



The Corporation of Norfolk County

By-Law 2024-96

Being a by-law to authorize the Governance Policy 016–Timing of Development Charge Calculation for the purposes of Sections 26.2 of the Development Charge Act.

Whereas the Municipal Act, 2001, as amended, section 5(3) provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas the Municipal Act, 2001, as amended, section 8(1) provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas the Municipal Act, 2001, as amended, section 10(1) provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;


Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Policy GP-016-Governance Policy- Timing of Development Charge Calculation, identified as Schedule "A" and attached hereto, forms an integral part of this by-law.
2. That the effective date of this by-law shall be the date of passage thereof.

Enacted and passed this 16th day of October, 2024.



Mayor: A. Martin



County Clerk: W. Tigert



Policy GP-016

Governance Policy GP-016	Section:
Issue Date:	Approval Date:
Review Date:	Initiating Department: Financial Management and Planning

Purpose:

The purpose of this policy is to establish the timing and rules for development charge calculations, as required under section 26.2 of the Development Charges Act, 1997. This policy establishes the conditions, duration, terms and other requirements on when and how Norfolk County determines the total amount of a development charge and the applicable interest rates as outlined in the Act.

Scope

This Policy will apply to all developments within Norfolk County in accordance with legislated requirements.

Definitions

None.

Standards and Procedures

1. Legislative Framework – Calculation of Development Charges

Under subsection 26.2 (1) of the Act, the total amount of a development charge (i.e. rate) is determined under Norfolk County's Development Charge Bylaw in effect on:

- a. The day an application for an approval of development under subsection 41 (4) of the Planning Act was made, or
- b. If clause a. does not apply, the day an application for an amendment to a bylaw passed under section 34 of the Planning Act was made, or

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- c. If neither clause a. nor b. applies, the date the development charges would have been payable under section 26 of the Act which is the issuance of the first building permit unless noted otherwise through section 26.1 of the Development Charges Act.

Under subsection 26.2 (2) of the Act, subsection 26.1 (1) applies even if the by-law under which the development charge would be determined is no longer in effect.

Under subsection 26.2 (3) of the Act, Norfolk County may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate as determined under section 26.3 of the Act, from the date of the application referred to in subsection 26.2 (1) of the DCA to the date the development charge is payable.

The dates as determined under subsection 26.2 (1) of the DCA do not apply if any part of a development to which section 26.1 applies if, on the date the first building permit is issued for the development, more than 2 years has elapsed since the application referred to in clause 1.1.1 or 1.1.2 was approved as defined in section 11.2 O. Reg. 82/98.

2. Application Date

A planning application made date for the purposes of subsection 26.2 (1) of the Act shall be determined by the Norfolk County Building Department and provided to the Financial Management and Planning Department for information.

The applicant shall be notified of the Application Approval date for the purposes of Section 26.2 of the Act by the Building Department.

3. Application Appeal

Should any Norfolk County decision on the application(s) as noted under subsection 26.2 (1) of the DCA be appealed, Norfolk County's decision will stand until final resolution of the appeal.

Should a decision on an unapproved application be successfully appealed, the application made date will apply for the purposes of section 26.2 of the Act and the application approval date shall be the date the appeal is approved.

Should a decision on an approved application be upheld, the application made date will apply for section 26.2 of the Act and the application approval date shall be the date the decision is upheld.

Should a decision on an approved application be successfully appealed or a decision on an unapproved application be upheld, the application made date will not apply.

4. Interest on Development Charges for Subsection 26.2 (3) of the Act

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Interest will be charged at the rate established by Norfolk Council resolution on the development charge payable, from the date of the application referred to in subsection 26.2 (1) of the Act, to the date the development charge is payable at a rate not to exceed the rate determined under section 26.3 of the Act or 5% per annum, non-compounding, whichever is lower.

5. Final Determination of Total Payable Development Charges

On the day the development charges are first payable, the final determination of the total payable development charges shall be made.

6. Transition

This policy does not apply to applications made before January 1, 2020 as per subsection 26.2 (6) of the Act.

Responsibilities

Norfolk County Council

- Approves, by resolution, Governance Policy-017 and any updates as necessary every five years or upon expiry of the Norfolk County Development Charges By-law.

Tax Collector/Manager, Revenue Services

- Reviews and updates Governance Policy-017 as necessary every five years or upon the expiry of a Norfolk County Development Charge By-law and submits any necessary changes for Council Approval.
- Creates necessary guiding strategies, supporting frameworks and procedures as required to administer this policy which may be amended from time-to-time.
- Monitor compliance and adherence to this policy.
- Ensure interest rate is updated.

Communication

Governance Policy-017 will be made available on Norfolk County external website.

Evaluation

As necessary every five years or upon the expiry of a Norfolk County Development Charge By-law

Legislative Reporting Requirements

Attachment 1
Policy GP-001

None.