

**GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
DEVELOPMENT COST CHARGE BYLAW NO. 254, 2010**

WHEREAS:

- A. Pursuant to the *Greater Vancouver Sewerage and Drainage District Act*, the Greater Vancouver Sewerage and Drainage District (“the GVS&DD”) 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 from a Member Municipality;
- B. Development cost charges provide funds to assist the GVS&DD in paying capital costs incurred to provide, construct, alter or expand sewerage facilities to service development within the area of the GVS&DD, excluding the portion of capital costs charged by the GVS&DD to Member Municipalities under section 54 of the Act;
- C. Pursuant to the Act, development cost charges are not payable in certain circumstance and the GVS&DD may waive or reduce development cost charges for eligible developments;
- D. Member Municipalities collect the development cost charges imposed under this Bylaw and remit them to the GVSⅅ
- E. The GVS&DD and a Member Municipality may enter into an agreement under section 58.3 of the Act under which 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 Member Municipality and the Member Municipality agrees to pay to the GVS&DD an amount equal to the development cost charges that the Member Municipality would have collected under this Bylaw but for such an agreement; and
- F. In setting development cost charges under this Bylaw, the GVS&DD has considered:
 - a. future land use patterns and development and the phasing of works and services; and
 - b. how development designed to result in a low environmental impact may affect the capital costs of infrastructure referred to in section 58.2(2) of the Act.

NOW THEREFORE the Board of the Greater Vancouver Sewerage and Drainage District in open meeting assembled enacts as follows:

1.0 REPEAL OF BYLAW

- 1.1 Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 187, 1996 is hereby repealed.

2.0 CITATION

- 2.1 The official citation for this Bylaw is "Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 254, 2010".
- 2.2 This Bylaw may be cited as the "Development Cost Charge Bylaw".

3.0 INTERPRETATION

3.1 Definitions. In this Bylaw:

- (a) "**Apartment Residential Use**" means any Dwelling Unit which is or will be situated in any building or structure that consists of, or will consist of, at least two floors containing four or more Dwelling Units, other than Dwelling Units that are Townhouse Residential Use;
- (b) "**Building Permit**" means any permit required by a Member Municipality that authorizes the construction, alteration or extension of a building or structure;
- (c) "**Combination Development**" means any Development that comprises two or more of the following uses:
- (i) Apartment Residential Use;
 - (ii) Single Family Residential Use;
 - (iii) Townhouse Residential Use; and
 - (iv) Non-Residential Use;
- (d) "**Community Charter**" means the *Community Charter*, SBC 2003, c. 26;
- (e) "**Development**" means:
- (i) a Subdivision; or
 - (ii) the construction, alteration or extension of a building or structure for which a Building Permit is obtained;
- (f) "**Dwelling Unit**" means a room, a suite of rooms or a building or structure that is used or is intended to be used as an individual self-contained private residence which must contain cooking appliances, a sink, a toilet, a washbasin and a shower or bath, or facilities for the installation of same, whether such equipment or facilities are provided to each such room, suite of rooms, building or structure or are shared and includes accessory uses that are customary ancillary uses to such residences;
- (g) "**Effective Date**" means the date this bylaw comes into force and takes effect;
- (h) "**Floor Area**" means:

- (i) 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
 - (ii) 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;
- (i) **“For Profit Affordable Rental Housing”** means Dwelling Units in a Development comprising Residential Use or Combination Development that will be rented or sublet;
- (i) at below market rental rates so that the Rent charged does not exceed the lesser of:
 - (1) 80% of the average market rent for the Member Municipality where the Dwelling Unit is located; or
 - (2) 80% of the average market rent for all of the Member Municipalities

as identified or reported in Canada Mortgage Housing Corporation’s most recent rental market survey;
 - (ii) to persons who have an annual household income that falls:
 - (1) at or below 80% of the Median Household Income if the Dwelling Unit has 3 or more bedrooms;
 - (2) at or below 70% of the Median Household Income if the Dwelling Unit has 2 bedrooms;
 - (3) at or below 60% of the Median Household Income if the Dwelling Unit has 1 bedroom;
 - (4) at or below 50% of the Median Household Income if the Dwelling Unit is a bachelor suite.
- (j) **“Fraser Sewerage Area”** means the area established from time to time by the GVS&DD under the Act as the Fraser Sewerage Area;
- (k) **“GVS&DD”** means the Greater Vancouver Sewerage and Drainage District;

