
THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1613

"A bylaw to provide for the payment of Development Cost Charges by instalments."

WHEREAS the Local Government Act Development Cost Charge (Instalments) Regulation established June 5, 1984 pursuant to Section 559(5) of the Local Government Act authorizes the payment of development cost charges by instalments;

AND WHEREAS the regulations provide that the Municipal Council may by bylaw authorize that all development cost charges may be paid by instalments in accordance with the regulations;

AND WHEREAS the Municipal Council of The Corporation of the District of Kent deems it advisable to apply the regulations to all development cost charges including those under fifty thousand dollars (\$50,000);

NOW THEREFORE the Council of the District of Kent in open meeting assembled, hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Payment of Development Cost Charges by Instalments Bylaw No. 1613, 2018".

2. DEFINITIONS

In this bylaw:

Charge means a development cost charge imposed under Section 559(5) of the Local Government Act for a subdivision approval or granting of a building permit.

Developer means every person on whom a charge is imposed.

3. PAYMENT MAY BE BY INSTALMENT

- (1) A developer liable to pay a charge may elect to pay it by instalments, subject to the conditions set out in this bylaw.
- (2) The developer shall pay the charge in full within two years after the date that the subdivision is approved, or the building permit is granted by paying not less than:

- (a) One-third of the total charge at the time of the approval of the subdivision or granting of the building permit, and
 - (b) One-half of the balance within one year after the date of the approval of the subdivision or granting of the building permit.
- (3) Where a developer elects to pay the charge by instalments and fails to pay an instalment within any time required for payment specified in Section 3(2), the total balance of the charge becomes due and payable immediately.
- (4) No interest is payable on the unpaid balance of a charge until it becomes due and payable, but when it does, it is a condition of election under Section 3 that interest is payable from that date until payment at the rate or rates prescribed under Section 11(3) of the Taxation (Rural Area) Act for the period of non-payment.
- (5) A developer electing to pay a charge by instalments must deposit with the Municipal Treasurer at the same time as he pays the first instalment:
- (a) An irrevocable letter of credit or undertaking from a bank, credit union or a trust company registered under the Trust Company Act, or
 - (b) A bond of surety licensed under the Insurance Act, or
 - (c) A security duly assigned
- (6) Which ensures to the satisfaction of the Municipal Treasurer that upon default the balance of the unpaid charge will be recoverable from the person, the bank, the surety or from the proceeds of the realization of the security, as the case may be.

4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.

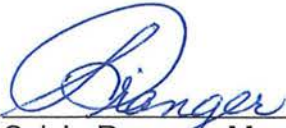
READ A FIRST TIME this 14th day of November, 2018.

READ A SECOND TIME this 14th day of November, 2018.

READ A THIRD TIME this 14th day of November, 2018.

FINALLY PASSED AND ADOPTED this 26th day of November, 2018.

CERTIFIED CORRECT:



Sylvia Pranger, Mayor



W. Mah, Chief Administrative Officer

CERTIFIED A TRUE CORRECT COPY
of "Payment of Development Cost Charges by
Instalments Bylaw No. 1613, 2018"
adopted this 26th day of November, 2018.



Clair Lee, Director of Corporate Services