

**SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY
BYLAW NUMBER 124-2018**

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

Effective January 15, 2019

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**SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY
BYLAW NUMBER 124-2018**

WHEREAS:

A. Pursuant to Part 3.1 of the Act, the Authority may, by bylaw, impose development cost charges on every person who obtains approval of a Subdivision or a Building Permit authorizing the construction, alteration or extension of a building or structure that is within the Transportation Service Region;

B. Development cost charges provide funds to assist the Authority to pay the Capital Costs of Eligible Projects to service, directly or indirectly, the Development for which the charge is being imposed;

C. Pursuant to the Act, development cost charges are not payable in certain circumstances and the Authority may waive or reduce development cost charges for eligible developments; and

D. In setting development cost charges under this Bylaw, the Authority has taken the following into consideration:

- (a) future land use patterns and development;
- (b) the phasing of works and services;
- (c) how development designed to result in a low environmental impact may affect the Capital Costs of an Eligible Project;
- (d) whether the charges are excessive in relation to the Capital Costs of prevailing standards of service in the Transportation Service Region;
- (e) whether the charges will, in the Transportation Service Region:
 - (i) deter development;
 - (ii) discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land; or
 - (iii) discourage development designed to result in a low environmental impact;

NOW THEREFORE the Board of Directors of the South Coast British Columbia Transportation Authority enacts as follows:

1. CITATION

1.(1) The official citation for this Bylaw is “South Coast British Columbia Transportation Authority Bylaw No. 124-2018”.

1.(2) This Bylaw may be cited as the “Development Cost Charge Bylaw”.

2. INTERPRETATION

2.(1) Definitions. In this Bylaw (including the recitals hereto):

“**Act**” means the South Coast British Columbia Transportation Authority Act, SBC 1998, c. 30;

“**Authority**” means the South Coast British Columbia Transportation Authority continued under the Act;

“**Apartment Dwelling Unit**” means a Dwelling Unit in a building or structure that consists or may consist of two or more storeys and contains or may contain four or more Dwelling Units, whereby the building or structure has a principal exterior entrance used in common for access to the Dwelling Units. Apartment Dwelling Unit does not include Dwelling Units that are Townhouse Dwelling Units;

“**Building Permit**” means any permit required by a Collection Entity that authorizes the construction, alteration or extension of a building or structure that is within the Transportation Service Region;

“**Capital Costs**” has the same meaning as in the Act;

“**Coach/Laneway House**” has the meaning given to such term in the applicable zoning bylaw of the Collection Entity in whose area of jurisdiction the relevant building or structure is located or, in the absence of such a definition, means a detached building or structure containing one Dwelling Unit and constructed in the yard of a site on which is situate a Single Family Dwelling;

“**Collection Entity**” has the same meaning as in the Act;

“**Combination Development**” means any Development that comprises two or more of the following uses:

- (a) Single Family Dwelling;
- (b) Duplex;
- (c) Townhouse Dwelling Unit;
- (d) Apartment Dwelling Unit;
- (e) Retail/Service Use;
- (f) Office Use;
- (g) Institutional Use; and

(h) Industrial Use;

“Community Charter” means the *Community Charter*, SBC 2003, c. 26;

“Development” means:

- (a) a Subdivision; or
- (b) the construction, alteration or extension of a building or structure for which a Building Permit is obtained;

“Duplex” means a building or structure that contains or may contain two Dwelling Units, each of which Dwelling Units has a direct exterior entrance and may contain one Secondary Suite, but neither of which Dwelling Units is itself a Secondary Suite;

“Dwelling Unit” means one or more rooms comprising a self-contained unit that is used or intended to be used for living and sleeping purposes and for which is provided cooking facilities, or the facilities for installation of cooking facilities, and one or more bathrooms having a sink or wash-basin, a water closet, and a shower or bath;

“Effective Date” means the date on which the Board of Directors determine this Bylaw shall come into force and take effect;

“Eligible Project” has the same meaning as in the Act;

“Floor Area” means:

- (a) the floor area of the building or structure (measured from the outside edge of all exterior walls of the building or structure), less the number of square feet of the floor area of the building or structure that is used or is intended to be used for the parking of motor vehicles and the storage of bicycles; or
- (b) in the case of an alteration or extension of less than the entire building or structure, the portion of the building or structure to which the Building Permit applies (measured from the outside edge of any exterior walls in such portion of the building or structure), less the number of square feet of the floor area of the building or structure that is used or is intended to be used for the parking of motor vehicles and the storage of bicycles;