- (l) **“Greater Vancouver Sewerage and Drainage District Act”** or **“Act”** means the *Greater Vancouver Sewerage and Drainage District Act*, SBC 1956, c. 59;
- (m) **“Land Title Act”** means the *Land Title Act*, RSBC 1996, c.250;
- (n) **“Local Government Act”** means the *Local Government Act*, RSBC 1996, c. 323;
- (o) **“Lulu Island West Sewerage Area”** means the area established from time to time by the GVS&DD under the Act as the Lulu Island West Sewerage Area;
- (p) **“Median Household Income”** means the median household income for the Greater Vancouver Regional District or Vancouver Census Metropolitan Area as reported by Statistics Canada in its most recent census;
- (q) **“Member Municipality”** means a municipality that is a member of the GVSⅅ
- (r) **“Minister”** means the member of the Executive Council appointed under the *Constitution Act* charged by order of the Lieutenant Governor in Council with the administration of the *Local Government Act*;
- (s) **“Municipal Charges”** means development cost charges imposed by a Member Municipality under either the *Local Government Act*, *Community Charter* or the *Vancouver Charter*;
- (t) **“Not For Profit Rental Housing”** means those Dwelling Units in a Development comprising a Residential Use or Combination Development that are or will be:
 - (i) operated as rental housing for tenants who meet eligibility criteria related to income, number of occupants, health or other similar criteria; and
 - (ii) owned, leased or otherwise held by a Public Housing Body;
 but does not include:
 - (iii) a community care facility under the *Community Care and Assisted Living Act*, SBC 2002, c. 75;
 - (iv) a continuing care facility under the *Continuing Care Act*, RSBC 1996, c. 70;
 - (v) a public or private hospital under the *Hospital Act*, RSBC 1996, c. 200;
 - (vi) a Provincial mental health facility, an observation unit or a psychiatric unit designated under the *Mental Health Act*, RSBC 1996, c. 288; or
 - (vii) a housing based health facility that provides hospitality support services and personal health care;

- (u) **“Non-Residential Use”** means any building or structure or any portion of any building or structure that is not Apartment Residential Use, Single Family Residential Use or Townhouse Residential Use but for greater certainty, does not include any portion of any Residential Use building or structure that is not part of a Dwelling Unit and is used or is intended to be used solely for the purpose of gaining access to and from Dwelling Units, solely for the maintenance of the building or structure or solely by the occupants of the Dwelling Units in the building or structure;
- (v) **“North Shore Sewerage Area”** means the area established from time to time by the GVS&DD under the Act as the North Shore Sewerage Area;
- (w) **“Parcel”** means any lot, block or other area in which land is held or into which it is legally subdivided and for greater certainty, without limiting the foregoing, including a strata lot under the *Strata Property Act*;
- (x) **“Public Housing Body”** means the British Columbia Housing Management Commission, the Canada Mortgage and Housing Corporation, the City of Vancouver, the City of Vancouver Public Housing Corporation, the Metro Vancouver Housing Corporation, any housing society or not-for-profit municipal housing corporation that has an agreement regarding the operation of residential property with:
 - (i) the government of British Columbia;
 - (ii) the British Columbia Housing Management Commission;
 - (iii) the Canada Mortgage and Housing Corporation;
- (y) **“Rate Schedules”** means the schedules of development cost charge rates for each Sewerage Area that are attached as Schedules A, B, C and D to this Bylaw;
- (z) **“Rent”** means money paid or agreed to be paid, or value or a right given or agreed to be given, by or on behalf of a tenant to a landlord in return for the right to rent a Dwelling Unit, for the use of common areas and for services or facilities and includes any and all strata fees, regardless of whether such fees are paid directly to the landlord, but does not include any of the following:
 - (i) a security deposit;
 - (ii) a pet damage deposit;
 - (iii) a fee prescribed under section 97 (2) (k) of the *Residential Tenancy Act*;
- (aa) **“Residential Tenancy Act”** means the *Residential Tenancy Act*, SBC 2002, c. 78;
- (bb) **“Residential Use”** means Apartment Residential Use, Single Family Residential Use and Townhouse Residential Use;

