

CORPORATE POLICY

POLICY TITLE: DEVELOPMENT CHARGE INTEREST POLICY – UNDER SECTIONS 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

Section:	Finance & Budgets		
Effective Date:	May 27, 2020	Date of Last Review:	Click or tap to enter a date.
Approval Authority:	Policy Owner:		
Council	DCM, Corporate Services & CFO		

POLICY STATEMENT

A policy governing the charging of interest, as permitted under sections 26.1 and 26.2 of the *Development Charges Act, 1997*.

PURPOSE

To establish the rules and practices for charging interest, as permitted under sections 26.1 and 26.2 of the *Development Charges Act, 1997*.

This policy will support the City of Vaughan’s ability to build growth-related infrastructure in a way that is fiscally sustainable and will help to achieve the following objectives:

- Reliable delivery of growth-related City programs and services.
- Continued delivery of complete communities in a financially sustainable way.
- Fair and equitable treatment of all stakeholders involved in delivering housing supply, including residents, businesses and developers.

SCOPE

This policy applies to the charging of interest, as permitted under sections 26.1 and 26.2 of the *Development Charges Act, 1997*. This includes all types of development and redevelopment in the City of Vaughan:

- That are eligible for installment payments under 26.1 of the *Development Charges Act, 1997*

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

- Under section 26.2 of the *Development Charges Act, 1997*, where an application for an approval of a development in a site plan control area under subsection 41(4) of the *Planning Act* has been made, or where an application for an approval of a development in a site plan control area under subsection 41(4) of the *Planning Act* has not been made, but where an application has been made for an amendment to a bylaw passed under section 34 of the *Planning Act, 1990*.

LEGISLATIVE REQUIREMENTS

Municipalities are permitted to charge interest pursuant to section 26.1(7) of the Act which states: “A municipality may charge interest on the installment required by subsection (3) from the date the development charge would have been payable in accordance with section 26 to the date the installment is paid, at a rate not exceeding the prescribed maximum interest rate”. In addition, section 26.2(3) of the *Development Charges Act, 1997* states: “Where clause 1(a) or (b) applies, the municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate, from the date of the application referred to in the applicable clause to the date the development charge is payable”

Currently there is no prescribed maximum interest rate.

DEFINITIONS

1. **Act:** *The Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, revised re-enacted or consolidated from time to time, and any successor statute.
2. **Development:** 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 substantially increasing the size or usability thereof and includes redevelopment.
3. **Development Charges (DC):** A charge imposed against land in the City pursuant to the Development Charges By-law.
4. **DCM/CFO:** Deputy City Manager of Corporate Services, Chief Financial Officer, and Treasurer.
5. **Planning Act:** *The Planning Act*, R.S.O. 1990, c. P.13, as amended.
6. **Total Accrued Amount:** Equal to the total of the development charges and interest which has accrued.

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

POLICY

1. Legislative Framework

1.1. Installment payments under 26.1 of the Act

Under subsection 26.1(1), (2) and (3) of the Act, development charges shall be paid in equal annual installments, beginning at the earlier of first occupancy or occupancy permit under the *Building Code Act, 1992*, for:

- Rental housing development that is not non-profit housing development.
- Institutional development.
- Non-profit housing development.

1.2. Interest on installment payments under section 26.1 of the Act

Subsection 26.1(7) of the Act allows a municipality to charge interest on the installments from the date the development charges would have been payable, under section 26 of the Act, to the date of the installment is paid, at a rate not exceeding the prescribed maximum interest rate.

1.3. Development charge freeze under section 26.2 of the Act

Under subsection 26.2(1) of the Act, the total amount of a development charge is determined under the City's Development Charge By-Laws based on:

1.3.1. The day an application for an approval of development under subsection 41(4) of the *Planning Act* was made, or,

1.3.2. If clause (i) does not apply, the day an application for an amendment to a bylaw passed under section 34 of the *Planning Act* was made.

1.4. Interest under section 26.2 of the Act

Under subsection 26.2(3) of the Act, a municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate from the date of the application referred to in clause c(i) or c(ii) to the date the development charge becomes payable.

1.5. Maximum interest rate under section 26.1 and 26.2

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

The Act allows a municipality to charge interest on the development charge at a rate not exceeding the prescribed maximum interest rate.