“Industrial Use” has the meaning given to such term in the applicable zoning bylaw of the Collection Entity in whose area of jurisdiction the relevant building or structure is located or, in the absence of such a definition, means a use providing for the manufacture, processing, fabrication, assembly, storage, transportation, distribution, wholesale, testing, service, repair, wrecking, recycling or salvaging of goods, materials or things for direct use or resale to business customers, and not for the general public but does not include Office Use, except to the extent administrative, clerical, management, professional or technical services are ancillary to such Industrial Use;

“Institutional Use” has the meaning given to such term in the applicable zoning bylaw of the Collection Entity in whose area of jurisdiction the relevant building or structure is located or, in the absence of such a definition, means a use providing for public functions including:

- (a) schools, and colleges and universities operated by duly incorporated federal or provincial societies exclusively as non-profit, charitable organization;
- (b) hospital;
- (c) community centre;
- (d) courts, police stations and jail;
- (e) libraries and museum; and
- (f) buildings or structures associated with public parks, public playgrounds, cemeteries and works yards;

but does not include Office Use, except to the extent administrative, clerical, management, professional or technical services are ancillary to such Institutional Use.;

“In-stream” has the same meaning as in the Act;

“Issuing Entity” has the same meaning as in the Act;

“Land Title Act” means the *Land Title Act*, RSBC 1996, c.250;

“Local Government Act” means the *Local Government Act*, RSBC 2015, c. 1;

“Municipal Charges” means development cost charges, infrastructure impact charges, or similar charges imposed by a Collection Entity under the Local Government Act, the Community Charter, the Vancouver Charter or the University Act, as the case may be;

“Non-Residential Use” means Retail/Service Use, Institutional Use, Office Use and Industrial Use;

“Office Use” has the meaning given to such term in the applicable zoning bylaw of the Collection Entity in whose area of jurisdiction the relevant building or structure is located or, in the absence of such a definition, means a use providing for the provision of administrative, clerical, management, professional or technical services, but excludes such use(s) where they are ancillary to an Industrial Use, Institutional Use or Retail/Service Use;

“Parcel” means any lot, block or other area in which land is held or into which land is legally subdivided and for greater certainty, without limiting the foregoing, includes a strata lot under the Strata Property Act;

“Precursor Application” has the same meaning as in the Act;

“Rate Schedule” means the schedule of development cost charge rates that is attached as Schedule A to this Bylaw;

“Reserve Fund” means the reserve fund established pursuant to Section 5.(1), to which development cost charges are to be deposited pursuant to this Bylaw;

“Residential Use” means Single Family Dwelling, Duplex, Townhouse Dwelling Unit and Apartment Dwelling Unit;

“Retail/Service Use” has the meaning given to such term in the applicable zoning bylaw of the Collection Entity in whose area of jurisdiction the relevant building or structure is located or, in the absence of such a definition, means a use providing for the sale or rental of goods or services, personal services, or the servicing and repair of goods and includes:

- (a) entertainment and recreation facilities;
- (b) commercial schools, including, without limitation, facilities which include instruction in the arts, sports, business, self-improvement, academics and trades;
- (c) service stations;
- (d) tourist accommodations and facilities’;
- (e) adult or child day-care centres;
- (f) Sleeping Units;
- (g) community care and congregate housing and care;
- (h) any use permitted as a commercial use;
- (i) uses ancillary to any commercial use located on the same Parcel that serves or enhances the commercial use;

but does not include Office Use, except to the extent administrative, clerical, management, professional or technical services are ancillary to such Retail/Service Use;

“Secondary Suite” has the meaning given to such term in the applicable bylaws of the Collection Entity in whose area of jurisdiction the relevant building or structure is located or, in the absence of such a definition, means an accessory Dwelling Unit within a building of residential occupancy containing no more than two principal Dwelling Units;

“Single Family Dwelling” means a detached building or structure that contains one principal Dwelling Unit and may contain one Secondary Suite;

“Sleeping Units” means one or more rooms that do not contain cooking facilities used for the lodging of persons;

