

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW NUMBER 2023-68

Being a By-Law for the imposition of Development Charges for
Waste Diversion Services

WHEREAS section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”) provides that the council of a municipality may pass By-laws for the imposition of Development Charges against land to pay for increased Capital Costs required because of the need for Services arising from Development in the area to which the By-law applies;

AND WHEREAS the Township of Asphodel-Norwood will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Township of Asphodel-Norwood;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Township of Asphodel-Norwood or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS a development charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Township of Asphodel-Norwood has given notice of and held a public meeting on the 14th day of November, 2023 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of The Corporation of the Township of Asphodel-Norwood enacts as follows:

1. Interpretation

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

“Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereof;

“Accessory” means a building that is normally incidental, subordinate, and exclusively devoted to a main building that is located on the same lot therewith and includes a private garage that is not attached to the main building in any way and does not include a fence or a sign;

“Ancillary” will have the same definition as “Accessory”;

“Affordable housing” means dwelling units within assisted or social housing programs including Habitat for Humanity and assisted living;

“Affordable residential unit” means a residential unit that that meets the criteria set out in section 4.1 of the Act.

“Agricultural use,” means a use of land, building, or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, poultry-keeping, or any other farming use, and includes the growing, raising, packing, treating, storing, and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture and which are not noxious. For the purposes of this By-law, an agricultural use shall exclude retail sales and commercial activities, including but not limited to restaurants, banquet facilities, hospitality and accommodation facilities, gift shops, services related to grooming, boarding,

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or breeding of household pets, alcohol processing or production facilities, and cannabis production facilities;

“Apartment dwelling” means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

“Attainable residential unit” means a residential unit that that meets the criteria set out in section 4.1 of the Act.

“Bedroom” means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

“Board of Education” means a board defined in subsection 1 (1) of the *Education Act, R.S.O. 1990, c. E.2*, as amended, or any successor thereof;

“Building Code Act” means the *Building Code Act, 1992, S.O. 1992, c. 23* as amended, or any successor thereof;

“Cannabis production facility” means a building, structure, or part thereof, designed, used, or intended to be used for any one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis for medical or recreational purposes in accordance with the requirements of a licence as issued by Health Canada in accordance with the *Cannabis Regulations SOR/2018-144*, to the *Cannabis Act, SC 2018, c 16*, the *Controlled Drugs and Substances Act, SC 1996, c 19*, and the *Food and Drugs Act, RSC 1985, c F-27*, as amended from time to time, or any successors thereto.

“Capital cost” means costs incurred or proposed to be incurred by the Township or a Local Board thereof directly or by others on behalf of and as authorized by the Township 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, lease, construct or improve facilities including (but not limited to),
 - (i) rolling stock with an estimated useful life of seven years or more,
 - (ii) furniture and equipment other than computer equipment; and
 - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R.S.O. 1990 c. P.44*, as amended; and
- (e) interest on money borrowed to pay for costs in (a) to (d).

“Commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging, and rooming houses;

“Council” means the Council of the Corporation of the Township of Asphodel-Norwood;

“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 with the effect of increasing the size of usability thereof, and includes redevelopment;

“Development charge” means a charge imposed pursuant to this By-law;

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“Dwelling unit” means any part of a building or structure used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“Existing” means the number, use, and size that existed as of the date this By-law was passed;

“Farm building” means that part of a bona fide farming operation encompassing barns, silos, and other ancillary development to an agricultural use, but excluding a residential use;

“Gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical, or telecommunications equipment that service the building;
 - (ii) loading facilities above or below grade; and
 - (iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“Inclusionary zoning residential unit” means residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a By-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16(4) of that Act.

