

CORPORATION OF THE CITY OF IQALUIT

BY-LAW No. 873

WATER & SEWER DEVELOPMENT CHARGE BY-LAW

WHEREAS Section 169 of the Cities, Towns, and Villages Act, R.S.N.W.T. 1988, c. C-8, as amended, authorizes the council of a municipality to enact a by-law to establish, levy, and collect charges for services and works provided by the municipal corporation;

AND WHEREAS the City of Iqaluit is required to expand infrastructure and other municipal services to accommodate anticipated and projected development in the City;

AND WHEREAS Section 8.10.1 of the City's General Plan permits Council to pass a development charges by-law to collect funds for all off-site infrastructure and servicing;

AND WHEREAS the City of Iqaluit deems it fiscally responsible and equitable to recover the growth-related capital costs for infrastructure from anticipated future development, where this cost has not already been accounted for through the pricing of Municipal lots under the City's Land Administration By-law;

NOW THEREFORE the Council of the Corporation of the City of Iqaluit hereby enacts as follows:

PART 1 DEFINITIONS

1. Definitions

For the purposes of this by-law, the following definitions shall apply:

- (1) **"Claim"** means a report of the cost of the provision of extra capacity constructed to the specifications of the Development Officer together with a certificate of final cost of a professional engineer retained by a developer which is submitted to and approved by the City's Director of Public Works and Engineering.
- (2) **"Development Officer"** as defined by the City of Iqaluit Zoning by-law, as amended.
- (3) **"City"** means the Corporation of the City of Iqaluit.
- (4) **"Council"** means the Council of the Corporation of the City of Iqaluit.

- (5) **“Developer”** means a person who, or company that, undertakes development or redevelopment.
- (6) **“Development”** means the construction, erection or placing of one or more buildings on land or the making of an addition or alteration to a building that has the effect of changing the size or suitability thereof and includes all enlargements of existing development which creates new dwelling units and/or expands commercial, industrial or institutional space.
- (7) **“Dwelling Unit”** as defined by the City of Iqaluit Zoning By-law, as amended.
- (8) **“Exemption”** means that no development charges are payable.
- (9) **“Front-ending Agreement”** means an agreement made under this by-law that that relates to the provision of services for which there will be an increased need as a result of development, and that will benefit an area of the City, defined in the agreement, to which the development charge by-law applies and:
 - a) Provides for the costs of the work to be borne by one or more of the parties to the agreement; and,
 - b) Provides for persons who, in the future, develop land within the area defined in the agreement to pay an amount to reimburse some part of the costs of the work.
- (10) **“Gross Floor Area”** as defined by the City of Iqaluit Zoning By-law, as amended.
- (11) **“Development charge”** means the charge imposed under this by-law with respect to growth related capital costs.
- (12) **“Lawfully Existing”** means a building, or use that is:
 - a) permitted by the City’s Zoning By-law;
 - b) is a legal non-conforming use, or building as defined by the City of Iqaluit Zoning By-law, as amended; or
 - c) is a building subject to an approved variance to the City’s Zoning By-law.
- (13) **“Owner”** means a person, company or other legal entity that holds title to a parcel of land or who holds a valid lease to a parcel of land.
- (14) **“Zoning By-law”** means the Zoning by-law of the Corporation of the City of Iqaluit, as amended;

PART II ADMINISTRATION

2. Purpose of By-law

- (1) The purpose of this by-law is to impose development charges within the City of Iqaluit on new development to recover the growth-related net capital costs of new development and redevelopment for the construction of expanded or improved infrastructure as described in Schedule 2 of this by-law.
- (2) The owner of any land in the City who develops or redevelops land, building, or structures thereon shall, at the time stated in Section 6 of this by-law, pay a development charge to the City calculated in accordance with the applicable rate or rates in Schedule 1 of this by-law.

3. Administration of By-law

- (1) The administration of this by-law is assigned to the person appointed by Council to act as the "Development Officer" under the City's Zoning By-law, or their designate.

PART III GENERAL PROVISIONS

4. Area to Which By-law Applies

- (1) This by-law applies to all lands within the corporate boundaries of the City of Iqaluit.

5. Application of By-law

- (1) The classes of development subject to the development charge are as detailed in Schedule 1 of this by-law.
- (2) Except as otherwise set out in this by-law, all uses of land, or buildings are subject to the development charge, including development on existing lots.

6. Time of Payment of a Development charge

- (1) A development charge for new development shall be calculated and payable:
 - a) Where a development permit is issued under the City's Zoning By-law, that has the effect of permitting new development as defined by this by-law, the owner shall pay the development charge prior to the issuance of the development permit; or,

- b) Despite subsection 6(1), Council may, from time to time, and at any time, 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.