- (cc) **“Sewerage Area”** means any of the GVS&DD’s four sewerage areas, being the Vancouver Sewerage Area, the North Shore Sewerage Area, the Lulu Island West Sewerage Area and the Fraser Sewerage Area;
- (dd) **“Sewage Facility”** means any work, service or plant of the GVS&DD for conveying, disposing of or treating sewage or waste water;
- (ee) **“Single Family Residential Use”** means:
 - (i) a Parcel that results from a Subdivision that is used or may be used for a single building or structure that contains up to three Dwelling Units; or
 - (ii) a Dwelling Unit that is or will be situated in a single building or structure that is constructed, altered or extended on a single Parcel and that contains up to three Dwelling Units;
- (ff) **“Strata Property Act”** means the *Strata Property Act*, SBC 1998, c. 43;
- (gg) **“Subdivision”** means a subdivision of land into two or more Parcels, whether by plan, apt descriptive words or otherwise, under the *Land Title Act* or the *Strata Property Act*;
- (hh) **“Townhouse Residential Use”** means any Dwelling Unit which is or will be situated in any building or structure containing four or more Dwelling Units and which has a principal entrance which provides direct outdoor access at or from ground level;
- (ii) **“Vancouver Charter”** means the *Vancouver Charter*, SBC 1953, c. 55;
- (jj) **“Vancouver Sewerage Area”** means the area established from time to time by the GVS&DD under the Act as the Vancouver Sewerage Area;

4.0 DEVELOPMENT COST CHARGES

4.1 **Application of Development Cost Charges.** Subject to sections 4.2 and 4.3, every person who obtains:

- (a) approval of a Subdivision from a Member Municipality; or
- (b) a Building Permit from a Member Municipality;

must pay the applicable development cost charges set out in this Bylaw to that Member Municipality on behalf of the GVS&DD prior to the approval of the Subdivision or the issuance of the Building Permit.

4.2 **Exemptions from Development Cost Charges.** Development cost charges are not payable under this Bylaw if:

- (a) the Development is not and will not be capable of being serviced by a Sewerage Facility of the GVS&DD or by a Sewerage Facility of a Member Municipality that is connected to a Sewerage Facility of the GVSⅅ
- (b) the Development will not impose new capital cost burdens on the GVSⅅ
- (c) a development cost charge has previously been paid for the same Development unless, as a result of further Development, new capital cost burdens will be imposed on the GVSⅅ
- (d) the Building Permit authorizes the construction, alteration or extension of a building or structure or part of a building or structure that is, or will be, after the construction, alteration or extension, exempt from taxation under subsection 220(1)(h) of the *Community Charter*;
- (e) the Building Permit authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension:
 - (i) contain fewer than four self-contained Dwelling Units; and
 - (ii) be put to no other use other than the Residential Use in those Dwelling Units;
- (f) the value of the work authorized by the Building Permit does not exceed \$50,000 or such other amount which the Minister may prescribe by regulation; or
- (g) the Building Permit authorizes the construction, alteration or extension of self-contained Dwelling Units in a building in which:
 - (i) each Dwelling Unit is no larger in area than 29 square metres [312.153 square feet]; and
 - (ii) each Dwelling Unit is to be put to no use other than Residential Use in those Dwelling Units.

4.3 **Waiver of Development Cost Charges.** The GVS&DD will waive or refund to the applicable Member Municipality on behalf of the registered owner, development cost charges that are otherwise payable under this Bylaw for:

- (a) Dwelling Units that meet the definition of For Profit Affordable Rental Housing if the following conditions are satisfied before an occupancy permit is issued for them:
 - (i) occupancy of the Dwelling Units is subsequent to the Effective Date; and
 - (1) the owner covenants with the GVS&DD to use the Dwelling Units as For Profit Affordable Rental Housing for at least 20 years and the covenant is registered under section 219 of the *Land Title Act*; or

