

# THE CORPORATION OF THE DISTRICT OF SAANICH

## BYLAW NO. 9607

### A BYLAW TO PROVIDE FOR A REDUCTION OF DEVELOPMENT COST CHARGES FOR AFFORDABLE HOUSING

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The Municipal Council of The Corporation of the District of Saanich in open meeting assembled hereby enacts as follows:

#### 1.0 Title

This bylaw may be cited for all purposes as the “**DEVELOPMENT COST CHARGE REDUCTION BYLAW, 2020, NO. 9607**”.

#### 2.0 Definitions

2.1 For the purpose of this bylaw, the definitions of words and phrases that are not included in this section shall have the meaning assigned to them in the *Local Government Act* or the *Community Charter*, as the case may be.

2.2 In this bylaw:

- a. “applicant” means the owner of a development eligible for a development cost charge reduction under this bylaw;
- b. “application” means an application for a development cost charge reduction in the form established by the Director of Engineering from time to time’;
- c. “building” means a building or structure for which a building permit is required under the Building Bylaw;
- d. “Building Bylaw” means Building Bylaw, 2019, No. 9529, as amended or replaced from time to time;
- e. “building permit” means a permit issued by the District that authorizes the construction or alteration of a building in accordance with the Building Bylaw;
- f. “CMHC” means the Canada Mortgage and Housing Corporation or any successor organization;
- g. “development” means the improvement of land pursuant to a building permit;
- h. “development cost charge” means a development cost charge payable for a development under the Development Cost Charge Bylaw;
- i. “Development Cost Charge Bylaw” means Development Cost Charge Bylaw, 2019, No. 9553, as amended or replaced from time to time;

- j. “development cost charge reduction” means a development cost charge reduction specified under section 4.2 of this bylaw;
- k. “Director of Engineering” means the Director of Engineering employed by the District;
- l. “District” means The Corporation of the District of Saanich;
- m. “eligible development” means a development specified in section 4.1 of this bylaw;
- n. “housing agreement” means a housing agreement pursuant to section 483 of the *Local Government Act*;
- o. “occupancy permit” means permission or authorization in writing issued by the District to occupy a building for its intended purpose in accordance with the building bylaw;
- p. “prime interest rate” means the rate of interest equal to the floating interest rate established from time to time by the National Bank of Canada as the base rate that will be used to determine rates of interest charged by it for Canadian dollar loans to customers in Canada and designated by the National Bank of Canada as its prime rate;
- q. “triggering date” means the date of issuance of a building permit that triggers the requirement to pay development cost charges.

### **3.0 Application**

3.1 Development cost charge reductions shall only apply to those development cost charges applicable in all areas of the District, being those specified in Schedule “A” attached to the Development Cost Charge Bylaw.

3.2 Development cost charge reductions shall not apply to area-specific development cost charges, being those specified in Schedule “B” (Cordova Bay Roads) and Schedule “C” (Parks Quadrant) attached to the Development Cost Charge Bylaw.

### **4.0 Development Cost Charge Reduction for Eligible Developments**

4.1 For purposes of this bylaw, an “eligible development” is any one of the following classes of development:

- a. A not-for-profit rental housing development, including an assisted living development, owned by a public authority or a not-for-profit society incorporated under the *Societies Act*, subject to a housing agreement that:
  - i. limits the form of tenure of the housing units to rental tenure for a term of not less than 20 years from the date an occupancy permit is granted; and
  - ii. requires the housing units to be rented for a monthly rate that is less than the current median market rent levels published by CMHC from time to time;
- b. An affordable rental housing development subject to a housing agreement that:

- i. limits the form of tenure of the housing units to rental tenure for a term of not less than 20 years from the date an occupancy permit is granted; and
- ii. requires the housing units to be rented for a monthly rate that is a minimum of 10% less than the current median market rent levels published by CMHC from time to time.

4.2 Subject to sections 3.1 and 3.2, the total development cost charges payable for a development are hereby reduced by:

- a. 50% for an eligible development described in section 4.1(a); and
- b. 25% for an eligible development described in section 4.1(b).

4.3 In any case where part of a development constitutes an eligible development, and part does not, the development cost charge reduction shall only apply to the part of the development that constitutes an eligible development.

4.4 In no case shall the development cost charge reductions provided in subsections 4.2(a) and (b) be combined.

## **5.0 Procedure for Grant of Development Cost Charge Reduction**

5.1 A development cost charge reduction for an eligible development shall be granted in accordance with the following procedure:

- a. in order to be eligible for a development cost charge reduction, an applicant must submit a complete application to the District on or before the triggering date;
- b. subject to subsection 5(c), the applicant shall pay to the District when due all development cost charges payable for the development as if the development does not constitute an eligible development;
- c. within thirty (30) days of the date that an occupancy permit is issued for the eligible development the District shall refund to the applicant an amount equal to the development cost charge reduction for the eligible development; and
- d. for the avoidance of doubt, if a development does not constitute an eligible development at the time that an occupancy permit is issued for the development, then the entitlement to a development cost charge reduction is forfeited absolutely and no refund of development cost charges shall be provided to the applicant under subsection 5(c).

## **6.0 Repayment**

6.1 If, at any time during the term of the applicable housing agreement a development, or any portion of a development, for which a development cost charge reduction has been granted under this bylaw ceases to qualify as an eligible development due to:

- a. non-compliance with the requirements of section 4.1; or
- b. non-compliance with the provisions of the applicable housing agreement;

then the full amount of development cost charges that would have been payable on the triggering date, had the development cost charge reduction not been granted, plus interest at the prime interest rate plus 2% per year calculated monthly since the triggering date, compounded annually, shall constitute a debt owing to the District and shall be due and payable immediately.

**7.0 Effective Date**

This Bylaw comes into force on the date of its adoption.

Read a first time this 13<sup>th</sup> day of July, 2020.

Read a second time this 13<sup>th</sup> day of July, 2020.

Read a third time this 13<sup>th</sup> day of July, 2020.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 20<sup>th</sup> day of July, 2020

“Angila Bains”

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Municipal Clerk

“Fred Haynes”

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Mayor