7. Exemptions from Payment

- (1) No development charge shall be payable for new development on a municipal lot where the cost of the works outlined in Schedule 2 of this by-law has been specifically included in the land development costs.
- (2) Council may consider providing an exemption from all or part of the payment of a development charge imposed by the City on a specific development under the following circumstances:
 - a) The owner is a registered charity or non-profit organization as defined by the Canadian Revenue Agency; or
 - b) Other such reasons that Council deems appropriate.
- (3) An owner may apply in writing to the Development Officer to request an exemption from paying all or part of a development charge imposed by the City for the reasons noted in 7(2).
- (4) After reviewing the request of the owner, the Council may:
 - a) Grant or deny the requested exemption; or
 - b) Amend the development charge to the extent that, in the opinion of Council, after considering all matters, is justified and appropriate.

8. Demolition and Redevelopment Credits

- (1) In the case of the demolition of all or part of a building:
 - a) A development charge credit shall be allowed, provided that a development permit is issued for the same parcel of land within three (3) years of the issuance of the demolition permit; and
 - b) If development or redevelopment involves the demolition and replacement of a building or structure, or the conversion from one principal use to another, a development charge credit shall be allowed equivalent to:
 - i) The number of dwelling units demolished / converted multiplied by the applicable residential development charge; and / or,

- ii) The gross floor area of the building demolished / converted multiplied by the applicable non-residential development charge.
- (2) A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

9. Industrial Use Reductions

- (1) Where new industrial development is deemed to constitute a warehouse or fuel storage facility, under Section 9(3) of this by-law, the amount of development charges payable shall be discounted fifty percent (50%) of the total.
- (2) Where the expansion of an existing industrial use or buildings is proposed, the amount of development charges payable shall be zero (0) if the total expansion of gross floor area does not exceed 50% of the floor area, subject to the following conditions:
- a) Both the enlargement and existing industrial building are located and constructed on contiguous lands owned or leased by the same owner; and
 - b) The exemption shall only apply to enlargements of existing industrial buildings to a maximum of the aggregate of fifty percent (50%) of the gross floor area of the existing industrial buildings.
- (3) Whether a use constitutes an industrial use, or a type of industrial use, shall be determined by the Development Officer through a review of the City's Zoning By-law.

10. Demolition or Removal of Temporary Buildings

- (1) Where a lawfully existing temporary building or structure is demolished or removed in its entirety from the land on which it is located within twenty-four (24) months from the date of issuance of the development permit, any amount paid towards all or part of the development charge payable under this by-law shall be refunded upon a written request from owner.
- (2) A request by an owner for a refund of a development charge payment, when approved, shall be deemed to be a claim eligible for payment as of the time the request was received by the Development Officer for the purposes of this by-law.

11. Revocation or Cancellation of Development Permit

- (1) In the event where a development permit is abandoned, revoked or surrendered prior to, or during the construction, any amount paid towards all or part of the development charge payable under this by-law shall be refunded upon a written request from owner.

- (2) A request by an owner for a refund of a development charges payment, when approved, shall be deemed to be a claim and subject to Section 17 of this by-law.

PART IV GROWTH RESERVE FUNDS

12. Reserve Funds

- (1) Separate Growth Reserve Funds are hereby established for the works identified in Schedule 2 of this by-law for which reserve funds currently do not exist.
- (2) The City shall be entitled to apply any money so received to the works identified on Schedule 2, or any other eligible growth-related cost as approved by Council.

13. Composition of Reserve Fund

- (1) Money deposited to a Growth Reserve Fund may include:
 - a) A development charge paid to the City;
 - b) Interest earnings derived through the investment of monies deposited in the Growth Reserve Fund; and
 - c) Grants or deposits of the City on such terms and conditions as the City considers expedient and in the interest of the Fund or the City.

14. Allocation of Charge to Reserve Fund

- (1) Each development charge received by the City shall be credited to the appropriate Growth Reserve Fund.

15. Clause in Development Agreements

- (1) Where a development agreement under Section 37 of the Planning Act, as amended, is required as part of the approval of a development permit, said agreement shall include provisions detailing:
 - a) the amount the development charge due;
 - b) the timing of payment or payments; and
 - c) the issuance and amount of credits, if applicable.

16. Credit or Claims for Construction Cost of Extra Capacity

- (1) Where a developer constructs infrastructure with extra capacity to serve lands other than the developer's, the cost of such construction shall be at the expense of the developer subject to the following:
 - a) Prior to construction of the works, the developer shall have entered into an agreement with the City detailing the nature of the work, the extent and cost associated with the additional capacity, and the reimbursement process;
 - b) Where the reimbursement process is a claim, the developer may submit a claim to the City's Development Officer for payment from the Growth Reserve Fund in respect of the extra capacity;
 - c) Where the reimbursement process is a credit, the credit may be allowed to the developer at the rates prevailing on the day the credit was determined against the payment of the development charge at the rates prevailing on the day the development charge is payable;
 - d) In the case of such works within the land of the developer, the total cost shall be shared proportionately after the cost of local works has been deducted from the total cost; and,
 - e) In the case of such works outside the land of the developer, the total cost shall be shared proportionately after providing for land served other than those of the developer.

