

The Corporation of the Town of Milton

By-law 042-2026

BEING A BY-LAW FOR THE IMPOSITION OF COMMUNITY BENEFITS CHARGES FOR THE TOWN OF MILTON

WHEREAS the Corporation of the Town of Milton has and will continue to experience growth through development;

AND WHEREAS development requires the provision of physical and other services by the Town;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth related demands for, or the burden on, Town services does not place an undue financial burden on the Town or its taxpayers;

AND WHEREAS the Planning Act, 1990 (the “Act”) provides that the Council of a municipality may by by-law impose a Community Benefits Charge against higher density residential development or redevelopment;

AND WHEREAS Council desires to impose Community Benefits Charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies;

AND WHEREAS Council has before it a report entitled “Town of Milton Community Benefits Charge Strategy” prepared by Watson and Associates Economists Ltd. dated December 19, 2025;

AND WHEREAS the Town has consulted with the public and such persons and public bodies as the Town considers appropriate.

NOW THEREFORE The Council of the Corporation of the Town of Milton hereby enacts as follows:

1. INTERPRETATION

1.1 In this By-law, the following items shall have the corresponding meanings:

“Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended, or any successor thereof;

“affordable residential unit” means a residential unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the Development Charges Act, 1997, c.27;

"ancillary residential building" means a residential building or structure that is subordinate in purpose to another residential dwelling unit upon the same lot and includes an additional residential unit;

"apartment unit dwelling" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor, and includes an additional residential unit, a stacked townhouse dwelling, but does not include a special care/special need dwelling unit or back-to-back townhouse dwelling;

"attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Development Charges Act, 1997, c.27;

"bedroom" means a habitable room of at least seven square metres, including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen, or other space;

"building" means a structure occupying an area greater than ten (10) square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, and includes, but is not limited to, an above-grade storage tank, an air-supported structure, a canopy, and an industrial tent, but does not include a seasonal air-supported structure;

"Building Code Act" means the Building Code Act, 1992, S.O. 1992, c.23 (the "Building Code Act");

"capital costs" means growth-related costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of, and as authorized by, the Town or local board:

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
 - (i) furniture and equipment, and
 - (ii) rolling stock;
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the community benefits charge strategy,
- (f) required for the provision of Services designated in this By-law within or outside the Town, including interest on borrowing for those expenditures under clauses (a) to (e) above;

"community benefits charge" means a charge imposed pursuant to this By-law;

"Council" means the Council of The Corporation of the Town of Milton;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability and/or changing the use thereof, and includes redevelopment;

"dwelling unit" means either (1) any part of a building or structure used, designed, or intended to be used as a residential use in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use, or (2) in the case of a special care/special need dwelling, a room or suite of rooms used, or designed or intended for use, by one person with or without exclusive sanitary and/or culinary facilities, or more than one person if sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms and residential unit has the same meaning;

"grade" means the average level of finished ground adjoining a building at all exterior walls;

"land" (or "lot") means, for the purposes of this By-law, the lesser of the area defined as:

- (a) The whole of a parcel of property associated with the development or redevelopment and any abutting properties in which a person holds the fee or equity of redemption in, power or right to grant, assign or exercise a power of appointment in respect of, or;
- (b) The whole of a lot or a block on a registered plan of subdivision or a unit within a vacant land condominium that is associated with the development or redevelopment;

"Land Subject to Parkland Agreements" means any land where the Town has entered into an agreement for the dedication of parkland or cash-in-lieu payments that are in addition to the requirements under section 42 or 51 of the Act.

"Local Board" means a local board as defined in section 1 of the Municipal Affairs Act, R.S.O. 1990. C. M.46, other than a board as defined in subsection 1(1) of the Education Act;

"Official Plan" means the Official Plan adopted for the Town, as amended, and approved;

"owner" means the owner of land or a person who has made application for an approval for the development of land;

"prescribed" means prescribed in the regulations made under the Act;

"redevelopment" means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously demolished, or changing

the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development;

"Region" means The Regional Municipality of Halton;

"residential development" means land, buildings or portions thereof used, designed, or intended to be used as living accommodations for one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment unit dwelling, a special care/special need dwelling, an ancillary residential building, and the residential portion of a mixed-use building and "residential use" and "residential purpose" has the same meaning;

"service" means a service designed in subsection 1.3 to this By-law, and "services" shall have a corresponding meaning;

"stacked townhouse dwelling" means a building containing two or more dwelling units where each dwelling unit is separated horizontally and vertically from another dwelling unit by a common wall and ceiling/floor;

"storey" means the portion of a building, excluding roof top enclosure space used for no other purpose than roof top access, and/or elevators and other building service equipment, that is:

- (a) situated between the top of any floor and the top of the floor next above it, or
- (b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

"Town" means The Corporation of the Town of Milton;

"valuation date" means, with respect to land that is the subject of development or redevelopment,

- (a) the day before the day the building permit is issued in respect of the development or redevelopment, or
- (b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued.