“Strata Property Act” means the *Strata Property Act*, SBC 1998, c. 43;

“Subdivision” means:

- (a) the division of land into two or more Parcels, whether by plan, apt descriptive words or otherwise under the Land Title Act; and
- (b) a subdivision under the Strata Property Act;

and includes the consolidation of two or more Parcels, and phased strata plans;

“Townhouse Dwelling Unit” means a Dwelling Unit in a building or structure that contains or may contain three or more Dwelling Units, each of which Dwelling Unit has a direct exterior entrance;

“Transportation Service Region” has the same meaning as in the Act;

“University Act” means the *University Act*, RSBC 1996, c. 468; and

“Vancouver Charter” means the *Vancouver Charter*, SBC 1953, c. 55.

3. DEVELOPMENT COST CHARGES

3.(1) Application of Development Cost Charges. Subject to Section 3.(4), every person who obtains from the applicable Collection Entity:

- (a) approval of a Subdivision that is in the Transportation Service Region; or
- (b) a Building Permit;

must pay to that Collection Entity on behalf of the Authority, before or at the time of the approval of the Subdivision or the issuance of the Building Permit, the applicable development cost charges at the rates effective as at the date of the approval of the Subdivision or the issuance of the Building Permit, as the case may, all as set out in this Bylaw.

3.(2) No Exemption. Without limiting the generality of Section 3.1, a Building Permit in Section 3.1(b) includes a permit authorizing the construction, alteration or extension of any building or structure that will, after the construction, alteration, or extension, contain one or more Dwelling Units and be put to no other use than the Residential Use in those Dwelling Units.

3.(3) Secondary Suites. Notwithstanding anything to the contrary contained in this Bylaw, development cost charges are not payable under this Bylaw for the construction, alteration or extension of one Secondary Suite in a Single Family

Dwelling or Duplex or for the construction, alteration or extension of a Coach/Laneway House.

3.(4) Exemptions from Development Cost Charges. A development cost charge is not payable:

- (a) in relation to a Development authorized by a Building Permit that authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension, exempt from taxation under any of the following:
 - (i) section 220(1)(h) of the Community Charter;
 - (ii) section 224(2)(f) of the Community Charter;
 - (iii) section 15(1)(d) of the *Taxation (Rural Area) Act*, RSBC 1996, c. 448;
 - (iv) section 396(1)(c)(iv) of the Vancouver Charter; or
 - (v) a law of a treaty first nation that provides for an exemption similar to an exemption under paragraphs (i) to (iv) of this subsection;
- (b) if a development cost charge has previously been paid for the same Development unless, as a result of further development, additional Capital Cost burdens will be imposed on the Authority;
- (c) if the Development does not impose additional Capital Cost burdens on the Authority;
- (d) in relation to the construction, alteration or extension of self-contained Dwelling Units in a building authorized by a Building Permit if:
 - (i) each unit is no larger in area than 29 square metres (312.153 sq. ft.), and
 - (ii) each unit is to be put to no use other than the Residential Use in those Dwelling Units; or
- (e) in relation to a Development authorized by a Building Permit if the value of the work authorized by the permit does not exceed \$50,000.

3.(5) Calculation of Development Cost Charges. Development cost charges imposed under this Bylaw will be calculated in accordance with the rates set out in the Rate Schedule.

3.(6) Combination Development. Without restricting the generality of Section 3.(5), the development cost charges for a Combination Development will be calculated

separately for the portion of the Combination Development attributable to each Residential Use and Non-Residential Use and will be the sum of the development cost charges for each such use, calculated according to the Rate Schedule.

- 3.(7) Timing of Payment of Development Cost Charges. Development cost charges imposed under this Bylaw must be paid to the Collection Entity approving the Subdivision or issuing the Building Permit, as the case may be, as follows:
- (a) at the same time as any Municipal Charges as may be levied on the Development under a bylaw of the Collection Entity are payable to that Collection Entity; or
 - (b) if no Municipal Charges will be levied on the Development under a bylaw of the Collection Entity, as follows:
 - (i) where an application is made only for Subdivision, then prior to the issuance of the approval of the Subdivision by the Collection Entity;
 - (ii) where an application is made only for a Building Permit, then prior to the issuance of the Building Permit by the Collection Entity; or
 - (iii) where application is made for both Subdivision and for a Building Permit, then only prior to the issuance of the Building Permit by the Collection Entity.
- 3.(8) Payment of Development Cost Charges by Instalments. The development cost charges imposed under this Bylaw may not be paid by instalments unless a regulation under subsection 34.21(5) of the Act applies to the Development and authorizes the payment of development cost charges in instalments.

4. COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES.

- 4.(1) Collection of Development Cost Charges by Collection Entities. Subject to Section 7.(1), each Collection Entity must:
- (a) collect the development cost charges imposed on a Development under this Bylaw; and
 - (b) must not issue approval of a Subdivision or issue a Building Permit for any Development unless the development cost charges imposed under this Bylaw have been paid;

in accordance with Section 3.

- 4.(2) Separate Account. Subject to Section 7.(1), each Collection Entity must establish and maintain a separate account for the development cost charge monies collected under this Bylaw and deposit and hold such monies in that

separate account, in trust for the Authority, until the monies are remitted to the Authority under Section 4.(3).

- 4.(3) Remittance of Development Cost Charges by Collection Entities. Each Collection Entity, within 30 days after June 30 and December 31 of each year, must remit to the Authority the total amount of development cost charges collected by the Collection Entity under this Bylaw during the six month period immediately preceding such date, or an amount equal to such development cost charges if the Collection Entity did not collect development cost charges under this Bylaw, together with the statement referred to in Section 4.(4).
- 4.(4) Statements. Each Collection Entity must provide statements to the Authority, for every six month period comprising January 1 to June 30 and July 1 to December 31, setting out:
 - (a) the number and type of use of all Residential Use Parcels or Dwelling Units on which development cost charges were levied or otherwise payable by it under this Bylaw;
 - (b) the aggregate Floor Area of each type of Non-Residential Use buildings or structures on which development cost charges were levied or otherwise payable by it under this Bylaw (calculated in accordance with the Rate Schedule);
 - (c) the legal description and civic address of each Parcel on which development cost charges were levied or otherwise payable by it under this Bylaw, and whether such development cost charges were levied or otherwise payable in respect of a Subdivision or a Building Permit;
 - (d) the date and amount of each payment of development cost charges levied or otherwise payable by it under this Bylaw and where Section 3.(8) applies to permit development cost charges levied under this Bylaw to be paid by instalments, the amount of instalment payments remaining to be paid to it and the dates for payment of such remaining instalments;
 - (e) the total amount of all development cost charges levied or otherwise payable by it under this Bylaw and, where applicable, the total amount of all remaining instalment payments;
 - (f) the number, legal description, civic address and type of use of all Parcels in respect of which Subdivisions were approved where no development cost charges were levied by it under this Bylaw; and
 - (g) the number and type of use of all Dwelling Units and the aggregate Floor Area of each type of Non-Residential Use buildings or structures (calculated in accordance with the Rate Schedule) in respect of which Building Permits were required where no development cost charges were levied by it under this Bylaw.

- 4.(5) Records. Each Collection Entity shall retain, for a period of four years, sufficient records to support the statements and payments referred to in Sections 4.(3) and 4.(4).
- 4.(6) Inspection and Review of Collection Entity Records. The Authority may, at any time, subject to first giving reasonable notice to any Collection Entity, inspect any and all records of the Collection Entity relating to the information required under Section 4.(4), the calculation, collection and remittance by the Collection Entity of development cost charges levied under this Bylaw, and the calculation and remittance by the Collection Entity of any payments required under Section 4. Each Collection Entity shall permit any employee or agent of the Authority to inspect the records referred to above and to make and take away copies of those records.

5. RESERVE FUND AND USE OF DEVELOPMENT COST CHARGES

- 5.(1) Establishment of Reserve Fund. The Reserve Fund is hereby established.
- 5.(2) Amounts Received. Amounts received by the Authority under Section 3.(1) or Section 7.(1) must be deposited in, or be credited to, the Reserve Fund.

