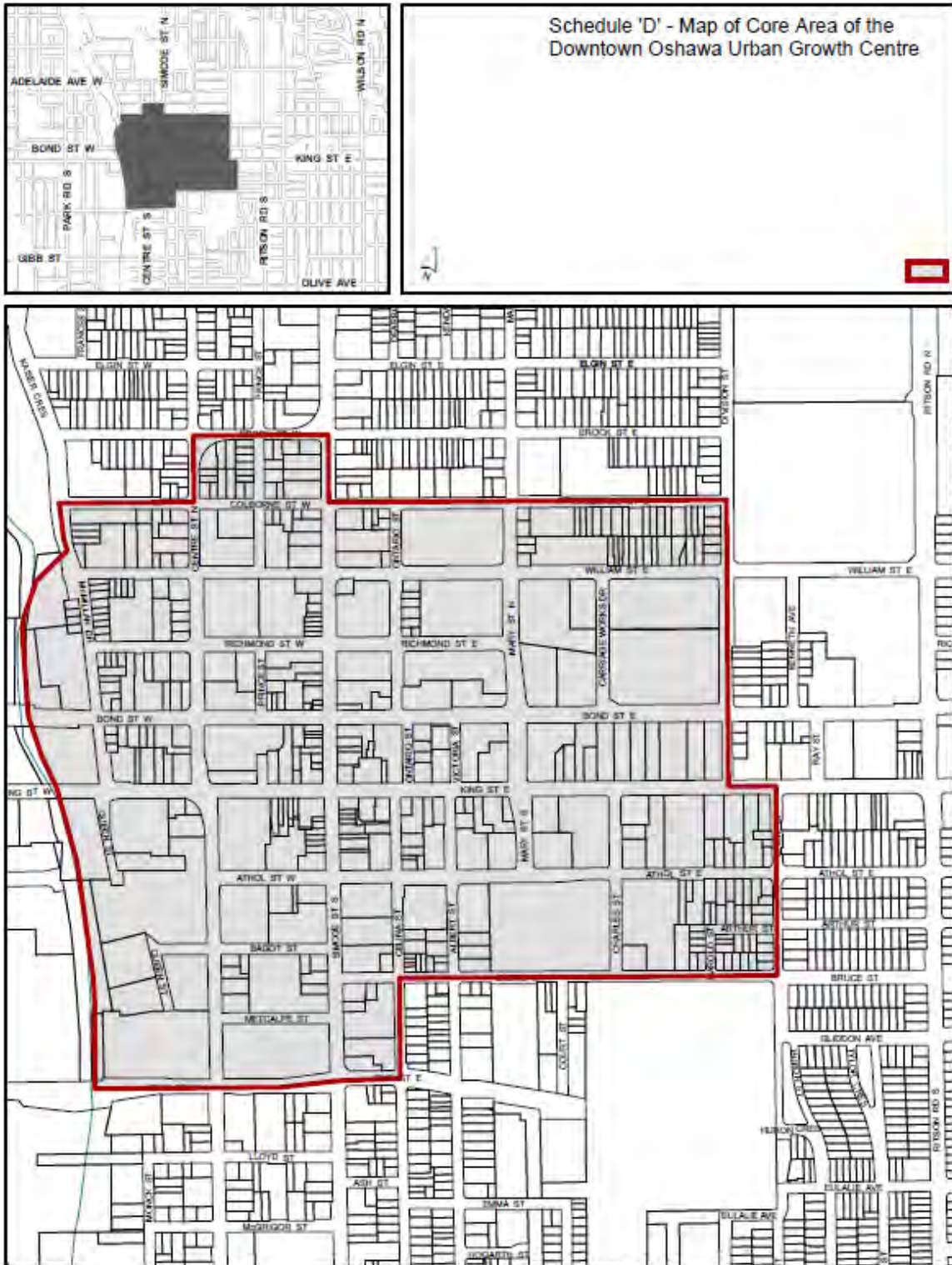


- with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
13. If any or all of a Development Charge remains unpaid after it has become payable, the amount unpaid shall be added to the tax roll for the land which was the subject of the Development and shall be collected in the same manner as taxes.
 14. The City's Treasurer shall collect all Development Charges imposed by this By-law when those Development Charges are due and payable, together with all development charges payable upon the issuance of a building permit imposed in accordance with any development charge by-law passed by the Regional Municipality of Durham, and by any Board of Education.
 15. Where a complaint results in a refund or when the City has determined that a refund is due, the City's Treasurer shall calculate the amount of any overpayment to be refunded to any Owner who made the payment, and the refund shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid.
 16. The interest rate to be used for any refund shall be the Bank of Canada rate in effect on the later of the date that this By-law comes into force, or the date of the most recent quarterly adjustment as set out in rule 17.
 17. For the purpose of determining the quarterly adjustments contemplated by rule 16, the Bank of Canada interest rate in effect on the date that this By-law comes into force shall be adjusted on the first day of January, 2025 to the rate established by the Bank of Canada on that date, and shall be adjusted quarterly thereafter on the first business day of each of April, July, October and January, to the rate established by the Bank of Canada on the day of the adjustment.
 18. Interest for the purposes of rule 2.2, 12.1 and 12.2 shall be determined as prescribed in the Development Charges Act, as amended from time to time.