“Industrial” means lands, buildings, or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include cannabis production facilities or the sale of commodities to the general public through a warehouse club;

“Institutional” means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (b) as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (c) by any institution of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular, and ongoing operation funding from the Government of Ontario;

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- (ii) a college or university federated or affiliated with a university described in subclause (i); or
- (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act, 2017*;
- (d) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Township or any part or parts thereof

“Local services” means those services, facilities, or things which are under the jurisdiction of the Township and are related to a plan of subdivision or within the area to which the plan relates with respect to the lands under sections 41, 51 or 53 of the *Planning Act, R.S.O. 1990*, Chap. P.13, as amended, or any successor thereof;

“Mixed-Use” means a building that is used and/or designated to be used for both residential and non-residential purposes;

“Multiple dwelling” includes all dwellings other than a single detached dwelling, a semi-detached dwelling, or apartment dwelling;

“Municipality” means The Corporation of the Township of Asphodel-Norwood;

“Non-profit housing” means development of a building or structure intended for use as residential premises by:

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary objective is to provide housing;
- (b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

“Non-residential” means a building or structure of any kind whatsoever used, designed, or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the Township and any amendments thereto;

“Owner” means the owner of land or a person who has made application for an approval of the development of land upon which a development charge is imposed;

“Place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O. 1990*, Chap. A.31, as amended, or any successor thereof;

“Planning Act” means the *Planning Act, R.S.O. 1990*, c. P.13, as amended;

“Regulation” means any regulation made pursuant to the Act;

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“Rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“Residential dwelling” means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“Residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

“Row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“Semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

“Service” (or “Services”) means a service designated in section 2.1 to this By-law;

“Servicing agreement” means an agreement between a landowner and the Township relative to the provision of municipal services to specified land within the Township;

“Single detached dwelling” means a residential building consisting of one dwelling unit and not attached to another structure;

“Township” means the area within the geographic limits of the Township of Asphodel-Norwood; and

“Zoning By-Law” means the Zoning By-Law of the Township of Asphodel-Norwood or any successor thereof passed pursuant to Section 34 of the *Planning Act*, S.O. 1998.

2. Designation of Services

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

- (a) Waste Diversion Services

3. Application of By-law Rules

3.1 Development charges shall be payable in the amounts set out in this By-law where:

- (a) the lands are located in the area described in section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to section 3.3, this By-law applies to all lands in the Township whether or not the land or use thereof is exempt from taxation under s.13 of the *Assessment Act*.

3.3 Notwithstanding clause 3.2 above, this By-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the municipality or a local board thereof;
- (b) a board of education;

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- (c) the Corporation of the County of Peterborough or a local board thereof; or
- (d) a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4 (a) Development charges shall be imposed on all lands, buildings, or structures that are developed for residential or non-residential uses if the development requires:
- (i) the passing of a zoning By-law or of an amendment to a zoning By-law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a By-law passed under subsection 50(7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in section 2.1 shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings, or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

Exemptions for Residential Units

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) An enlargement to an existing dwelling unit;
 - (b) A second residential unit in an existing detached house, semi-detached house, or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (c) A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;

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- (d) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units; or
 - (e) In an existing rental residential building, which contains four or more residential units, the creation of the greater of one residential unit or one per cent of the existing residential units.
- 3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of additional dwelling units in proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:
- (a) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;
 - (b) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units; or
 - (c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

Exemption for Industrial Development

- 3.7 Notwithstanding any other provision of this By-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.
- 3.8 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
- (a) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
 - (b) divide the amount determined under subsection (a) by the amount of the enlargement.
- 3.9 For the purpose of section 3.7 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.
- 3.10 The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or predecessor.

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Other Statutory Exemptions

- 3.11 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to non-profit housing development.
- 3.12 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to inclusionary zoning residential unit development.

Other Exemptions

- 3.13 Notwithstanding the provision of this By-law, development charges shall not be imposed with respect to:
- (a) Hospitals under the *Public Hospitals Act*;
 - (b) Land, buildings, or structures used for institutional church use and exempt from taxation under the *Assessment Act*, as amended;
 - (c) Non-residential farm buildings;
 - (d) Affordable housing; and
 - (e) Once the Lieutenant Governor proclaims in force Section 3 of Schedule 3 of the *More Homes Built Faster Act, 2022*, paragraph d above will no longer apply and affordable residential units and attainable residential units will be exempt from development charges in accordance with Section 4.1 of the Act.