- (2) the owner, if the Development is subject to the *Strata Property Act*, has filed a Rental Disclosure Statement pursuant to section 139 of that Act that sets out a rental period of at least 20 years and the owner covenants with the GVS&DD to use the Dwelling Units as For Profit Affordable Rental Housing for at least 20 years and the covenant is registered under section 219 of the *Land Title Act*, or
 - (3) the owner enters into a lease agreement with a Public Housing Body pursuant to which the Public Housing Body agrees to sublet and operate the Dwelling Units as Not For Profit Rental Housing for at least 20 years;
- (b) Dwelling Units that meet the definition of Not For Profit Rental Housing before an occupancy permit is issued for them and whose occupancy is subsequent to the Effective Date.

4.4 **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 Schedules. The rates set out in the Rate Schedules may be different in relation to one or more of the following:

- (a) different Sewerage Areas;
- (b) different classes of Sewerage Facilities;
- (c) different areas within a Sewerage Area;
- (d) different uses;
- (e) different capital costs as they relate to different classes of Development; or
- (f) different sizes or different numbers of lots or units in a Development.

4.5 **Combination Development.** Without restricting the generality of section 4.4, the development cost charges for a Combination Development will be calculated separately for the portion of the Combination Development attributable to each of Apartment Residential Use, Single Family Residential Use, Townhouse 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 Schedules.

4.6 **Payment, Collection and Remittance of Development Cost Charges.** Development cost charges imposed under this Bylaw must be paid to the Member Municipality of the GVS&DD 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 Member Municipality are payable to the Member Municipality; or
- (b) if no Municipal Charges will be levied on the Development under a bylaw of the Member Municipality, as follows:
 - (i) where an application is made only for Subdivision, prior to the issuance of the approval of the Subdivision by the Member Municipality; or
 - (ii) where an application is made only for a Building Permit or for both Subdivision and for a Building Permit, prior to the issuance of the Building Permit by the Member Municipality.

4.7 **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 either subsection 58.2(6) of the Act or subsection 933(6) of the *Local Government Act* applies to the Development and authorizes the payment of development cost charges in instalments.

5.0 COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES

5.1 **Collection of Development Cost Charges by Member Municipalities.** Subject to section 6.1, each Member Municipality must:

- (a) collect the development cost charges imposed on a Development under this Bylaw; and
- (b) 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 Part 4.0.

5.2 **Separate Account.** Subject to section 6.1, each Member Municipality must establish and maintain a separate account for the development cost charge monies collected under this Bylaw and deposit and hold these monies in that separate account, in trust for the GVS&DD, until the monies are remitted to the GVS&DD under section 5.4.

5.3 **Remittance of Development Cost Charges by Municipalities.** Each Member Municipality, within 30 days after June 30 and December 31 of each year, must remit to the GVS&DD the total amount of development cost charges collected by the Member Municipality under this Bylaw during the six month period previous to such date, or an amount equal to such development cost charges if the Member Municipality did not collect development cost charges under this Bylaw, together with the statement referred to in section 5.4.

5.4 **Statements.** Each Member Municipality must provide statements to the GVS&DD, in respect of each Sewerage Area within the Member Municipality, pursuant to section 5.3, 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 by it under this Bylaw;
- (b) the aggregate floor area of all Non-Residential Use buildings or structures on which development cost charges were levied by it under this Bylaw (calculated in accordance with the Rate Schedules);
- (c) the legal description and civic address of each Parcel on which development cost charges were levied by it under this Bylaw, whether such development cost charges were levied in respect of a Subdivision or a Building Permit;
- (d) the date and amount of each payment of development cost charges levied by it under this Bylaw and where section 4.7 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 by it under this Bylaw and 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 all Non-Residential Use buildings or structures (calculated in accordance with the Rate Schedules) in respect of which Building Permits were required where no development cost charges were levied by it under this Bylaw.

5.5 **Records.** Each Member Municipality shall retain, for a period of four years, sufficient records to support the statements and payments referred to in sections 5.3 and 5.4.