"Zoning By-Law" means any by-laws enacted by the Town under section 34 of the Act.

- 1.2 The reference to any applicable statute, regulation, by-law, or to the Official Plan, or any section or policy therein, in this Community Benefits Charge By-law shall be deemed to refer to the statute, regulation, by-law, and/or Official Plan as they may be amended from time to time and shall be applied as they read on the date on which community benefits charges are due to the Town.

Designation of Services

- 1.3 A community benefits charge may be imposed in respect of the following:
- (a) Land for park or other public recreational purposes in excess of lands conveyed or provided via payment-in-lieu made under section 42 or subsection 51.1 of the Act.
 - (b) Services not provided under subsection 2(4) of the Development Charges Act, 1997, c.27.
 - (c) As per the December 19, 2025 Community Benefits Charges Strategy, the Town intends to recover capital costs relating to the following services through this By-law:
 - i. Parkland Acquisition; and
 - ii. Community Benefits Charge Strategy.

2. PAYMENT OF COMMUNITY BENEFITS CHARGES

- 2.1 A community benefits charge shall be payable by the owner of land proposed for development in the amounts set out in this By-law where:
- (a) the land proposed for development is located in the area described in subsection 2.2; and
 - (b) the proposed development requires any of the approvals set out in subsection 2.4(a).

Area to Which By-law Applies

- 2.2 Subject to subsection 2.3, this By-law applies to all lands in the Town whether or not the land or use thereof is exempt from taxation under the Assessment Act.
- 2.3 This By-law shall not apply to Land Subject to Parkland Agreements or lands that are owned by and used for the purposes of:
- (a) The Town or a Local Board thereof;
 - (b) a Board of Education;
 - (c) The Region, or a Local Board thereof; or

- (d) The Crown or Crown Agency as defined in the Crown Agency Act, R.S.O. 1990, Chapter C.48 by way of section 71 of the Legislation Act, 2006, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the Crown or Crown Agency, for greater clarity, this exemption excludes any buildings or part thereof that are intended for tenant use.

Approval for Development

2.4

- (a) A community benefits charge shall be imposed only with respect to development that requires one or more of the following approvals:
- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Act;
 - (ii) the approval of a minor variance under section 45 of the Act;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Act applies;
 - (iv) the approval of a plan of subdivision under section 51 of the Act;
 - (v) a consent under section 53 of the Act;
 - (vi) the approval of a description under section 9 of the Condominium Act, 1998, SO 1998, c 19; or
 - (vii) the issuing of a permit under the Building Code Act in relation to a building or structure.
- (b) Despite subsection 2.4(a) above, a community benefits charge shall not be imposed with respect to:
- (i) Development of a proposed building or structure with fewer than five (5) storeys at or above ground;
 - (ii) Development of a proposed building or structure with fewer than 10 residential units;
 - (iii) Redevelopment of an existing building or structure that will have fewer than five (5) storeys at or above ground after the redevelopment;
 - (iv) Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
 - (v) such types of development or redevelopment as are prescribed.
- (c) For the purposes of this section, the first storey at or above ground is the storey that has its floor closest to grade and its ceiling more than 1.8m above grade

and grade shall mean the average level of proposed or finished ground adjoining the building at all exterior walls.

Exemptions

2.5 Notwithstanding the provisions of this By-law, community benefits charges shall not be imposed with respect to:

- (a) Development or redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2(1) of the Fixing Long-term Care Act, 2021;
- (b) Development or redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, 2010;
- (c) Development or redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
 - (i) a publicly-assisted university within the meaning of section 1 of the Ministry of Training, Colleges and Universities Act;
 - (ii) a college or university federated or affiliated with a university described in subparagraph (i);
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017.
- (d) Development or redevelopment of a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- (e) Development or redevelopment of a building or structure intended for use as a hospice to provide end-of-life care;
- (f) Development or redevelopment of a building or structure intended for use as a non-profit housing development as defined in subsection 4.2(1) of the Development Charges Act, 1997, c.27.