Amount of Charges

Residential

- 3.14 The development charges set out in Schedule A shall be imposed on residential uses of lands, buildings, or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.15 The development charges described in Schedule A to this By-law shall be imposed on non-residential uses of lands, buildings, or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges

For Redevelopment

- 3.16 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 2 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (a) in the case of a residential building or structure, or in the case of a mixed-use

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building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under section 3.14 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under section 3.15, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Time of Payment of Development Charges

- 3.17 A development charge shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted pursuant to the Act or this By-law, on the date a building permit is issued in relation to a building or structure on land to which a development charge applies.
- 3.18 Where a development charge applies to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- 3.19 Notwithstanding sections 3.17 and 3.18, development charges for rental housing and institutional developments are due and payable in six (6) installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Township's Council approved Development Charges Interest Rate Policy, payable on the anniversary date each year thereafter.
- 3.20 Notwithstanding sections 3.17 and 3.18, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment on or after January 1, 2020, and the building permit was issued within 2 years of the approval, the development charges shall be calculated based on the charges in effect on the date the Site Plan or Zoning By-law Amendment application was made, including interest as provided in the Township's Council approved Development Charges Interest Rate Policy.
- 3.21 Despite sections 3.17 to 3.20, Council from time to time, and at anytime, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. Payment by Services

- 4.1 Despite the payment required under sections 3.14 and 3.15, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. Indexing

- 5.1 Development charges imposed pursuant to this By-law shall be adjusted annually on January 1, without amendment to this By-law, in accordance with the most recent twelve-month change in the prescribed index in the Act.

6. Mandatory Phase-In

- 6.1 The amount of the Development Charges described in Schedule A to this by-law shall be reduced as follows, in accordance with section 5(6) of the Act, subject to indexing

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as per section 5.1 herein:

- (a) the first year that the By-law is in force - no more than 80 percent of the maximum Development Charge that could otherwise be charged;
- (b) the second year that the By-law is in force - no more than 85 percent of the maximum Development Charge that could otherwise be charged;
- (c) the third year that the By-law is in force - no more than 90 percent of the maximum Development Charge that could otherwise be charged;
- (d) the fourth year that the By-law is in force - no more than 95 percent of the maximum Development Charge that could otherwise be charged; and
- (e) the fifth to tenth years that the By-law is in force - 100 percent of the maximum Development Charge will be imposed.

7. Schedules

7.1 The following schedules shall form part of this By-law:

Schedule A - Residential and Non-Residential Development Charges

8. Conflicts

8.1 Where the Township 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.

8.2 Notwithstanding section 8.1, where a development which is the subject of an agreement to which section 8.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

9. Severability

9.1 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.

10. Date By-law in Force

10.1 This By-law shall come into effect at 12:01 AM on January 1, 2024.

11. Date By-law Expires

11.1 This By-law will expire as per Section 9 of the Act unless it is repealed by Council at an earlier date.

PASSED THIS the 12th day of December, 2023.

<Original signed by>

Patrick Wilford, Mayor

<Original signed by>

Melanie Hudson, Acting Clerk

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Schedule A

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Waste Diversion	\$ 96	\$ 73	\$ 71	\$ 38	\$ -

Phase-in Schedule of Development Charges - First Year of By-law (80% of Full Rates)

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Waste Diversion	\$ 77	\$ 58	\$ 57	\$ 30	\$ -

Phase-in Schedule of Development Charges - Second Year of By-law (85% of Full Rates)

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Waste Diversion	\$ 82	\$ 62	\$ 60	\$ 32	\$ -

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Phase-in Schedule of Development Charges - Third Year of By-law (90% of Full Rates)

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Waste Diversion	\$ 86	\$ 66	\$ 64	\$ 34	\$ -

Phase-in Schedule of Development Charges - Fourth Year of By-law (95% of Full Rates)

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Waste Diversion	\$ 91	\$ 69	\$ 67	\$ 36	\$ -