SCHEDULE "D" TO BY-LAW

Map of Core Area of the Downtown Oshawa Urban Growth Centre



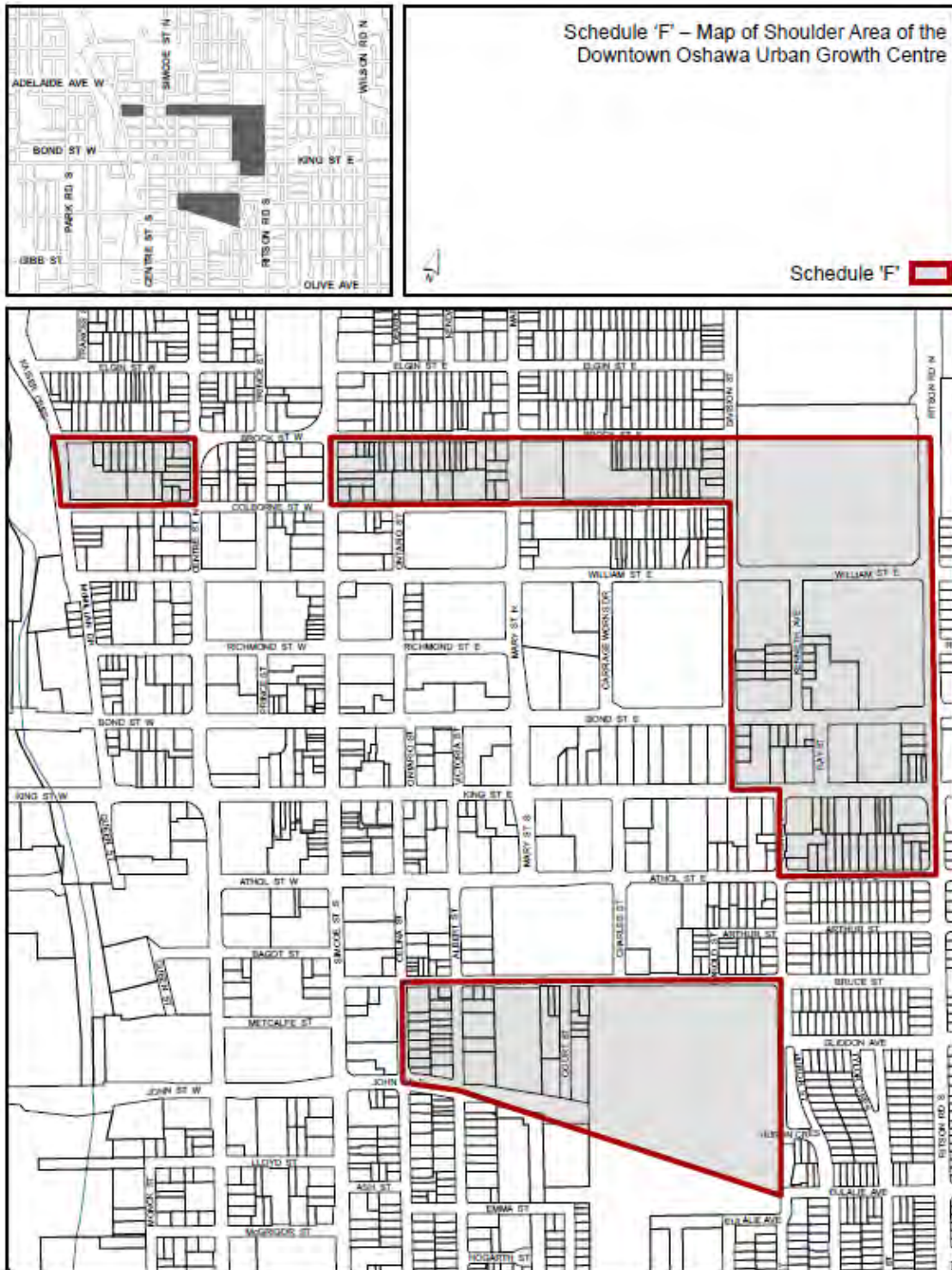


SCHEDULE "E" TO BY-LAW
Map of King Street/Thornton Road Intensification Area





SCHEDULE "F" TO BY-LAW
Map of Shoulder Area of the Downtown Oshawa Urban Growth Centre



March 28, 2024

Please be advised that during the regular Council meeting of March 26, 2024 the following resolution regarding support for 'a call to action' to meet the deadline of an Accessible Ontario by 2025 was carried.

RESOLUTION NO. 2024-151

DATE: March 26, 2024

MOVED BY: Councillor MacNaughton

SECONDED BY: Councillor Pennell

WHEREAS the Accessibility for Ontarians With Disabilities Act (AODA) is ground-breaking legislation, created to help people with disabilities fully participate in society, bring them to the table in crafting regulations, and build mechanisms to enforce standards;

WHEREAS Rich Donovan, an expert in accessibility issues, was appointed as the Independent Reviewer of the Act in 2022, and in his 2023 legislative review declared a crisis as a necessary catalyst to get Ontario back on track for accessibility;

WHEREAS at least 2.9 million Ontarians currently live with a disability, representing at least 22% of the consumer base and the workforce, but due to barriers, Ontarians with disabilities are too often falling short of their full potential;

WHEREAS the AODA aims to develop, implement and enforce standards related to goods, services, accommodation, employment and buildings before Jan. 1, 2025, and municipalities, as the level of government closest to the people are at the front lines, developing, implementing and enforcing these standards without meaningful guidance on its implementation and/or enforcement by the Province;