There is no prescribed maximum interest rate under subsection 26.1 and 26.2 of the Act.

2. Interest Rate Used

An interest rate of 5% shall be used.

3. Amendment or Revision of Interest Rate

In the event that the interest rate is amended or revised, the new interest rate shall apply to the total accrued amount, prorated from the date of the interest rate amendment or revision to:

- The date the total accrued amount is fully paid.
- A subsequent amendment or revision of the interest rate.

4. Interest Rate Publication and Notification

Upon Council approval, this policy and the interest rates being used shall be made available on the City's website.

The interest rates shall also be published as a part of the City's development charges pamphlet.

5. Compounding and Prorating

All interest shall be compounded annually and shall accrue from the date of the applicable application until the date the accrued amount is fully paid. A 365-day calendar year shall be used for the purposes of prorating.

5.1. Subsequent Application(s)

If a subsequent application(s) is made for a development:

- The date the subsequent application is made will become the new date under which the total amount of the development charge is determined;

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

- All interest that had accrued prior to the subsequent application shall be deemed to be zero (0);
- Interest will be compounded annually and begin to accrue from the date the subsequent application is made.

5.2. Interest under section 26.1

If a development was one of the eligible types of development for the installment payments under section 26.1 of the Act, the total accrued amount shall continue to accrue interest from the date of the issuance of building permit.

During the installment timeframe, interest shall continue to accrue on the outstanding balance. This shall continue until the date the total accrued amount has been fully paid.

6. Effective Date

Upon approval by Council, this policy shall take effect as at January 1, 2020 at 12 a.m. This policy may be repealed and/or modified by Council at any time.

7. Transition

To allow for a transition period, this policy does not apply to any development where:

7.1. An application under section 34 or 41(4) of the *Planning Act* is not required, but:

- Still qualifies for installment payments under section 26.1 of the Act, and,
- Has been issued a building permit for development by the City prior to July 1, 2020.

7.2. An application under subsection 41(4) of the *Planning Act* is:

- Made after January 1, 2020, and,
- Has been issued a building permit for development by the City prior to July 1, 2020.

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

7.3. An application for an amendment to a bylaw passed under section 34 of the *Planning Act* is:

- Made after January 1, 2020.
- Has been issued a building permit for development by the City prior to July 1, 2020.

8. Non-Applicability

In the instance where a development is eligible for a development charge deferral under any existing City policy, the interest as it relates to section 26.2 of the *Development Charges Act, 1997* would apply.

If a development is eligible under both section 26.1 of the *Development Charges Act, 1997* and a development charges deferral under an existing City policy, the *Development Charges Act, 1997* and the interest charges outlined in this policy would apply only if the development avails itself of the deferral offered under the applicable City deferral policy.

9. Roles and Responsibilities

9.1. DCM Corporate Services, City Treasurer and Chief Financial Officer

- Maintains administrative authority and responsibility for the Development Charges Interest Policy -Under Section 26.1 and 26.2 of the *Development Charges Act, 1997*; and,
- Approves department operating procedures and processes under this policy.

9.2. Director, Financial Planning and Development Finance

- Responsible for administering this policy, including but not limited to:
 - Assisting stakeholders in determining the total amount of the development charge that would be determined under the bylaw and the applicable interest rate that would apply.
 - Ensure the total accrued amount is being charged and collected when due.

POLICY TITLE: DEVELOPMENT CHARGES INTEREST POLICY – UNDER SECTION 26.1 AND 26.2 OF THE DEVELOPMENT CHARGES ACT, 1997

POLICY NO.: 12.C.08

9.3. Manager, Development Finance, Financial Planning and Development Finance

- Collect all development charges, including interest, when due and payable.
- Monitor all development applications and ensure that the correct amount of the development charge is being used and that the correct amount of interest has been received.

9.4. Director, Development Planning

- Confirm that a complete application was made for the purposes of determining the total amount of the development charge.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	3 Years If other, specify here	Next Review Date:	December 1, 2022
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Related Policy(ies):	
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Related By-Law(s):	
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Procedural Document:	
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Revision History

Date:	Description:
Click or tap to enter a date.	
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