



## The Corporation of Norfolk County

### By-Law 2024-97

#### Being a by-law to authorize the Governance Policy 017–Development Charge Installment for the purposes of Sections 26.1.

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-017-Governance Policy- Development Charge Installment, 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 16<sup>th</sup> day of October, 2024.

A handwritten signature in blue ink, appearing to read "Al Martin", written over a horizontal line.

Mayor: Al Martin

A handwritten signature in blue ink, appearing to read "W. Tigert", written over a horizontal line. A faint circular seal is visible in the background behind the signature.

County Clerk: W. Tigert



**Policy GP-017**

<b>Governance Policy GP-017</b>	<b>Section:</b>
<b>Issue Date:</b>	<b>Approval Date:</b>
<b>Review Date:</b>	<b>Initiating Department:</b> Financial Management and Planning

**Purpose:**

The purpose of this policy is to establish the rules for development charge installments, as required under section 26.1 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, the installment methodology for eligible development types 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 –Development Charge Installments**

Under subsections 26.1 (1), (2) and (3) of the Act, development charges shall be paid in equal annual instalments, beginning at the earlier of first occupancy or occupancy permit issuance date under the Building Code, Act, 1992 for:

- a. Rental housing development as defined under section 1 of the Development Charges Act, 1997; and

- b. Institutional development as defined under section 11.1 (1) of O. Reg. 82/98 as per section 3 (a) of the Act.

## **2. Installment Duration**

- a. Both a Rental housing development and institutional development as described under section 26.1 (2) and 26.1 (3) of the Act shall pay their first payment at occupancy and the following five anniversaries after that date (six equal payments).
- b. All other development shall pay their development charges upon the issuance of a building permit unless an early or late payment agreement has been entered into under subsection 27 (1) of the Act.

## **3. Acknowledgement Letter**

For all eligible development under section 26.1 of the Act an Acknowledgement Letter will be provided to the applicant / property owner at the time of building permit issuance outlining the terms of the development charge annual installments as per the Act and Norfolk County policy.

## **4. Notice of Occupancy**

The person responsible to pay development charges shall notify both the Norfolk County Building Department and Revenue Services in writing within five business days of the building first being occupied unless an occupancy permit has been issued by Norfolk County for the purposes of section 26.1 of the Act.

Under subsection 26.1 (6) of the Act, failure to comply with the occupancy notice requirement will result in the development charge including any interest payable becoming payable immediately.

If the person responsible to pay development charges receives an occupancy permit issued by the Norfolk County Building Department then no further notice is required by the person responsible for the development charges.

## **5. Interest in Development Charges for Subsection 26.1 (7) of the Act**

Interest will be charged in accordance with section 26.3 of the Act and shall not exceed the rate determined under section 26.3 of the Act or 5% per annum, whichever is lower.

## **6. Schedule of Installment Payments**

Norfolk County will provide an Installment Payment Schedule to the person required to pay development charges once notified of occupancy.

Acknowledgement of the Instalment Payment Schedule and the first installment payment shall be due within 15 days of the Installment Payment Schedule being provided. It will be the responsibility of the person responsible to pay development charges to provide payment in a prompt and timely manner as per the schedule, no further notification of upcoming payments will be given.

## **7. Development Charge Grants/Credit**

For developments that are in receipt of a development charge grant or credit, the amount that shall be used for the purpose of determining installment payments shall be the net amount of development charges payable.

## **8. Termination of the Installment Schedule**

The remaining balance of all development charges shall be payable within 15 days immediately following the notification / determination of any of these trigger events:

- a. Change of use to a development type that is not eligible for development charge installments under the Act, as of the day the change is made.
- b. Sale or transfer of ownership.
- c. If the balance of development charges owing plus any accrued interest as per the installment schedule is paid to Norfolk County.

## **9. Late Payment Penalty and Interest on unpaid Development Charge**

All development charge installments (including interest) that are unpaid as per the criteria established under section 26.1 of the Act, will be subject to an administration fee as per the County's user fee by-law and may also be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act.

Interest on late payments added to the tax roll shall incur the applicable taxation interest rate as established

## **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**

None.