5.6 **Inspection and Review of Municipal Records.** The GVS&DD may, at any time, subject to first giving reasonable notice to any Member Municipality, inspect any and all records of the Member Municipality relating to the information required under section 5.4, the calculation, collection and remittance by the Member Municipality of development cost charges levied under this Bylaw, and the calculation and remittance by the Member Municipality of any payments required under Part 6.0. Each Member Municipality shall permit any employee or agent of the GVS&DD to inspect the records referred to above and to make and take away copies of those records.

6.0 REPLACEMENT OF DEVELOPMENT COST CHARGES

6.1 **Municipal Agreements.** Despite any other provision of this Bylaw, the GVS&DD may enter into an agreement or agreements with any Member Municipality 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 Member Municipality; and
- (b) the Member Municipality agrees to pay to the GVS&DD an amount equal to the development cost charges that the Member Municipality 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.

6.2 **Failure to Remit Development Cost Charges.** If a Member Municipality fails, for any reason, other than under an agreement under section 6.1, to collect any development cost charges payable under this Bylaw or to remit to the GVS&DD any development cost charges collected by it, the Member Municipality must pay to the GVS&DD on demand an amount equal to the development cost charges that the Member Municipality should have collected or remitted under this Bylaw.

7.0 INTERPRETATION

7.1 **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.

7.2 **Schedules.** Schedules "A", "B", "C" and "D" are attached to and form part of this Bylaw.

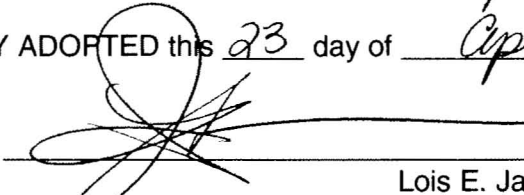
8.0 EFFECTIVE DATE

8.1 The effective date of this Bylaw is _____.

READ A FIRST, SECOND AND THIRD TIME this 9 day of April 2010.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 19 day of April 2010.

RECONSIDERED, PASSED AND FINALLY ADOPTED this 23 day of April 2010.



Lois E. Jackson, Chair



Paulette A. Vetleson, Secretary

SCHEDULE A

FRASER SEWERAGE AREA – DEVELOPMENT COST CHARGE RATES

<u>Description</u>	<u>Rate</u>
1. Single Family Residential Use	\$1,731 per Dwelling Unit
2. Townhouse Residential Use	\$1,515 per Dwelling Unit
3. Apartment Residential Use	\$1,082 per Dwelling Unit
4. Non-Residential Use	\$0.811 multiplied by the number of square feet of Floor Area.

SCHEDULE B

LULU ISLAND WEST SEWERAGE AREA – DEVELOPMENT COST CHARGE RATES

<u>Description</u>	<u>Rate</u>
1. Single Family Residential Use	\$1,077 per Dwelling Unit
2. Townhouse Residential Use	\$942 per Dwelling Unit
3. Apartment Residential Use	\$673 per Dwelling Unit
4. Non-Residential Use	\$0.505 multiplied by the number of square feet of Floor Area.

SCHEDULE C

NORTH SHORE SEWERAGE AREA – DEVELOPMENT COST CHARGE RATES

<u>Description</u>	<u>Rate</u>
1. Single Family Residential Use	\$1,291 per Dwelling Unit
2. Townhouse Residential Use	\$1,129 per Dwelling Unit
3. Apartment Residential Use	\$807 per Dwelling Unit
4. Non-Residential Use	\$0.605 multiplied by the number of square feet of Floor Area.

SCHEDULE D

VANCOUVER SEWERAGE AREA – DEVELOPMENT COST CHARGE RATES

<u>Description</u>	<u>Rate</u>
1. Single Family Residential Use	\$944 per Dwelling Unit
2. Townhouse Residential Use	\$826 per Dwelling Unit
3. Apartment Residential Use	\$590 per Dwelling Unit
4. Non-Residential Use	\$0.443 multiplied by the number of square feet of Floor Area.



Statutory Approval

Under the provisions of section _____ 937

of the _____ Local Government Act

I hereby approve Bylaw No. _____ 254

of the _____ Greater Vancouver Sewerage and Drainage District ,

a copy of which is attached hereto.

Dated this 19 **day**
of April **, 2010**



Deputy Inspector of Municipalities