6. EFFECTIVE DATE AND TRANSITION.

- 6.(1) Transitional regarding Subdivision Applications. This Bylaw has no effect for a period of 12 months after the Effective Date with respect to:
- (a) a Subdivision of land located within a municipality if, before the Effective Date, the application for such Subdivision has been submitted to a designated municipal officer in accordance with the applicable procedures established by the Collection Entity and the applicable subdivision fee has been paid;
 - (b) subject to paragraph (c), a Subdivision of land located outside a municipality if, before the Effective Date, the application for such Subdivision has been submitted to a district highway manager in a form satisfactory to that official; or
 - (c) a Subdivision of land in respect of a parcel of treaty lands of a treaty first nation if, before the Effective Date, the application for such Subdivision has been submitted to the approving officer and the applicable subdivision fee has been paid.
- 6.(2) Agreement with Applicant for Subdivision. Section 6.(1) does not apply if the applicant for that Subdivision agrees in writing that this Bylaw should have effect.
- 6.(3) Transitional regarding Building Permit Applications. This Bylaw has no effect with respect to the construction, alteration or extension of a building or structure if:

- (a) the Building Permit authorizing that construction, alteration or extension is issued within 12 months after the Effective Date; and
 - (b) a Precursor Application in relation to that Building Permit is In-stream on the Effective Date.
- 6.(4) Agreement with Applicant for Building Permit. Section 6.(3) does not apply if the applicant for that Building Permit agrees in writing that this Bylaw should have effect.

7. REPLACEMENT OF DEVELOPMENT COST CHARGES

- 7.(1) Collection Entity Agreements. Despite any other provision of this Bylaw, the Authority may, in accordance with section 34.31 of the Act, enter into an agreement or agreements with any Collection Entity under which:
- (a) all, some or some portion of the development cost charges under this Bylaw that would otherwise apply are not required to be collected and remitted by the Collection Entity; and
 - (b) the Collection Entity agrees to pay to the Authority an amount equal to the development cost charges that the Collection Entity would have collected under this Bylaw but for such an agreement, in the manner and at the times set out in the agreement, or otherwise in the same manner and at the same times that development cost charges would otherwise have been payable.
- 7.(2) Failure to Remit Development Cost Charges. If a Collection Entity fails, for any reason, other than under an agreement under Section 7.(1), to collect any development cost charges payable under this Bylaw or to remit to the Authority any development cost charges collected by it, the Collection Entity must pay to the Authority on demand an amount equal to the development cost charges that the Collection Entity should have collected or remitted under this Bylaw.

8. INTERPRETATION

- 8.(1) Severability. If a portion of this Bylaw is held to be invalid it shall be severed and the remainder of the Bylaw shall remain in effect.
- 8.(2) Schedule. Schedule A is attached to and forms part of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this 24th day of October, 2018

RECONSIDERED, PASSED AND FINALLY ADOPTED this 6th day of December, 2018

Original signed by Lorraine Cunningham

Lorraine Cunningham, Board Chair

Original signed by Gigi Chen-Kuo

Gigi Chen-Kuo, Corporate Secretary

SCHEDULE A
DEVELOPMENT COST CHARGE BYLAW
RATE SCHEDULE

| Type of Development | Rates effective January 15, 2019 | Rates effective January 15, 2020 | Rates effective January 1, 2021 |
|----------------------------|---|---|--|
| Single Family Dwelling | \$0 per Dwelling Unit | \$2,100 per Dwelling Unit | \$2,975 per Dwelling Unit |
| Duplex | \$0 per Dwelling Unit | \$1,900 per Dwelling Unit | \$2,470 per Dwelling Unit |
| Townhouse Dwelling Unit | \$0 per Dwelling Unit | \$1,900 per Dwelling Unit | \$2,470 per Dwelling Unit |
| Apartment Dwelling Unit | \$0 per Dwelling Unit | \$1,200 per Dwelling Unit | \$1,545 per Dwelling Unit |
| Retail/Service | \$0 per sq. ft. of Floor Area* | \$1.25 per sq. ft. of Floor Area* | \$1.25 per sq. ft. of Floor Area* |
| Office | \$0 per sq. ft. of Floor Area* | \$1.00 per sq. ft. of Floor Area* | \$1.00 per sq. ft. of Floor Area* |
| Institutional | \$0 per sq. ft. of Floor Area* | \$0.50 per sq. ft. of Floor Area* | \$0.50 per sq. ft. of Floor Area* |
| Industrial | \$0 per sq. ft. of Floor Area* | \$0.30 per sq. ft. of Floor Area* | \$0.30 per sq. ft. of Floor Area* |

*Calculated as the rate multiplied by the number of square feet of Floor Area