Amount of Charge

2.6 The amount of a community benefits charge payable in any particular case shall be determined as follows:

- (a) Where there is development or redevelopment other than that described in subsection 2.4(b) and which requires one or more of the approvals set out in subsection 2.4(a), on land to which this By-law applies, the community benefits charge payable pursuant to this By-law shall be four (4) percent of the value of the land being developed as of the valuation date.

- (b) Land referred to in subsections 2.6(a) and 2.6(c) means the entire parcel or parcels on which the development or redevelopment is occurring regardless of whether the development or redevelopment is only on a part of the parcel or parcels or is a phase of a development or redevelopment.
- (c) Notwithstanding subsections (a) or (b), the amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the valuation date, multiplied by the ratio of "A" to "B" where,
 - (i) "A" is the gross floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment or, in the case of the final building permit for the development, is the gross floor area of all buildings, structures, or parts thereof, which are proposed to be erected or located as part of the development or redevelopment; and
 - (ii) "B" is the gross floor area of all buildings and structures that will be on the land after the development or redevelopment.
- (d) Development or redevelopment that includes affordable residential units, attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997, or residential units described in subsection 4.3(2) of the of that Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection 37(32) of the Act multiplied by the ratio of A to B where:
 - i. "A" is the gross floor area of all buildings that are part of the development or redevelopment minus the gross floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the Development Charges Act, 1997, c.27; and
 - ii. "B" is the gross floor area of all buildings that are part of the development or redevelopment."
- (e) If a development or redevelopment consists of two or more above grade buildings that will not be constructed concurrently, the community benefits charge for the final above grade building shall be calculated as follows:
 - i. 4% of the value of the land being developed as of the valuation date, subject to subsections (c) and (d), minus the community benefits charge payable for the previous above grade building(s).

- ii. If the difference in the aforesaid calculation is zero or a negative value no community benefits charge is payable, and no credit or refund will be payable.
- 2.7 The owner shall provide the Town with an appraisal of the value of the land as of the valuation date.
- 2.8 If the Town disagrees with the value of the land identified in the owner's appraisal, then the Town shall provide an appraisal of the value of the land as of the valuation date within the prescribed time period of receiving the owner's appraisal, and subsections 37(37) to (41) of the Act apply.

Multiple Uses - Excluded Types of Development

- 2.9 Where development or redevelopment proposes multiple uses within a building and the owner has provided satisfactory evidence to the Town that it includes one or more of the excluded types of development or redevelopment described in Section 2.5 of this By-law, a community benefits charge otherwise payable for the development or redevelopment will be reduced by an amount attributed by the Town to the excluded type of development or redevelopment.

In-Kind Contributions

- 2.10 The Town may, at its sole and absolute discretion, allow an owner of land to provide to the Town facilities, services or matters required because of development or redevelopment in the area to which the By-law applies in lieu, or partially in lieu of a community benefits charge that would otherwise be payable.
- 2.11 The value attributed to an in-kind contribution under subsection 2.10 shall be as determined by the Town. The Town's determination of the value to be attributed to any in-kind contribution shall be final and binding.

Time of Payment of Community Benefits Charges

- 2.12 A community benefits charge imposed under this By-law shall be paid prior to the issuance of the building permit for the development or redevelopment.

Interest on Refunds

- 2.13 If it is determined that a refund is required under subsections 37(27) of the Act, the Town shall pay interest on a refund in accordance with subsection 37(29) of the Act.

3. CONFLICTS

- 3.1 Where the Town and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

4. GENERAL

- 4.1 Town Council shall review this By-law and pass a resolution declaring whether a revision to this By-law is needed within five (5) years of the date it is first passed, and every five (5) years after the previous resolution was passed.

5. SEVERABILITY

- 5.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

6. REFERENCES TO LEGISLATION

- 6.1 Reference in this By-law to any legislation (including but not limited to regulations and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto without the need for an amendment to this By-law.

7. DATE BY-LAW IN FORCE

- 7.1 This By-law shall come into effect on June 26, 2026.

Mayor

Gordon A. Krantz

Town Clerk

Meaghen Reid