WHEREAS people with disabilities and advocates, including Prince Edward County's Accessibility Advisory Committee, note the slow pace of current and previous Ontario governments in implementing the AODA and there are growing concerns there will be no renewed push to keep accessibility issues at the forefront after 2025;

WHEREAS Prince Edward County is dedicated and committed to creating a welcoming environment so that all people may have equitable access to programs, goods, services and facilities, but making investments to achieve the AODA

standards has been challenging given the lack of consistent and stable funding for municipalities to remove accessibility barriers;

THEREFORE BE IT RESOLVED THAT the Council of Prince Edward County strongly encourages action on the part of the Provincial Government to urgently:

- a) create a "Municipal Accessibility Fund" for municipalities to develop, implement and enforce AODA standards related to goods, services, accommodation, employment and buildings. Such a fund could be modeled after the Canada Community-Building Fund or the Ontario Cannabis Legalization Implementation Fund on a per household basis;
- b) to commit to working with municipalities to implement the Donovan Review immediate crisis recommendations;

AND FURTHER THAT the Mayor write a letter in support of this resolution to the Minister of Seniors and Accessibility, and that a copy of this resolution be sent to the Premier of Ontario, the Minister of Seniors and Accessibility, the Minister of Children, Community, and Social Services, the Minister of Health, the Minister of Municipal Affairs and Housing, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, and the Eastern Ontario Wardens Caucus, and all Ontario Municipalities.

CARRIED

Yours truly,



Catalina Blumenberg, **CLERK**

cc: Mayor Steve Ferguson, Councillor MacNaughton, Councillor Pennell, and Marcia Wallace, CAO