17. Processing of Claims

- (1) A claim received by the City which is eligible for approval for payment shall be processed as soon as practicable on the following basis:
 - a) The City is to approve the amounts eligible for payment from the City's Growth Reserve Funds and such claim, when so approved, is eligible for payment;
 - b) A claim eligible for payment is to be paid only in the order of time in which it is received by the City in relation to every other claim which is eligible for payment and which is unpaid;
 - c) Where the balance in a Growth Reserve Fund at the time the claim eligible for payment is equal to or in excess of that claim, the claim is to be paid in full;
 - d) In the case of a claim eligible for payment of less than five-thousand dollars (\$5,000.00), where the balance in a Growth Reserve Fund at the time the claim eligible for payment is less than the amount of that claim, payment is to be made

only when sufficient money has accumulated in a Growth Reserve Fund to pay that claim in full;

- e) In the case of a claim eligible for payment of five-thousand dollars (\$5,000.00) or more, partial payments of not less than five-thousand dollars (\$5,000.00), except for the final payment, are to be made when sufficient money has accumulated in the particular Growth Reserve Fund to make such partial payment; and,
- f) The Director of Finance, or delegate, is to determine the balance in each of the Growth Reserve Funds as of the end of each month, and payment or partial payment of claims eligible for payment in or before the end of the month is to be made as soon as practicable.

PART V COMPLAINTS

18. Grounds of Complaint

- (1) An owner may complain in writing to the Development Officer in respect of a development charge imposed by the City on the owner's development that:
 - a) The amount of the development charge was incorrectly determined;
 - b) Whether a credit is available to be used against the development charge, or the amount of the credit or the infrastructure with respect to which the credit was given, was incorrectly determined; or
 - c) There was an error in the application of the development charge by-law.

19. When Complaint to be Made

- (1) An owner may not submit a complaint after thirty (30) days following the day the development charge or any part of it was paid.

20. Particulars of Complaint

- (1) The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant, and the reasons for the complaint.

21. Resolution by Council

- (1) The complaint shall be scheduled to be heard a regular meeting of Council, at which Council shall give the complainant an opportunity to make representations. Notice of the meeting shall be mailed by the Clerk to the complainant not less than seven (7) days before the complaint is to be considered.

- (2) At the meeting of Council, after having reviewed the complaint and having heard the complainant's representations, Council shall:
 - c) confirm the development charge; or
 - d) amend the development charge to the extent that, in the opinion of Council, after considering all matters is justified and appropriate.

22. Notice of Decision

- (1) The Development Officer shall, not later than fourteen (14) days after the day a decision is made by Council, give written notice of the decision to the complainant.

PART VI MISCELLANEOUS

23. Indexing

- (1) Development charges imposed pursuant to this by-law may be adjusted annually, without amendment to this by-law, commencing on the first anniversary date of this by-law and each anniversary date thereafter, in accordance with the most recent twelve (12) month change in the Statistics Canada Quarterly "Construction Price Statistics".

24. Schedules to the By-law

- (1) The following schedules to this by-law form an integral part of this by-law:
 - a) Schedule 1 – Schedule of Development Charge Rates; and
 - b) Schedule 2 – Schedule of Municipal Services.

25. Commencement

- (1) This by-law comes into effect upon receiving third reading.

THIS BY-LAW READ a First Time this 12 day of February, 2019 A.D.

Madeleine Redfern
Mayor

Amy Elgersma
A/Chief Administrative Officer

Public consultations held March 5 and 12, 2019 A.D.

THIS BY-LAW READ a Second Time this 26 day of March, 2019 A.D.

Madeleine Redfern
Mayor

Amy Elgersma
A/Chief Administrative Officer

READ a Third and Final Time this 26 day of March, 2019 A.D.

Madeleine Redfern
Mayor

Amy Elgersma
Chief Administrative Officer

SCHEDULE 1

BY-LAW No. 873

SCHEDULE OF DEVELOPMENT CHARGES

Residential Development*	\$929.84 / dwelling unit
Non-residential Development *	\$7.88 / square metre of gross floor area

* No development charge related to the provision of piped sanitary sewer service or piped drinking water service shall be payable for new development located on a lot where sanitary sewer service or water service is trucked. This exemption excludes lots designated as “Proposed Extension of Water and Sewer Service” or “Piped Water Service Only” on Schedule ‘E’ of the City of Iqaluit General Plan, as amended.

SCHEDULE 2

BY-LAW No. 873

DEVELOPMENT CHARGES ELIGIBLE WORKS

The works for which the development charge is imposed:

- Construction of an expanded sanitary sewer line from Access Vault 253 to the City's Waste Water Treatment Plant.